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Minutes of the Open Section of the Meeting of the Shire of Campaspe Council, held in the Echuca Council Chamber, Echuca on Tuesday, 16 September 2008 commencing at 7.00pm.

PRESENT:

Councillors: John Elborough, Marion Riley, Murray McDonald, Kevin Simpson, Ian Maddison, Judi Lawler and Neil Repacholi.

OFFICERS:

Keith Baillie - Chief Executive Officer

Jon Aujard - Assets & Planning Executive Manager

Peter Mangan - Corporate Services Executive Manager

Keith Oberin – Community & Culture Executive Manager

Kelly Sampson - Commercial Executive Manager

Anne Howard - Strategy Executive Manager

Paul McKenzie – Sustainability Executive Manger

1. APOLOGIES:

Nil.

2. CONFIRMATION OF MINUTES:

COUNCILLORS REPACHOLI/RILEY

That the minutes from the Council Meeting held on 19 August 2008 and Special Council Meeting held on 26 August 2008 be accepted as a true and accurate record.

CARRIED

3. DECLARATION OF INTERESTS:

Disclosure of conflict of interest

Section 79(1) of the Local Government Act 1989 provides that:

If a Councillor or member of a special committee has a conflict of interest in any contract or proposed contract with the Council, or in any other matter in which the Council is concerned which is to be, or is likely to be, considered or discussed at a meeting of the Council or a special committee, the Councillor or member of the special committee must-

(a) if he or she intends to be present at the meeting, disclose the nature of the conflict of interest immediately before the consideration or discussion; or

(b) if he or she does not intend to be present at the meeting, disclose the nature of the conflict of interest to the Chief Executive Officer or the Chairperson of the special committee at any time before the meeting is held.

Cr Repacholi declared a conflict of interest in agenda item 9.3 Councillor Ward Based Funds as he is chairman of Tongala & District Health Inc.

Cr Lawler declared a conflict of interest in agenda item 10.15 Echuca-Moama Second River Crossing – Project Status Report as she owns property in the vicinity.

Cr Simpson declared a conflict of interest in agenda item 10.10 Planning Application 2008-216, 20-50 Butcher Street, Echuca as he is a member of the school Council.

3A. NOTICE OF MOTION

COUNCILLORS ELBOROUGH/LAWLER

That the resolution relating to Item 10.11 Planning Application 2008-214 carried at the meeting of 19 August 2008 be revoked.

CARRIED

4. PETITIONS

4.1 *Petition – Road Upgrade Request Baynes Street, Rochester (Mike Bruty, Assets & Road Services Manager)*

1. Purpose

To seek Council's consideration and response to a petition signed by nine people and forwarded by Phil Fehring of Phil Fehring Engineering Pty Ltd requesting the section of gravelled roadway shoulder from the existing seal to the concrete kerbing be brought to bitumen seal standard past 91-95 Baynes Street, Rochester.

2. Background

A site visit has been made to consider and discuss with Phil Fehring the petition. The request being made is that the unsealed shoulder past his business be brought to bitumen sealed standard.

3. Content

In the context of the need for Council to focus on asset renewal rather than upgrades, Council does not bring gravel shoulders up to bitumen sealed standard.

Council has a dust suppression policy where this work can be done however with the landowners meeting half the cost.

The site inspection revealed that the shoulders were generally in good condition except where heavy vehicles were accessing the Phil Fehring Engineering Pty Ltd business from the sealed street. It proposed that some routine maintenance will be applied to that area.

4. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Council Plan Focus

Social:	No Impact.
Environment:	Dust from the gravel shoulders was raised as an issue by Phil Fehring.
Economic:	No Impact.
Organisation:	No Impact.

6. Consultation

Meeting with lead signatory to petition.

COUNCILLORS RILEY/REPACHOLI

That Council advise the signatory of the petition that:

1. Council is unable to provide for bitumen sealing of shoulders past 91-95 Baynes Street, Rochester.
2. Council has a dust suppression policy that may allow for the sealing of the shoulders provided landowners meet half the costs.
3. Council will undertake maintenance works on the shoulders as required.

CARRIED

5. INWARDS CORRESPONDENCE

5.1 *Letters of thanks and appreciation*

The following have been received:

- * Elle Groves - letter of thanks for donation of \$150 for representing Victoria at the State Netball in Caloundra.
- * Echuca Region World Youth Day Committee - certificate of appreciation received for hospitality extended to the East Timorese pilgrims.
- * Echuca Moama Artists - letter of thanks for donation to 54th Annual Art Exhibition.
- * St Lukes - letter of thanks for donation.

COUNCILLORS RILEY/LAWLER

That Council receive and note letters of thanks and appreciation as listed.

CARRIED

6. COUNCILLORS' REPORTS:

Cr Elborough reported on the following:

- Kyabram Historical Society meeting regarding new building
- Lockington Small Town Summit – Minister Allan visit
- Premier Brumby meeting at Shepparton regarding Foodbowl Modernisation function
- Rushworth and Wyuna Regional Rural Land Use Strategy meeting
- Peter Ryan and Paul Weller TISAC report
- Lee Kernaghan Rochester Drought Concert
- Kyabram Pony Club meeting 50yr Celebration
- Campaspe Junior Football League presentation
- Meeting with Minister Joe Helper regarding DPI closure of Kyabram Office
- Shiroyi delegation meeting
- Wangaratta Hume Region DPCD sustainability

Cr McDonald reported on the following:

- Lone Pine ceremony – Kyabram
- Rochester Community House Annual General Meeting
- Wanalta Weir meeting

Cr Repacholi reported on the following:

- St Vincent De Paul Drought Dinner 21/8
- Small Town Summit – Lockington 27/8
- Small Town Summit – Lockington 28/8
- Meeting with EHO 3/9
- Meeting regarding Tongala Skate Park 7/9
- Murray Football finals 7/9
- Campaspe Briefing session 9/9
- Tongala Health Inc meeting 11/9
- Koyuga Landcare meeting 15/9

Cr Simpson reported on the following:

- Council meeting 19/8
- Internal Audit committee meeting 20/8
- Port Authority meeting 20/8
- Regional Rural Land Use Strategy session – Gunbower 20/8
- Regional Rural Land Use Strategy session – Girgarre 21/8
- Appeal Launch at Echuca Library 22/8
- TISAC discussion with Paul Weller 25/8
- Planning mediation discussion 26/8
- Pound Steering Committee 26/8
- Small Towns Summit – Lockington 27/8
- Small Towns Summit – Lockington 28/8
- Candidate Information Session – Serpentine 28/8
- Tour of the Murray Civic Reception 30/8
- Planning mediation meeting – La Porchetta 1/9
- Farm and Nature Based tourism Seminar – Bamawm 3/9
- Heritage Precinct Committee meeting 3/9
- EM&DTA meeting 4/9
- Echuca Junior Football Club U16 presentation dinner 5/9
- Indoor Bowls Tournament opening 6/9
- Fathers Day Story Time – Echuca Library 6/9
- Candidate Information Session – Echuca 8/9
- Campaspe Review Session 9/9
- Hopwood Gardens Traffic Management meeting 9/9
- Pound Steering Committee 9/9
- Moama Skate Park meeting 10/9
- Hockey Pitch discussion 12/9
- Campaspe Briefing session 16/9

Cr Lawler reported on the following:

- Port of Echuca Authority meeting 20/8
- EM&DTA board meeting 21/8
- Met with representatives of the Reserve Bank regarding monetary policy 21/8
- Met with Peter Ryan and Paul Weller regarding the future direction of the Port of Echuca 25/8
- Met with Paul Denham and Alister McLean regarding planning application 26/8
- Pound steering committee meeting 26/8
- Campaspe Community at Echuca 26/8
- Attended the Small Towns Conference at Locking 27/8
- Attended workshop with Tourism Victoria regarding Regional Tourism Action Plan 2/9
- Echuca Heritage Precinct committee meeting 3/9
- EM&DTA membership committee 3/9
- Tourism operators planning session regarding marketing campaign for 2009 3/9
- Pound steering committee meeting 9/9
- Banner marking centenary of Women Right to vote in Victoria
- Congratulations to Lockington Staff for Small Towns Summit
- Congratulations to the Long Paddock Project for the Economic Development Award in NSW

Cr Riley reported on the following:

- Echuca – Committee of Manager 5/8
- GDR & CVA 6/8
- GDR & CVA 7/8
- Waranga Steering Committee at Waranga Memorial Hospital 11/8
- Parks Trust meeting at RPPR 11/8
- Financial reports discussion 12/8
- Meeting with Carlie Ryan 12/8
- Colbinabbin Recreation Reserve AGM 12/8
- GDR & CVA 13/8

- GDR & CVA 14/8
- Waranga Regional Tourism Association 14/8
- Preliminary meeting pre delegation to Minister for Health 18/8
- Campaspe Briefing session 19/8
- Council meeting – Echuca 19/8
- Minister for Health deputation – Parliament House 20/8
- Rushworth to Murchison east and Shepparton Transport Service 22/8
- Regional Rural Land Use Strategy – Rushworth 25/8
- Special Council meeting – Echuca 26/8
- Campaspe Communicating – Echuca 26/8
- Girgarre Development meeting 26/8
- GDR & CVA 27/8
- GDR & CVA 28/8
- GMW Tatura (Wanalta Weir) meeting with community 29/8
- Council Review – Echuca 9/9
- GDR & CVA 10/9
- GDR & CVA 11/9
- MAV Candidate Information Session – Shepparton 11/9
- Rushworth meeting with Coliban Water CEO regarding Waranga Basin Feasibility study 12/9
- Colbinabbin Rural Fire Brigade presentation 60yr Service 12/9
- Waranga Basin Community Reference Group – Tour 15/9
- RPPR Reserve meeting 15/9
- Colbinabbin Recreation Reserve Master Plan meeting 15/9
- Council Review 16/9
- Council meeting 16/9

7. CHIEF EXECUTIVE OFFICER'S REPORT:

Chief Executive Officer reported on the following:

- Regional Rural Land Use Strategy sessions
- Campaspe Communicating
- U3A AGM
- Principal for the Day – Rushworth P-12
- Dhungala Gallery Print Show Opening
- Candidate Information Session
- New REDHS CEO Michael Kreng
- DPI meeting
- Tour of the Murray
- Economic Development Conference opening
- Small Towns Summit – Lockington
- Developers Forum
- Tongala DPG
- Minister Helper meeting at Parliament House
- Kyabram School meeting

COUNCILLORS MADDISON/RILEY

That the Councillors' Reports and Chief Executive Officer's Report be received and noted.

CARRIED

8. SOCIAL

8.1 *Country Football and Netball Program 2008/2009 (Anna Druce Recreation Services Coordinator)*

1. Purpose

To seek Council's approval to forward an application from Echuca United Football Netball Club to the Department of Planning and Community Development Country Football and Netball Program 2008/2009.

2. Background

The Country Football and Netball Program provides funding to assist country football and netball clubs to develop facilities in particular areas of need including: football, netball and umpire facilities, shared community, club and social facilities, multi-use facilities or lighting.

Council is able to submit up to three applications in any given financial year. These may consist of:

Two applications that each seeks \$20,000 or less towards each project.

One application that seeks up to \$60,000 towards a single project.

Matching funding contributions towards total project costs (excluding GST) are required in the ratio of 2:1.

The Country Football and Netball Program Steering Committee meet every four months to review applications. There is no closing date for submissions and applications are assessed against the eligibility and evaluation criteria at periodic regional and then state wide assessment meetings until the fund is exhausted.

The Country Football and Netball Program is assessed through a two-step process:

Step One: Country football and netball clubs submit an Expression of Interest (EOI) to the Council.

Step Two: Councils review Expressions of Interest and develop applications for council endorsed projects and submit these to the Department of Planning and Community Development for consideration.

A deadline of the 18 July for submissions of EOIs was included in both the Community Development newsletter (distributed to all football netball clubs) and at the information sessions for Committees of Management. This was to allow Council to review all potential projects in one session.

Only one application was received by the deadline, details are summarised in the table below:

Organisation	Project	CFNP Request
Echuca United Football Netball Club (FNC)	Netball Courts	\$60,000

Country Football Netball Program funding is competitive. The following projects have been funded / submitted by Campaspe under the Country Football Netball Program since the 2005/2006 financial year.

Successful Applications:

Reserve	Year	Project	Grant
Mount Pleasant	2005/2006	Netball Court	\$20,000
Kyabram	2005/2006	Oval Lighting	\$50,000
Stanhope	2006/2007	Netball Courts	\$60,000
Lancaster	2006/2007	Netball Changing Facilities	\$20,000
Rochester	2007/2008	Oval Surface Upgrade	\$20,000

Submitted Applications (awaiting announcements)

Reserve	Year	Project	Grant
Colbinabbin	2007/2008	Oval Lighting Upgrade	\$60,000
Tongala	2007/2008	New Court	\$16,455

3. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

4. Council Plan Focus

Social: The Country Football and Netball Program provides opportunities for Local Governments to plan and develop responsive solution the recreation needs of their communities.

Environment: Projects can address water and energy usage or other environmental impacts.

Economic: No Impact.

Organisation: Council must accept responsibility for ensuring that projects proceed in accordance with the Funding Agreement with Sport and Recreation Victoria.

A Council officer must be designated to manage projects funded by the Department of Planning and Community Development.

5. Consultation

Echuca South Precinct User Groups – as part of Echuca South Master Plan

Ward Councillors

Department of Planning and Community Development

Community & Culture Executive Manager

6. Officer Comment

The application from Echuca United FNC was considered for forwarding last year through both the Country Football Netball Program and the Community Facility Fund Minors category last year without success. At the time it was felt that the application was severely weakened due to the fact that it was not included in any Council adopted recreation strategy or plan. This was despite significant fundraising by the club and no financial support from Council required.

A recommendation of the Community Facility Fund Minors Projects report in October 2007 was that a Master Plan for the Echuca South Precinct should be undertaken. This was completed and adopted by Council in March 2008 and was funded through contributions from Council and user groups. The project to re-linemark the existing courts to meet Netball Victoria guidelines will result in the loss of two courts. It is proposed that these be replaced at a site adjacent to the oval and netball club changing rooms which was listed as a high priority in the Reserve Master Plan.

Discussions with Sport and Recreation Victoria have indicated that this project has a reasonable chance of being funded through this program. It is therefore recommended that an application be submitted.

Council is still able to submit two further applications requesting funds of up to \$20,000 per application during this financial year. The Recreation Unit will work with clubs and the Community Planning Development Officer to identify suitable projects to be developed.

COUNCILLORS LAWLER/SIMPSON

That Council:

- 1. Submit an application from the Echuca United Football Netball Club for the construction of two netball courts at the Echuca South Recreation Reserve for \$60,000 funding under the Department of Planning and Community Development Country Football and Netball Program 2008/2009 funding round.**
- 2. Provide Project Management services funded by the Club over the construction of two netball courts at Echuca South Recreation Reserve if the funding application to the 2008/2009 Country Football and Netball Program is successful.**

CARRIED

8.2 *Rochester Service Centre Future Use (Keith Oberin, Community & Culture Executive Manager)*

1. Purpose

To provide Council with feedback from the consultation undertaken with the Rochester community regarding the potential increased utilisation of Council facilities.

2. Background

Community input has been sought on a proposal to improve the utilisation and service delivery from a range of Council facilities in Rochester. The broad concept is for the creation of a Service Centre, Library, Visitor Information Centre and Interpretive Centre (Oppy Museum) within the existing Preschool/Maternal Child Health (MCH) Facility. The existing Service Centre/Library would be converted into a Children's Hub, offering Preschool, Child Care, Maternal Child Health and a visiting Early Intervention Program. This facility would then be eligible for significant State and Federal Government Support to support its establishment. The existing child care centre, which is in poor condition, could then be sold.

3. Content

The Rochester Service Centre has for several years contained under utilised office space. This trend will be exacerbated by the relocation of the Bendigo Health Aged Care Assessment Service to Echuca Health and the imminent relocation of four Council Aged Care staff. Importantly, as was Council's approach in Kyabram, Council is committed to retaining the service centre and library in Rochester plus one staff member that is directly associated with servicing the Rochester and District Community (Technical Inspector).

Across all its service centres and libraries, Council has been reviewing opportunities to leverage these facilities and their staffing to bring about additional benefits in the community. The present Rochester Visitor Information Centre is located within the Railway station and is rarely open. Likewise the 'Oppy Museum', also located within the Railway Station is only open by appointment and not to the incidental visitor. As with the potential to maximise service within the Rushworth service centre by inclusion of Visitor Information and an Interpretive Centre, this same potential exists within Rochester. The opportunity for Council staff to provide visitor information services and passive supervision of any interpretive displays can be maximised in a joint use facility. This supports these facilities to be available during service centre hours plus potentially up to 7 days per week if this can be supplemented with volunteer staff. The potential exists for the Visitor Information Centre to seek accreditation, however obtaining the iconic yellow "7" status requires among other things 7 days per week opening.

The present Rochester Child Care facility is located within a converted weatherboard house. This facility is in very poor condition and has ongoing OH&S and building maintenance issues.

Submissions were sought from the Rochester community as to such a proposal. A written submission has been received concerning the space available for the library will be decreased by the proposed relocation.

A comparison of the floor plans of the two buildings indicates that in fact the library would have an increased floor area of approximately 40 mtrs.

A written submission has also been received raising the following issues:

- Waste of Council funds remodelling library for it now to be relocated. Present structure fulfils all aspects of a functional facility.

While the library is now of an excellent standard, the proposal to co-locate with other services provides the opportunity to provide an improved service.

- 'Enhancing' facility should be within parameters of current building. Question if availability of funds is linked specifically to visitor information centre.

No investigation has taken place at this time to determine if funding would be available for a Visitor information Centre and the proposal is in no way linked to this.

- Develop an information centre, museum complex at Railway Station or present Oppy Statue site, with Shire staff fully trained in role as information officers and conservators.

Shire staff would only be available to assist if these facilities were co-located with the Service Centre/Library. Such a new facility would require significant funding.

- Incorporate the MCH Centre into community health area of the new hospital if this could come under DHS umbrella, or relocate both preschool and MCH Centre to school grounds.

Government funding for a Children's Hub is dependent upon the facility offering Preschool, Child Care, Maternal Child Health and a visiting Early Intervention Program.

- Direct swap between the elderly citizens building and the preschool centre, as there is plenty of parking for parents and land for outside expansion for activities, as this nearly links to Rochester Community House. A state of the art child care centre, preschool, and MCH could all be incorporated at this site.

Worthy of further consideration, particularly if the site was large enough to allow for the development of a Children's Hub. Does not address the issue of providing an extended opening hours for the Visitor Information Centre or Interpretive Centre through maximising the availability of Council staff.

- As no outside area needed at present preschool this could be built on as stage area and whole block covered in elderly citizens building – state of the art for them. This is also closer to their op shop and practically surrounded by retirees units and has adequate parking for their needs.

See above.

- If funding available look at Mildura innovations, including its bridge, convention centre, gallery, library, visitor information centre and pool complex.

The only government funding available at this time is for a Children's Hub and this is dependent upon the facility offering Preschool, Child Care, Maternal Child Health and a visiting Early Intervention Program. Other avenues of funding could be pursued if this was deemed appropriate.

- Develop current swimming pool site with wave pool therapeutic rehabilitation pool, museum, visitor centre, two storey gallery precinct with lap pool.

It is doubtful that Rochester and district could sustain such a facility.

- Suggest leave Shire office and library alone as are functional as they currently are.

While the Library/Service centre is of an excellent standard, the proposal to co-locate with other services provides the opportunity to provide an improved service in a number of areas.

A further written submission has been received from the Rochester Kindergarten (Preschool) Committee outlining its position. The committee believe that any relocation of it's service should only occur if there is no detriment to the service. A concern was expressed in regard to parking for kinder parents and the availability of designated areas for this purpose. The committee concluded their response by stating:

"In conclusion, the Advisory Committee appreciate and support efforts by the Campaspe Shire to provide improved Children's facilities overall in the future with Kindergarten, Child care, Maternal and Child Health services in the same location. Members also suggested the possibility of a meeting room and baby change, care room in the 'hub'. However, we ask for reassurance that the current standard of Kindergarten services and facilities enjoyed and earned by Rochester Kinder families, are not compromised in any way In the future."

Rochester Citizen Advisory Group representatives highlighted concerns around the proposed location of the Visitor Information Centre and its visibility from the Northern Highway and the availability for parking (particularly caravans) adjacent to the site. The Rochester Development Committee provided in principle support for the concept and saw major benefits for the access to and operation of the Visitor Information Centre and the Oppy Museum/Interpretive Centre. The Rochester Lions Club broadly thought the proposal had merit.

4. Issues

The recruitment of volunteers to operate a Visitor Information Centre during those periods when Council staff are not present (Saturday afternoons and Sundays) will be a challenge. Nevertheless, co-location would allow the Visitor Information Centre and Oppy Museum to at least be available during the week as it would be passively supervised by staff as they undertake service centre or library duties.

Adequate visibility from the Northern Highway is a primary consideration. Visitor Information Centre signage will be required, particularly on the Northern Highway and outside the Centre. Carparking also needs to be considered, including for caravans. Possibilities include use of the close by service road parallel to the Northern Highway, the Oppy statue carpark plus some continued use of the Railway Station carpark supported with good directional signage.

Relocating the Visitor Information Centre and the Oppy Museum will leave these rooms vacant at the Railway Station.

5. Options

- Do nothing this will require upgrading the Rochester Child Care Centre in its present location due to growing accreditation requirements and its poor condition.

- Create a Children's Hub through the relocation of all children's services to the current Service Centre and establish a Library/Service Centre/Visitor Information Centre/Interpretive facility in the existing Preschool/Maternal Child Health Centre.
- Some suggestions have been raised that Council should build a new integrated facility on the Northern Highway adjacent to the Railway Station. Council does not have sufficient available funds to undertake such a project. Instead it is proposed to make maximum use of existing Council facilities.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social: Increased operation times of a range of services will have a positive impact on the community.

The Oppy Museum and its associated theme is iconic for Rochester, with Oppy images appearing across the town and in most related marketing material. This proposal supports this direction by allowing the Oppy Museum to be open up to 7 days per week and to be integrated in a higher people traffic facility.

Environment: Improved utilisation of facilities and a rationalisation of buildings should have a positive effect.

Economic: Ensuring services are efficient will ensure usage fees can be kept to a minimum and allow ongoing access for the community. The facility should also support an improved visitor experience within Rochester, in turn supporting the economy.

Organisation: A reduction in the number of buildings Council is required to maintain and review will decrease the Asset Renewal Gap.

8. Consultation

Meetings have been held with the Rochester Development Committee, the Rochester CAG representatives, the Rochester District Planning Group, Rochester Preschool committee and the Rochester Lions Club. Requests for submissions from the community were also placed within the local Rochester newspaper following a media release on the topic. The Mayor, Ward Councillor, CEO and Executive Manager Community & Culture have attended many of these meetings. Staff impacted by the potential changes, have also been consulted.

9. Officer Comment

Both the State and Federal Governments have a focus on the establishment of Children's Hubs to provide a 'One stop shop' for users. The availability of this avenue of funding to assist council address the required upgrade of child care facilities in Rochester is worthy of investigation.

The provision of improved access to the Visitor Information Centre and Interpretive Centre by increased operational hours and dedicated staff is a significant benefit.

COUNCILLORS MCDONALD/MADDISON**That Council:**

- 1. Provides in principle support for the creation of the integrated Service Centre/Library/Visitor Information Centre/Oppy Museum facilities.**
- 2. Request that a detailed design be prepared for Recommendation 1 with a view to seeking funding support.**
- 3. Lodge an expression of interest be forwarded, seeking government funding assistance for a Rochester Children's Hub.**
- 4. Request a further report be prepared on the design of the Rochester Children's Hub.**

CARRIED

8.3 Whitehorse Sister City (Sandra Ennis, Executive Officer)

1. Purpose

To advise Council of rescission of Sister City from City of Whitehorse.

2. Background

A Sister City Agreement was proclaimed in November 1977 and over the years has seen many visitors from Whitehorse travel to Echuca to visit their Sister City link.

Both Echuca and Whitehorse have unique historical backgrounds associated with transportation by river boats. Steamships travelled the Yukon River and Whitehorse was a favourite resting spot for stampedeers who had rafted through the Canyon and Rapids on their way to the Klondike gold fields.

The City of Whitehorse have written advising that although the relationship is long-standing, it is not actively pursued by either Council. They further advise that they have established Sister City relationships with other cities that are active in terms of exchanges and mutual benefits. As resources are scarce, they believe these are best directed to the active relationships.

The last exchange was in the early 1990s, however has continued to promote tourism through the Sister City link with occasional visitors from Whitehorse visiting Echuca.

3. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

4. Council Plan Focus

Social: The Sister City movement, as a worldwide concept, was originated in America after the World War 2.

The aim overall is to develop friendship between people of different countries which would induce an understanding of traditions and cultures. In this way, it is hoped that a network of communications would be established between the cities of the world.

Sister City arrangements can also facilitate business and economic exchange that has the potential to generate export trade and the transfer of technology.

Environment: No Impact.

Economic: Tourists on occasion visit Echuca purely due to the Sister City link.

Organisation: No Impact.

5. Consultation

A letter has been received from the City of Whitehorse advising of the rescission.

COUNCILLORS RILEY/MADDISON

That Council:

- 1. Note the rescission of the City of Whitehorse Sister City relationship.**
- 2. Write to the City of Whitehorse advising that any residents wishing to visit Echuca or the Shire of Campaspe will be welcomed.**
- 3. Arrange the removal of road signage recognising the Sister City link and any other promotion material.**

CARRIED

9. ORGANISATION

9.1 Annual Policy Manual Review (Jo Bramwell, Governance Administration Officer)

1. Purpose

To complete an annual review of Policy Statements due for review. Policy Statements are reviewed either at one year or five year intervals.

Refer to Attachment 9.1.

2. Background

Policy Statements scheduled for review have been reviewed by the Responsible Officer, with comment provided as to any amendments required.

The attachment contains a listing of all policy statements, indicating:

- Policy number
- Policy title
- Policy Effects (Community or Organisation)
- Purpose
- Date adopted
- Date of last review or amendment
- Review comments
- Review Period
- Responsible Officer

3. Council Plan Focus

Social: Adopted policy statements assist with establishing guidelines, effective decision making and being accountable to the community.

Environment: No Impact.

Economic: No Impact.

Organisation: Various individual policies may have impact on Council. This review however does not.

4. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Consultation

Staff have been consulted in relation to policies which have an affect on their area.

COUNCILLORS LAWLER/MADDISON

That Council adopt the 2008 review of Policy Statements in accordance with Attachment 9.1.

CARRIED

9.2 *Secure Council Car Parking Project for the Echuca Civic Centre (Peter Mangan, Corporate Services Executive Manager)*

1. Purpose

Report to Council the progress of the Secure Council Car Parking project for Council pool vehicles in Heygarth Street, opposite the Echuca Civic Centre.

2. Background

The Secure Council Car Parking project was the subject of a Business Improvement Opportunity (BIO) submitted in 2007. The project includes a change in use from a shared Council and Public car park to a Council only car park. This would be achieved by creating a secure enclosure accessed by Council's swipe cards.

It is estimated that savings of at least \$15,000 per year can be generated by the provision of such a Council enclosure. This saving is generated by reducing Fringe Benefits Tax (FBT) which is incurred when vehicles are garaged at an officer's home and also the reduced operating cost when vehicles are not used for commuter use. The enclosure will also be used for vehicles that are not required by staff who have full private use when on leave and commuter users when on leave.

The project has a payback period of approximately 9 months, given a set-up cost of \$12,463. Thereafter, Council would benefit from the full annual saving. The project has already been funded and included in the Capital Works report provided for the 30 June 2008 year-end.

Timing for this project has been delayed during the construction of Quest Apartments. Parking for Council or the public has not been available as workers at the construction site have been fully utilising the car park.

As the car park is currently also used by the public, the recent completion of the additional all day parking at Annesley Street will ensure this project can proceed with minimal impact on the public. Refer to attachment 9.3 for an aerial photograph showing the location of alternate public parking.

A Planning Permit has been granted for this project. Council endorsement is sought prior to proceeding.

3. Issues

It is proposed that the car park be used for parking of Council vehicles only and, as a result, the public (approximately 8 spaces) would be lost. However, additional 30 car parks have been created in the new all day parking area in Annesley Street.

4. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Council Plan Focus

Social:	No parking impact, given Annesley Street alternative. Council has also sought to uphold the same standards as all applicants in a heritage overlay area. Accordingly, the fence has received sensitive treatment (including a landscaping condition) and will enhance an otherwise untidy street presentation.
Environment:	Potentially reduced fuel consumption.
Economic:	No Impact.
Organisation:	It is estimated that savings in FBT and vehicle operating costs of \$15,000 per annum can be achieved.

6. Consultation

Councillors Lawler and Simpson

Andrew Cowin, Strategic Planner

Wayne Harris, Building Surveyor

Lorraine Huddle, Heritage Advisor

Stephen Cook, Management Accountant

7. Officer Comment

This project is an example of the pursuit of operational efficiencies delivered via Council's BIO (Business Improvement Opportunity) program. It provides ongoing benefits while imposing little or no impost on the community. This project also provides a trial opportunity for revised Council vehicle arrangements that may have broader benefits over time.

Prior to the changed use taking place, businesses in Hare Street between Heygarth and Percy Streets and in Heygrath Street between Hare and High Streets will be informed, as well as signage placed in the car park advising of the closure to the public.

COUNCILLORS RILEY/SIMPSON

That Council approve the closing of the Heygarth Street carpark to the public and the creation of a Council car enclosure.

CARRIED

9.3 *Councillor Ward Based Funds (Sandra Ennis, Executive Officer)*

1. Purpose

To approve expenditure for ward project requests.

2. Background

Policy Statement 114 Councillor Ward Based Funds provides the background for allocations to Ward Projects.

This month, the following requests have been received:

\$885 - Tongala & District Health Inc, allocation to redevelopment project (Deakin Ward)

\$2,000 - Girgarre Cricket Club, complete exploratory test drills at Girgarre Recreation Reserve (Central & Kyabram Wards, \$1,000 each)

3. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

4. Council Plan Focus

Social:	This funding source provides support to ward projects.
Environment:	No Impact.
Economic:	No Impact.
Organisation:	The annual budget allocates funding for ward projects, capital and non capital.

5. Consultation

Nil.

Cr Repacholi declared a conflict of interest in agenda item 9.3 Councillor Ward Based Funds as he is chairman of Tongala & District Health Inc.

COUNCILLORS

That Council approve expenditure as follows:

\$885 - Tongala & District Health Inc, allocation to redevelopment project (Deakin Ward)

\$2,000 - Girgarre Cricket Club, complete exploratory test drills at Girgarre Recreation Reserve (Central & Kyabram Wards, \$1,000 each)

Cr Repacholi left the meeting.

CARRIED

10. ENVIRONMENT

10.1 Aerodrome Landing Fees (Keith Baillie, Chief Executive Officer)

1. Purpose

To confirm Council's direction to:

- Waive outstanding aerodrome landing fees.
- Not raise 2007/08 landing fees.
- Halt charging landing fees until an aerodrome landing fee policy is developed as part of an Aerodrome Strategic Review.

2. Background

The Shire of Campaspe own and operate the aerodrome on McKenzie Road, just south-east of Echuca. This aerodrome was established in 1988 via an agreement between the former City of Echuca and the Shires of Deakin, Rochester and Murray, and was included within the Shire of Campaspe as part of council amalgamation.

For many years Council has charged landing fees for aerodrome users. The annual charges per user included in the 2007/08 and 2008/09 budgets were:

- Private Users \$325.00
- Commercial Users \$650.00

No landing fees are charged for casual users, with Council's web-site stating that:

"No landing fees will be charged to casual users with the emphasis on promoting our tourist and visitor development."

In addition to privately owned hangers, the aerodrome also offers a hard stand area for tarmac aircraft parking. Users of this area are not charged landing fees.

As owner and operator of the aerodrome, Council is entitled to charge landing fees. However Council does not have a formal policy in relation to how aerodrome landing fees are calculated or charged. There is no Service Agreement, or terms or conditions of any kind, that outline the rights and obligations relating to the charging of landing fees. Accordingly, the rationale for charging fees is unclear to those incurring the charge and is difficult to collect.

It is common for regional aerodromes to charge landing fees, however it is recognised across the industry that it is difficult to determine an appropriate basis for the charge. Approaches vary but may include methods such as hanger fees, special charge schemes or billing based on analysing radio transmissions. Each method has its difficulties, with the collection and enforcement cost needing to be balanced against the amount of fees raised.

Council has undertaken a land development at the aerodrome, with 12 lots subdivided and sold. Lot owners are charged standard Council rates, as Commercial Land. Accordingly, a differential rate of an additional 16% over the General Rate applies.

The aerodrome land development includes two Council service roads accessible from McKenzie Road, being Piper Drive and Arrow Court. Taxiways are also provided for aircraft stored in hangers to access the aerodrome runways. The development also includes culverts, drainage and lighting, however excludes the lot cross overs, water supply and sewerage.

Landing fees are charged to:

- The owner of an aerodrome lot that is developed (ie. hanger built).
- An identifiable organisation or individual who regularly uses the aerodrome.

The total annual charges included in the 2007/08 and 2008/09 budgets are:

- 2007/08 \$5,350.00
- 2008/09 \$5,510.00

These budgets have been prepared on the basis of incrementing the prior year budget by 3%. This approach is inaccurate as based on the current aerodrome users listed as being liable for landing fees, only \$4,295.00 (ex-GST) in landing fees would be levied (including 4 commercial users and 7 private users). Due to the unclear justification for charging fees and the difficulty in collecting the fees, it is probable that less than \$3,000.00 would be collected per year.

3. Content

Concerns over the current approach for charging aerodrome landing fees were raised by one aerodrome user with the Chief Executive Officer in June 2007. Further review within Council has confirmed that the charging and collection of aerodrome landing fees has for some time been a topic of confusion and disagreement with aerodrome users. This is in part reflected in the difficulty collecting landing fees, with \$2,205.00 outstanding from 2006/07 and prior years.

In August 2007, the Chief Executive Officer agreed to hold the collection of outstanding landing fees and the issuance of the 2007/08 landing fee invoices while this issue was reviewed, although it was stressed that the liability for ongoing fees and the outstanding fees remained. It was intended for the soon to be appointed Commercial Executive Manager to undertake an Aerodrome Strategic Review, including the matter of landing fees. This review has not yet commenced due to the significant work undertaken in relation to the Port of Echuca and the relatively minor amount of aerodrome landing fees.

It has been alleged by some aerodrome users that charging landing fees on the basis of owning an aerodrome lot is unfair as:

- These owners have shown commitment to the aerodrome by purchasing land and locating their operations there, whereas casual users have not.
- Casual users and hard stand users are not making any contribution to the operation or maintenance of the aerodrome, whereas the lot owners are asked to pay landing fee that may contribute to this purpose.
- It is alleged that Council is not adequately maintaining facilities.
- It is alleged that the quality of taxiways provided is poor, even leading to damaging planes due to loose stones being flung about by propeller wind.

- Lot owners are already paying Council rates, which should contribute to the required maintenance of the service roads and drains.
- Some owners are operating tourism businesses from these lots that are important to the region's economy, and are at risk of relocating to other regional centres if their costs and facilities are uncompetitive.
- Some owners also have other rateable properties in the Shire and accordingly claim they already make sufficient contribution.
- Some owners utilise their lots for purposes other than aircraft, such as vehicle storage. Accordingly these do not utilise aerodrome infrastructure.

Countering these points is that:

- The service roads solely service the airport lots.
- Taxiways are dedicated infrastructure for the purpose of aircraft.
- Some hangars are used by a club, but still only charge a single fee.
- The purpose of the development was to support the aerodrome.

An additional complication is that while they have been sold, several lots have remained as vacant land (and do not incur a landing fee) and some lots have a building but are used or proposed to be used for non-aerodrome purposes (but do incur a landing fee).

It is also anecdotally noted that "fly in fly out" users that are charged landing fees, such as doctors and Air Ambulance, should not be charged landing fees as Council should be supporting their use of the aerodrome to provide much needed services to the community.

It should also be noted that landing fees are modest and do not cover aerodrome operating and maintenance costs. Council's aerodrome budgeted expenditure in 2008/09 is approximately \$65,000, including approximately \$15,000 of ground and taxiway maintenance. This excludes periodic capital refurbishment and extension costs incurred at the aerodrome, for example as taxiways need to be resurfaced, widened or extended.

4. Charter of Human Rights and Responsibilities Consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Council Plan Focus

Social: The provision of an aerodrome is considered to be an important regional transport connection. Landing fees also impact aerodrome usage by doctors and emergency service providers, which is an important consideration for a regional centre.

Environment: No Impact.

Economic:	Council has assessed the aerodrome as an important regional tourism and economic facility. This contribution would be confirmed in an Aerodrome Strategic Review.
Organisation:	Council's aerodrome expenditure well exceeds the landing fees raised. Nevertheless the relatively small amount of fees may not warrant the administrative effort or aerodrome user concern. These issues should be assessed within the Aerodrome Strategic Review.

6. Consultation

All Councillors (Tongala, 24 June 2008), Kelly Sampson, Anne Howard, Peter Sing, Stephen Cook, Georgina Riddington, Gary George, Mike Bruty.

7. Officer Comment

This matter was discussed with Council in Tongala on 24 June 2008, when Council gathered at an informal Briefing Session following the Campaspe Communicating session. Council indicated their direction to not collect the landing fees outstanding at that time and to not issue the 2007/08 landing fee invoices. This direction was actioned by the Chief Executive Officer as part of the 30 June 2008 year end close; this report formalises the direction provided at the Briefing Session.

While it may be reasonable for aerodrome users to contribute to aerodrome facility costs, the charging policy should reflect the following principles:

- Developed within a strategic context, so operations and fees raised contribute to an intended strategic outcome.
- User equity, including the usage of facilities by different categories of users.
- Proportionality to the aerodrome costs, after taking into account a broader community benefit of providing the aerodrome.
- Clear and formal recognition of the rights and obligations associated with aerodrome usage and the charging of any fees.
- Benchmarking against other aerodrome facilities.

The current aerodrome landing fee approach does not reflect these principles. Council has indicated the need to perform an Aerodrome Strategic Review, in particular due to the proposed aerodrome land development second stage and Council's strategic land use planning within the south-eastern Echuca industrial land corridor. An additional factor that may be considered in the review could be the adoption of consistent principles across Council's transport operations, including the aerodrome and moorings. This will be facilitated by having the same management, under the proposed Crew and Transport Manager.

Management responsibility for the aerodrome has also been reallocated within Council to the Commercial division. Accordingly, the aerodrome will also be assessed in line with all Council commercial operations and this can be included as part of the Aerodrome Strategic Review. It is recommended to include the landing fee policy within this review.

Due to the relatively small amount of fees involved and the ambiguity and concern over the current policy, it is recommended to waive outstanding fees and to not seek to collect the 2007/08 fees. Further, it is recommended to not seek future fees until a revised landing fee policy is developed.

It should be noted that the proposed review may not necessarily result in a policy with no or a reduced landing fee; a higher fee may be justified in order to support specific outcomes. Importantly, any fee must be supported by the principles outlined above.

Cr Repacholi returned to the meeting

COUNCILLORS SIMPSON/LAWLER

That Council:

1. **Acknowledges that \$2,205.00 of outstanding aerodrome landing fees were waived as part of the 30 June 2008 year end close.**
2. **Acknowledges that 2007/08 aerodrome landing fees will not be raised.**
3. **Halt raising further aerodrome landing fees pending consideration of this matter within an Aerodrome Strategic Review.**
4. **Requires that any charging of aerodrome landing fees be formalised within a Council Policy, including the establishment of a standard Service Agreement with each aerodrome user that is liable for such a charge.**
5. **Requests that a letter advising this decision be issued to aerodrome users that would otherwise be charged landing fees, emphasising the possibility that a revised fee regime may be established following the review.**

CARRIED

10.2 *Appointments under the Emergency Management Act 1986 and Council's Municipal Emergency Management Plan (M Brown, Assets & Planning Executive Assistant)*

1. Purpose

To seek Council's approval for appointments under the Emergency Management Act 1986 (the Act) and Council's Municipal Emergency Management Plan (MEMP).

2. Background

- i. Deputy Municipal Emergency Resource Officer / Municipal Emergency Manager (MERO / MEM).

Barry Carter took up this position following the resignation of Nathan Grigg, however now that Emma Dalton has been appointed and had time to settle into the Public Works Manager position, it is time to appoint her to the Deputy MERO/MEM position.

It is preferable to not have a Deputy MERO / MEM who is the second in charge at Public Works because in an emergency event, Council would want a senior staff member (eg. Barry Carter) with good knowledge of the organisation in place on the ground to ensure normal operations continued.

- ii. Municipal Emergency Resource Officer / Municipal Emergency Manager (MERO / MEM)

Ann Howard is currently a MERO/MEM, however given her changed role she has requested another person be appointed.

Martin Duke has had experience in this role previously and is interested in the position.

Both these positions come under the guidelines of the Act and Council's MEMP.

3. Content

Municipal Emergency Resource Officer (MERO) / Municipal Emergency Manager (MEM)

The role of MERO, as contained in the Act, provides for the following responsibilities:

- i. coordinate municipal resources in emergency response;
- ii. provide Council resources when requested by emergency services or police during response activities;
- iii. maintain effective liaison with emergency agencies within or servicing the municipal district;
- iv. maintain an effective contact base so municipal resources can be accessed on a twenty-four hour basis;
- v. keep the municipal emergency coordination centre(s) prepared to ensure prompt activation if needed;
- vi. liaise with the Municipal Recovery Manager (MRM) on the best use of municipal resources;

- vii. organise a response debrief if requested by the Municipal Emergency Response Coordinator (MERC), an appointee of Victoria Police;
- viii. ensure procedures and systems are in place to monitor and record expenditure by the Council in relation to emergencies;
- ix. perform other duties as determined.

The role of the MEM, as contained in the MEMP, provides for the following responsibilities:

- i. chair the Municipal Emergency Management Planning Committee;
- ii. ensure the MEMP is effective and current;
- iii. ensure that municipal resources are utilised effectively in a community emergency, for response and recovery activities;
- iv. co-ordinate the emergency management activities of, and liaise closely with the MRM and Municipal Fire Prevention Officer;
- v. ensure that the MECC can be activated at short notice in event of an emergency;
- vi. arrange meetings of the MEMP Committee or the Emergency Management Group as appropriate during an emergency;
- vii. maintain effective liaison with all regional, state or Commonwealth emergency related agencies servicing the municipality;
- viii. ensure that an effective contact base is maintained so that municipal resources can be accessed on a 24 hour basis;
- ix. ensure that contractual arrangements with contractors to provide response or recovery support during an emergency are agreed to and documented in advance of such events;
- x. ensure that appropriate operating procedures and processes are developed, documented and tested by those required to use them during an emergency, and that suitable training takes place;
- xi. ensure that appropriate procedures, processes and systems are in place to record and monitor any council expenditure specifically applicable to an emergency;
- xii. ensure that applications for expenditures eligible for assistance from State sources are submitted to appropriate agencies;
- xiii. ensure that debriefing sessions are held for any response and recovery operation after an emergency to examine effectiveness of the MEMP, and upgrade it as necessary;
- xiv. keep the Council and Chief Executive Officer informed on emergency management activities, including the presentation of an annual report on activities that includes expenditure incurred by the Council during the previous 12 months.

The role of the Deputy MERO/MEM provides for the same responsibilities as listed above, in the absence of the MERO/MEM, with the exception of chairing the MEMPC.

Currently, Council has the following delegations in relation to MERO / MEM and deputies and MRM and deputies.

Jon Aujard	MERO / MEM No 1
Anne Howard	MERO / MEM No 2
Mike Bruty	Deputy MERO / MEM No 1
Barry Carter	Deputy MERO / MEM No 2
Keith Oberin	Deputy MRM No 1
Wendy O'Hara	Deputy MRM No 2
Alissa Herd	Recovery Manager

The reason for multiple appointments is to ensure adequate availability during times of leave, extended events etc.

4. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

5. Balancing the Focus

Social:	These appointments will ensure continued efficient dealing in relation to emergency response and recovery.
Environment:	No Impact.
Economic:	No Impact.
Organisation:	The additional duties will not adversely impact on these staff members.

6. Consultation

Consultation has occurred with the Managers concerned.

COUNCILLORS RILEY/REPACHOLI

That Council:

- 1. Revoke the Instrument of Appointment for Barry Carter as Deputy Municipal Emergency Resource Officer / Municipal Emergency Manager as of 16 September 2008;**
- 2. Approve the appointment of Emma Dalton to the position of Deputy Municipal Emergency Resource Officer / Municipal Emergency Manager under Section 21(1) of the Emergency Management Act 1986 and Council's Municipal Emergency Management Plan as from 16 September 2008;**
- 3. Revoke the Instrument of Appointment for Anne Howard as (MERO) Municipal Emergency Resource Officer as at 16 September 2008;**

4. Approve the appointment of Martin Duke as (MERO) Municipal Emergency Resource Officer under Section 21(1) of the Emergency Management Act 1986 and Council's Municipal Emergency Management Plan as from 16 September 2008; and
5. Sign and seal the Instruments of Appointment.

CARRIED

10.3 *Planning Applications Determined Under Delegated Authority August 2008 (Judy Reither, Planning Administration Officer)*

Application	Applicant	Property	Development	Date of Decision (Issued unless otherwise stated)
2007-556	Planright	5 Yarra Street Echuca 3564	Resubdivision Of The Land Into Three Lots	14-AUG-08
2008-054	Denham Design	36 Shackell Street Echuca 3564	Use And Development Of The Land For Two Dwellings	20-AUG-08
2008-057	Brandrick Architects	7 Yarra Street Echuca 3564	Development Of The Land For A Dwelling	14-AUG-08
2008-162	Planright	6 O'Keefe Street Kyabram 3620	Removal Of Irrigation Channel Easement	14-AUG-08
2008-175	Roland Rohm	7844 Northern Highway Strathallan 3622	Use And Development Of Land For A Animal Breeding Facility	06-AUG-08
2008-189	OTS Architecture	31 Garden Crescent Echuca 3564	Use And Development Of The Land For Two Units	19-AUG-08
2008-191	Ots Architecture	13 Garden Crescent Echuca 3564	Use And Development Of The Land For Two Units	19-AUG-08
2008-204	Ballima Pty Ltd	Mcswain Road Echuca 3564	Subdivision Of The Land Into 146 Lots (Stage 8 And 9)	07-AUG-08
2008-227	Russell Hartley	1366 Mccoll Road Lockington 3561	Whole Farm Plan	05-AUG-08
2008-228	Karen Dillon	10 Bradley Street Kyabram 3620	1. Use Of The Existing Dwelling For Accommodation 2. Waiver Of Carparking	07-AUG-08
2008-232	Loni Hensel	Matheson Road Wyuna 3620	Whole Farm Plan	11-AUG-08
2008-233	Darren Kellett	Murphy Road Koyuga 3622	Whole Farm Plan	06-AUG-08
2008-234	Graham Ash	2332 Castles Road Kanyapella 3622	Whole Farm Plan	25-AUG-08
2008-238	Shire Of Campaspe	Allan Street, Kyabram 3620	Development Of Land For Streetscape Works	12-AUG-08
2008-240	Naughtons Pools & Spas	1 Murray Valley Highway Echuca 3564	Development Of Land For A Change Of Business Identification Signage	06-AUG-08
2008-245	Pergolas Plus Outdoor Living	94 Anderson Road Echuca 3564	Development Of The Land For The Erection Of A Verandah	07-AUG-08
2008-249	Peter Kessen	Campbell Street Tongala 3621	Use And Development Of The Land For A Storage Shed	26-AUG-08
2008-251	Stephen & Gemma Fisher	Steigenberger Road Rushworth 3612	Use And Development Of The Land For A Dwelling	LAPSED
2008-254	Paul Haley	487 Day Road Tongala 3621	Whole Farm Plan	11-AUG-08
2008-255	Walter Rankin	3540 Echuca Mitiamo Road Pinegrove 3563	Development Of The Land For A Second Dwelling	26-AUG-08

Application	Applicant	Property	Development	Date of Decision (Issued unless otherwise stated)
2008-256	Shire Of Campaspe	Station Street, Rushworth	Development Of The Land For Extension To Existing Toilet Block	11-AUG-08
2008-257	Shire Of Campaspe	Mary Street, Rochester 3561	Development Of The Land For Extension To Existing Toilet Block	13-AUG-08
2008-258	North Central Catchment Management Authority	Campaspe Bridge, Ogilvie Ave, Echuca	Works For Fish Passage	01-AUG-08
2008-259	Shire Of Campaspe	Heygarth Street Echuca 3564	Development Of Land For Town Entrance Signage	12-AUG-08
2008-260	Brandrick Architects	287 Anstruther Street Echuca 3564	Development Of The Land For Extension To Existing Building	18-AUG-08
2008-261	Adrian Cummins & Associates	Gunbower - Terricks Road Patho 3566	Procedural Plan	20-AUG-08
2008-263	Adrian Hansen Pty Ltd	1460 Prairie Rochester Road Lockington 3561	Development Of The Land For A Replacement Dairy	07-AUG-08
2008-264	Brian Love	135-137 Mackay Street Rochester 3561	Development Of The Land For A Storage Shed	22-AUG-08
2008-270	Lindsay Murphy	84 Muskerry Run Road Muskerry 3558	Use And Development Of The Land For A Dwelling	13-AUG-08
2008-272	Planright	McSwain Road Echuca 3564	Use And Development Of The Land For The Installation Of 10 Rainwater Tanks	WITHDRAWN
2008-275	Jason Pangrazio	710 Winter Road Girgarre 3624	1. Whole Farm Plan 2. Removal Of Native Vegetation	25-AUG-08
2008-279	John Davies	Heathcote-Rochester Road Colbinabbin 3559	Development Of The Land For The Construction Of A Cellar	04-AUG-08
2008-280	Pine Grove Gun Club	Whinfield Road Pinegrove 3563	Development Of The Land For Extension To Existing Building	05-AUG-08
2008-282	Shire Of Campaspe	Mary Street, Rochester 3561	Development Of The Land For Extension To Existing Toilet Block	WITHDRAWN
2008-283	Onley Consulting	43 Howards Lane Kyabram 3620	Subdivision Of The Land Into Two Lots	12-AUG-08
2008-303	Steven Grove	Ground/264 Hare Street Echuca 3564	To Repaint Ground Floor Exterior Walls Below Verandah Roof And To Replace Existing Signage With Own Signage	15-AUG-08
2008-305	David Phillips	137 Hume Street Echuca 3564	Development Of The Land By The Construction Of A Crossover	15-AUG-08

Application	Applicant	Property	Development	Date of Decision (Issued unless otherwise stated)
2008-306	Naughtons Pools & Spas	921 Anderson Road Strathallan 3622	Development Of The Land For Installation Of A Swimming Pool Ancillary To The Existing Dwelling	21-AUG-08

COUNCILLORS SIMPSON/RILEY

That the Planning Applications determined and Whole Farm Plans certified under delegated authority be received and noted.

CARRIED

COUNCILLORS RILEY/REPACHOLI

That standing orders be suspended.

CARRIED

Mr Alastair MacLean addressed the Council.

COUNCILLORS RILEY/REPACHOLI

That standing orders be resumed.

CARRIED

- 10.4 *Planning Permit Application No. 2008-231, purpose of application 1. Use of the land for Motor Vehicle Sales 2. Development of the land for an extension to the existing building at land Lot 9 PS 431846L commonly known as 2 Arrow Court, Echuca (Jacqui Bruns, Planning Assistant)*

1. Subject Land

The subject land is located within the area of the Echuca Aerodrome, off McKenzie Road approximately 3.5 kilometres south of the Echuca Township. It is an allotment of 747.5m² that contains an existing aircraft hanger and office space.

Town Planning Application (TPA) 1999-250 permitted the subdivision of the land and TPA 2003-394 permitted the construction of an aircraft hanger. Refer to attachment 10.4a.

2. Proposal

The proposal is made up of two parts.

1. The use of the land for motor vehicle sales and hire. It is proposed the number of cars held onsite to be no greater than 10 at any one time and all vehicles will be displayed within the confines of the existing building.

2. Development of the land for an extension to the existing building by adding a carport style structure along the eastern wall of the existing office space. This extension is proposed to be 5.425 metres deep and 11.750 metres long. Refer to attachment 10.4b.

3. Zone and Overlay

Public Use Zone - PUZ 4 (Transport)

Floodway and Land Subject to Inundation Overlays

4. Trigger for coming to Council

Recommendation of refusal of the application.

5. Summary of Key Issues

5.1 The applicant has not provided further information requested under Section 54(1) of the Act. The outstanding information is a written response and/or plan to demonstrate compliance with the carparking requirements, road regulations in relation to ingress and egress points to the allotment and the waste controls.

5.2 The proposal is contrary to State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Public Use Zone as it would result in a use being undertaken that is not compatible with the aerodrome.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

The relevant state planning policies are as follows:

Clause 18.04 - Airfields

The objective of this clause is 'to facilitate the siting of airfields and extensions to airfields, restrict incompatible land use and development in the vicinity of airfields, and recognise and strengthen the role of airfields as focal points within the State's economic and transport infrastructure.'

Clause 15.01 - Protection of catchments, waterways and groundwater

Clause 15.02 - Floodplain Management

States 'flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments'.

There are marked differences between the land use requirements for an aircraft hanger and that of motor vehicle sales. There is greater potential for risk for individuals and infrastructure as there will be a greater number of vehicles and people utilising the land and area.

Municipal Strategic Statement

The key issues affecting the Shire are Agriculture, Settlement, Heritage, Environment and Tourism. Reinforcing the Shire's Planning Vision Statement are a number of key objectives for the key issues. The strategic directions are identified in Clause 21.03. The following directions are relevant to this application:

- Environment (Clause 21.04)

The relevant strategies are;

- Ensure that new uses and developments are located on land that has the capability to sustain the development

- Settlement (Clause 21.06)

Objective 2 – Commercial

The relevant strategies are;

- 'accommodate new commercial development in or abutting existing commercial centres'.

Objective 4 – Specific Townships, including the Town Structure Plans

The relevant strategies are;

- outside the town centre, restricted retail activities will be available on the major highways only on land zoned for business purposes. These areas are at the approaches to Echuca. Redevelopment of existing highway business areas should be promoted. Industrial uses will be discouraged from locating in these areas.

The MSS clearly indicates commercial uses should be in commercial precincts.

6.3 Local Planning Policies

None applicable.

6.4 Zone provisions

Purpose of Public Use Zone:

- “To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.”

A permit is required for the Use of the land as:

- The table to Clause 36.01-1 shows a list of permit not required uses and Motor vehicle sales is not a listed use. And any other use required must be carried out by or on behalf of the public land manager. The use will not comply with this condition, therefore in accordance with Clause 31.01 the use is in Section 2 and requires a permit.

A permit is required for the development of the land as:

- The above explains how the application becomes a section 2 use and a permit is required to construct a building or construct or carry out works for any use in section 2.

Although the use is not a prohibited use, the purpose of the zone is clear. As the proposed use of the land is not a use for a public utility or community service or facility or a use consistent with the intent of the public land manager and is contrary to the objectives of the zone.

As noted in a report presented to Council on 27 August 1998 the aerodrome subdivision was approved on the following basis, that ‘during discussions with the potential operators, it has been stressed that any building structure must be predominantly used for airport purposes, which does not preclude other uses as long as they are not incompatible’. Another report presented to Council on 11 May 2004 stated the users of the Echuca Aerodrome require land, which they can own for the construction of hangers. With the previous arrangement of leasing land from Council, aircraft owners had difficulty in obtaining finance for hanger construction because they did not own the land.’

It is clear that Council's intent as public land manager was for the site to be used for hangers in association with the use of the land for an aerodrome.

6.5 Overlay provisions

Floodway Overlay

Initially the application required planning approval for the extension to the shed as the shed was greater than the 100m² exemption provision;

A permit is not required to construct or carry out the following buildings or works:

An extension to a non-habitable building, provided that the total ground floor area of the building is not more than 100m².

On 14 August 2008 new exemption schedule was gazetted. This schedule now states;

A permit is not required to construct or carry out the following buildings or works:

A single or multiple industrial, retail or office building extension where the combined ground floor area of the extension since 1st October 1998 is not greater than 100m².

As the area of the proposed extension is 63.74m² planning approval is no longer required under the Floodway Overlay

Land Subject to Inundation

Prior to 14 August 2008 the flood mapping for this allotment contained all Floodway Overlay but as part of Planning Scheme Amendment C 49 the mapping was also altered and now there is a portion of LSIO over the north west corner of the allotment.

The schedule to the Land Subject to Inundation Overlay states

A permit is not required to construct or carry out the following buildings or works;

An extension to an existing industrial, retail or office building provided that the total ground floor area of the building is less than 130m².

The building is over 130m² so any extension requires planning approval.

- Local Floodplain Development Plan - 'Precinct of Echuca'.

8.2 Industrial, Retail or office buildings within LSIO - applies to new buildings only.

- Local Floodplain Development Plan - 'Precinct of Campaspe River Lower'.

8.2 Industrial, Retail or office buildings within LSIO - applies to new buildings only.

No referral has been undertaken to the Catchment Management Authority as a refusal is recommended, however this would be required prior to the issue of any permit for the land.

6.6 Particular provisions

Clause 52.06 Car parking

Clause 52.06-1 states as follows.

- A new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.
- Before a requirement for car spaces is reduced or waived, **the applicant must satisfy the responsible authority** that the reduced provision is justified due to:
 - Any relevant parking precinct plan.
 - The availability of car parking in the locality.
 - The availability of public transport in the locality.
 - Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
 - Any car parking deficiency or surplus associated with the existing use of the land.
 - Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.
 - Local traffic management.
 - Local amenity including pedestrian amenity.
 - An empirical assessment of car parking demand.
 - Any other relevant consideration.

The car parking table at Clause 52.06-5 shows car parking requirements for this proposal to be the following;

- Warehouse of 486m² @ 1.5 per 100m², requires 7.29 parking spaces *plus*
- Office area of 216m² @ 3.5 per 100m² requires 7.56 car parking spaces **or**
- Retail area of 486m² @ 4 per 100m² requires 19.44 car parking spaces *plus*
- Office area of 216m² @ 3.5 per 100m² requires 7.56 car parking spaces

The above requirements were highlighted in the a letter requiring further information to address these issues and have not been provided.

Clause 52.14 motor vehicle, boat or caravan sales

Purpose of Clause 52.14:

- “To ensure that amenity, site layout and design are considered when land is to be used for motor vehicle, boat or caravan sales, especially if the site adjoins a residential zone.
- To ensure that use of land for motor vehicle, boat or caravan sales does not impair traffic flow or road safety.”

Requirements to be met

- No more than 2 vehicle crossovers may service the site from a road and at the road alignment a crossover must be no wider than 9.2 metres.
- Except at crossovers, a kerb or barrier must be built along the road alignment to prevent the passage of vehicles and to prevent vehicles protruding beyond the site boundary.
- No building other than an office with a floor area not exceeding 19 square metres and toilet facilities may be built on the site.
- The site must contain a concrete bay for washing vehicles and waste from the bay must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environmental Protection Act 1970 and be installed to the satisfaction of the responsible authority.

The above requirements have not been met in the application and these issues must be addressed or approval sought for the variation of these requirements.

6.7 General provisions

General provisions for use of land

Clause 64.02 Land used in conjunction with another use states

“If a provision of this scheme provides that a use of land must be used ‘in conjunction with’ another use of land:

- There must be an essential association between the two uses; and
- The use must have a genuine, close and continuing functional relationship in its operation with the other use.”

The applicant is proposing to use the hanger for motor vehicle sales and secondary to this have vehicles for hire but also retain the existing use as an aircraft hanger. There is no correlation between the existing use and the primary proposed use.

7. Consultation

7.1 Advertising:

No advertising has been undertaken at this time.

7.2 Referrals

No referrals have been undertaken at this time.

7.3 Submissions

Not applicable.

7.4 Mediation / Information Sessions

A meeting was undertaken on Tuesday, 26 August 2008 at 2.30pm. Present at this meeting was the applicant Dale Denham the owner of the property Alistair McLean, Councillors Elborough, Lawler and Simpson, Manager of Planning & Building, Barry Green and Planning Assistant, Jacqui Bruns.

At this meeting Mr Denham and Mr McLean outlined the application explaining that the car sales will be by appointment only and will include a Eurocar franchise which is a secondary part of the application.

Mr McLean explained that he is wanting to sell cars on a smaller scale (1 – 10 cars on premises at a time) than he has in the past and is required to have a premises to maintain his car sales license, and as he already owned the hanger for use as storage for his aircraft he thought he would utilise property he already owned for this purpose.

Some of the details mentioned by Messrs Denham and McLean in their presentation and further discussions highlighted further areas of concern. In particular the piping and filling in of the Arrow Court drainage culvert and proposed crossover points for vehicular access.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social:	No Impact.
Environment:	Potential for environmental impacts from waste.
Economic:	No Impact.
Organisation:	This application has demonstrated an oversight in the creation of these allotments as there should have been covenants to restrict uses of the land.

10. Conclusion

The main issue is the use of the land as the development will not be required if the use is permitted. It was clearly intended by council that the use of these pieces of land was to be in association with functions of the aerodrome. The applicant has stated that motor vehicle sales is the primary purpose of the application and this is not a use that will enhance or further the functions of the aerodrome.

In the future a car hire facility at the Echuca aerodrome may be beneficial, however, the need for it at this time or for the foreseeable future has not been demonstrated. If the need for such a facility is demonstrated a more appropriate building should be developed.

There is also industrial 1 land available within a short distance that would be better suited to this use.

RECOMMENDATION

That Council resolve to Refuse to Grant a Planning Permit for Lot 9 PS431846L commonly known as 2 Arrow Court Echuca for 1. the use of land for the sale of motor vehicles and 2 the development of land for an extension to an existing building on the following grounds:

1. The proposed subdivision is contrary to State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Public Use Zone.
2. The application has not adequately demonstrated the need for the facility.
3. The application is not considered complimentary or ancillary to the aerodrome environs.
4. The application is considered premature and may adversely impact the outcomes of the proposed Industrial land strategy.

COUNCILLORS REPACHOLI/RILEY

That Council resolve to defer consideration of the application 2008-231 for use of land for motor vehicles sales and buildings and works associated with the construction of an extension to the existing building at 2 Arrow Court, Echuca to allow the applicant to clarify the proposal.

CARRIED

- 10.5 *Planning Permit Application No. 2008-242, Subdivision of the land into two lots (dwelling excision) of Lot 1 on TP340733T commonly known as Wilson Road, Koyuga (Bev Merrett, Planning Consultant)*

1. Subject Land

The land abuts Wilson Road (sealed) to the north and is located approximately 2.5km south of Koyuga. Refer to attachment 10.5a for the location plan. Lot 1 on TP340733T has an area of 56.66ha and comprises unimproved pastures. A brick veneer dwelling is located on the Wilson Road frontage (25m setback) with existing access and services and is surrounded by farm sheds, a dam and a few mature trees. The land has recently been purchased by Ian Ward in addition to the abutting land to the south (subject of a concurrent TPA 2008-243 for another two lot subdivision (dwelling excision) – refer to Agenda Item 10.6. Mr Ward also owns 95.4ha of land (in three titles) opposite the site to the north and seeks to expand his landholding for dairy farming.

2. Proposal

The application seeks approval to create Lot 1 with an area of 8176sqm and containing the existing dwelling with some outbuildings. Lot 1 would have frontage and access to Wilson Road. Lot 2 would comprise the balance of the land with an area of 55.84ha. Refer to attachment 10.5b for the proposed subdivision plan.

3. Zone and Overlay

Farming Zone with part Land Subject to Inundation Overlay and part Floodway Overlay.

4. Trigger for coming to Council

Recommendation is for refusal.

5. Summary of key issues

- 5.1 The applicant has refused to provide further information requested under Section 54(1) of the Act. The outstanding information is a written response to the recently adopted Agricultural Policy.
- 5.2 The proposed subdivision is contrary to State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Farming Zone as it would result in further fragmentation of productive agricultural land.
- 5.3 The subdivision would create an additional small lot that is un-related to the surrounding productive agricultural land and with considerable potential for conflict between the ongoing farming activities and the low density residential use.
- 5.4 The proposed subdivision is contrary to Council's recent adopted policy of 1 April 2008 and proposed Amendment C62, which includes preventing house lot excisions where the balance of the land is less than 100 hectares.
- 5.5 The applicant/landowner also seeks approval for a two lot subdivision (dwelling excision) of the adjoining land to the south (Lot 1 on TP171799B), thereby potentially creating four lots on land with a total area of 85.865ha.

- 5.6 The applicant was advised early in the process that a re-subdivision of the land may be considered more favourably, providing the number of lots is not increased and the owner enters into an agreement preventing further subdivision and dwellings, however the applicant chose to proceed with both applications as submitted.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

Clause 17.05-1 – Agriculture

To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

The proposal would result in further fragmentation of productive agricultural land by creation of a lot unrelated to the surrounding farming activities and with significant potential for conflict between non-compatible land uses.

6.2 Municipal Strategic Statement

Clause 21.05 – Agriculture

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is not encouraged as it is inconsistent with the trend towards larger and more viable agricultural parcels.

Relevant Strategies include:

- *Promote farm consolidation by using legal agreements to ensure that the price of rural land is not distorted by the potential for further dwellings and further subdivision of consolidated land.*
- *Restrict the subdivision of agricultural land.*
- *Restrict rural living and low-density residential development to areas identified as appropriate.*
- *Limit non-agricultural use and development in all rural areas especially on Main Roads.*

The proposal would create an additional lot containing a dwelling for low density residential living that is surrounded by intensive farming activities. Potential exists to consolidate the balance land with the adjoining land to the south or other land within the tenement, however some of this land is also subject to a concurrent application for subdivision.

6.3 Local Planning Policies

Agricultural Policies (Clause 22.01)

"It is Council policy:

A1 To promote the effective management of land by:

- *Encouraging farm consolidation*
- *Restricting small lot subdivision of high quality agricultural land.*

A2 To promote appropriate land use and development by:

- *Discouraging non-agricultural use and development in all rural areas.*
- *Promoting farm consolidation by discouraging small lot excisions except where a house exists and the remainder of the land can be consolidated with an existing farm.*
- *Discouraging subdivision of high quality agricultural land.*
- *Discouraging low density residential development on high quality agricultural land.*

Interim Agricultural Policy (adopted by Council on 1st April 2008)

"The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is not encouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities where the expectations of the rural dweller can be quite different to the expectations of the farmer.

The Policy objectives include:

- *"To ensure that small lot subdivisions do not prejudice surrounding rural activities.*
- *To prevent "serial" small lot subdivisions from the one lot."*

It is Policy that...when considering an application for the excision of a lot containing a dwelling:

The lot containing the dwelling and associated infrastructure is to be at least 0.8ha in area but no greater than 2ha in area unless there is a need for a larger parcel to take account of natural or public infrastructure features; and

The "balance" lot is of an area that complies with the minimum lot size for the zone of the land; and

The approval is conditional upon the applicant entering into an agreement under Section 173 of the Act to prevent the construction of a house and the further subdivision of any lot created other than in accordance with the minimum lot size in the zone; and

The applicant may also be required to enter into an agreement under Section 173 of the Act acknowledging the possible off-site impacts of adjoining or nearby agricultural activities.”

The proposal would comply with the recommended land size for small lots containing dwellings, however the balance lot (55.84ha) would be significantly less than the 100 hectare minimum lot size adopted by Council under proposed Amendment C62. The applicant has provided details of the other land owned by his client but has not addressed Council's recently adopted policy or proposed further consolidation with other land within the tenement.

Draft Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy

The draft Strategy currently on exhibition identifies a ‘first pass’ indicative rezoning for the study area, in which the subject land is identified as being on the edge of the Farming 2 Zone (Consolidation). The minimum lot size recommended in this area would be 40ha for irrigated land and excisions would be considered where restructure is an outcome and subdivision can be designed to minimise neighbour impact. The Strategy emphasizes that the rezoning identified is a first cut and will be subject to further investigation following exhibition.

The balance lot would meet the indicative 40ha minimum lot size, however the proposal is not for a restructure of existing lots, which is the underlying emphasis of the Strategy and there would be potential for neighbour impact.

6.4 Zone provisions

Under clause 35.07-3 (Farming Zone) a permit is required to subdivide land. The Clause states that:

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

The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to create a smaller lot for an existing dwelling. The agreement must be registered on title.”

The Purpose of the Farming zone is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.”*

The relevant decision guidelines for subdivision within the Farming Zone are:

General issues

- *“The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *How the use or development relates to sustainable land management.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.”*

Agricultural issues

- *“Whether the use or development will support and enhance agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.”*

Dwelling issues

15. *“Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
16. *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.”*

While under the Farming zone provisions small lots can be considered for existing dwellings, this does not give a definitive right to create a lot. Each application must be assessed against the relevant provisions and considered in the context of the site.

The proposed small lot would be adequate in size to accommodate the dwelling, associated effluent disposal field and outbuildings. The lot would have access to existing services, including direct access from Wilson Road. The key benefit in allowing the proposed subdivision is the short-term economic gain that would be received by the landowner in selling the small lot, however the key question is - does this provide for the long term viability of the Shire's agricultural base?

Creation of a small lot for a dwelling that is surrounded (on all sides) by productive agricultural land creates considerable potential for conflict. With setbacks ranging from 33m to 50m on three sides of the dwelling from agricultural land in separate ownership, the dwelling is very likely to be adversely affected by agricultural activities due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. In turn, there is potential for the dwelling to adversely affect the operation and expansion of the nearby agricultural uses due to amenity complaints.

6.5 Overlay provisions

Floodway Overlay

The Floodway Overlay meanders across the site generally covering the main drain that dissects the land. The overlay would apply to the north-west corner of the proposed small lot. Clause 44.04-2 (Floodway) states:

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

The local floodplain development plan for the area is the Precinct of Lower Goulburn, which states under 8.4 for subdivision:

“Any subdivision does not increase the number of lots, except for the purposes of a lot excision agreed to by the responsible authority and the floodplain management authority, or any subdivision located partly within FO or LSIO is structured so that:

- *New lot boundaries (other than existing and/or realignment of lot boundaries) are sited on land where the 100 year ARI flood depths are less than 0.5 metres; and*
- *Each lot is accessible via a defined access route where the 100 year ARI flood depths are less than 0.8 metres.”*

The north-west corner of the proposed small lot would be affected by the Floodway Overlay and therefore 30m of the western boundary of the new lot would potentially be sited on land where the 100 year ARI flood depth is greater than 0.5m. In the event the application is likely to be supported this issue would need to be clarified through referral of the application to GMBMA.

Land Subject to Inundation Overlay

The LSIO applies to a very small area along the west side of the land.

Clause 44.04-2 (LSIO) states that a permit is required to subdivide land.

Floodplain issues are discussed above.

7. Consultation

7.1 Advertising:

Pursuant to Section 52 of the Act, the application was not advertised as the officer recommendation is for refusal of the application.

7.2 Referrals

The application was not referred to any authorities as the officer recommendation is for refusal of the application.

It is noted that under Clause 66.03 referral would be required to Goulburn Broken Catchment Management Authority due to the FO and LSIO in the event the application is likely to be supported.

7.3 Submissions

No submissions were received.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social: While creation of a separate lot containing the existing dwelling would provide a residence for another family, the potential for land use conflict would be increased by creating a small lot unrelated to the surrounding farming activities.

Environment: The proposal would result in further fragmentation of productive agricultural land.

Economic: The land owners would receive a short term economic benefit as a result of selling the small lot.

Organisation: No Impact.

10. Conclusion

It is considered that the proposed subdivision is inconsistent with State and Local Planning Policy and the purpose and decision guidelines of the Farming Zone and should not be supported.

The applicant was advised early in the process that consideration may be given to a re-subdivision of the subject land together with the adjoining land to the south (TPA 2008-243), providing the number of lots is not increased and the owner is required to enter into an agreement that prevents construction of any further dwellings and further subdivision of the land and that future owners acknowledge possible off-site impacts of surrounding agricultural activities. Subject to approval from the Catchment Management Authority, the dwelling fronting Wilson Road, while in need of maintenance, is considered to be more appropriate for excision than the existing dwelling fronting Finlay Road. It would be important to ensure an adequate buffer is provided around the dwelling to minimise the potential for conflict between non-compatible land uses.

RECOMMENDATION

That Council resolve to Refuse to Grant a Planning Permit for Lot 1 on TP340733T commonly known as Wilson Road, Koyuga for the subdivision of land into two lots (dwelling excision) on the following grounds:

1. The application does not adequately demonstrate that the proposed subdivision will support and enhance agricultural production.
2. The proposed subdivision is contrary to State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Farming Zone.
3. The applicant has failed to provide further information requested under Section 54(1) of the Act. The outstanding information is a written response to the Interim Agricultural Policy.
4. The application is premature considering proposed Amendment C62 that supports consolidation in areas of irrigated dairy production and requires a minimum balance lot of 100 hectares and the Regional Rural Land Use Strategy prepared by Campaspe, Greater Shepparton and Moira Shires that recommends excisions through farm restructure.

Application 2008-242 has been withdrawn. Refer to alternate recommendation under item 10.6.

- 10.6 *Planning Permit Application No. 2008-243, Subdivision of the land into two lots (dwelling excision) of Lot 1 on TP171799B commonly known as 2452 Finlay Road, Koyuga (Bev Merrett, Planning Consultant)*

1. Subject Land

The land abuts Finlay Road (unsealed) to the south and is located approximately 5km west of Tongala. Refer to attachment 10.6a for the location plan. Lot 1 on TP171799B has an area of 29.21ha and comprises unimproved pastures. A modest and very poorly maintained weatherboard dwelling of considerable age and with no established gardens is located on the Finlay Road frontage (37m setback) with existing access and services and is surrounded by farm sheds, including a dairy, yards and dam. It is not clear if the dwelling has been lived in during the last two years.

The land has recently been purchased by Ian Ward in addition to the abutting land to the north (subject of a concurrent TPA 2008-242 for another two lot subdivision (dwelling excision) – refer to Agenda Item 10.5. Mr Ward also owns 95.4ha of land (in three titles) to the north of Wilson Road and seeks to expand his landholding for dairy farming.

2. Proposal

The application seeks approval to create Lot 1 with an area of 1.254ha and containing the existing dwelling with all of the farm buildings excluding the steel pump shed located to the north of the channel that would provide the boundary for the small lot. Lot 1 would have frontage and access to Finlay Road. Lot 2 would comprise the balance of the land with an area of 27.95ha. A 10m wide strip of land is proposed to provide access from Finlay Road for proposed Lot 2 over part of an existing dam. Refer to attachment 10.6b for the proposed subdivision plan.

3. Zone and Overlay

Farming Zone with part Land Subject to Inundation Overlay and part Floodway Overlay.

4. Trigger for coming to Council

Recommendation is for refusal.

5. Summary of key issues

- 5.1 The subdivision would create an additional small lot that is un-related to the surrounding productive agricultural land and with considerable potential for conflict between the ongoing farming activities and the low density residential use.
- 5.2 The applicant has failed to provide further information requested under Section 54(1) of the Act. The outstanding information is as follows:
 - proof of occupancy of the dwelling in the last two years
 - written response to the recently adopted Agricultural Policy
- 5.3 The proposed subdivision is contrary to State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Farming Zone as it would result in further fragmentation of productive agricultural land.

- 5.4 The subdivision as proposed is a poor layout given the existing conditions and infrastructure. The proposed 10m wide access to proposed lot 2 being on the east side of the proposed excised dwelling will surround the dwelling with agricultural activity thus increasing the potential for land use conflict. This access is also proposed over part of an existing large dam.
- 5.5 The proposed subdivision is contrary to Council's recent resolution to assess all applications received after 1 April 2008 against proposed Amendment C62, which includes preventing house lot excisions where the balance of the land is less than 100 hectares.
- 5.6 The applicant/landowner also seeks approval for a two lot subdivision (dwelling excision) of the adjoining land to the north (Lot 1 on TP340733T), thereby potentially creating four lots on land with a total area of 85.865ha.
- 5.7 The applicant was advised early in the process that a re-subdivision of the land may be considered more favourably, providing the number of lots is not increased and the owner enters into an agreement preventing further subdivision and dwellings, however the applicant chose to proceed with both applications as submitted.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

Clause 17.05-1 – Agriculture

To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

The proposal would result in further fragmentation of productive agricultural land by creation of a lot unrelated to the surrounding farming activities and with significant potential for conflict between non-compatible land uses.

6.2 Municipal Strategic Statement

Clause 21.05 – Agriculture

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is not encouraged as it is inconsistent with the trend towards larger and more viable agricultural parcels.

Relevant Strategies include:

- Promote farm consolidation by using legal agreements to ensure that the price of rural land is not distorted by the potential for further dwellings and further subdivision of consolidated land.
- Restrict the subdivision of agricultural land.
- Restrict rural living and low-density residential development to areas identified as appropriate.
- Limit non-agricultural use and development in all rural areas especially on Main Roads.

The proposal would create an additional lot containing a dwelling for low density residential living that is surrounded by intensive farming activities. Potential exists to consolidate the balance land with the adjoining land to the north however this land is also subject to a concurrent application for subdivision.

6.3 Local Planning Policies

Agricultural Policies (Clause 22.01)

"It is Council policy:

A1 To promote the effective management of land by:

- Encouraging farm consolidation
- Restricting small lot subdivision of high quality agricultural land.

A2 To promote appropriate land use and development by:

- Discouraging non-agricultural use and development in all rural areas.
- Promoting farm consolidation by discouraging small lot excisions except where a house exists and the remainder of the land can be consolidated with an existing farm.
- Discouraging subdivision of high quality agricultural land.
- Discouraging low density residential development on high quality agricultural land.

Interim Agricultural Policy (adopted by Council on 1st April 2008)

"The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is not encouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities where the expectations of the rural dweller can be quite different to the expectations of the farmer.

The Policy objectives include:

- "To ensure that small lot subdivisions do not prejudice surrounding rural activities.
- To prevent "serial" small lot subdivisions from the one lot."

It is Policy that...when considering an application for the excision of a lot containing a dwelling:

The lot containing the dwelling and associated infrastructure is to be at least 0.8ha in area but no greater than 2ha in area unless there is a need for a larger parcel to take account of natural or public infrastructure features; and

The "balance" lot is of an area that complies with the minimum lot size for the zone of the land; and

The approval is conditional upon the applicant entering into an agreement under Section 173 of the Act to prevent the construction of a house and the further subdivision of any lot created other than in accordance with the minimum lot size in the zone; and

The applicant may also be required to enter into an agreement under Section 173 of the Act acknowledging the possible off-site impacts of adjoining or nearby agricultural activities.”

The proposal would comply with the recommended land size for small lots containing dwellings, however the balance lot (27.954ha) would be significantly less than the 100 hectare minimum lot size adopted by Council under proposed Amendment C62.

Draft Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy

The draft Strategy currently on exhibition identifies a ‘first pass’ indicative rezoning for the study area, in which the subject land is identified as being on the edge of the Farming 2 Zone (Consolidation). The minimum lot size recommended in this area would be 40ha for irrigated land and excisions would be considered where restructure is an outcome and subdivision can be designed to minimise neighbour impact. The Strategy emphasizes that the rezoning identified is a first cut and will be subject to further investigation following exhibition.

The balance lot would fail to meet the indicative 40ha minimum lot size and the proposal is not for a restructure of existing lots, which is the underlying emphasis of the Strategy. In addition, there would be potential for neighbour conflict due to the close proximity of the dwelling to productive farmland.

6.4 Zone provisions

Under clause 35.07-3 (Farming Zone) a permit is required to subdivide land. The Clause states that:

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

The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to create a smaller lot for an existing dwelling. The agreement must be registered on title.”

The Purpose of the Farming zone is:

- “To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.”

The relevant decision guidelines for subdivision within the Farming Zone are:

General issues

- “The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- How the use or development relates to sustainable land management.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.”

Agricultural issues

- “Whether the use or development will support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.”

Dwelling issues

- “Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.”

While under the Farming zone provisions small lots can be considered for existing dwellings, this does not give a definitive right to create a lot. Each application must be assessed against the relevant provisions and considered in the context of the site.

The proposed small lot would be adequate in size to accommodate the dwelling, associated effluent disposal field and outbuildings. The lot would have access to existing services, including direct access from Finlay Road. The key benefit in allowing the proposed subdivision is the short-term economic gain that would be received by the landowner in selling the small lot, however the key question is - does this provide for the long term viability of the Shire’s agricultural base?

Creation of a small lot for a dwelling that is surrounded (on all sides) by productive agricultural land creates considerable potential for conflict. With setbacks as close as 25m between the dwelling and agricultural land in separate ownership, the dwelling is very likely to be adversely affected by agricultural activities due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. In turn, there is potential for the dwelling to adversely affect the operation and expansion of the nearby agricultural uses due to amenity complaints.

6.5 Overlay provisions

Floodway Overlay

The Floodway Overlay extends diagonally through the site generally covering the main drain that dissects the land. The overlay would not apply to the proposed small lot. Clause 44.04-2 (Floodway) states:

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

The local floodplain development plan for the area is the Precinct of Lower Goulburn, which states under 8.4 for subdivision:

“Any subdivision does not increase the number of lots, except for the purposes of a lot excision agreed to by the responsible authority and the floodplain management authority, or any subdivision located partly within FO or LSIO is structured so that:

- New lot boundaries (other than existing and/or realignment of lot boundaries) are sited on land where the 100 year ARI flood depths are less than 0.5 metres; and
- Each lot is accessible via a defined access route where the 100 year ARI flood depths are less than 0.8 metres.”

The proposed subdivision would generally comply with the above provisions.

Land Subject to Inundation Overlay

The LSIO applies to a very small area in the north-east of the site.

Clause 44.04-2 (LSIO) states that a permit is required to subdivide land.

The proposed subdivision would generally comply with the relevant provisions.

6.6 General provisions

Clause 63 details provisions for Existing uses. Of particular relevance is Clause 63.06 Expiration of existing use rights, which states:

“An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.”

The applicant was requested to provide proof of continuous use over the last two years, however the applicant has only provided a statement in a letter that the dwelling has been occupied over the past two years and therefore retains existing use rights.

The dwelling is a modest weatherboard house that has been poorly maintained for many years. There are no established gardens around the dwelling with a scattering of mature trees, most of which are in poor condition.

7. Consultation

7.1 Advertising:

Pursuant to Section 52 of the Act, the application was not advertised as the officer recommendation is for refusal of the application.

7.2 Referrals

The application was not referred to any authorities as the officer recommendation is for refusal of the application.

It is noted that under Clause 66.03 referral would be required to Goulburn Broken Catchment Management Authority due to the FO and LSIO in the event the application is likely to be supported.

7.3 Submissions

No submissions were received.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social:	While creation of a separate lot containing the existing dwelling would provide a residence for another family, the potential for land use conflict would be increased by creating a small lot unrelated to the surrounding farming activities.
Environment:	The proposal would result in further fragmentation of productive agricultural land.
Economic:	The land owners would receive a short term economic benefit as a result of selling the small lot.
Organisation:	No Impact.

10. Conclusion

It is considered that the proposed subdivision is inconsistent with State and Local Planning Policy and the purpose and decision guidelines of the Farming Zone and should not be supported.

The applicant was advised early in the process that consideration may be given to a re-subdivision of the subject land together with the adjoining land to the north (TPA 2008-242), providing the number of lots is not increased and the owner is required to enter into an agreement that prevents construction of any further dwellings and further subdivision of the land and that future owners acknowledge possible off-site impacts of surrounding agricultural activities. Subject to approval from the Catchment Management Authority, the dwelling fronting Wilson Road, while in need of maintenance, is considered to be more appropriate for excision than the existing dwelling fronting Finlay Road. It would be important to ensure an adequate buffer is provided around the dwelling to minimise the potential for conflict between non-compatible land uses.

RECOMMENDATION

That Council resolve to Refuse to Grant a Planning Permit for Lot 1 on TP171799B commonly known as 2452 Finlay Road, Koyuga for the subdivision of land into two lots (dwelling excision) on the following grounds:

1. The applicant has failed to provide further information requested under Section 54(1) of the Act. The outstanding information is as follows:
 - a) proof of occupancy of the dwelling in the last two years
 - b) written response to the Interim Agricultural Policy
2. The proposed subdivision is contrary to State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Farming Zone.
3. The application does not adequately demonstrate that the proposed subdivision will support and enhance agricultural production.
4. The proposed subdivision is an inappropriate response to the existing conditions and infrastructure on the site and will increase the potential for land use conflict.
5. The application is premature considering proposed Amendment C62 that supports consolidation in areas of irrigated dairy production and requires a minimum balance lot of 100 hectares and the Regional Rural Land Use Strategy prepared by Campaspe, Greater Shepparton and Moira Shires that recommends excisions through farm restructure.

Prior to any further consideration of an approval of the application, referral is required to the Goulburn Broken Catchment Management Authority as the land is affected by the Land Subject to Inundation Overlay and Floodway Overlay. The application should also be referred to Council's Engineering Design Unit and Environmental Health Department for assessment.

In addition notice of the application will need to be given as the assessment of the extent of material detriment cannot reasonably conclude that no adverse detriment would occur from the issue of a permit for creation of two house lots unrelated to the surrounding agricultural activities.

Should objections be received as a result of the notice, the matter would be reported to the next available Council meeting.

COUNCILLORS REPACHOLI/RILEY

That Council:

- a) **Advertise the application in accordance with Section 52 of the Planning and Environment Act to adjoining and surrounding landowners.**
- b) **Refer the application to Goulburn Broken Catchment Management Authority in accordance with Section 55 of the Planning and Environment Act and to Council's Engineering Design Unit and Environmental Health Department.**
- c) **Subject to consent from Goulburn Broken Catchment Management Authority and no objections being received as a result of notice, resolve to issue a Permit for the re-subdivision of land into three lots (two dwelling excisions) for Lot 1 on TP340733T, Lot 1 on TP171799B and Crown Allotments 34A, 34B, 34C and 34D, Parish of Koyuga, commonly known as 2452 Finlay Road, Koyuga subject to the following conditions and any additional conditions required by GBCMA, Council's EDU and EHD;**
 1. **Prior to the certification of the plan amended plans are required to be submitted to and approved by the Responsible Authority. Such plans must be generally in accordance with those submitted by Planright S5122/B submitted on 8 September 2008 but modified to show:**
 - a) **Deletion of the narrow frontage for Lot 3 to Finlay Road to the east of Lot 2;**
 - b) **Location of a new accessway for Lot 3 from Finlay Road that is setback from Lot 2 to provide a buffer.**
 2. **The subdivision allowed by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.**
 3. **Prior to the issue of the statement of compliance the owner must enter into a Section 173 Agreement pursuant to the Planning and Environment Act 1987. The owner is responsible for the costs associated with preparation and registration of the agreement. Such agreement must be registered on title and covenants that:**
 - a) **Lot 3 will not be further subdivided so as to increase the number of lots.**
 - b) **All future owners of Lots 1 and 2 acknowledge the possible off-site impacts of adjoining or nearby agricultural activities.**
 - c) **No further dwelling be permitted on the balance Lot 3.**
 4. **Any new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**

The crossover must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of 375 mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer VicRoads standard drawing SD 1991). The final location of the crossing is to be approved by the responsible authority.

5. Prior to the issue of the Statement of Compliance the internal access roads must be constructed, formed and drained to avoid erosion, minimise disturbance to natural topography of the land and must be treated with dust suppression to minimize the generation of dust to the satisfaction of the Responsible Authority.
6. Before the plan of subdivision is certified under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to an approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include
 - a) direction of stormwater run off
 - b) a point of discharge for each lot;
 - c) independent drainage for each lot.
 - d) documentation must be provided demonstrating approval from the relevant authority for the point of discharge.
7. All waste water must be treated and retained within each individual lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
10. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.

CARRIED

PERMIT NOTES:

Road Opening/Non Utility Minor Works on Municipal Road Reserve/ Consent for Works on Road Reserves Permit Required

A road opening/crossing permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.

Landforming

A planning permit is required for any landforming works (whether or not to improve or alter irrigation drainage or drainage, by laser levelling or other processes, the construction of a drainage diversion bank or levee or any other alteration that changes the natural topography of the land) except in accordance with an approved Whole Farm Plan endorsed by Council and Goulburn Murray Water.

Permit Expiry

Refer to the notes on the reverse of this permit for details of when this permit expires.

- 10.7 *Planning Permit Application No. 2008-210, Re-subdivision of the land into two lots (dwelling excision) of Lot 2 on PS549238D & Lot 1 on PS546440A commonly known as 403 Scobie Road, Ky Valley (Bev Merrett, Planning Consultant)*

1. Subject Land

The land comprises two titles and is located at the corner of Scobie Road and Graham Road, approximately 5km west of Kyabram. Refer to attachment 10.7a for the location plan. Lot 2 on PS549238D has an area of 24.91ha and is traversed by GMW Drain No 7/4 and a Power line easement. Lot 2 contains a substantial dwelling (the homestead) located on the sand hill, an old weatherboard dwelling (to be demolished), three sheds, a holding dam and a scattering of mature trees. The southern part of the lot comprises laser irrigated pastures on high quality agricultural land.

Lot 1 on PS546440A has an area of 20.45ha and is traversed by GMW Reserve for Irrigation Channel No 2/28/9. This lot contains considerable infrastructure and improvements for the large scale dairy enterprise, including a 50 stand rotary dairy with yards, calf shed, plant shed, workshop and extensive all weather access through the site. A dwelling is located to the south of the dairy and is partially screened from the road by trees.

The land has been in the Kerr family for 54 years and the current owner has intensified the activities from 280 milkers to a peak of 750 milkers in recent years.

2. Proposal

The application seeks approval for a re-subdivision to create Lot 1 with an area of 6.5ha comprising the sand hill along the north of the site where the homestead is located. Lot 2 would comprise the balance of the land with an area of 38.9ha and the main farm infrastructure, including the farm dwelling. Refer to attachment 10.7b for the proposed subdivision plan.

The owner intends to sell the proposed Lot 1 as the substantial dwelling and grounds is no longer required for the family, however they do not wish to sell the valuable agricultural land on the same existing title.

The applicant is to be commended on the quality and detail of the application, which is a good example for other rural applications.

3. Zone and Overlay

Farming Zone with part Land Subject to Inundation Overlay.

4. Trigger for coming to Council

The application is to be considered against proposed Amendment C62 as adopted by Council on 1 April 2008.

5. Summary of key issues

- 5.1 The proposed re-subdivision is generally consistent with State and Local Planning Policy Frameworks and the purpose and decision guidelines of the Farming Zone and the Land Subject to Inundation Overlay.

- 5.2 The proposed re-subdivision would not increase the number of lots and would ensure the productive agricultural land is retained with the established dairy farm. The small lot would have adequate buffers around the homestead to minimise any adverse affects from the surrounding agricultural activities and maintain the integrity of the substantial dwelling and grounds.
- 5.3 The proposal is generally consistent with the policy objectives of the Interim Agricultural Policy (adopted by Council on 1 April 2008), although the balance land size is less than the 100 hectare minimum recommended in the interim controls.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

Clause 17.05-1 – Agriculture

To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

The productive farmland would be retained within the balance lot and the substantial dwelling on the proposed smaller lot would have adequate buffer to minimise amenity conflict issues.

6.2 Municipal Strategic Statement

"Clause 21.05 – Agriculture

The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is not encouraged as it is inconsistent with the trend towards larger and more viable agricultural parcels."

Relevant Strategies include:

- *"Promote farm consolidation by using legal agreements to ensure that the price of rural land is not distorted by the potential for further dwellings and further subdivision of consolidated land.*
- *Restrict the subdivision of agricultural land.*
- *Restrict rural living and low-density residential development to areas identified as appropriate.*
- *Limit non-agricultural use and development in all rural areas especially on Main Roads."*

The proposal is a re-subdivision thereby not increasing the number of lots and retaining the productive agricultural land within the balance lot.

6.3 Local Planning Policies

Agricultural Policies (Clause 22.01)

"It is Council policy:

A1 To promote the effective management of land by:

- *Encouraging farm consolidation*
- *Restricting small lot subdivision of high quality agricultural land.*

A2 To promote appropriate land use and development by:

- Discouraging non-agricultural use and development in all rural areas.
- Promoting farm consolidation by discouraging small lot excisions except where a house exists and the remainder of the land can be consolidated with an existing farm.
- Discouraging subdivision of high quality agricultural land.
- Restructuring old and inappropriate subdivision on rural land.”

The proposal is consistent with the existing policy as the small lot would be for an existing dwelling with the remaining high quality agricultural land being consolidated with the adjoining farm land, therefore not increasing the number of existing lots.

Interim Agricultural Policy (adopted by Council on 1st April 2008)

“The process of farm consolidation is considered fundamental to the long term viability of the agricultural base of the Shire. The fragmentation of existing farms is not encouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities where the expectations of the rural dweller can be quite different to the expectations of the farmer.”

The Policy objectives include:

- *“To encourage the consolidation of agricultural land.*
- *To facilitate an increase in the size of agricultural holdings.*
- *To discourage the fragmentation of agricultural land into lots of a size not capable of agricultural production (except where the outcome is farm consolidation).*
- *To ensure any newly created small lots are of sufficient size to accommodate servicing and buffering needs.*
- *To ensure that small lot subdivisions do not prejudice surrounding rural activities.*
- *To prevent the creation of irregular shaped lots.*

It is Policy that...when considering an application for the excision of a lot containing a dwelling:

The lot containing the dwelling and associated infrastructure is to be at least 0.8ha in area but no greater than 2ha in area unless there is a need for a larger parcel to take account of natural or public infrastructure features; and

The “balance” lot is of an area that complies with the minimum lot size for the zone of the land; and

The approval is conditional upon the applicant entering into an agreement under Section 173 of the Act to prevent the construction of a house and the further subdivision of any lot created other than in accordance with the minimum lot size in the zone; and

The applicant may also be required to enter into an agreement under Section 173 of the Act acknowledging the possible off-site impacts of adjoining or nearby agricultural activities.”

Although the proposal does not clearly meet the policy points detailed above, it is considered that it is generally consistent with the policy objectives, except that relating to irregular shaped lots. The applicant has demonstrated the basis for the proposed common lot boundary which aligns with the topography of the land, and existing infrastructure.

The lot size is greater than the recommended maximum of 2ha, but is considered appropriate as it has been determined following a detailed site assessment, including soil types, topography, buffer distances, existing infrastructure and ensuring the integrity of the substantial homestead is retained.

Any approval would be subject to an agreement under S173 of the Act requiring the owner to enter into an agreement to prevent any further dwellings and subdivision of the land.

Draft Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy

The draft Strategy currently on exhibition identifies a 'first pass' indicative rezoning for the study area, in which the subject land is identified as being on the edge of the Farming 2 Zone (Consolidation). The minimum lot size recommended in this area would be 40ha for irrigated land and excisions would be considered where restructure is an outcome and subdivision can be designed to minimise neighbour impact. The Strategy emphasizes that the rezoning identified is a first cut and will be subject to further investigation following exhibition.

The proposal is for a restructure of existing lots and although the balance lot would slightly under the indicative 40ha minimum lot size (38.9ha), the small lot would include an adequate buffer area around the existing dwelling and within the sand hill with the new boundary aligning with existing infrastructure, therefore generally in accordance with the draft Strategy.

6.4 Zone provisions

Under clause 35.07-3 (Farming Zone) a permit is required to subdivide land. The Clause states that:

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

- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title.*

The Purpose of the Farming zone is:

- *"To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision."*

The relevant decision guidelines for subdivision within the Farming Zone are:

General issues

- *“The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *How the use or development relates to sustainable land management.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.”*

Agricultural issues

- *“Whether the use or development will support and enhance agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses*
- *The agricultural quality of the land, such as soil quality, access to water and access to rural infrastructure.*

Dwelling issues

- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.”*

The proposed re-subdivision would be generally consistent with the relevant Farming zone provisions as the productive agricultural land would be retained for farming purposes, and an adequate buffer will be retained with the homestead to minimise potential conflict between non-compatible uses.

6.5 Overlay provisions

Land Subject to Inundation Overlay

The LSIO extends diagonally through the north of the site. Clause 44.04-2 (LSIO) states that a permit is required to subdivide land. The provisions state that an application must be consistent with any relevant local floodplain development plan. The land is within the Campaspe Local Floodplain Development Plan – Precinct of Corop Lakes, October 2006.

The application was referred to Goulburn Broken Catchment Management Authority. Consent was provided with no conditions. The proposal is generally consistent with the provisions of the local floodplain development plan as no additional lots would be created.

7. Consultation

7.1 Advertising:

Pursuant to Section 52 of the Act, the application was not advertised as the officer considered that given the existing and proposed conditions being two lots and that the use of the land is not being changed that there was no reason to give notice of the application as it was considered unlikely to present any adverse material detriment.

7.2 Referrals

Pursuant to Clause 66.03 the application was referred to Goulburn Broken Catchment Management Authority. The Authority does not object to the application and no conditions have been recommended for the permit.

7.3 Submissions

Notice of the application was not given and no submissions were received.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social: Creation of the small lot around the homestead would provide a lifestyle residence with substantial grounds for another family with potential for land use conflict minimised by appropriate buffers between the dwelling and surrounding agricultural activities.

Environment: The proposal would not increase the number of lots and would retain productive agricultural land with the established dairy farm.

Economic: The land owners would receive a short term economic benefit as a result of selling the smaller lot and ongoing maintenance costs normally associated with the homestead and extensive grounds will be returned to the farm.

Organisation: No Impact.

10. Conclusion

It is considered that the proposed subdivision is generally consistent with State and Local Planning Policy and the purpose and decision guidelines of the Farming Zone and the Land Subject to Inundation Overlay and should be supported.

COUNCILLORS RILEY/REPACHOLI

That Council resolve to Grant a Planning Permit for Lot 2 on PS549238D and Lot 1 on PS546440A commonly known as 403 Scobie Road, Ky Valley for re-subdivision of land into two lots (dwelling excision) with the following conditions:

- 1. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

2. Prior to the issue of a Statement of Compliance, the owner/subdivider must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the owner/subdivider pursuant to Section 181 of the Planning and Environment Act 1987 on the titles to the lots resulting from approval of the subdivision and the costs of preparation and registration of the agreement must be met by the owner/subdivider. The agreement must provide for the following:
 - The land shall not be further subdivided so as to increase the number of lots;
 - No further dwellings are to be erected on the land.
3. Any new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.
4. Prior to the issue of a Statement of Compliance all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.

CARRIED

10.8 *Planning Application 2008-174, 161-173 Annesley Street, Echuca (Raphael Krelle, Consultant Town Planner)*

1. Subject Land

The subject land is located at 161-173 Annesley Street, Echuca. The land is located on the west side of Annesley Street and has an area of 3,850 square metres. The land contains a series of brick buildings and is used as a licensed club known as the Echuca Workers and Services Club Ltd. The land is described as Lot 1 on Title Plan 575279C. Refer to attachment 10.8a.

The land is encumbered by a 3.35 metre wide easement that runs across the northern boundary of the site. The easement is set apart for drainage, sewerage and carriageway purposes. The existing buildings on the site abut the southern boundary of the easement.

The easement provides access between Annesley Street and a section of Road that forms part of the Nish Street car park. As far as can be ascertained, the easement was created when a three lot subdivision took place in 1968.

The easement benefits the three lots on the Plan of Subdivision. Lot 1 on this Plan is the land to the north of the subject site, which has been developed for a service station. Lot 2 on this Plan has since been consolidated with the subject site. Lot 3 on the plan has been consolidated with the Council car park to the west on Nish Street.

Whilst the easement encumbers the subject site, it is currently being occupied by the adjoining service station. Part of the easement has been fenced with a chain mesh fence that blocks access to the easement from Annesley Street. The western end of the easement is secured with gates.

2. Proposal

This report relates to Planning Application No 2008-094 for the removal of a carriageway easement at 171-173 Annesley Street, Echuca. Refer to attachment 10.8b.

This report recommends that the application be refused on the grounds that the easement may be required to provide access to the adjoining property.

3. Zone and Overlay

Business 1 Zone

4. Trigger for coming to Council

Clause 52.02 of the Campaspe Planning Scheme provides that a planning permit is required before a person can proceed under s.23 of the Subdivision Act to vary or remove an easement.

5. Key Issues

- 5.1 Whether the easement is required to provide ongoing access to the adjoining land;
- 5.2 Whether the planning permit for boat sales should affect Council's decision on the application;

5.3 Whether the current use or occupation of the easement by the adjoining landowner should affect Council's decision on the application.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

Not relevant to consideration.

6.2 Municipal Strategic Statement

Not relevant to consideration.

6.3 Local Planning Policies

Not relevant to consideration.

6.4 Zone provisions

Not relevant to consideration.

6.5 Overlay provisions

Not relevant to consideration

6.6 Particular provisions

Clause 52.02 (Easements, Restrictions and Reserves) does not contain any decision guidelines for decision making on the application.

6.7 General provisions

Clause 65 (Decision Guidelines) states that, before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

One of the objectives of planning in Victoria is "to provide for the fair, orderly, economic and sustainable use, and development of land" (Section 4, Planning & Environment Act).

Whether the easement is required to provide ongoing access to the adjoining land;

The adjoining land, which is occupied by the service station, has a right to use the easement for carriageway purposes. The titles to the land indicate that there are no conditions or responsibilities that must be met by those who benefit from the easement. In other words, the right is unconditional and remains in place in perpetuity until it is removed.

Importantly, the owner of the service station site has indicated that they wish to continue to enjoy this right. It is also noted that the existence of the easement is likely to offer more flexible access arrangements and improved design outcomes for any redevelopment of the service station site.

For these reasons, the removal of the easement would compromise the fair and orderly planning of the area.

Whether the planning permit for boat sales should affect Council's decision on the application;

Permit 82-2001-302 gives approval for part of the service station site and the easement to be used for boat sales. The objector has cited this as a reason why the application should be refused, with the implication being that Council has validated the current use and occupation of the easement.

It is agreed that the permit provides a form of consent, but only as it relates to the use and development of land. The planning permit itself does not confer any other rights to occupy land that are dealt with under lease agreements. It is therefore not relevant to Council's consideration of the application.

Whether the current use or occupation of the easement by the adjoining landowner should affect Council's decision on the application.

The easement has been developed with hardstand areas, fences, signs and other fixtures associated with the service station. The objector has also indicated that underground tanks may exist under the easement, although this has not been substantiated. From a practical point of view, the easement has clearly been used as part service station site for a long period of time.

It is unknown as to what agreements may have been struck between the parties to occupy and develop this land. These matters are usually addressed through lease agreements and are not relevant to Council's consideration of the application.

It is also noted that the service station business has recently ceased operating on the site. Whilst this has implications for existing use rights under the Planning Scheme, this situation does not alter the status of the easement in any way.

The owner of the service station site has had very preliminary discussions with council Officers regarding redevelopment of the site utilising the easement.

Whether the removal of the easement will affect access to the service station;

Council's Engineering Department has advised that the loss of an easement for carriageway may result in a narrower useable frontage for the service station. They observed that this may impact on turning circles for larger vehicles entering the site and reduced on site parking. They have requested that the applicant provide a traffic impact assessment report on the implications of removing the easement.

The applicant has not provided this information on the basis that the service station has ceased operating. Clearly, this is an issue only if the site is used as a service station or similar use where larger vehicles need to access the site. As the future use of the site is not known, this issue cannot be resolved at this point in time.

7. Consultation

7.1 Advertising:

Pursuant to section 52, the application was advertised via a letter to the adjoining property owner, being the owner of the service station site.

7.2 Submissions

One submission was received, from the owner of the service station.

Ground of objections can be summarised as follows.

- The carriageway easement is used by the occupier of the service station for car parking and carriageway purposes and there are no plans to discontinue this use;
- The use of the easement was approved by Council through planning permit 82-2001-302;
- Underground fuel storage tanks have existed in the easement for more than 30 years and, by virtue of their age and location, rights have been acquired;
- Accordingly, it is inappropriate and unlawful for the Responsible Authority to consent to the removal of the easement.

7.3 Referrals

The application was referred to Council's Engineering Department for comment. They had no objection to the issue of a permit and raised issues relating to restricted access to the site (refer to discussion later in the report).

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social:	The proposal will not cause any adverse social effects.
Environment:	The proposal will not cause any adverse environmental effects.
Economic:	The proposal is likely to affect the development potential of the adjoining land.
Organisation:	The easement currently provides access from Annesley Street to the Council car park in Nish Street. Whilst this right is not currently being utilised, the proposal will remove any opportunity to benefit from this right in the future.

10. Conclusion

The carriageway easement that encumbers the subject site continues to be required by a party that benefits from the easement. On this basis, the application should be refused.

COUNCILLORS LAWLER/MADDISON

That Council resolve to refuse the application Pursuant to Section 61 of the Planning & Environment Act on the following grounds:

- 1. The easement continues to be required by a landowner who benefits from the easement.**
- 2. The proposal if approved would adversely affect the further orderly development of the service station site.**
- 3. The proposal does not provide for the fair and orderly use and development of land.**

CARRIED

10.9 *Planning Application 2008-214, Use and development of the land for a caretaker's house, shed and swimming pool at Lot 2 on PS305251A commonly known as 104-108 Kerford Street, Rochester (Jacqui Bruns, Planning Assistant)*

1. Purpose

This report relates to Planning Application No. 2008-214.

This report recommends refusal of the application.

2. Subject Land

The subject site is located on the west side of Kerford Street, between Gray and McGregor Streets. The land is Lot 2 on PS305251A, commonly known as 104-108 Kerford Street, Rochester. The land has an area of 1894sqm and is currently used in conjunction with the adjoining land to the north which is in the same ownership as the subject site, for Windridge Carriers transport business. Surrounding land comprises a mix of industrial uses and a number of dwellings, most of which are caretaker's houses in association with industrial uses, others which have non-conforming existing use rights. Refer to attachment 10.9a.

3. Background

The lot was created in 1990 following a two lot subdivision of land extending from Francis Street to Kerford Road.

4. Owner/Applicant

The applicant is Adrian Hansen.

The owner is Daryl and Andrea Windridge.

5. Key Issues

- 5.1 A caretaker's house is a Section 2 (permit required) use under the Industrial 1 zone provisions. A caretaker's house must be secondary to an industry on the same lot.
- 5.2 As the proposed house would be located on its own lot, the proposed building applied for can not be considered as a caretaker's house.
- 5.3 The proposal is defined as a dwelling which is a Section 3 (prohibited) use within the Industrial 1 zone.
- 5.4 A caretaker's house under the Building Act must be appurtenant to a commercial / industrial building and is defined within a different classification to dwelling. Council should not be issuing planning approval for buildings that contravene other legislation such as the Building Act.
- 5.5 The dwelling would be within the approved 300m buffer zone for a concrete batching plant in accordance with Clause 52.10 (uses with adverse amenity impacts).

5.6 In the event of consolidation with the adjoining lot (which the applicants have declined to entertain), a caretakers dwelling could be considered, however the proposal in its current form cannot be supported for the following reasons:

- The proposed development of the substantial caretaker's house would be inappropriate and poor planning, and would undermine the present and future operating capability of the surrounding industrial area.
- There has been insufficient justification for the need for a caretaker's dwelling. The single reason provided was for security reasons and alternative security measures are available such as fencing and lighting. At present a basic post and wire 'rural' fence surrounds the property.
- The proposal is for a large principle place of residence (family home) and not a caretakers residence.

6. Zoning

6.1 The land is zoned Industrial 1 under the Campaspe Planning Scheme.

6.2 Use of the land for accommodation (other than caretaker's dwelling) is a Section 3 use under Clause 33.01-1.

7. Overlays

7.1 The Land Subject to Inundation Overlay applies to the land.

8. Permit Trigger

8.1 Use of the land for accommodation (other than caretaker's house) is a Section 3 (prohibited) use under Clause 33.01-1.

9. Proposal

The application seeks approval to use and develop the land for a dwelling, shed and swimming pool. The dwelling would comprise four bedrooms (main with ensuite), study, kitchen, meals, rumpus room and double garage. An outdoor entertaining area would lead to the proposed pool. An additional shed would be located in the north-west corner of the site. The estimated cost of the development is \$250,000. Refer to attachment 10.9b.

The applicant submits that they have recently experienced theft from their transport business located on the abutting land to the north and propose to build a 'caretakers house' on the subject site for security reasons.

10. Consultation

10.1 Advertising:

The application was not advertised as it is a prohibited use and could not be supported.

10.2 Submissions

No submissions were received.

10.3 Referrals

The application was referred to North Central Catchment Management Authority. A response was received with no objection to the proposal subject to conditions.

11. Planning Scheme Provisions

11.1 Uses with adverse amenity potential (Clause 52.10)

This clause specifies a minimum setback for a concrete batching plant of 300m from land within a residential zone, whilst acknowledging that the land is within an Industrial Zone the proposed use is solely residential in nature.

11.2 Land use terms (Clause 74)

The definition of a caretaker's house is:

"A dwelling on the same site as a building, operation, or plant and occupied by a supervisor of that building, operation or plant."

12. Planning Policy Framework

12.1 State Planning Policy Framework

General implementation for Clause 17.03 Industry includes:

"Industrial activity in industrial zones should be protected from the encroachment of unplanned commercial, residential, and other sensitive uses which would adversely affect industry viability."

Responsible authorities should not approve non-industrial land uses which will prejudice the availability of land for future industrial requirements in industrial zones".

12.2 Local Planning Policy Framework

Clause 21.06 Settlement includes the following strategies for Industrial activities in the Shire:

"Establish industrial areas where industries are not likely to conflict with other land uses particularly residential and agricultural uses."

The relevant strategy for industry within the Rochester township is:

"The existing industrial estate in the north east of the town has the potential to accommodate industrial growth to the year 2011. Future growth beyond this should be to the east of this estate."

13. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

14. Council Plan Focus

Social:	Approving a substantial dwelling within an established and growing Industrial zone has considerable potential for conflict between permitted industrial activities and sensitive residential needs.
Environment:	No Impact.
Economic:	<p>The applicant submits that the dwelling is required due to safety concerns relating to the business. Other relatively low-cost measures such as security fencing and lighting are available. The siting of a substantial dwelling within an Industrial zone could lead to conflict and potential economic impacts on existing and future industrial activities.</p> <p>The proposed dwelling would be located on land otherwise available for industrial activities consistent with the Industrial 1 zone.</p>
Organisation:	No Impact.

15. Officer Comment

A caretaker's house is a Section 2 (permit required) use under the Industrial 1 zone provisions. A caretaker's house must be secondary to business on the same lot. As the proposed house would be located on its own lot, the proposed building applied for can not be considered as a caretaker's house. The proposal is therefore defined as a dwelling which is a Section 3 (prohibited) use within the Industrial 1 zone.

The Building Act requires a caretaker's dwelling (Class 4) to be appurtenant to the commercial/industrial building it is providing caretaker accommodation for. The application proposes a Class 1 dwelling. Council should not and can not issue planning approval for buildings that contravene other legislation such as the Building Act.

It is recommended that the land owner investigate security fencing and lighting if there are legitimate concerns about theft from the business.

Clause 52.10 of the Campaspe Planning Scheme sets out buffer distances for uses with adverse amenity impacts. The minimum distance for a concrete batching plant from land within a residential zone is 300m. The proposed dwelling although in an industrial zone would be located less than this setback from an existing concrete batching plant which is considered inappropriate for amenity reasons.

It is important to note that a number of complaints about industrial activities have been received by Council from residents who live in the Industrial 1 zone. Past approval for caretaker's houses or older dwellings with existing use rights have created a situation that is contrary to basic planning principles and is creating amenity problems for residents and potential limitations on existing industries and future industrial development.

The only way in which an application for a caretaker's house can be considered within the Industrial 1 zone is if it is located on the same land as the associated business and is appurtenant to the business. Although the land in question could be consolidated with the adjoining land from which the transport business operates, the following concerns would be raised relating to such a proposal:

- The applicant has not justified the need for a caretaker's house associated with the small transport business. The single reason provided is that the property has been burgled recently, however the property is only secured by a basic post and wire 'rural' fence and other measures can be utilised to provide a more secure premises, such as security fencing and lighting.
- While the planning scheme does not specify a maximum size for a caretaker's house, as reported in *Rossiter v Latrobe CC [2005] VCAT 2069 (27 September 2005)* "residents of such a dwelling (large dwelling) may well become concerned about impact on their amenity caused by industrial activities nearby. This would be less likely with a more modest caretaker's house. Such concerns about impact on residential amenity would not be desirable in this Industrial zone." In this VCAT case, the application was not supported for reasons including the significant size of the dwelling.

16. Conclusion

The proposed building does not meet the definition requirements for a caretaker's house and is therefore defined as a dwelling which is a prohibited use in the Industrial 1 zone of the Campaspe Planning Scheme and can therefore not be considered.

RECOMMENDATION

That Council resolve to Refuse to Grant a Planning Permit for Lot 2 on PS 305251A, commonly known as 104-108 Kerford Street, Rochester for use and development of the land for a caretaker's house, swimming pool and shed on the following grounds:

1. The proposal does not meet the requirements for a caretaker's house under Clause 74 of the Campaspe Planning Scheme as it is not secondary to an industry on the land.
2. Use of the land for a dwelling is prohibited under the provisions of the Industrial 1 zone of the Campaspe Planning Scheme.

Prior to any further consideration of an approval of the application notice of the application will need to be given as the assessment of the extent of material detriment cannot reasonably conclude that no adverse detriment would occur from the issue of a permit for the proposal. There is previous history of conflict with uses as identified in the report particularly regarding the existing concrete batching plant. More recently the Charter of Human Rights needs to be carefully considered as to the provision of notice and fair and transparent procedures is paramount to basis of this charter and that any removal of third party rights can leave council exposed to not only cancellation proceedings but also costs as due process is not followed.

Should objections be received as a result of the notice, the matter would be reported to the next available Council meeting.

COUNCILLORS MCDONALD/REPACHOLI

That Council:

- Advertise the application in accordance with Section 52 of the Planning and Environment Act to adjoining and surrounding landowners.
- Subject to no objections being received as a result of notice, resolve to issue a Permit for Lot 2 on PS 305251A and Crown Allotment 6, Section 13A, Parish of Rochester (TP 260150) commonly known as 104-106 Kerford Street, Rochester for the use and development of the land for a caretakers dwelling ancillary to an existing industrial use on the land, subject to the following conditions.

1. Layout not altered

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. Urban Drainage - Works

Before the development commences all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

3. Urban Vehicle Crossing Requirements

Before the development commences vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and shall comply with the following:

- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed to the satisfaction of the Responsible Authority;
- b. any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
- c. crossings shall be at least 9 metres apart.

4. Section 173 Agreement

Before the development commences, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the owner/subdivider pursuant to Section 1812 of the Planning and Environment Act 1987 on the titles to the lots resulting from approval of the subdivision and the costs of preparation and registration of the agreement must be met by the owner. The agreement must provide for the following:

- the original purchaser and each successive purchaser of the land is aware of the existence of the industrial activities being conducted in the area, and all owners and occupiers agree not to make complaints against the reasonable

industrial activities on the surrounding land when operating within the law as applying to that use.

- The use of the dwelling must continue to accord with the definition of a “caretakers dwelling” in the Campaspe Planning Scheme.
- The owner shall not complain of dust generated from vehicle traffic in Kerford Street.

5. General Amenity

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

- a. processes carried on;
- b. the transportation of materials, goods or commodities to or from the land;
- c. the appearance of any buildings, works or materials;
- d. the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- e. the presence of vermin,

6. Boundary Fencing

Before the development commences all new boundary fencing (rear or side boundary fences) must be a solid non timber design, to a height 1.8 metres from the ground level of the subject land to the satisfaction of the Responsible Authority.

7. Internal Access

Before the development commences all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority

8. Control of Light

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority

9. Property Appearance

The appearance of the subject land must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

10. Neat and Tidy Site

The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

11. North Central Catchment Management Authority

The finished floor level of the dwelling must be constructed a minimum of 300mm above the declared flood level of 114.4 metre AHD, i.e. 114.7 metre AHD.

12. Time for completion

This permit will expire if the following circumstance applies:

- The development is not started within two 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 within three months afterwards.

Note:

1. Building Approval Required

This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

2. Works in Road Reserve

Any works to construct or repair a vehicle crossing located within the road reserve requires the separate approval of Council.

A division was called for

Those in favour of the motion

Councillors McDonald, Repacholi, Riley, Maddison and Elborough

Those against the motion

Councillors Lawler and Simpson

CARRIED

10.10 *Planning Application 2008-216, 20-50 Butcher Street, Echuca (Raphael Krelle, Consultant Town Planner)*

1. Subject Land

The subject land is part of the Echuca College site at 20-50 Butcher Street, Echuca. The site has a total area of 12.4 hectares. Refer attachment 10.10a - Locality Plan.

The subject land is the northern part of the Echuca College site, which is irregular in shape and has an area of 7.335 hectares. The land has been developed for the Echuca Recreation Centre. The northern part of the site is flood prone land that has been developed for a sporting field.

Stands of native vegetation exist in the central portion of the site, generally encircling the sporting ground. The land is accessed by College Drive, which is a local street.

The land to the east and the west is low lying land that is owned by Campaspe Shire Council. The land to the south east has been developed for residential purposes.

2. Proposal

This report relates to Planning Application No 2008-216 for the development of a synthetic grass multi-purpose facility with floodlights at Echuca College.

The applicant is Echuca College, the contact being Council's recreation officer.

The owner of the land is the Department of Education and Early Childhood Development (DEECD). In 2007, Council completed a feasibility study into the feasibility of developing a 'Central Murray Regional Hockey-Tennis' facility.

One of the key aims of the report was to recommend a location for the proposed facility. The report investigated two sites and recommended that the Echuca College site is the preferred site for the facility based on a broad range of site assessment criteria.

The proposal is to develop the land for a synthetic pitch that will accommodate a hockey court and twelve tennis courts. It will measure approximately 100 metres long by 60 metres wide and is proposed to be located approximately 10 metres from the eastern boundary, approximately 200 metres from Butcher Street and approximately 10metres north of the existing Science rooms. Refer to attachment 10.10b (Echuca College draft master Plan).

The pitch will include portable tennis nets and will be surrounded by a 3.6 metre high fence. The pitch is to be lit by floodlights on 18 metre high masts.

The new facilities are to utilise the existing car park at the Recreation Centre to the east. Users will use the existing change rooms at the Recreation Reserve.

The proposed hours of operation are as follows:

Training and Recreational Play Hockey and Tennis

Nights per week summer	2 nights
Nights per week winter	3 nights
Operating times	7-10pm summer
	6pm-9pm winter

Club Competition Hockey and Tennis

Nights per week summer	2 nights
Nights per week winter	1 night
Operating times	7-10:30pm summer 6pm-9:30pm winter

3. Zone and Overlay

Public Use Zone (Schedule 2 – Education)

Floodway Overlay (FO) affects the majority of the site

Land Subject to Inundation Overlay (LSIO) affects the southern part of the site

4. Trigger for coming to Council

Objections were received to the planning application.

This report recommends that the application be approved subject to conditions.

5. Key Issues

- 5.1 Whether the impacts from floodlights on residential properties is reasonable and can be managed?
- 5.2 Whether noise and activity will cause unreasonable amenity impacts on nearby residents (proximity to dwellings, hours of operation);
- 5.3 Whether the proposal will cause traffic and parking issues in the surrounding street network.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

Clause 11 states that planning is to recognise social needs by providing a range of accessible community resources.

Clause 18.07 (Education facilities) seeks to assist the integration of education facilities with local and regional communities. It states that when planning areas near to education facilities, adjoining streets and access ways should be designed to encourage safe bicycle and pedestrian access.

6.2 Municipal Strategic Statement

Clause 21.06 (Settlement) recognises that the land in the vicinity of the Campaspe River is flood prone.

6.3 Local Planning Policies

No local planning policies are applicable to the application.

6.4 Public Use Zone

The purpose of the Public Use Zone is to:

- *Recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The Public Use Zone requires planning approval for uses and buildings and works that are not in accordance with the specific use specified in the table to the zone. In this case, the zone provides for Education Uses.

A permit is required as:

- The Minister for Education has not invoked the exemptions available
- The proposed facilities are for public and sporting clubs usage whilst being accessible for school purposes.

It states that, before deciding on an application, Council must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments of any Minister or public 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.

Whilst the site in general is considered appropriate the actual location within the 12ha site is not considered the most appropriate given the close proximity to neighbouring dwellings. It is proposed to require the location of the Hockey / Tennis facility to be further away from the residential properties, flip the development with the multi use courts shown on the school master plan.

6.5 Overlay provisions

Floodway Overlay

The purpose of the Floodway Overlay is to:

- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*

The Floodway Overlay requires consideration of any Local Floodplain Development Plan and other flooding related matters such as safety risks and effects on flood paths.

The North Central Catchment Management Authority has not raised any objections to the proposal and only a small portion of the proposal encroaches on the flood area.

Land Subject to Inundation Overlay

The building and works are on land partly covered by a land subject to inundation overlay.

6.6 Car Parking provisions (Clause 52.06)

Key aims to the parking provisions are to:

- To promote the efficient use of car spaces through the consolidation of car parking facilities.
- To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.

This clause requires the provision of 4 spaces for each new tennis court. There are no particular requirements for hockey pitches or multi use pitches.

As the proposed Hockey / Tennis facility peak times are outside of school hours there is considered to be an opportunity to better utilise the considerable existing parking on the site rather than construction of additional for no real purpose.

7. Consultation

7.1 Advertising:

Pursuant to section 52, the application was advertised via written notices to landowners in Oberin Court and in Luth and Anstruther Streets in the vicinity of the site. A notice was also placed on the site for a period of 14 days.

As a result, 23 submissions were received.

7.2 Summary of Submissions

Ground of objections can be summarised as follows.

- Traffic impacts on Luth Street, Oberin Court and the Butcher Street intersection (86%);
- Parking impacts on the above streets (71%);
- Light spill from the light towers (67%);
- Noise generated on the courts by games and spectators (57%);
- No detail on lighting design (52%);
- Likelihood of alcohol consumption for events on the site (47%);

- Lack of prior consultation with residents (28%)
- Expected late participation times (23%);
- Additional facilities will be required such as clubrooms and storage (23%)
- No detail on the fill or cut required for the construction of the field (23%);
- Lowering of property values (19%)
- Increase in litter in the area (14%);
- No room for future expansion of facilities (9%)
- Positioning of the court 10 metres from the boundary of adjoining homes;
- Foot traffic from users of the facility using the Oberin Street walkway;
- Better sites are available elsewhere
- Concerns over school drop off zones and re-opening of Luth Street gates

7.3 Mediation / Information Sessions

A copy of the submissions was provided to the applicant and as a result further information was received in relation to some matters. This was further circulated to the submitters and an applicant mediation meeting was held on 14 August, 2008. This meeting was attended by 11 persons, some submitters and some representing the Hockey Club, 2 ward Councillors, independent lighting engineer, School Principal and council officers.

The independent lighting engineer provided details of the design proposed, relevant Australian standards and photographs of other lighting installations.

A summary of the issues raised at the meeting from all parties were:

- If the need is to use expensive light fittings to control spill then the facility should be further away from the residents. (the lighting design has been designed to meet Australian Standards)
- Gates that are presently locked may remain open and problems of the past associated with vandalism, pick up/drop off and parking congestion may arise. (Gates to be locked outside of school hours).
- Presently all hockey for Echuca is played at Shepparton, 7 clubs and 8 teams, night competitions don't satisfy families more likely to play on weekends.
- No clubrooms proposed as part of this application.
- No liquor licence proposed as part of this application.
- The other multi use courts between the proposed pitch and the recreation centre are not part of this application.
- Location chosen due to being able to remain above flood level.

- Why not other sites such as Kings Park? (Feasibility report considered other sites however recommended the school site as the best option based on a range of criteria).
- Concern at limited time to consider the additional information that was provided. (concerns noted with advice given that a report would be prepared for consideration by council at its meeting of 16 September 2008 and that any person can contact the Councillors to discuss their concerns further before that meeting).
- Residents would like to see hours of operation limited to 9.30pm to further assist containing noise outside of school hours.

Impact of floodlights on residential properties

Most of the objectors raised issues relating to light spill and glare effects on nearby residential properties.

In response to this issue, the applicant commissioned a short report from a consulting engineer. This report indicates that the lighting levels to be provided are to accord with lighting levels set out in the relevant Australian Standards for hockey and tennis lighting competitions (300 and 350 lux respectively). Lighting to cater for both sports is 350 lux, although this will be switched to lower 350 lux level for tennis and hockey training.

The report advises that lighting is to be 'state of the art' compact lamps that produce a high level of lighting with minimum glare and spill. It indicates that the following methods have been used to reduce light spill and glare:

- Mounting the floodlights at a relatively high level above the field (18 metres) to decrease the aiming angles from the vertical and reduce light spillage;
- Minimizing spill light by careful and thorough computer simulation and design of the lighting installation;
- Using modern compact source floodlights with features to ensure excellent light control.

At maximum power, the report anticipates that spill level in residential properties is to be an average of 10 lux. This is measured at the property boundary 1.5 metres above ground level. The engineer has prepared a simulation of the effects on adjoining properties that show a maximum impact of 13 lux.

The Planning Scheme does not contain any policies that relate to non-private tennis courts or similar facilities such as hockey stadiums. It is useful, however, to note the requirements of the *Private Tennis Court Code of Practice* with respect to light spillage. This code forms part of the planning scheme and states that light spill on adjoining properties should not exceed average an output of 12 lux with an average of 10 lux. These outputs are similar to those anticipated proposed for the facility and relate to smaller private tennis court proposals.

A proposed relocation of the facility further away from the residential properties is considered an appropriate response to further address the issue of light spill.

Amenity impacts from noise and activity (proximity to dwellings, hours of operation)

Following the consultation the noise outside the hours normally associated with a school facility was seen to be an issue and as such to address this it is proposed to move the facility further away from the boundary of the residential properties and also provide screen planting / landscaping along the eastern boundary.

Traffic and parking issues

It is not anticipated that the proposal will create additional traffic and parking issues in surrounding streets as the current use as a very large secondary education facility already generates considerable traffic, particularly at peak times including buses. The main use of this facility is to occur outside of school hours and is not likely to generate anywhere near the traffic volumes of peak school times.

7.4 Referrals

The application was referred to the North Central Catchment Management Authority, which had no objection but made comment on flooding issues.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social:	The proposal provides an additional social and recreational outlet for the shire.
Environment:	The proposal has considered the environmental aspect associated with flooding and not other issues are apparent.
Economic:	The proposal is not considered to have any adverse impact.
Organisation:	Limited impact on the organisation, the shire has facilitated the further development of sporting facilities and given the multi use components will continue to have some role in the future of the facility.

10. Conclusion

The application is considered appropriate with the shift in location and appropriate conditions applied. The application is recommended for approval.

RECOMMENDATION

That Council resolve to issue a Notice of Decision for the development of multi use sports facility (hockey pitch / 12 tennis courts) on land at 20-50 Butcher Street Echuca subject to the following conditions:

1. Amended plans required
Prior to the commencement of the development, 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 and a minimum of three copies must be provided. Such plan must be generally in accordance with the plan submitted but modified to show:

- The multi use courts to be located near the eastern boundary of the allotment.
- The hockey court to be located in the area vacated by the multi use courts adjacent to the recreation centre.
- A landscape plan showing;
 - An area 2 metres wide to be located along the eastern boundary of the allotment for the entire distance of the rear fences for the residential properties facing Oberin Court,
 - planted with a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understory species

2. General Amenity

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

- processes carried on;
- the transportation of materials, goods or commodities to or from the land;
- the appearance of any buildings, works or materials;
- the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- the presence of vermin,
- others as appropriate.

3. Noise and Amenity Management Plan

Before the use starts, a noise and amenity management plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:

- (a) signage to be used to encourage responsible on-site patron behaviour.
- (c) refuse collection sites.
- (d) measures to ensure noise emissions from the premises meet EPA guidelines.
- (e) signed agreements from each user group demonstrating measures to ensure responsible consumption of alcohol and a designated club member responsible for the management of patron behaviour.

4. Neat and Tidy Site

The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

5. Exposed Storage

Goods, equipment or machinery must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.

6. Control of Lightspill

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority. The light level at the boundary of the residential properties is not to exceed a level of 12 lux and an average level of 10 lux.

7. Hours of operation
The Lighting facility must only operate between the hours of :-
1 October to 30 April (Summer)
Monday – Friday 9:00am – 10:30pm
Saturday – Sunday 10:00am – 10:30pm

1 May to 30 September (Winter)
Monday – Friday 9:00am – 9:30pm
Saturday – Sunday 10:00am – 9:30pm

The lighting system must be suitably controlled with timers and cut off switches to ensure no usage beyond the hours of operation specified above.
8. Security Gate
Prior to the commencement of the development a lockable, removable bollard, security gate, barrier or similar device controlling vehicle access to the walkway in Oberin Court (Reserve 1 on TP 219307) must be located on the road boundary. This barrier must be designed to allow foot traffic to continue on the footpath and occasional emergency ore service access.
9. Car Parking Requirements
No vehicle access is permitted to the area of the courts and vehicles must utilise the existing carparking to the west of the existing sports stadium.

COUNCILLORS LAWLER/RILEY

That Council resolve to defer consideration of the application 2008-216 for buildings and works associated with the construction of synthetic grass multi-purpose facility with floodlights at Echuca College, Butcher Street, Echuca to allow the applicant to seek further advice in relation to revised siting.

CARRIED

10.11 *Planning Permit Application No. 2008-281, purpose of application 436 McKenzie Road, Echuca (Lisa Gervasoni-Planning Team Leader)*

1. Subject Land

The subject site is lot 2 of PS435924V known as 436 McKenzie Road, Echuca. The site is a triangular piece of land on the west side of McKenzie Rd south of Baragwanath Rd and north of Rowe Road commonly known as 436 McKenzie Road. The site currently houses the saleyards and transfer station. Refer to attachment 10.11a.

2. Proposal

The proposal is to construct an animal pound on the land. Refer to attachment 10.11b.

3. Zone and Overlay

Public Use Zone (6) and Land Subject to Inundation and Floodway Overlay.

4. Trigger for coming to Council

As Council is the applicant and 2 objections to the proposal have been received the application has been forwarded to Council for its consideration. There is no delegation to issue a Notice of Decision to Grant a permit.

5. Key Issues

5.1 Permit trigger considerations

The only considerations in relation to this application are those triggered by the Land Subject to Inundation Overlay and the scheduled requirements against the zone. The relevant floodplain manager, North Central Catchment Management Authority has no objection to the proposal subject to the requirement that 'the finished floor levels of any proposed buildings must be constructed at a minimum level of 99.10 metres AHD.

5.2 History of development on the site

The Public Use Zone was introduced via planning scheme amendment C46. The Panel supported the zone and the proposed use with the following requirements being specified in relation to the requirements for a permit to address issues of traffic, noise, landscaping, environmental management and hours of operation.

These requirements have been met by the application and are being addressed in the permit conditions proposed.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

- Clause 15.01 -Protection of catchments, waterways and groundwater
- Clause 15.02 -Floodplain Management

States 'flood risk must be considered in the preparation of planning schemes and land use planning decisions to avoid intensifying the impacts of flooding through inappropriately located uses and developments'.

The relevant floodplain manager has no objection to the proposal. The Environmental Management Plan will address these issues.

6.2 Municipal Strategic Statement

Environment (Clause 21.04)

The relevant strategies are;

- Ensure that new uses and developments are located on land that has the capability to sustain the development

Clause 21.04 – Environment - Sound floodplain management in the municipality is the critical means by which the economic, social and environmental risks associated with floodplain use and development can be minimised. This level of management is to be provided by seven “local floodplain development plans including for the precinct of Echuca. These local floodplain development plans are incorporated into the scheme at Clause 81.

The proposal has been deemed appropriate for the site by the C46 panel and the North Central Catchment Management Authority.

6.3 Local Planning Policies

No relevant provision.

6.4 Zone provisions

Public Use Zone.

No permit is required under the public use zone as any use for the purpose described in the table to clause 36.01-6 which corresponds to the notation on the planning scheme map where the use is carried out by or on behalf of the public land manager.

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule, as listed below, is complied with.

- Before any development commences a comprehensive noise impact assessment must be carried out by a suitably qualified expert that analyses the potential noise impact of all of the existing and proposed uses for the site. The analysis must include an evaluation of the alternative siting options for the Regional Animal Pound in terms of the benefit derived in relation to reduced noise impact and the requirements for additional attenuation measures.
- The operating hours must be within 7am – 6pm Monday to Friday and 8am to 5pm Saturday.
- The facility must have a minimum setback to Echuca-Kyabram Road of 40 metres.
- The use must comply with the requirements of EPA Publication N3/89 ‘Interim Guidelines for Control of Noise from Industry in Country Victoria’ and take into account the guidelines contained in EPA Publication TG 302/92 ‘Noise Control Guidelines’ and/or any other relevant EPA Noise related guidelines in the determination of appropriate noise mitigation measures.
- An Environment Management Plan must be prepared to ensure the protection of the natural environment of the site and surrounds taking into account the requirements of Department of Sustainability & Environment, Environment Protection Authority, the Goulburn Broken Catchment Management Authority and Goulburn Murray Water. The Plan must be to the satisfaction of the Responsible Authority and operative within six (6) months of the commencement of the use.

- Before construction commences a Traffic Impact Assessment Report must be prepared to the satisfaction of VicRoads, which includes current traffic data for this locality and recommendations on the required intersection treatment and measures to ensure safe and convenient access to and egress from 495 McKenzie Road, Echuca.
- A plan must be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority that provides for landscaping that will effectively screen the Regional Animal Pound from McKenzie Road. The landscaping must be completed concurrently with the opening of these facilities.

In this instance the site is described as "local government" and the works are being carried out by / on behalf of Council who is the public land manager. The works are in accordance with the conditions within the schedule. If the conditions were not able to be met a permit for the use as well as the development would be required.

6.5 Overlay provisions

Land Subject to Inundation Overlay

The purpose of the LSIO is;

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

Under the Land Subject to Inundation Overlay a permit is required to construct a building or to construct or carry out works, including a fence and roadworks.

Consent to the proposed works have been provided by the floodplain manager.

6.6 Particular provisions

There are no relevant particular provisions.

6.7 General provisions

There are no relevant particular provisions.

7. Consultation

7.1 Advertising:

Pursuant to Section 96 of the Act, the application was advertised via a public notice in the Riverine Herald and via notice to two adjoining landowners.

7.2 Referrals

Pursuant to Section 55 of the Act, the application was referred to the North Central Catchment Management Authority.

7.3 Submissions

2 submissions were received including one from a neighbouring property.

Ground of objections can be summarised as follows.

- The proposal will cause detriment – floodwater to cause contamination of land and water storage
- Contamination of the Campaspe and Murray Rivers by floodwater
- Facility should be placed in a flood free site / industrial area
- Relevant flood overlays recently amended and increased because of greater risk and potential of flooding in this area
- The wetlands are a complete ecosystem with an abundance of frogs, lizards, turtles, insects and small animals.
- Noise impact

The key issues for consideration relate to the land subject to inundation overlay. The floodplain manager finds the proposal acceptable.

At a time of flood a range faecal matter from grazing, septic tanks and the like is mixed with floodwaters. The proposal does not raise a higher risk than many farming and domestic land uses in the area.

The changes to the flood mapping in the area was minor. It was part of a general mapping correction and does not alter the status of the site for the pound.

7.4 Mediation / Information Sessions

No mediation / information session has been held as the issue of the 'use' of the site as a pound was subject to an independent panel hearing and it is unlikely that the objections to the proposal will be resolved via mediation.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social:	The pound facility meets Strategic Objective 1 Strategy 4 – Plan for and provide a diverse range of services targeted to current and future community needs.
Environment:	The pound facility meets Strategic Objective 2 Strategy 1 – Develop a planned approach to land use and development that balances agricultural, urban, rural, social, cultural, economic and environmental demands.
Economic:	No relevant Strategic Objective
Organisation:	No relevant Strategic Objective

COUNCILLORS MADDISON/LAWLER

That a notice of decision to grant planning permit for the proposal be approved subject to the following conditions:

1. The use development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. Before the development starts, an amended landscape plan generally in accordance with plan 2005139-200 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 and three copies must be provided. The plans must be generally in accordance with *the plan 2005139-200* submitted with the application but modified to show:
 - (a) species utilised and pot sizes
 - (b) elevations indicating the level of screening provided at years 1, 5 and 10 of the facility to McKenzie Road
3. Within 6 months of the commencement of use an environmental management plan for the protection of the natural environment of the site and surrounds taking into account the requirements of the Department of Sustainability and Environment, Environment Protection Authority, the Goulburn Broken Catchment Management Authority and Goulburn Murray Water which is to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. This plan should be generally in accordance with the *Saleyards, Pound and Transfer Station Environmental Management Plan Draft for Discussion dated 21 December 2007*. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:
 - a. Overall environmental objectives for the operation of the use and techniques for their achievement;
 - b. Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - c. Proposed monitoring systems;
 - d. Identification of possible risks or operational failure and response measures to be implemented.
 - e. Day to day management requirements for the use
4. Prior to the commencement of use of the site intersection works must be completed generally in accordance with Drawing C10 Reference Number 73/13a dated Jan 05.
5. The noise emissions from the facility should not exceed the limits expressed in Table 3: N3/89 Provisional noise limits for individual uses on the site contained within *Echuca Saleyards Environment Improvement Plan Report No 40-1329-R3 Draft 2* by Heggies Pty Ltd.

6. The operating hours of the pound shall be between the hours of:

Monday to Friday 7am to 6pm

Saturday & Sunday 9am to 5pm

North Central Catchment Management Authority

7. The finished floor levels of any proposed buildings must be constructed at a minimum level of 99.10 metres AHD.

8. This permit will expire if the following circumstance applies:

The development is not started within two years of the date of this permit.

9. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Note:

The use must comply with the requirements of EPA Publication N3/89 'Interim Guidelines for Control of Noise from Industry in Country Victoria' and take into account the guidelines contained in EPA Publication TG 302/92 'Noise Control Guidelines' and/or any other relevant EPA Noise related guidelines in the determination of appropriate noise mitigation measures.

CARRIED

10.12 *Planning Permit Application to amend Permit No. T3-4/573 issued under the Waranga Planning Scheme for the temporary extension of operating hours until 2am for a period of 12 month at Crown Allotment 10 Parish of Burrumbot, Lot 7 LP213068, Lot 2 PS606625, Lot 9 LP213069, Lot 1 TP124576, CA 11 Sec A Parish of Burrumbot commonly known as 3481 Heathcote – Rochester Road, Burrumbot -Lake Cooper Quarry (Barry Green – Planning and Building Manager)*

1. Subject Land

Lake Cooper Quarry is located at Crown Allotment 10 Parish of Burrumbot, Lot 7 LP213068, Lot 2 PS606625, Lot 9 LP213069, Lot 1 TP124576, CA 11 Sec A Parish of Burrumbot commonly known as 3481 Heathcote – Rochester Road, Burrumbot. Refer to attachment 10.12.

2. Proposal

The proposal is to extend the hours of operation at the Lake Cooper Quarry from 6am to 6pm Monday – Saturday inclusive to 6am to 2am Monday to Saturday inclusive. The extension is proposed for a 12 month period only as the quarry is providing additional material for the modernisation projects and channel improvements for water authorities.

3. Zone and Overlay

Farming Zone and Salinity Management Overlay

4. Trigger for coming to Council

Permit No. T3-4/573 currently requires for development to proceed in accordance with the Extractive Industry Licences and Leases. Alteration to the operating hours was advertised in accordance with section 52 of the Act. Two objections were received. As there is no delegation for the issuance of a Notice of Decision the application is reported to Council for its consideration.

5. Key Issues

5.1 Alteration of permit or licence.

It is usual practice for the hours of operation to be specified in the planning permit. As this is not specified the Licence has included operating hours. The amendment of the original permit to address operating hours is appropriate in the circumstances.

5.2 Impact of change on surrounding occupiers

Mawson Quarries have presented an environmental noise assessment and an airborne particulate assessment for the proposal.

6. Planning Scheme Assessment

6.1 State Planning Policy Framework

15.03 Salinity

To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

15.04 Air Quality

To assist the protection and improvement of air quality.

15.05 Noise Abatement

To assist the control of noise effects on sensitive land uses.

17.09 Extractive Industry

To identify and protect stone resources accessible to major markets and to provide a consistent planning approval process for extraction in accordance with acceptable environmental standards.

The key consideration is whether the extension of hours will create additional amenity impact in relation to air quality or noise abatement and whether that is acceptable in terms of the need to provide stone resources.

6.2 Municipal Strategic Statement

21.06 Settlement

Support the development of the mining and extractive industries while emphasising the need for high standards of conduct.

The extractive industries licence controls the operational requirements of the quarry.

6.3 Local Planning Policies

No applicable local policy.

6.4 Zone provisions

35.07 Farming Zone

The works are approved by the existing permit. Stone extraction is a section 2 use within the Farming Zone.

6.5 Overlay provisions

44.02 Salinity Management Overlay

The salinity management overlay is not relevant to the consideration of extension of hours of operation.

6.6 Particular provisions

52.09 Extractive Industry and extractive industry interest areas

Purpose

- To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.
- To ensure that excavated areas can be appropriately rehabilitated.
- To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

Application

These provisions apply to:

- The use and development of land for extractive industry.
- The use and development of land within a designated extractive industry interest area.
- The use and development of land within 500 metres of an extractive industry.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65,

responsible authority must consider, as appropriate:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the extractive industry operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the extractive industry operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Extractive Industries Development Act 1995 and other relevant regulations.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a 'Work Authority' to be issued under the Extractive Industries Development Act 1995.

The key consideration will be whether the extension of operating hours has an impact on the amenity of the surrounding area.

One objector lives approximately 1100 metres from the edge of the quarry and one objectors property commences approximately 1500 metres from the quarry.

The Environmental Airborne Particulate Assessment and Environmental Noise Assessment documents have been tendered to support the extended hours of operation of the quarry. Whilst the testing undertaken was limited it did not demonstrate that the SEPP levels would be exceeded.

Conditions could be placed on the permit so that compliance with the standards included in the report are required for the quarry to operate under extended hours.

6.7 General provisions

63.05 Existing uses

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

..

The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

Determination of whether the change in operating hours constitutes 'further damaged' is the key consideration.

Information provided by the applicant does not demonstrate the likelihood of 'further damage' occurring by the alteration of operating hours. Conditions can be placed on the permit to provide a measurable base for enforcement of the conditions of operation.

7. Consultation

7.1 Advertising:

Pursuant to Section 52 of the Act, the application was advertised via a notice to 13 adjoining owners and occupiers.

7.2 Referrals

There were no mandatory referrals and the Department of Primary industries had been involved in the correspondence with council as the present conditions are controlled under the current works approval.

7.3 Submissions

Three submissions were received.

Ground of objections can be summarised as follows.

- The dust across the property is thick like fog
- The atmosphere is different at night but the dust and noise tests were carried out in the middle of the day.
- The shed and house rooves are thick with dust – impact on tank water quality.
- Can hear the crusher at a distance of 3km from the quarry at night.
- Trucks pass the dwelling at night
- Unacceptable noise at night.
- Woken up by quarry operations.
- Dust measurements need to be taken at elevations greater than 1.5metres
- Dust like fog at night causing dangerous driving conditions.
- Extension of hours is not required.

7.4 Mediation / Information Sessions

Given the long history and the time constraints associated with the expressed need for the extension it was considered that mediation would not result in an agreed position or outcome.

Surrounding landholders and occupiers are experiencing noise and dust related issues from the operation of the quarry that were not indicated in the technical reports. The extension of the operating hours should be provisional on the standards discussed in the technical report and which will then provide a clearer basis for measuring impact and its acceptability.

8. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

9. Council Plan Focus

Social:	No relevant strategic objective.
Environment:	Assists in meeting strategic Objective 2 Strategy 2 Build and maintain accessible and safe infrastructure that meets the ongoing needs of the community.
Economic:	Assists in meeting Strategic Objective 1: Attract investment and resources into the municipality to support sustainable economic growth.
Organisation:	No relevant strategic objective.

10. Conclusion

The extension of the operating hours of the quarry if made provisional on measurable particulate and noise emission standards will not increase detriment on sensitive uses in the area.

COUNCILLORS REPACHOLI/SIMPSON

That Council resolve to issue a notice of decision to amend permit T3-4/573 to allow for the increase in operating hours for a 12 month period only subject to the following additional conditions.

1. Hours of operation

The hours of operation shall be between the hours of:

Primary Crushing Plant - 6am to 10pm Monday to Saturday

Haulage (external to the site) – 6am to 6pm Monday to Saturday

Excavating, loading and temporary mobile plant (pit area) – 6am to 2am Monday to Saturday

Temporary mobile plant (outside pit area) – 6am to 6pm Monday to Saturday

Drilling rig – 6am to 6pm Monday to Saturday

2. Noise levels at residences

Noise emissions measured at nearest residence shall not exceed:

Day Period (7am to 6pm) – 45 db(A)

Evening Period (6pm to 10pm) – 37 db(A)

Night Period (10pm to 7am) – 32 db(A)

3. Particulate concentrations on private land

Particulate levels measured at the boundary of the quarry should not exceed 60 $\mu\text{g}/\text{m}^3$ (PM_{10}) and 15 $\mu\text{g}/\text{m}^3$ ($\text{PM}_{2.5}$).

4. Monitoring

A minimum of at least one random monitoring test for noise and particle movement is to be undertaken. Such testing will be arranged by the Responsible Authority and all costs relating to such testing and monitoring are to be borne by the applicant.

5. Time Limit

The period of the extension of operating hours is for a period not exceeding 12 months from the date of the amendment after which the permit is to revert to the original operating time frames.

A division was called for

Those in favour of the motion

Councillors Repacholi, McDonald, Elborough, Lawler, Simpson and Maddison

Those against the motion

Councillor Riley

CARRIED

10.13 *Amendment C44 to the Campaspe Planning Scheme - three year review. (Andrew Cowin, Strategic Planner)*

1. Purpose

To advise Council on the progress of the planning scheme amendment for the 3 year review.

This report recommends that Council adopt the Panel's report and adopt Amendment C44.

2. Subject Land

The amendment applies to all land within the municipality.

3. Background

Section 12B(5) of the Planning and Environment Act requires Council to review the planning scheme at least once every three years.

A comprehensive review/audit has been undertaken in accordance with the Department of Sustainability and Environment's General Planning Practice Note "Review of Planning Schemes" – released February 2006. The Practice Note explains what a planning scheme review is and recommends a methodology for conducting and reporting the review.

The review is an audit of the performance of the planning scheme and is intended to inform continuous improvement and identify changes or additional strategic work that would improve the planning scheme's performance.

Any proposed improvements should be carried out as separate Amendments. The review is not intended to provide for wholesale rezoning or policy change without strategic support and justification.

Council at its Meeting on 13 July 2006, resolved to adopt the Campaspe Planning Scheme Review report which provides the scope of the review, including those matters which must be included in the report to the Minister.

Council at its meeting of the 12 October 2007 resolved to obtain authorisation from the Minister for Planning to prepare and exhibit the amendment which implements the recommendations of the review report.

At its meeting on 20 May 2008, Council resolved to request the Minister for Planning to appoint an Independent Panel to consider the amendment and submissions.

A panel hearing was held on 13 August 2008 and the Panel's report was received on the 1 September 2008.

4. Key Issues

- 4.1 The purpose of the amendment.
- 4.2 Planning Panel recommendations.

5. Consultation

5.1 Advertising:

Pursuant to Section 17 of the Planning & Environment Act the amendment was exhibited for a period of 60 days. The exhibition period was from 21 January to 24 March 2008. Notices were sent to key development groups, referral authorities, government departments and an advertisement was placed in the Riverina Herald, Kyabram Free Press and Campaspe News between the 21 and 24 January. A notice was also placed in the Government Gazette on the 24 January 2008.

5.2 Submissions

Twenty submissions were received. As the submissions could not be resolved Council requested the Minister for Planning to appoint a Panel. A panel hearing was held on the 13 August 2008.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social:	The amendment is expected to have positive social benefits and will provide for a streamlined MSS and LPPF format.
Environment:	The amendment was referred to DSE, DPI and catchment management authorities as part of the exhibition process.
Economic:	No Impact.
Organisation:	It is anticipated that Panel costs could be in the order of \$10,000-\$12,000.

8. Officer Comment

The Planning panel convened in August 2008 and heard submissions from Council, Planright, Mr James Anderson, Chris Smith and Associates C/- Barry McMahon Nominees, P & S Palmer & N Arthur) and The Planning Group. A report was then prepared and presented to Council in September 2008, notably the Panel identified the following key issues:

- *the extent to which the general structure of the MSS assist useability.*
- *whether the general content of the MSS is appropriate.*
- *whether Clause 21.02 should be retained or revised.*
- *the extent to which the expression and location of objectives, strategies and implementation are consistent with the Practice Note and best practice approaches.*
- *whether the consolidation of existing LPP's is appropriate.*
- *whether the content of the exhibited Agricultural Policy is appropriate.*

- *where the future residential growth of Echuca should occur.*
- *the natural and extent of strategic support that the MSS should provide for the proposed integrated resort at Wharparilla, west of Echuca.*
- *the need to provide a new cemetery site in Echuca.*
- *the extent to which the MSS reflects current investigations and policies relating to the road network in Echuca.*
- *the need for a strategic basis for identifying and assessing opportunities for low density residential and rural living development in Rochester.*
- *whether an LDRZ area to the east of Cohen Street should be designated as suitable for lots less than 4000sqm.*
- *whether land to the west of the Golf course should be designated for potential low density residential development.*
- *whether land to the south of Pascoe Street should be designated for low density residential development.*
- *whether land on Morton Street should be identified for low density residential development.*
- *whether the "Business 2 zone highway exposure" designation on the Rochester Township Structure Plan should be extended further north to include an additional lot on the Northern Highway.*
- *whether the "short to medium term residential development" designation on the Kyabram Town Structure Plan should proceed as exhibited.*
- *the extent to which the Heritage Provisions within the Planning Scheme adequately cover heritage areas within the Municipality.*
- *the extent to which Aboriginal cultural heritage values are protected within the LPPF.*

In relation to the MSS structure the Panel concluded:

The MSS structure has been reconfigured so that it is more closely aligned with the SPPF themes.

We support the general structure of the MSS and are satisfied that it is consistent with the Practice Note.

However the Panel recommended two changes to specific elements of the MSS to further *improve the performance and usability of the document.* More specifically:

- Clause 21.04-1 (Settlement) places the various Town Structure Plans before the Objectives and Strategies. The Panel recommended that the flow of the document would be improved by including these plans after all the strategies they seek to implement.
- Clause 21.06 provides a Monitoring and Review program. This material has been made redundant by recent monitoring and review initiatives introduced by DPCD. The Panel therefore recommended that this Clause should be deleted from the Amendment.

In relation to the MSS content the Panel concluded:

Clauses 21.01 – 21.05 include the modifications proposed by Council in response to the Riley and Department of Sustainability and Environment submissions.

In relation to whether Clause 21.02 should be retained or revised the Panel concluded:

the inclusion of “Key Influences” is an important element of the MSS structure because it provides useful context for the subsequent Objectives and Strategies. Nevertheless, we note that the order of the themes in Clause 21.02 is not consistent with the order in Clause 21.04 (we also note that the Clause uses “21.02-1” twice). For consistency we believe that the themes should be reordered as Settlement, Environment and Economic Development. We believe that this should also occur in Clause 21.05.

In relation to the expression and locations of objectives, strategies and implementation and consistency with the Practice Note and best practices the Panel concluded:

The exhibited MSS raises various issues concerning the use of objectives, strategies and means of implementation. It also contains material that is unnecessarily repetitive of the SPPF (particularly in the Environment theme). We believe that the MSS would benefit from a detailed “policy neutral” review and edit prior to adoption to ensure that these elements serve their intended purposes, and that examples of ambiguity and repetition are removed.

In relation to the consolidation of the existing LPP's the Panel concluded:

We support Council's initiative to streamline Clause 22 by consolidating the various LPPs.

In relation to the exhibited Agricultural Policy the Panel highlighted:

The exhibited Policy is a refinement of the existing policy framework in the Planning Scheme and seeks to consolidate the existing LPPs at Clauses 22.01 and 22.02 with various strategies at Clause 21.05.

...submissions on the Policy generally supported its intent, but raised issues about some of the detailed provisions.

The Panel recommended the following modifications:

- *replace the 6th dot point under Policy Objectives – Rural Subdivisions with:*

“To prevent the creation of irregular shaped lots that do not support efficient agricultural practices.”

- *replace the 1st excision requirement under Policy – Rural Subdivision with:*

“The lot containing the dwelling and associated infrastructure is to be at least 0.6ha but not greater than 2ha unless there is a need for a larger area to take account of natural features, infrastructure or to provide a farm boundary configuration that supports efficient agricultural practices.”

- *replace the 2nd excision application requirement under Policy –Rural Subdivisions with:*

“the approval is conditional upon the applicant entering into an agreement under section 173 of the Act which prevents:

- *the construction of a dwelling on the residual lot; and*
 - *the further subdivision of any lot created (other than in accordance with the minimum lot size in the zone).”*
- *replace the 2nd re]subdivision requirement under Policy – Rural Subdivisions with:*

“proposals to realign lot boundaries will only be permitted for the purpose of making minor adjustments including to take account of topographical or public infrastructure features, except where the re-subdivision will support more productive agricultural outcomes, particularly through farm consolidation.”

- *delete the 3rd and 4th application requirements under Policy – Rural Housing.*

In relation to the future residential growth of Echuca the Panel concluded:

...that there is broad strategic support in the current Planning Scheme for long term residential development to the west of the Northern Highway, and that the subject land (McMahon land) is a candidate for that development. Informing this view we note Council’s advice that Echuca’s outward expansion is constrained by a number of factors and that the only option for substantial long term growth is to the west.

Nevertheless, development to the west raises various issues associated with the timing, staging and specific location of that development.

The proponent submitted that the subject land be designated as “short to medium term residential growth” on the Echuca Town Structure Plan. Such a designation would elevate the development status of this land above other areas to the west of the Northern Highway that have been identified for “long term” residential growth. While we acknowledge Mr Steigenberger’s submissions about the suitability of the McMahon land for future residential development, we were not presented with any detailed assessment of why the development of this land should proceed before the other potential options to the west of the Northern Highway that are closer to the town centre.

In the absence of this assessment, we believe that it would be premature to nominate the McMahon land as the preferred option, and for this reason, we do not support the submission. We also note that the proposal was not exhibited as part of the Amendment and that other potentially affected landowners within the “growth area” have not had the opportunity to consider the implications of the proposal.

The Panel report went on to highlight that:

Although we do not support the McMahon submission, it highlights the need for Council to review the western growth area in order to provide guidance on the timing, staging and location of future residential development. We believe that this is an important project that Council should undertake as a matter of priority.

Undertaking such a study will provide certainty for landowners and other stakeholders, as well as strategic justification for subsequent planning scheme amendments.

In relation to the strategic support that the MSS should provide for the proposed Golf course development the Panel:

..agreed with Council's submission that it would be inappropriate to include MSS objectives or strategies that provide explicit support for the proposal. As indicated in the Minister's letter there are various issues that need to be considered and tested before such support could be provided. We also agree with Council that some elements of the exhibited MSS provide general support for these types of proposals to be considered on their merits.

For these reasons we do not support the MSS inclusions proposed by Mr Rundle except for a slightly revised version of the additional objective proposed under Tourism at Clause 21.04-3:

- *To broaden the range of segments of the tourism market that may be attracted to the Shire.*

In relation to the strategic context for the proposed Golf course development the Panel raised concerns:

As to ...how the proposal (particularly the residential component) fits the overall planning framework for Echuca. As discussed in the previous section, we believe that Council should undertake a study of the area to the west of the Northern Highway to identify the preferred timing, staging and location of future residential development. We believe that this study could provide a mechanism to consider the strategic implications of the Wharparilla proposal. More specifically, it could assess how the proposal might be integrated with the overall planning of the area to the west of the Northern Highway and within Echuca generally.

It seems to us that this approach would provide a mechanism to consider the "strategic" issues raised by the Minister in response to Amendment C41 and to establish whether there is a prima facie justification for authorising a future amendment. We discussed this approach during the Hearing and there was general acknowledgement that this was a reasonable basis on which to proceed.

In relation to the nature and extent of strategic support that the MSS should provide for the proposed Golf course development the Panel concluded:

Clause 21.04-3 (Tourism) include the following objective:

- *To broaden the range of segments of the tourism market that may be attracted to the Shire.*

The proposed study of the residential growth area to the west of the Northern Highway, Echuca also consider the residential component of the proposed Wharparilla Integrated Resort, and assess whether and how it can be integrated with the overall planning of the area to the west of the Northern Highway and within Echuca generally.

In relation to Echuca cemetery the Panel concluded:

Clause 21.04-1 (Further Strategic Work) include the following reference:

- *Identify and investigate sites for a new Echuca Cemetery.*

In relation to the extent to which the MSS reflects current investigations and policies relating to the road network in Echuca the Panel concluded:

Clause 21.04-1 (The Echuca Town Structure Plan and the Echuca Central Town Structure Plan) include the modifications proposed by Council in response to the VicRoads submission.

In relation to the need for a strategic basis for identifying and assessing opportunities for low density residential and rural living development in Rochester the Panel highlighted:

...that there are two types of submissions: those that seek a minor revision to an existing strategy on the Rochester Town Structure Plan (Cummins, Horkings and White) and those that seek to introduce a new strategy or land use outcome (Palmer and Anderson). We believe that this distinction is important, and that there needs to be a sound strategic justification for a new strategy.

The report goes on to highlight that:

...in seeking to accommodate the various submissions, Council has moved beyond the strategic framework provided by the Integrated Strategy Plan and the current Rochester Town Structure Plan. We believe that it is now time to review and augment that framework rather than make piecemeal additions. For this reason, we believe that low density residential and rural living issues should be resolved through a "whole of town" review. ...The review would provide a considered basis and a broader framework for identifying future development areas and responding to specific low density residential and rural living related submissions lodged in response to Amendment C44. It could also provide a mechanism to consider and resolve site specific flooding issues that affect the Anderson, Palmer and White sites.

Subsequently the Panel concluded Council should:

...undertake a study to identify the preferred timing, staging and location of future low density residential/rural living development in Rochester.

This is consistent with and builds upon the further strategic work identified within the exhibited MSS.

In relation to LDRZ development east of Cohen Street the Panel concluded:

...the proposed average of 3,000 m² for this area is generally consistent with the current Structure Plan. In this context we support the submission.

We do not believe that the proposed change is significant enough to warrant exhibition, although we believe that Council should:

- confirm with the owners of the unsubdivided land that abuts to the north and south that the change is supported; and*
- determine whether or not the proposed designation should be applied to those sites as well.*

We believe that because of the minor nature of this change to the Structure Plan it can proceed prior to the low density residential/rural living review recommended earlier.

In relation to the land west of the Rochester Golf Course the Panel concluded:

...the development of this area in association with the Golf Course might be a positive outcome, and that the LDRZ over part or all of the land might be preferable to a blanket application of the RLZ.

For this reason we agree with Council that the designation in the Structure Plan should be modified to signal the possible application of the LDRZ as an alternative to, or in conjunction with, the RLZ.

In relation to the land south of Pascoe Street the Panel concluded:

We agree with the general proposition that the location of this land would be a natural extension to existing and future low density residential development in the south east of Rochester. We also agree with Council that the precise area and configuration of the land that might be suitable for development (particularly in terms of flooding) needs further assessment.

Nevertheless, we do not support the proposed designation of this land on the Town Structure plan as being suitable for future investigation. There is no strategic support for this in the current Planning Scheme and Council did not provide adequate justification for elevating the status of this land above other potential low density residential areas.

The Panel recommended:

The Palmer submission be considered as part of the Rochester low density residential/rural living review.

In relation to the land on Morton Street the Panel concluded:

...this submission raises similar issues to those raised by the Palmer submission discussed earlier. While the location of the land might lend itself to a continuation of the low density residential development abutting to the north, the possible rezoning of the land has not been foreshadowed in any of the strategic work completed to date.

In addition, the land is constrained by flooding related controls and its potential development has not been considered within a broader framework of low density residential/rural living development within Rochester.

For these reasons it would be premature to include the proposed designation on the Structure Plan. Instead, we believe that this site should be considered in the broader context of the low density residential/rural living development review. This would also provide an opportunity to consider and resolve the flooding issues that affect the site.

In relation to extending the designation on the Rochester Town Structure Plan "Business 2 zone highway exposure" the Panel concluded:

We support the submission on the basis that the requested designation reflects the existing commercial development and use of the site. We are satisfied that the proposed change is minor in nature and need not be exhibited.

In relation to the designation on the Kyabram Town Structure Plan "short to medium term residential development" the Panel noted the submission.

In relation to the exhibited heritage provisions the Panel concluded:

...the Heritage Policy at Clause 22.02 is focused on Echuca, we note that the Heritage Overlay is applied to a range of areas within the Shire, including Rushworth.

In relation to Aboriginal cultural heritage values the Panel concluded:

We agree that the Aboriginal Heritage Act provides the appropriate mechanism to protect Aboriginal cultural heritage values.

In light of these requirements we do not believe that it is necessary to augment the exhibited references in the Planning Scheme.

The Panel has however not made any comments in relation to the clerical errors identified in the amended documentation. These clerical corrects ensure that the form and content of the amendment is consistent with the Ministers Direction 7(5) – Form and Content of Planning Schemes. These changes would be required to be incorporated into the amendment prior to approval.

Pursuant to Section 30(1)(a) of the Planning & Environment Act, the Council must adopt a scheme amendment within two years of the date of exhibition, otherwise the amendment will lapse. Amendment C44 was exhibited in January 2008, so it is now important to capture the key strategic findings of the Panel.

9. Conclusion

It is considered appropriate that Council adopt Amendment C44, and request that the Minister for Planning approve the Amendment.

RECOMMENDATION

That Council resolves to:

1. Adopt Amendment C44 with changes detailed in the Panels recommendation under Section 29 of the Planning and Environment Act 1987.
2. Request the Minister for Planning to approve Amendment C44 under Section 31 of the Planning & Environment Act 1987.
3. Submit to the Minister for Planning pursuant to Section 96H(1) of the Planning & Environment Act 1987 all the above.

COUNCILLORS REPACHOLI/LAWLER

That this application be deferred.

CARRIED

- 10.14 *Amendment C56 to the Campaspe Planning Scheme to rezone land from Residential 1 Zone to Business 1 Zone and planning permit application 2007-379 for a car park and shed, 76 Union Street, Kyabram. (Andrew Cowin, Strategic Planner)*

1. Purpose

To advise Council on the progress of a combined planning permit and planning scheme amendment for the use and development of the 76 Union Street, Kyabram for a car park including a three bay carport and shed. The proposed car park will provide a total of 27 car spaces.

This report recommends that Council adopt the Panel's report and adopt Amendment C56 and Permit TPA 2007-379.

2. Subject Land

The amendment and permit applies to Lot 1 on TP617592T, Parish of Kyabram commonly known as 76 Union Street, Kyabram.

The subject land comprises an area of 932 square meters and is undeveloped vacant land. This title forms part of a group of titles in the same ownership, the Wood Hughes Strickland (WHS) Partnership. The partnership owns an adjoining car park at 17-19 Bradley Street, the site of Kyabram's Safeway supermarket at 60-66 Union Street and the Target Country store at 60A Union Street.

3. Background

The Kyabram Chamber of Commerce raised concerns that Council's Bradley Street car park was being over-utilised by local employees, thus hindering customer parking opportunities and business in the town.

After subsequent Chamber of Commerce meetings involving Council representatives, Council decided to introduce two-hour time limits to its car park. This limit also applies to car parking to the north of Bradley Street.

As a result of the above, the WHS partnership have proposed to use their surplus land for an all-day staff car park.

Prior to lodging a planning permit application, the applicant was made aware that the subject land was situated within two zones which potentially rendered the application as being prohibited. Despite this advice the landowner opted to pursue the application process.

A planning permit application (TPA 2006-514) was subsequently lodged with Council for the proposed car park. Advertising of the application attracted two objections. Council at its ordinary meeting of the 13 December 2006 determined to issue a Notice of Decision to Grant a Permit.

A review of Council's decision was lodged with the tribunal by one of the objectors to the application. The grounds of objection were that the Residential 1 zone technically prohibits a car park where there is no association with another permitted use on the subject land. Prior to and during the permit process, the applicant suggested that the car park would be permissible. The review was later upheld by VCAT and no permit was allowed to be issued.

Since this time, the landowners have been pursuing the option of rezoning that part of the land which is within the Residential 1 Zone to allow the entire site to be legally used and developed for a car park under the Campaspe Planning Scheme.

At its meeting on 20 May 2008, Council resolved to request the Minister for Planning to appoint an Independent Panel to consider the amendment and submissions.

A panel hearing was held on 18 August 2008 and the Panels report was received on the 1 September 2008.

4. Key Issues

4.1 The purposes of the amendment.

4.2 Planning Panel recommendations.

5. Consultation

5.1 Advertising:

Pursuant to Section 17 of the Planning & Environment Act the amendment was exhibited for a period of 30 days. The exhibition period was from 21 January to 29 February 2008. Notices were sent to surrounding individual landowners and an advertisement was placed in the Kyabram Free Press on 22 January.

5.2 Submissions

One submission was received. As the submission could not be resolved Council requested the Minister for Planning to appoint a Panel. A panel hearing was held on the 18 August 2008.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social: The amendment/application provides the local community, especially local employees, with additional car parking opportunities. Coupled with its close proximity to retail activities, the car park is in an advantageous location for the improved functioning of the Kyabram CBD.

Environment: The potential for land use conflict is apparent given objections to the previous planning permit application and subsequent VCAT review. However, residential amenity concerns of light spill, noise and increased traffic can be adequately addressed via permit condition. These issues will be borne out during the Panel process.

Economic: No Impact.

Organisation: Under Section 156(3) of the Act Council has advised the applicant for an amendment contribute of it decision of the 20 May 2008 requesting a contribution towards the costs (fees and allowances) associated with a Panel hearing. It is anticipated that panel costs could be in the order of \$2,000-\$3,000.

8. Officer Comment

The Planning Panel convened in August 2008 and heard submissions from Council, the applicant and the submitter. A report was then prepared and presented to Council in September 2008, notably the Panel identified four key questions:

- *Is the dual zoning of the subject land a 'zoning anomaly'?*
- *What should be the zoning of the subject land?*
- *Is it appropriate to use the land for carparking?*
- *Will the proposed carpark cause unreasonable impacts on the amenity of the area in general or on the amenity of property at 78 Union Street in particular?*

In relation to whether the zoning of the land is an anomaly the Panel concluded:

The Panel agrees with the Council and the Applicant that the dual zoning of the subject land is an anomaly.

... In the Panel's opinion it is of little consequence how and when the anomaly arose. What is important is that the inclusion of such a small parcel of land in more than one urban zone is not sound town planning practice and can lead to the very sorts of conflicts that have arisen in this case.

In relation to the zoning of the land the Panel concluded:

While the answer to the first question was in the Panel's opinion straightforward, the answer to this question is far more complex. While both Council and the Applicant submitted that the whole of the land should be in the Business 1 Zone and provided relevant Clauses in the SPPF and LPPF to support their submission, the Panel believes that it would have been just as easy to provide similar policy support to include the whole of the land in the Residential 1 Zone.

The report went on to identify that *in this case the landowners have sought to have the site included wholly within the Business 1 Zone and to develop the site as an employee carpark. To refuse the request would most likely condemn the site to prolonged vacancy and decline without benefit to anybody.*

Subsequently the Panel found that there is *no compelling reason why the zoning anomaly should not be resolved by the inclusion of the land in the Business 1 Zone where its immediate development and use is foreshadowed.*

In relation to the use of the land the Panel concluded:

The Panel accepts that the inappropriate use of customer carparks by employees can negatively impact on the viability and attractiveness of business centres. The Panel went on to say that ... it believes that there is merit in allocating carparking for employees away from spaces that have been provided for shoppers in accordance with planning scheme requirements.

In relation to whether a carpark will cause unreasonable amenity impacts the Panel concluded:

Whether or not the zoning of the subject land remains as it is, or whether it is wholly zoned for residential or business purposes, Mr Varcoe cannot expect that his residential amenity will be the same as that which would be reasonably expected elsewhere in a residential zone. As stated earlier, even with residential zoning, the subject site's location at the edge of the Kyabram town centre presents itself as a candidate site for a 'commercial' or non-residential use.

Having stated this it remains to consider whether or not the proposed carpark would lead to unreasonable amenity impacts.

In this regard the Panel agrees with the views of both Council and the Applicant that the amenity concerns raised by Mr Varcoe can be satisfactorily addressed by permit conditions. A copy of the permit conditions recommended by the Panel are at attachment 10.14.

In reaching this conclusion, the Panel concluded that if the zoning remained unchanged, or indeed if the subject land was to be placed wholly in the Residential 1 Zone, there can be no guarantee that the subject land would be developed for residential use. It finds that the property, by sitting at the interface of the town's central business area and the surrounding residential zone, is a site which lends itself to a wide range of uses including many of a non-residential or commercial nature.

While understanding the concerns of Mr Varcoe, the objecting submitter who resides adjacent to the subject land at No 78 Union Street, the Panel reaffirms the long held planning principle that the residential amenity that can be expected in such an interface situation cannot be reasonably expected to mirror that which can be expected in the heartland of a residential zone.

The Panel has also concluded that the use of the subject land as a carpark for employees is a suitable use that will free up customer carparking spaces closer to business outlets in the town centre, and that subject to the imposition of appropriate conditions, the proposed car park will not unreasonably impact on the amenity of the property at No 78 Union Street or on the amenity of the area generally.

The Panel agrees that approval of the Amendment and Application would lead to a net community benefit.

In addition the Panel also recommended that Council review its planning scheme to identify where similar zoning anomalies might exist and seek to remedy these anomalies to avoid similar planning circumstances to those that have arisen in this matter.

Subsequently, the Panel has recommended that Amendment C56 to the Campaspe Planning Scheme be adopted as exhibited. Further the Panel recommended that a permit should be issued for the use and development in accordance with the revised conditions at attachment 10.14.

9. Conclusion

It is considered appropriate that Council adopt Amendment C56, consent to the issue of Planning Permit No. 2007-379, and request that the Minister for Planning approve the Amendment.

COUNCILLORS REPACHOLI/RILEY

That Council resolves to:

- 1. Adopt Amendment C56 as exhibited under Section 29 of the Planning and Environment Act 1987.**
- 2. Request the Minister for Planning to grant planning permit no. 2007-379 with changes requested by the Panel under Section 96(a) of the Planning & Environment 1987.**
- 3. Request the Minister for Planning to approve Amendment C56 under Section 31 of the Planning & Environment Act 1987.**
- 4. Submit to the Minister for Planning pursuant to Section 96H(1) of the Planning & Environment Act 1987 all the above.**

CARRIED

Cr Lawler declared a conflict of interest in the below item as she owns land in the vicinity.

10.15 *Echuca-Moama Second River Crossing – Project Status Report (Anne Howard, Strategy Executive Manager)*

1. Purpose

The purposes of this report are to:

- a) provide a summary of issues raised by members of the community who attended the 'Campaspe Communicating' session on 26 August 2008;
- b) provide Council with an update of the status of activities currently underway in relation to the Mid-West Corridor Planning Study; and
- c) present a summary of key activities and previously conducted investigations into potential corridors.

2. Background

At its meeting of 19 August 2008, Council considered recent events leading up to the current Mid-West Corridor Planning Study. This Planning Study is to investigate a potential corridor for a second crossing of the Murray River at Echuca-Moama. At the Council meeting on 19 August 2008 the Council resolved to:

1. note the report as a record of discussions to date;
2. continue to support the participation of Officers in the detailed planning investigations relating to the proposed Mid-West Corridor; and
3. request that future reports be provided as outcomes of the Planning Study become available, or issues of community significance arise.

At a 'Campaspe Communicating' session held at Echuca on the evening of 26 August 2008, a number of issues relating to this Planning Study were raised by members of the Echuca and Moama communities. The purpose of the Campaspe Communicating sessions is to allow informal and open discussion between Council and its communities on key issues such as the Echuca-Moama second river crossing project. Approximately 120 people from Echuca and Moama attended the Campaspe Communicating session on the 26 August 2008. While this represents less than 1% of the combined population of Echuca and Moama, it is appropriate to acknowledge the efforts and interest displayed by those present on the night. Also present were Councillors Simpson, Lawler, Repacholi, McDonald, Maddison and Riley, as well as the Chief Executive Officer and all Executive Managers. Councillor Elborough was an apology due to another commitment.

Through the discussions between the Council and community members on the 26 August 2008, many of the people present expressed displeasure with the currently proposed Mid-West Corridor as well as Council's involvement in the current Planning Study. In addition to this, some members of the community sought clarification from Council on some issues regarding the current and previously considered corridors and what might be the processes going forward in relation to the current investigations. This report will endeavour to address these matters as much as is possible given the preliminary status of the current Planning Study.

Some community members present expressed sufficient distress regarding the proposed Mid-West Corridor that they seek to re-open what they view to be alternative potential corridors. All corridors previously considered have been either discounted or abandoned by the project proponents, VicRoads and the New South Wales Road Transport Authority (NSW RTA). It is therefore beneficial to summarise the processes through which they were considered, as it is apparent that the status of these alternative corridors remains somewhat unclear to many people.

3. Content

3.1 Issues raised on 26 August 2008

The issues raised at the Campaspe Communicating session should be noted. These sessions are informal and no minutes are kept, however a number of people present took notes throughout the evening. The key issues summarised herein are based upon available notes. Issues raised that did not pertain to this topic are not presented in this report.

i. Issue

Through a request from a community member for a show of hands, it was indicated that by a majority of the community members present did not support the proposed Mid-West corridor. (Note: there was no show of hands to show those in favour).

Comment

This issue is noted through Recommendation 1 of this report.

ii. Issue

Questions were asked regarding who was present, what was discussed and what was agreed at the preliminary discussions in 2007 with the facilitator Mr Iain Ross, appointed by the Victorian Minister for Roads and Ports, Tim Pallas MP (refer to Council Meeting Agenda Item 12.1 of 19 August 2008). Questions included to what extent were there discussions at the 30 June 2007 meeting that building a bridge 'west of the current central corridor' could be explored. This question was raised by a member of the community who held in their possession a copy of a letter from Mr Iain Ross dated 24 September 2007, addressed to Mr Keith Baillie, Chief Executive Officer of Campaspe Shire Council.

Comment

When questioned regarding this at the 26 August 2008 meeting, Mr Baillie responded that he was unaware of the letter or its contents despite being addressed to him. No evidence has been found to date that the letter was received at the Shire of Campaspe. A copy has now been obtained for Council's records. The letter also introduces another discrepancy regarding the previous meeting between Mr Ross and the Shires of Campaspe and Murray, which the letter indicated was on the 30 June 2008, as per the question above. For the record it should be noted that the meeting took place on Friday, 29 June 2007.

For the purpose of transparency and clarity, it is confirmed that this meeting was the initial face-to-face contact with Mr Iain Ross regarding this project. Discussions on the day were of a general nature, and no detailed proposals in either a written or visual format were presented or provided by Mr Ross or VicRoads prior to, or at, the meeting. A large aerial photograph was used as a communicating tool to take a broad brush review of previous corridors considered and whether any unidentified opportunities existed for potential common ground. This included areas to the west of the current central corridor. This demonstrated the desire of those attending the meeting to find, if possible, a conciliatory way forward on an outstanding community issue of significance. As indicated in the Council meeting report of 19 August 2008, Mr Ross outlined at this meeting that his brief from Minister Pallas was to see if a compromise alignment based on common ground was possible, and to this end he sought to understand the views of both Councils. Council Officers made a presentation as an overview of the Councils' views resulting from previous investigations (refer to attachment 10.15a). Both Councils outlined a preference for the Western W1 Corridor option and stated a lack of support for the central or eastern corridor options, based on outcomes of previous studies.

iii.

Issue

The status of the cultural heritage assessments was discussed. Questions were raised about whether other studies underway are potentially a waste of time, until the Cultural Heritage Management Plan (CHMP) is approved and in place.

Comment

To assist with identification and refinement of a new potential corridor, an area of land between Warren Street and the Campaspe and Murray Rivers was walked by a specialist cultural heritage consultant in late 2007 and early 2008. This included land between the cemetery and the Campaspe River. Representatives of the Yorta Yorta Nation Aboriginal Corporation and the Moama Local Aboriginal Land Council were engaged in the process. It is understood that the preliminary findings of the walk-through gave the project's proponents sufficient confidence to move forward to the Planning Study, and to undertake the other required specialist studies. This does not mean that VicRoads, NSW RTA, Council or any other stakeholder has assumed or inferred that the corridor has been given formal clearance in relation to cultural heritage concerns. However, in the interests of bringing the matter to conclusion as soon as possible the project's proponents are undertaking specialist studies in parallel to drawing the CHMP process to a close.

- iv. Issue
The status of the Western W1 Corridor was discussed. Questions were asked about whether Council had discussed with the State Government any intention to appeal against the objection by the Yorta Yorta Nation Aboriginal Corporation.

Comment

It was clarified at the Campaspe Communicating session that the Yorta Yorta Nation Aboriginal Corporation has the legislative authority to object to the Western W1 Corridor and that they have exercised that right. It is Council's understanding that the State Government does not intend to appeal against their objection.

- v. Issue
Traffic modelling was undertaken on the western, central and eastern corridors during the preparation of the EES/EIS in 2000 and 2001. Comments from some community members present expressed the view that if updated the traffic modelling may present a different view in relation to the traffic shortcomings of the eastern corridor.

Comment

Council officers provided advice at the meeting on the 26 August 2008 by communicating the commitment from VicRoads to update the traffic model of the three previously considered corridors. It was made clear that updating the traffic modelling was agreed to by VicRoads to enable comparative assessment of the Mid-West Corridor, not because VicRoads had agreed to re-open considerations of any previously investigated corridor. Review of the previous studies is to be limited to updated traffic modelling only and will not address any other issues previously identified.

- vi. Issue
General discussion took place regarding the formal planning process and Council's level of authority in relation to this project. There is likely to be a need for changes to the Campaspe Planning Scheme should this project proceed to planning approval.

Comment

This matter was addressed at the 26 August 2008 meeting as much as possible. Council Officers acknowledged that while the Shire of Campaspe is the Planning Authority for the Campaspe Planning Scheme, it is not uncommon for the Victorian Minister for Planning to determine that for significant projects other authorities may act as the Planning Authority. This was the case with the previous studies when in August 2001 the Minister for Planning consented to VicRoads being the Planning Authority for the proposed Planning Scheme Amendment at that time. The formal planning processes for this current Planning Study have not yet been determined. When a determination is made regarding who will be the Planning Authority for this project, then the decision will be communicated to the public with explanation about any related implications.

- vii. Issue
Some people present at the session expressed their desire to have the eastern alignment reconsidered, and requested that Council approach VicRoads about this. Some discussion took place about the previous studies that had discounted the eastern corridor, primarily on the grounds of the predicted traffic outcomes and the likelihood of significant cultural heritage issues.

Comment

This issue was addressed at the 26 August 2008 Campaspe Communicating session. It was pointed out that if the traffic benefits were insufficient to alleviate the traffic on the existing bridge then the existing bridge will reach its capacity sooner than with other options and the challenge of finding another corridor will re-occur. The issue is further noted through Section 4 and Recommendation 4 of this report.

- viii. Issue
The possibility of Council conducting a broad community survey was discussed as it was acknowledged that those present in the room are a minority in terms of the overall community of interest. It was proposed that the wider Echuca and Moama communities be surveyed in relation to the proposed Mid-West Corridor, including a 'no preference' question.

Comment

It is important the Council understands the points of view of its communities, and in particular regarding significant projects such as this. Awareness of community viewpoints are an important consideration for Council if it is required to make decisions or determine a formal position. Prior to any survey being undertaken consideration will need to be given to the purpose of the survey and what level of information should be available to the members of the public before they are surveyed. Council will utilise one of its discretionary questions in the Auspoll Community Survey as an opportunity to gain additional feedback on this issue.

- ix. Issue
The Councillors present were asked to comment individually on what they had gained from the Campaspe Communicating session that evening, and what were their individual positions in relation to the proposed Mid-West Corridor.

Comment

The Councillors present responded to this issue directly on the night. There was acknowledgement of: the general opposition from the community members in the room to the proposed Mid-West Corridor; that many wanted a community survey to take place; and that many wanted Council to lobby VicRoads regarding the eastern and western corridors previously abandoned. In relation to their positions there was some shared concern about the issues raised by this corridor and the frustration about the constraints presented by having only one available option at this time, with other previously identified options having been discounted through past activities. There was also a consistent recognition that Council needs to consider all options objectively before a position can reasonably be established.

3.2 Activities relating to the Mid-West Corridor Planning Study

An overview of the activities leading up to the current Planning Study has been provided to Council on 19 August 2008. Council is currently participating in both the Project Steering Committee and the Community Consultative Group activities. Meetings to date for both groups were reported to Council on the 19 August 2008. No further activities have been undertaken by these groups since that time.

Members of the Community Consultation Group (CCG) have recently received an update regarding the status of the Mid-West Corridor Planning Study. Based upon this advice, the activities are summarised as follows:

1. Cultural Heritage

Both Aboriginal and European cultural heritage shall be considered through the Planning Study.

In 2007 VicRoads engaged a specialist consultant to commence investigations into issues of Aboriginal cultural heritage. The draft report regarding these investigations is currently being considered by the Yorta Yorta National Aboriginal Corporation as the Registered Aboriginal Party (RAP) in accordance with the Victorian Aboriginal Heritage Act 2007, and by the Moama Local Aboriginal Land Council.

VicRoads is also in receipt of a specialist study considering issues relating to European cultural heritage.

2. Traffic Surveys and Modelling

There are two components to the traffic modelling: firstly the need to obtain sound base data and verify assumptions, and secondly to input these into a model to estimate or predict possible traffic outcomes based on various road network configurations. These two components are being delivered as two separate contracts. VicRoads has engaged a consultant to undertake the first part of this work, comprising origin and destination surveys, vehicle classification surveys, traffic counts and assessment of turning movements. These works have been undertaken over the last few weeks, and will essentially provide the necessary data for input into the predictive traffic model.

The predictive traffic modelling consultancy is yet to commence, but it is understood that the consultant's brief is to provide predictions of future traffic volumes on the key road network in the Echuca-Moama area, based on the current network, and the changed network based on the proposed corridor link. The traffic modelling consultancy also requires traffic predictions to be prepared for comparison purposes against the three previous corridors considered during the last Planning Study, i.e. the Western W1, Central C1 and Eastern E1 Corridors. The model is also to include a hypothetical link between Warren Street to the existing intersection of High and Heygarth Streets. The inclusion of this hypothetical link across the Campaspe River has arisen from concern by Council that the proposed Mid-West Corridor may have a detrimental impact upon High Street through Echuca's Heritage Precinct. If this is the case the modelling of the hypothetical link may assist with determining appropriate mitigating actions such as the provision of alternative links.

3. Noise Studies
In a similar way to the traffic studies outlined above, noise studies require firstly a data gathering exercise, and then modelling to determine what noise impact is likely to occur given various possible scenarios. A background noise level recording over a seven-day period has been completed, in preparation for the predicative modelling that is yet to be done.
4. Economic Impact Studies
An economic consultant has been engaged to assess the potential economic impact relating to the proposed Mid-West corridor. The consultant has spent time in Echuca and Moama over recent weeks and consulted with many local businesses. The report is not yet completed.
5. Flora and Fauna Studies
Desk-top flora and fauna studies have been completed although the report is not yet available to Council. The purpose of the desk-top study will determine what flora and fauna is already known to exist in the area and has been documented, as well as to determine what flora and fauna species are most likely to be present. The site survey of flora and fauna is undertaken in Spring as it is the best time of year to capture this information. The Spring survey will be used to verify, clarify or dismiss the findings of the desk-top study, and to ensure that undocumented species are not overlooked. The Spring survey has not yet commenced.
6. Land Use Assessment
A planning consultant has been engaged to assess the potential land use impacts relating to the proposed Mid-West Corridor. The consultant has spent time in Echuca and Moama over recent weeks and consulted with Council's planning staff regarding these issues.

No results from the studies listed above are available to Council at this time. It is understood that the following studies are also planned but are not yet commenced:

1. Hydrology
2. Noise Impact Assessment
3. Social Impacts
4. Detailed Cultural Heritage Assessment
5. Landscape Assessment

Further progress will be reported to Council regarding the findings of the Planning Study activities as per Council's resolution of the 19 August 2008.

3.3 Previously conducted investigations

Discussions about the need and location of a second river crossing at Echuca Moama have taken place for decades. This includes the preparation of an Environment Effects Statement/Environmental Impact Statement in 1987 when the new river crossing was built for dedicated rail purposes, and the historic iron bridge was adopted for road traffic only. Not all previous discussions or considerations can be captured herein. This section attempts to summarise for Council's record the series of investigations, activities and decisions relating to this project over the last twelve years, particularly where they relate to options still being discussed by the community. For clarity they are presented in chronological order.

- In November 1996, the NSW RTA coordinated a Value Management Study (VMS) to discuss the possible options for a future river crossing. This VMS comprised a two day community workshop with invited stakeholders to provide direction on the route selection process. Council representatives included Doug Crow, Commissioner, and Ralph Kop, Manager Public Works, with other community participants representing the Shire of Murray, Denibootea Landowners, Moama Community Development Committee, Echuca Moama Taxi Service, St Joseph's College, Echuca Moama Chamber of Commerce, Echuca and District Hospital.

Over the two day workshop, a total of nine possible routes were considered. Attachment 10.15b to this report shows seven of the nine options considered as part of the VMS, with two options not shown on plans but described in detail within the text. All options were assessed at a broad level against agreed selection criteria that included:

- Traffic performance level of service/safety.
- Impact on property/land use planning.
- Impact on the natural environment.
- Impact on local road network/access.
- Impact on heritage/archaeology.
- Social impacts.
- Visual impacts.
- Impact on business/agribusiness.
- Traffic and noise impacts.

At the conclusion of the VMS the findings were as follows:

- (i) that Options 1, 2 and 3 were worthy of further consideration;
- (ii) that Options 4, 5, 6, 7 and 9 were considered impractical;
- (iii) that Option 8 was considered to be outside the scope of the project.

It can be seen that three broad corridors were considered as part of the VMS, being the western, central and eastern corridors. It was recommended that only Options 1 and 2 (both central corridor alignments) and Option 3 (western corridor alignment) proceed for further consideration.

- In December 1998, VicRoads received preliminary traffic modelling from traffic consultant, Arup. This traffic study considered only the western and central corridors as per the recommendations of the VMS.

- The Campaspe Planning Scheme was first approved on 24 September 1998, and incorporated the schemes of the pre-amalgamation municipalities. In 1998 Clause 21.05 of the Shire of Campaspe's Municipal Strategic Statement recognised the following:

The growth of Echuca-Moama will eventually lead to the need for an additional crossing of the Murray River to the North West of the Town Centre as an extension of the Murray Valley Highway.

The establishment of the Campaspe Planning Scheme is the first record of the Council having a documented stance regarding the likely or appropriate location of a future river crossing.

- At the Council meeting on the 25 March 1999, the Council resolved to make a decision regarding the future river crossing site. The Council also resolved to support the construction of a bridge between Wharparilla Drive and Merool Lane.
- In March 1999, the Terms of Reference were drafted for a Planning Study for the second river crossing at Echuca-Moama. The Planning Study was to build upon the findings of the VMS that had identified two basic corridors, and would aim to resolve the proposed alignment for the second river crossing.

A Community Consultative Group (CCG) with 23 members (including Council representatives) was established to advise VicRoads and the NSW RTA on issues to be addressed, the scope of the studies and refinement of alignment options based on a triple-bottom-line assessment framework.

At the first meeting of the CCG on the 1 September 1999, two community members advocated for the inclusion of an eastern corridor. The VicRoads representative outlined that this has been discounted by the VMS as unviable, but conceded that if the sentiment of the committee was favourable towards the eastern corridor then VicRoads would put the eastern corridor up as a third option. Consequently the eastern corridor was reintroduced into the Planning Study.

- The Planning Study was undertaken in accordance with an agreed Scoping Document that outlined the three phases of the Planning Study, which are summarised as follows:

Phase 1 – Preliminary Investigation

This included a review of the work done in previous studies with the objective of rationalising the options to those corridors deemed worthy of further detailed investigation.

Phase 2 – Detailed Investigation

This involved undertaking specialist studies into those options identified in Phase 1, for presentation as a Discussion Paper for public viewing and comment.

Phase 3 – EES/EIS preparation

The final phase was to prepare and exhibit an EES/EIS.

- The findings of Phase 1 of the Planning Study are most simplistically represented by Table 4.6 of the EES/EIS (refer to Attachment 10.15c). Each option was assessed for:
 - Functional Performance
 - Economic Impact
 - Social Impact
 - Environmental Impact

Relative economic performance is represented by the Benefit Cost Ratio (BCR) which is simplistically defined as the total direct economic benefits divided by the total direct economic costs of a project, as measured in monetary terms. Options with higher BCRs are considered to more attractive than options with lower BCRs. The BCR of 2.5 for the eastern corridor option was significantly lower than any of the BCRs for the western corridor options (with BCRs between 3.4 and 4.0) or the central corridor options (with BCRs between 3.1 and 4.0). VicRoads and the NSW RTA endorsed the CCG's views that further detailed investigations should be undertaken in relation to the Western W1 and Central C1 Corridors, and that no further investigation should be undertaken for any of the other options. As a result these two corridors were to progress to Phase 2 of the Planning Study. Furthermore, VicRoads and the NSW RTA determined that an additional central option should be investigated in detail. This option was referred to as the Central C3 Corridor.

- Phase 2 of the Planning Study saw the specialist studies and detailed investigations completed for the Western W1, Central C1 and C3 Corridor options. The results were summarised in a Discussion Paper that was issued in September 2000 for public comment.
- In response to the Discussion Paper, the Shires of Campaspe and Murray undertook to survey the Echuca-Moama communities about the three potential corridors, W1, C1 and C3, that were to be addressed through Phase 3 of the Planning Study. The community survey took place at the Echuca Safeway Complex for the two-month period of September and October 2000. The community was not surveyed regarding options already discounted.
- In response to the Discussion Paper the Yorta Yorta Nation Aboriginal Corporation wrote to VicRoads on 30 October 2000 and restated their opposition to both the eastern and western options due to cultural considerations.
- A total of 290 submissions were received and considered by VicRoads and the NSW RTA in response to the Discussion Paper. Further work was undertaken and a preferred option being the Central C1 Corridor was determined by the project's proponents. This preferred option was then communicated to the public in May 2001 through VicRoads Information Bulletin #3.
- In August 2001 the Minister for Planning consented to VicRoads being the Planning Authority for the proposed Planning Scheme Amendment that was anticipated subject to the outcome of the EES/EIS process.

- The final EES/EIS document was placed on exhibition between 12 December 2001 and 8 March 2002.
- The Shires of Campaspe and Murray had participated actively through the Planning Study, however they did not concur with the findings of the investigations in relation to the preferred C1 corridor. As noted previously within this report, the Council had formally established a position that it supported the western corridor. This was also recognised in the Council's Municipal Strategic Statement. Despite the significant work undertaken throughout the Planning Study, and the proponents established preference for the Central C1 Corridor, none of the findings of the investigations resulted in a change in Council's position. Council resolved at its meeting on 14 May 2002 to set aside a sum of up to \$40,000 to be represented at the EES/EIS Panel hearing for the second bridge crossing. The Council's written submission to the Panel dated June 2002 is presented as Attachment 10.15d.
- In October 2002 the Panel released its report relating to the Echuca-Moama second bridge crossing project with a recommendation that Western W1 Corridor be the preferred option.
- In March 2003, the Victorian Minister for Planning's Assessment Report recommended the Western W1 Corridor. The recommendation was subject to the appropriate approvals being gained, with specific acknowledgement of the cultural heritage value placed on the land affected by Western W1 Corridor by the Yorta Yorta Nation Aboriginal Corporation.
- In August 2003, the Victorian Minister for Transport advised the Minister for Planning of his acceptance of the recommendation in favour of Western W1 Corridor. VicRoads advised the NSW RTA, Shires of Campaspe and Murray and the Yorta Yorta Nation Aboriginal Corporation that it would proceed with planning activities for the Western W1 Corridor.
- VicRoads was unable to obtain the approvals necessary for the Western W1 Corridor to be realised. Minimal progress was observed between 2005 and 2007.
- In June 2007 the Victorian Minister for Roads and Ports engaged an independent facilitator to see if there was any opportunity to overcome the impasse on this project. Discussions between Council and the facilitator, Mr Iain Ross, have been documented at the 19 August 2008 Council Meeting. The result is the current Planning Study investigating the proposed Mid-West Corridor. The status of activities identified as part of this Planning Study has been documented in Section 3.2 of this report.

4. Issues

The role and responsibility of Council in relation to the project

There appears to be misunderstanding about Council's role in this project. Council is recognised by the project's proponents as a key stakeholder. Council will provide advice to the VicRoads and the NSW RTA about community issues that need to be considered, and Council will advocate that these issues be acknowledged and addressed if needed. Council does not have a decision-making role in the delivery of the project. Council's responsibility is to its community, with consideration to be given to the minority and majority views, with short term and long term outcomes to be considered.

The community will rightfully expect that Council is seeking a resolution that will achieve the maximum net community benefit. To do this Council requires reliable information upon which to make decisions. Council's role will be to ensure that this information is developed and where appropriate made available to the public. Participation in the current Planning Study achieves this.

Confusion over options previously considered

Another of the issues that is becoming apparent is the need for a clear understanding about how the Council and community have arrived at this place in time. A significant amount of time and money has been invested in this project over the years. It is important to record the key activities, findings and decisions. This report attempts to encapsulate some of these as a useful point of reference as we move forward.

Clarification of Council's formal position

One of the issues noted in this report is that Council currently has a formal position in relation to the western corridor only, as per Council Meeting of the 25 March 1999. There is no position documented in relation to the eastern corridor. This is in part due to the fact the eastern corridor was considered through both the VMS of 1996 and the EES/EIS of 2001 and in both instances was discounted. Because it was not developed further or brought forward as a viable option Council has not needed in the past to determine a formal position.

This report does not seek to resolve the issue of whether the eastern corridor should be again pursued, but some further discussion is warranted on the matter. Section 3.3 of this report has noted two important facts relating to the eastern corridor option. Firstly, that previous traffic modelling has not presented a favourable traffic outcome. Updated traffic modelling will determine if this situation has changed. Secondly, that on 30 October 2000 the Yorta Yorta Nation clearly stated its opposition to either the western or eastern corridors. Council has expressed its respect for the right of the traditional owners of the land to represent their culture and history, including in the assessment of proposed bridge locations. Council should therefore require verification that this situation has changed if it is to view this as a viable or appropriate option to pursue.

Similarly, Council has not considered the central corridor options at a Council meeting. However, Council actively participated in the EES/EIS process and made a joint submission to the Panel that clearly detailed its objection to the Central C1 Corridor. No new information has been brought forward since that time to prompt Council to review its stance.

The capacity of the existing bridge

Throughout this process the community has lived with the ongoing constraints of the existing bridge. One of the critical issues to be considered with any potential corridor is what will the impact be on the functional life of the existing bridge. Options that alleviate the volumes on the existing bridge to the greatest extent are expected to be considered favourably. If an option is adopted that does not sufficiently delay the existing bridge reaching its capacity, then the current challenge will re-occur sooner rather than later.

5. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

6. Council Plan Focus

Social: This report acknowledges the concerns and interest demonstrated by the members of the community who attended the Campaspe Communicating session on 26 August 2008. It also provides the broader community with an overview of the issues identified and some of the activities, both past and present employed to address these issues.

Environment: The impact on the natural environment is considered as part of the detailed project assessment of current and previously considered corridors through the completion of specialist studies.

Economic: The road network and the currently limited capacity of the existing bridge is a restriction on the growth of our local and regional economy. The resolution of this issue will provide an opportunity to overcome this economic restriction.

Organisation: This report summarises a number of investigations that have taken place over many years and captures them for the public record and corporate memory.

7. Consultation

Consultation has taken place with the Chief Executive Officer regarding the preparation of this report.

8. Officer Comment

There are a number of issues to be resolved before the most appropriate location for the second river crossing for Echuca and Moama can be determined. It is not the purpose of this report to seek any decision or position from Council at this time. It would not be appropriate given the various information-gathering activities currently underway. This report is seen as an opportunity to acknowledge the issues and concerns identified within the community. The recommendation that Council acknowledge a number of issues these does not mean that this report seeks Council's agreement, endorsement or support for these views. It only seeks Council's respectful recognition of the issues raised.

The report also seeks to refresh in the minds of Council and the community the significant activities that have already taken place and the knowledge already obtained. In this way the report contributes to creating an environment in which open and informed discussions can take place both with and amongst the community.

COUNCILLORS RILEY/SIMPSON

That Council:

- 1. Notes this report as a record of issues raised at the Campaspe Community session on 26 August 2008 and the associated comments provided in relation to those issues;**
- 2. Notes that it has never passed a Council resolution as to its position on any potential corridor for a second river crossing, other than the resolution on 25 March 1999 to support the western corridor;**
- 3. Acknowledges the joint Council submission dated June 2002 to the Environment Effects Statement/Environmental Impact Statement as Council's view on the central corridor options at that time;**
- 4. Acknowledges the view expressed by a section of the community present at the Campaspe Communication session on the 26 August 2008 that the eastern corridor has merit as a proposed corridor;**
- 5. Acknowledges the stated intention of VicRoads that the previous traffic model of the three potential corridors will be updated as a part of the current Planning Study; and**
- 6. Requests that VicRoads update the traffic modelling as a matter of urgency and issue the findings of the updated traffic modelling to the public and to Council as soon as it is completed.**
- 7. In response to community feedback, requests VicRoads to confirm whether the Yorta Yorta Nation Aboriginal Corporation has reconsidered its position regarding the eastern corridor option.**

Cr Lawler left the meeting.

CARRIED

11. ECONOMIC

11.1 *2008 Kunming Trade Fair & Trade meetings (Katrina Tehan, Economic Development Manager)*

1. Purpose

This report is to provide feedback on the Campaspe China Business delegation visit, 2008 Kunming Import Export Commodities Trade Fair and business meetings in China in June 2008.

2. Background

In 2007 Council participated in a range of activities relating to the establishment of a sister city relationship with Shangri-La, Yunnan Province of China. Extensive delegation activities relating to the formation of this official international connection was confirmed in October 2007 when the Shangri-La Government visited Campaspe and signed the partnership agreement.

An underlying principle for the sister city relationship was the establishment of business and trading relationships between China and local Campaspe businesses in Kunming.

This report will report back on the options and dimensions of attendance at the 2008 Kunming Import Export Commodities Trade Fair and additional business meetings.

The business delegation this year was headed up by Sunraysia Murray Economic Development Board, and composed of representatives from Campaspe and Horsham Councils, Wimmera Development Association, Austrade (Central Victoria), Central Victorian Organics Network and Broken River Vineyard.

The itinerary and various business meetings were arranged in association with Austrade Kunming/Australia, and Victorian Government offices in Shanghai.

Interpreter services, liaison and guidance were provided by Rofer Yu and George Yang, with additional interpreter services and assistance at the Trade Fair provided by Yunnan Agriculture University graduate students.

The business itinerary included;

Shanghai – 2 - 4 June

- Presentation on products of Campaspe Shire to 30 wine & food buyers.
- Meeting and tour of Metro Supermarket.
- Meeting with Austrade Shanghai and briefing on wine market.
- Meeting with supermarket buyer for Carrefour.
- Tour of Carrefour supermarket.

Kunming Trade Fair 6 - 10 June

- Forum on skills trade exports.
- Presentation to 80 delegates on investment opportunities in Campaspe.

Guangzhou

- Meeting International Wine Suppliers to look at wine distribution centre for small wineries.

Objectives for participation in the Trade Fair in 2008

- To build upon relationships with importers and buyers from meetings at 2007 Trade Show.
- To consolidate Chinese business contacts, trade and investment for Campaspe businesses.
- To facilitate trade between Campaspe to Chinese businesses including meeting with buyers, importers and wholesalers.

3. Content

Business engagement activities leading up to Kunming Trade Show 2008

- Shire of Campaspe coordinated the trade fair and Sister City visit.
- Organised freight and shipment to China.
- Communications for business participation was by personal invitations, email broadcast, Mayor's column and Business Briefing newsletter.
- Investment for businesses was the cost of travel and accommodation (\$4,000) with freight and all marketing expenses covered by an RDV grant.
- Marketing material was translated into Mandarin which profiled Campaspe and the export and tourism opportunities.
- Product and trade representation was made on behalf of Cape Horn Winery, Gabes Olives and Willow & Stick Muesli.
- Craig Sobey, Chairman of Central Victorian Organics Network and Fred O'Keefe of Broken River Winery attended the full business itinerary.

Businesses approached but who were not interested due to timing & /or cost included; Stevens Brook Winery, Echuca Olive Company, Gunbower Soaps, Murray Goulburn, SPC, Sweet Orchards, St Annes Winery, Tisdalls, Stuart & Co, Casalare Pasta & Sundown Foods.

Good Leads

- Distributor / importer interested to import olive oil.
- Supermarket buyers for large supermarket chains (interested in wine products, dairy).
- Kunming/Shanghai organic food buyer.
- Gourmet food distributors (interested in importing muesli).
- Large Chinese hotel chain interested in establishing Aussie shops.
- Hotel owner interested in Australian wines.
- Investment facilitator interested in developing investment case studies in Campaspe.

Wine importers and distributors

- China distributors looking to add Shiraz to their platform of Australian wines (into restaurants and bars in Shanghai).
- Importer and agent for Mildura wines who is looking to expand his range of Australian wines and is a reputable agent for wine imports.
- Wine buyer who specialises in buying wines for government and banking officials.

Potential of the market

Unlike Australia, China's national logistics and distribution services are limited in geography because of poor road infrastructure across China. Therefore penetration into the Yunnan province (population 44 million) has been limited by western imports. Most multi nationals have focused on Beijing and Shanghai to date. There is great opportunity to concentrate local Australian companies into the Yunnan market which has not been saturated like Beijing and Shanghai. Kunming is a middle class city and has a growing number of affluent young couples who are demanding Australian wines and boutique products.

We experienced a number of real issues at the Kunming Trade Show in 2008 these included;

- Kunming Trade Show becoming a consumer show with less trade buyers attending.
- Poor organisation of freight & logistics (which caused much stress & expense).
- Poor facilities (especially catering & toilets).
- Limited interaction and engagement by Austrade Kunming with local buyers and our companies.
- Kunming Trade Show is a large trade show and is not specific to food or wine.

At the end of the Kunming Trade Show, Sunraysia Economic Development Board (lead agency) expressed real concern and indicated they may not attend the Kunming Import Export Commodity Trade Show in 2009. An alternative would be to attend a more targeted, focused and professional food and wine expo in Shanghai, Beijing or Guangzhou in 2009.

4. Issues

The following points outline achievements to date:

- Support and participation by Campaspe businesses to the Kunming Trade Fair.
- Excellent concise marketing material translated profiling Campaspe.
- Work towards export sales of local produce and wine.
- Contact and on-going assistance from Austrade.
- Contact and on-going assistance from the Victorian Government Office in Shanghai.
- Potential negotiations on-going for export orders (details commercial in confidence).

Financial Costs of Delegation

Council established a budget for this delegation to China, as follows:

Air tickets	\$9,000	(3 air fares)
Expo Costs (costs)	\$3,000	(includes freight, stand & interpretation costs)
Freight Costs	\$4,000	(includes freight)
Accommodation	\$2,700	(3 people for 6 nights)
Marketing Material	\$250	(printing brochures & business cards)
Communications/cash	\$2500	(meals, phone & incidentals)
Education Study Tour	<u>\$4,500</u>	
	\$25,950	(GST exclusive)

These costs were allocated from within the Economic Development Department 2006/2007 budget.

Suggested improvements for the business delegation visits to China

Pre-Trip Improvements

- Planning and coordination as early as possible.
- Longer lead time is necessary for organisation therefore Council needs to decide on future participation. There is a need to develop a "systems view/approach" to ensure actions can be achieved in a reasonable time frame.
- Business engagement needs to commence three months prior to ensure participation.
- Tentatively book accommodation and trade fair booths in advance.
- Ensure a delegation itinerary is available at an earlier stage.
- Businesses to arrange freight and marketing materials.

Improvements

- Book sufficient display booths for display of produce and products and ensure that there are private meeting spaces available.
- Campaspe staff representation rostered.
- Dual language format publications and audio visuals.
- Display stand signage in dual language format.
- Delegation to be in Council uniform for consistency and identification.
- Employ professional Chinese translator for business negotiations.

5. Options

This delegation and itinerary was ambitious, however it made positive linkages with business trade across Shanghai, Kunming and Guangzhou.

Business and industry participation is critical and will be achieved over time through support, export education, communications and providing good commercial linkages.

Although the city of Shangri-La maybe looked upon as a small market, the "Sister City Agreement" gives Campaspe businesses leverage into China and across the Yunnan Province and is starting to open new markets doors which are currently closed to international businesses. Close ties with Government is essential when Australian businesses are trying to access the Chinese market. The Shire of Campaspe will be able to use the Shangri-La Sister City relationship to gather profile, prestige and credibility for Campaspe businesses.

Staff are confident that the Sister City Agreement signing, and Kunming Trade Fair and education meeting schedules will culminate in exports of produce and services from Campaspe to China in the near future.

The Shire of Campaspe must remain committed and focused for an extended time in order to assist local businesses establish relationships and begin to achieve the long lasting economic benefits and opportunities from trade and commerce in China. This is the second year of this three year commitment.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social:	International business relations.
Environment:	No Impact.
Economic:	Provides opportunity for local producers to gain international exposure with a focus on future exporting.
Organisation:	Ongoing commitment to China Relationship has been included in 2008/2009 budget.

8. Consultation

Consultation with Council and the business community does take place prior to attendance.

Cr Lawler returned to the meeting.

COUNCILLORS MADDISON/LAWLER

That Council:

- 1. Note this report.**
- 2. Approves the representation of the Shire of Campaspe (by Economic Development Manager and Chinese Relationship Officer) at 2009 Chinese Trade Show (yet to be determined).**

CARRIED

11.2 *China Consortium Proposal (Katrina Tehan, Economic Development Manager)*

1. Purpose

To provide Council with details of the proposed Victoria – Yunnan sister cities collaboration proposal.

2. Background

Whilst at the Kunming Import and Export Commodities Trade Fair there were considerable discussions regarding how the five Victorian regional councils could work in a more collaborative manner in China. Campaspe, Moira, Shepparton, Horsham and Mildura Shire Councils all have established sister city relationships over the past five years, however each Council is at a different stage in the establishment or stage of this engagement with China.

The proposal states

“Five Victorian cities have diverse economies but share like challenges. Five Chinese cities in Yunnan Province have diverse economies yet share challenges which can be met in part by linking with their counterparts in Australia.

Each city on its own cannot hope to achieve any degree of success yet by combining the collective strengths in each State / Province there is an opportunity to make a meaningful difference and strengthen each community.”

3. Content

The proposal then goes on to present the concept of this collaboration:

1. Each sister city council in Victoria nominates two representatives who are successful business leaders (not Councillors or staff).
2. The 10 become the Directors of a company or ‘Secretariat’.
3. The role of this company is to: Manage all activities between the sister cities and China; administer and coordinate trade fairs / exhibitions and identify and coordinate skilled labour programs; facilitate in bound and out bound trade enquiries.
4. Funding to be derived from an initial contribution of \$50,000 AUD from each council for two years.
5. The Secretariat to appoint a Chief Executive Officer based in Kunming and with staff in both Australia and China.
6. The Victorian Government to match the funding dollar for dollar.
7. The five Chinese cities and Provinces mirror the financial input with a Board of representatives from each of the five cities with the funds paid to the Secretariat. The five Chinese cities to determine whether they create a Secretariat or each nominate a delegate with whom the Chief Executive Officer liaises.
8. TAFE colleges / Universities in Victoria and Universities in Yunnan be active participants to identify graduates and up-skill where necessary.

9. Anticipated that the skilled labour program will be capable of producing revenue to ensure that the Secretariat has ongoing funding after start up phase.
10. The initial contributions be repaid when surplus funds are in hand.

The \$50,000 contribution is raised from Council / Councils already planned budgets together with 'upfront' payments from established companies in each region who currently source skilled labour for their respective industry in hospitals, processing, mining, dairying, and who would see this as an opportunity to allocate funds in the knowledge that they would have first right to nominate the labour required.

The above model has been discussed with the Governor and / or Mayor of all five *Chinese* cities who have all agreed to participate including the requirement that the provincial government commit to matching funds.

The Governor of Xishuangbana, Madam Dao has agreed to act as the conduit to the other four cities if and when required and would commit immediately funds when required.

4. Issues

The concept is to be commended. However the extent of the collaboration and details of the outcomes are unclear and not explicit enough. The Shire of Campaspe already contributes \$23,000 per year to the sister city program.

Expecting local businesses to contribute to fund the \$20,000 participation fee is also highly unlikely.

Details of the work undertaken are not documented. In order for the Shire of Campaspe to consider participating in this collaborative concept a more thorough business plan should be developed outlining a budget, clear objectives and a consistent strategy and measurable outcomes.

The Economic Development Manager would support a single focus on investment attraction from Chinese investors into projects in the region.

5. Options

- Council provides support of \$50,000 towards the Chinese collaboration consortium.
- Council does not provide support of \$50,000 to the Chinese collaboration consortium.
- Council works with regional council consortium to refine the project and develop a more resourced program that can be adequately resourced.
- See appendix information which details the proposal and outlines minutes of China review and debrief held on 2 July 2008 in Mildura.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social:	Collaboration with all Chinese sister cities across Yunnan.
Environment:	No Impact.
Economic:	Further expands the Sister City concept and economic opportunities for businesses.
Organisation:	Contribution of \$50,000 from Shire of Campaspe this has not been included in the 2008/2009 budget.

8. Consultation

Consultation has been had with representatives from Sunraysia Economic Development Board, Horsham City Council, Mallee Development Board, Greater Shepparton City Council, and Central Victorian Organic Network Chairman, Shire of Campaspe Mayor Economic Development Manager and Chinese Relationship Officer.

9. Officer Comment

The concept is to be commended. However the extent of the collaboration and details of the outcomes are unclear and not explicit enough. The Shire of Campaspe already contributes \$23,000 per year to the sister city program.

Expecting local businesses to contribute to fund the \$20,000 participation fee is also highly unlikely.

Details of the work undertaken are not documented. In order for the Shire of Campaspe to consider participating in this collaborative concept a more thorough business plan should be developed outlining a budget, clear objectives and a consistent strategy and measurable outcomes.

The Economic Development Manager would support a single focus on investment attraction from Chinese investors into projects in the region, however the concept of the consortium is not supported in its current state.

COUNCILLORS LAWLER/MADDISON

That Council:

1. **Notes the sister city – a new dimension in collaboration concept paper.**
2. **Does not contribute \$50,000 towards this consortium.**
3. **Writes to John Irwin, Chairman of Sunraysia Mallee Economic Development Board and requests a full and comprehensive business plan which outlines the strategic objectives, budget and measurable outcomes from a consortium.**

CARRIED

11.3 *China Education Study Tour (Katrina Tehan, Economic Development Manager)*

1. Purpose

This report is to provide details of the June 2008 the Campaspe Education Study delegation to China and an update on opportunities for partnerships with Chinese and Campaspe education providers.

2. Background

In 2007 Council participated in a range of activities relating to the establishment of a sister city relationship with Shangri-La, Yunnan Province of China. Extensive delegation activities relating to the formation of this official international connection was confirmed in October 2007 when the Shangri-La Government visited Campaspe and signed the partnership agreement.

An underlying principle for the sister city relationship was the establishment linkages to education opportunities between China and local Campaspe education providers.

In addition to the Kunming Trade Show, an education study tour was developed by Tea Horse Tours. This itinerary included visiting the Kunming Trade Show, but also focused on sister city relationships and education opportunities in Kunming, Dahli, Lijang and Shangri-La.

The Education delegation was headed up by Sunraysia TAFE and composed of representatives from Gippsland TAFE, BRIT TAFE, Echuca Secondary College, Horsham Regional Health and Ballarat University representatives.

Education tour participants representing Campaspe's interests consisted of;

David Collins	BRIT TAFE
Chris Eeles	Echuca College
Cr John Elborough	Mayor, Shire of Campaspe

Outcomes for education tour include:

Echuca College

Establishment of teacher exchange programs

Implementation of student cultural exchange program (10 days from or to China)

Development of international student programs for Chinese students to study VCE in Echuca

BRIT TAFE

Establishment of hospitality programs for Chinese students in Bendigo and Echuca.

Potential for the establishment of a visiting university work experience program with Sunraysia TAFE and local Campaspe businesses for three month work experience placements.

3. Content

Education study areas visited included

1. Yunnan Normal University to inspect Solar Energy Centre, Tea Research and Training Centre and Kunming High Altitude Training Centre.
2. Yunnan Local Middle School
3. Lijiang Number 1 Middle School
4. Dali University inspected facilities and discussed Commercial operations
5. Number 1 Local Middle School Dali
6. (Shangri-La) Zhongdian visit local Middle School No 1, School No 2
7. School No 3, School No 4 and Private Secondary College (Shangri-La) Zhongdian
8. Discussions with Prefecture Government Official Personnel regarding Echuca Zhongdian (Shangri-La) student exchange.

4. Issues

The partnership between the Shire of Campaspe, Echuca College and BRIT TAFE was well established during the trip with Mayor John Elborough, Principal Chris Eeles and David Collins, Head of BRIT academic programs discussing the options and potential.

Chinese Relationship Officer, Rofer Yu has continued to work with Echuca College and BRIT TAFE to provide practical assistance in the establishment of Chinese student education programs in Echuca.

The opportunities in the education sector stemming as direct outcomes from the Chinese education delegation visit are real and achievable by the education providers.

It would assist BRIT TAFE (Echuca) and Echuca College in their efforts to develop Chinese student programs if the Shire of Campaspe continues current support. As a result Rofer Yu will focus her efforts over the remaining six months of her contract to provide assistance into the education sector.

If this partnership is beneficial it is recommended that the Shire of Campaspe seeks to extend Rofer Yu's working visa and employment for additional 12 months and negotiate co-funding with BRIT TAFE and Echuca College for her position.

5. Options

Provide support to education providers.

Do not provide support to local education providers

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social:	Cultural exchange.
Environment:	No Impact.
Economic:	Opportunity for Chinese student education provides both economic and social benefits to our Shire.
Organisation:	Chinese Relationship Officer providing a vital link.

8. Consultation

Consultation and evaluation of education study tour has taken place with both Chris Eeles and David Collins, with the results documented.

9. Officer Comment

The short term goals with the development of education programs between Echuca College and BRIT TAFE are realistic and are moving forward at an achievable pace. These organisations are motivated to engage with Chinese education providers and see the real benefits of opening up education opportunities to Chinese students. The working relationship between the Shire, Echuca College and BRIT TAFE can be enhanced through assistance provided by the Chinese Relationship Officer.

To ensure ongoing outcomes Council is encouraged to consider an extension of the Chinese Relationship Officer position for at least 12 months, providing partners provide a financial contribution to assist fund the position.

COUNCILLORS SIMPSON/LAWLER

That Council:

1. **Seek visa extension for the Chinese Relationship Officer until February 2010.**
2. **Negotiate financial assistance from Echuca College and BRIT TAFE from February 2009 - February 2010 to support employment of Chinese Relationship Officer.**

CARRIED

11.4 *Progress of Chinese Sister City Relationship (Katrina Tehan, Economic Development Manager)*

1. Purpose

To provide Council with an update on the Chinese Sister City Relationship and determine a future strategy.

2. Background

In 2007 Council participated in a range of activities relating to the establishment of a sister city relationship with Shangri-La, Yunnan Province of China. Extensive delegation activities relating to the formation of this official international connection was confirmed in October 2007 when the Shangri-La Government visited Campaspe and signed the partnership agreement.

In June 2008 the Shire of Campaspe confirmed this relationship with the Mayor visiting Shangri-La and signing the formal Chinese Sister City relationship acknowledgement with the Government and an economic cooperation agreement in Shangri-La.

An underlying principle for the sister city relationship is the establishment of tourism, business and education relationships between Shangri-La and the Shire of Campaspe.

3. Content

In order to retain and build on the foundations of the Campaspe – Shangri-La Sister City relationship it is important to establish a framework to ensure it is ongoing and forms an integral function within Council.

It is recommended that the functions of the Sister City Relationships be the responsibility of the CEO's Division.

It would be recommended that the functions of trade, tourism and education opportunities with China be a function of the Economic Development Department within Council.

4. Issues

To ensure an ongoing education and cultural exchange continues it would be advisable to develop an annual calendar for visitation between China and Australia. This will enable the new Council to understand the principles behind the Shangri-La Campaspe Sister City Relationship and pass over duties from outgoing Mayor to incoming Mayor.

5. Options

The Council may consider ensuring a more structured sister city engagement, through annual invitation to Shangri-La Government officials to visit the Shire of Campaspe. This would require consideration of additional budget.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social:	Cultural education.
Environment:	No Impact.
Economic:	Enhances the official links between Campaspe and Shangri-La.
Organisation:	Allocation of \$23,000 in 2008/2009 budget towards sister city relationship projects.

8. Consultation

Consultation with Mayor and Chinese Relationship Officer.

9. Officer Comment

The Economic Development Manager recommends that Council through the Mayor, issues an invitation to the Shangri-La Government to visit Campaspe in late 2009.

COUNCILLORS LAWLER/MADDISON**That Council:**

1. refers to the 2009/2010 budget funding to support a visit by the Shangri-La Government to the Shire of Campaspe in late 2009.
2. considers the frequency of delegation visits to Shangri-La.

CARRIED

11.5 *Establishment of Kyabram & Lockington Industrial Estates (Katrina Tehan, Economic Development Manager)*

1. Purpose

To seek Council's approval for lodgement of planning applications and to lodge funding applications under the Regional Infrastructure Development Fund (RIDF) for Kyabram and Lockington Industrial Estate developments.

2. Background

Council has allocated \$636,330 to Kyabram and \$286,000 to Lockington in the 2008/2009 Capital Works Budget. Matching grants are required to assist with the finance of the Industrial Development program. A funding submission for \$500,000 will be lodged with the Regional Infrastructure Development Fund on a dollar for dollar basis.

3. Content

Following Capital Works allocations in 2007/2008, key industrial and residential projects commenced, with consultants engaged for the development of detailed designs and planning permit applications. Through the design and planning process a number of issues were raised that impacted on the projects' budgets and timelines.

The issues associated with the Lockington and Kyabram projects have been investigated and largely resolved through proposed alteration of the layouts and designs. Preliminary indications are that both projects should be viable. They are now in a position where planning permits may be sought so that the final feasibility may be determined.

Council acquired 7.715Ha of former railway land in Lockington to secure an area of public open space and to provide opportunity for some industrial development. There has been considerable interest from the community to provide some allotments to encourage local industry as there is little developed land available. Preliminary development costs suggest it may be feasible to develop up to six allotments on this land and gain more beneficial use of it. Apart from one leased shed, it is currently vacant and disused.

In view of the vagaries in demand for industrial sites in Lockington it is proposed to secure the necessary permits and approvals for development but not to proceed with any physical works until sufficient offers to purchase lots have been secured.

The Kyabram proposal is to develop a second stage industrial estate on Council land held for that purpose. There is limited vacant developed industrial land available in the town and there has been ongoing interest in purchasing land from Council. It is proposed to develop the stage 2 area in a range of lot sizes to service this demand. As with Lockington, physical development will not proceed until sufficient interest has been secured in purchasing the lots.

The Capital works program and Industrial Residential Development Strategy is based on obtaining government grants through the Regional Infrastructure Development Fund to assist with funding development of the estates.

Council's contribution is partly provided for in the 2008/2009 budget as a draw down from the Industrial Reserve Account. Any additional funding requirements for the proposed projects will also be drawn from the Industrial Reserve Account through the budgetary process. Project costs, excluding costs incurred in previous investigations, are as follows:

Estate	Budget 08/09 \$,000	Unprogrammed \$,000	Planned Grants \$,000	Estate Cost \$,000
Lockington	\$286.00	\$114.00	\$250.00	\$650.00
Kyabram	\$636.33	\$33.67	\$420.00	1,090.00
Total	\$922.33	\$147.67	\$670.00	\$1,740.00

Proposed timelines for Industrial Development projects are based on best judgements and limited detailed information. Timeframes and costs are ultimately dependent on planning application conditions and design requirements that may be assigned by the relevant regulatory authorities (i.e. Vic Roads, water, electricity and communications authorities) and consideration of the funding submission by the State Government.

Funding applications for Kyabram and Lockington will be submitted to RIDF once the planning permit conditions and associated costs and project viability are ascertained. This is anticipated to be in November 2008, all processes going to plan.

Application for this grant from RIDF has been packaged as Stage 2 for Kyabram and Stage 1 for Lockington under the Regional Infrastructure Development Fund, as one project. This approach follows discussion and advice received from Regional Development Victoria officers.

4. Issues

The timing of this application is consistent with the timelines determined in the Industrial and Residential Strategy. It also results from considerable work undertaken to prepare preliminary designs, scope the works, and gain in principle expressions of interest from buyers. It is also consistent with the time required to seek planning permits and other information needed to support a funding application to RDV.

Project viability is the greatest issue and will only be known with a good degree of certainty following a final detailed feasibility assessment once all permit conditions, funding availability and expressions of interest in purchasing lots are received. These projects need to proceed to the permit and funding application stage for this to be resolved.

5. Options

Council may proceed to seek the relevant planning approvals and endorse the funding application in line with council's Industrial and Residential Development Program and the Capital Works Program funding in 2008/2009. This will enable final feasibility to be determined.

Alternatively, Council defer or abandon development of these sites and potential provision of developed industrial land in these locations.

6. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7. Council Plan Focus

Social:	Demonstrates to the Kyabram and Lockington communities the ongoing commitment by Council to build and support viability of townships.
Environment:	Nil impact identified. Issues of stormwater quality will be addressed to comply with statutory requirements through the projects' development.
Economic:	The projects provide opportunity in Kyabram and Lockington for business attraction, growth and expansion.
Organisation:	Project requires at least \$670,000 in matching funds from Council which has been allocated in the 2008/2009 Capital Works Budget. Both stages of the Lockington estate will need to proceed simultaneously to attract the grant funds as there are only a total of six lots involved.

8. Consultation

Extensive consultation has been undertaken with the business community in Lockington and Kyabram. Letters of support from interested businesses will accompany the funding application. The wider community was also consulted through the Budget Consultation period. The Regional Manager of Regional Development Victoria has also been briefed on the forthcoming funding submission.

9. Officer Comment

Planning and funding applications need to be lodged to determine the feasibility of both components of the project and whether they should proceed to construction. This also needs to occur in order to deliver the 2008/2009 budgeted industrial estate program.

It is anticipated the funding application will be considered favourably by Regional Development Victoria as it fits the policy and platform of the State Government's Provincial Victoria Moving Forward Statement and meets the criteria set out in the funding guidelines.

Council will have the opportunity to make a final decision on both components of the project once advice of the permits and funding applications are received and more concrete details of the level of interest in purchasing the lots are known. The projects need to proceed to this next stage.

COUNCILLORS REPACHOLI/MADDISON**That Council:**

- 1 endorse the applications for planning approval and for funding of Kyabram (Stage 2) and Lockington Industrial Estates through the Regional Infrastructure Development Fund; and**
- 2 receives a further report outlining the economic feasibility, including level of interest from the market, for both projects when planning conditions are known and external funding is determined.**

CARRIED

11.6 Port Concept Plan Final Acceptance (Kelly Sampson, Commercial Executive Manager)

1. Purpose

To request Council's endorsement of the Port Concept Plan, Part 1: Concept Plan Amendment and Part 2: Governance and Operating Procedures.

2. Background

The Port Concept Plan has been drafted and issued for public comments in three parts:

- a) Part 1: Concept Plan Amendment.
- b) Part 2: Governance and Operating Procedures.
- c) Part 3: Addendum (including feedback that required additional consultation).

3. Content

The Plan has been available for public comment throughout its development period. Three rounds of community input have been requested with responses received. This feedback has been considered and modifications have now been incorporated into the Port Concept Plan: Part 1 (Attachment 11.6a) and Part 2 (Attachment 11.6b).

4. Charter of Human Rights and Responsibilities consideration

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Council Plan Focus

Social: The finalisation of the Port Concept Plan provides the community with a clear understanding of the future direction of the Port of Echuca. It provides assurance of Council's commitment to this precinct and the efforts being undertaken to ensure the Port remains a vibrant attraction into the future.

Environment: No Impact.

Economic: The Concept Plan outlines a broad vision for a critical tourism precinct. This increased clarity and direction for the precinct aims to deliver economic growth opportunities in the region due to the expected increased visitation.

Organisation: Finalisation of the Concept Plan will allow funding requirements to be understood and sought as required.

6. Consultation

Chief Executive Officer, Strategy Executive Manager, Cr Judi Lawler, Cr Kevin Simpson and the broader community.

9. Officer Comment

Finalisation and endorsement of the Port Concept Plan will bring completion to the “vision” for the Port. With this established, a timeline is able to be prepared, along with an assessment as to funding requirements and timing.

COUNCILLORS SIMPSON/LAWLER

That Council endorses the final Port Concept Plan: Part 1 and Part 2.

CARRIED

12. URGENT BUSINESS / NOTICES**COUNCILLORS RILEY/MADDISON**

That item 12.1 be considered as urgent business.

CARRIED

12.1 Amendment to Planning Permit 2007-197, Use and development of the land for a medical centre in accordance with the endorsed plans (Warwick Smith, Consultant Planner)

1. Purpose

To amend the permit for use of the land for a medical centre to allow operation as a remedial sports massage clinic with 3 full-time and 2 part-time therapists, and a reduction of car parking requirements to 10 on-site car parking spaces.

2. Subject Land

The subject land is Crown Allotment 17, Section 29A, commonly known as 344 High Street, Echuca. Refer attachment 12.1a.

3. Owner/Applicant

The applicant is Adrian Hansen Pty Ltd.

The owner is Nullarbor Forest Industries Pty Ltd.

4. Officer Comment / Assessment

This application proposes an increase in the use of the land for a medical centre by having five practitioners (massage therapists) instead of the two presently permitted. The new plan shows ten parking spaces on the site, which is an increase of six spaces. Refer to attachment 12.1b.

The application states that 3 practitioners are 'full-time' and 2 are 'part-time'. Planning Scheme rates for medical centre are 5 spaces per practitioner. This is generally found to be excessive, and a more realistic rate, including for the use described by this application, would be 3 spaces per practitioner present at any one time.

The existing permit relies on 4 spaces, including for a dwelling. The current proposal is for 10 on-site spaces, and no use of the dwelling structure. Two spaces are available at the front of the property in the street, however they were taken into account with the previous permit for 2 practitioners. Given that 2 practitioners are part-time, the proposed parking would be a reasonable minimum provision if only 4 practitioners were present at any one time. The layout proposed is considered to be satisfactory, although spaces 1, 9 and 10 should be marked for 'medical staff only'.

Should the medical centre require a greater number of practitioners in future, then parking would need to be re-addressed, with the unused building being demolished, and a more efficient car park provided with a greater number of spaces.

In relation to the objection, it is considered that provision of effectively an additional seven car parking spaces on the site is adequate for the additional 2 practitioners (given that the rear building is no longer to be used as a residence or for consulting). The seven spaces having access directly from the southern driveway are each three (3) metres wide to aid turning movements by patients. The two car spaces at the rear of the disused building are 2.6m wide and are required to be marked 'for staff use only', and the space using the northern driveway is also to be for staff use, and is being provided with a turning bay.

Sufficient area exists at the front of the site for landscaping, and the provision of 2 spaces in this area will not be a large change from the present paving that exists.

The use is generally consistent with the purpose of the Residential 1 Zone to "in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs". The location of the subject land, on a town entrance and with reasonable infrastructure services, is considered to be suitable.

The proposal is generally consistent with the provisions of the planning scheme, including zone purpose, and relevant decision guidelines. It must be remembered that the decision can only relate to the additional practitioners, and not revisit past decisions, and additional conditions to be placed on the existing permit must fairly relate only to the additional practitioners. The objector will receive a Notice of the Decision with an explanatory covering letter.

5. Consultation

This application was advertised pursuant to Section 52 of the Act to adjoining and opposite landowners. One objection was received from the adjoining property which operates as a Physiotherapist Medical Centre.

The objector is concerned that sufficient parking is provided on site so that customers are not using High Street in front of the objector's premises. The objector considered that 10 on site spaces were inadequate for 5 practitioner (wanted to see a minimum of 16 car spaces as reasonable), and was concerned that the building at the rear may be rented out in future for residential use, thus requiring car parking. The objector considered that provision of 2 spaces at the front of the building would present as an 'ugly streetscape for this prominent street'.

COUNCILLORS SIMPSON/MADDISON

That a Notice of Decision to grant an Amended Planning Permit 2007-197 be issued subject to:

- 1. Condition 1 being amended to refer to endorsed plans.**
- 2. Condition 2 being inserted that 'The building marked as unused building on the endorsed plans must no be used for residential purposes or as additional consultancy rooms or altered without the further written consent of the responsible authority.'**
- 3. Condition 5 being amended to refer to 'four (4)' practitioners at any one time, and that 'the ten car spaces shown on the endorsed plan are to be constructed and signed to the satisfaction of the Responsible Authority. Car spaces 1, 9 and 10 must be signed 'For use by medical staff only'.**

CARRIED

13. TENDER EVALUATION REPORTS

Tender evaluation reports have now be included under Section 14.

16. QUESTION TIME

Council heard items of Question Time on the following:

Text of Question	Summation of answer given
Will all parties now talk to the residents regards to moving this facility.	This item was deferred this evening. In note that the applicant is Echuca College and Council is yet to formally consider the application. The applicant wishes to seek further advice in relation to revised siting. They may conduct further discussions but that is a matter for the applicants.
Do the Councillors agree the Shire should remain the Planning Authority and not VicRoads, as VicRoads is also the developer/applicant of the project of the second Murray River crossing.	Council has not considered this matter and has not been requested to. As noted in tonight's report at Item 10.15 in August 2001 the Minister for Planning appointed VicRoads being the Planning Authority for the proposed Planning Scheme Amendment in relation to bridge corridors at that time. It may be possible that such an issue needs to be addressed in the future but at this stage Council is not aware of any proposal particular in this regard.

14. CONFIDENTIAL BUSINESS

COUNCILLORS RILEY/MADDISON

That Council resolves to close the meeting to the public pursuant to section 89(2) of the Local Government Act 1989, to consider the following matters:

- 14.1 *Reason - 89(2)(d) - Contractual Matters*
- 14.2 *Reason - 89(2)(d) - Contractual Matters*
- 14.3 *Reason – 89(2)(h) – Any other matter which the Council or special committee considers would prejudice to the Council or any person*
- 14.4 *Reason – 89(2)(d) – Contractual Matters*
- 14.5 *Reason – 89(2)(h) – Any other matter which the Council or special committee considers would be prejudice to the Council or any person*

CARRIED

15. ITEMS DETERMINED TO BE NO LONGER CONFIDENTIAL

The meeting was open to the public.

There being no further business, the meeting concluded at 8.55pm.

Confirmed this 21 October 2008

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CR JOHN ELBOROUGH
MAYOR