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# AGENDA



For a meeting of the seventh Campaspe Shire Council to be held on Tuesday, 20 March 2018, commencing at 5:00pm at the Echuca Civic Centre.

## OPENING PRAYER

We pray to Almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

*Amen*

The Campaspe Shire Council acknowledges the traditional owners of the land upon which we meet and pay our respect to their elders both past and present.

## MEETING PROCEDURES

Please ensure that all electronic devices are turned off or switched to silent.

There are Ask a Question Forms just inside the door for anyone who would like to submit a question to Council. Questions forms must be completed within 10 minutes and returned to the tray. Questions will be addressed at the end of the open section of the meeting.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.

## **BUSINESS**

### **1. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCES**

## 2. CONFIRMATION OF MINUTES & ATTACHMENTS

For the:

- Open section of the Council Meeting held on 20 February 2018
- Open section of the Campaspe Briefing Session held on 6 February 2018
- Open section of the Campaspe Briefing Session held on 20 February 2018

### Recommendation

**That the following minutes be accepted as true and accurate records:**

- **The open section of the Council Meeting held on 20 February 2018**
- **The open section of the Campaspe Briefing Session held on 6 February 2018**
- **The open section of the Campaspe Briefing Session held on 20 February 2018**

## 3. CHANGES TO THE ORDER OF BUSINESS

Once an agenda has been prepared and sent to Councillors, the order of business for that meeting may only be altered by resolution of the Council. This includes the request for an item to be brought forward.

## 4. DECLARATION OF INTERESTS

Disclosure of Conflict of Interests are to be made immediately prior to any relevant item being discussed.

### *Local Government Act 1989 Section 79*

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest:
  - (a) by either
    - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
    - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
  - (b) classifying the type of interest that has given rise to the conflict as either:
    - (i) a direct interest; or
    - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
  - (c) describing the nature of the interest; and
  - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

## 5. RESPONSIBLE AUTHORITY DECISIONS

### 5.1. COUNCIL PLANNING REPORT – 20 FEHRING LANE ECHUCA VIC 3564, PLN324/2017

<b>ALLOCATED OFFICER:</b>	Awais Sadiq, Planner
<b>RESPONSIBLE MANAGER:</b>	Planning and Building Manager
<b>APPLICATION NO:</b>	Pln324/2017
<b>DATE RECEIVED:</b>	1 December 2017
<b>APPLICANT:</b>	Omega Land Systems
<b>PROPOSAL:</b>	Removal of Restrictions (Clause 6 "Erect or Cause or Suffer to be Erected on the Land any Building Less than 20 Metres from the Road Frontage Boundary of the Land" and Clause 7 "Subdivide or Cause or Suffer the Land to be Subdivided in any way Whatsoever" on the Plan of Subdivision Pursuant to Clause 52.02
<b>SUBJECT SITE:</b>	20 Fehring Lane ECHUCA VIC 3564
<b>ZONING:</b>	Low Density Residential Zone
<b>OVERLAYS:</b>	None
<b>UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:</b>	Clause 52.02
<b>RESTRICTIVE COVENANTS ON THE TITLE?:</b>	Yes
<b>CURRENT USE &amp; DEVELOPMENT:</b>	Single dwelling and associated outbuilding
<b>IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:</b>	No
<b>BUSHFIRE PRONE AREA:</b>	Yes but not a listed use or development
<b>OBJECTIONS:</b>	Eight

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#### 1. Summary Recommendation

It is recommended that Council as the Responsible Authority issue a Refusal to Grant a Planning Permit.

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#### 2. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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#### 3. Charter of Human Rights

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

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#### 4. Instrument of Delegation

This report has considered the Instrument of Delegation (S6) by Council. This report is required as the delegation does not allow officers to determine a planning application where multiple objections have been lodged.

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## 5. Proposal

The application proposes to remove restrictions on the Plan of Subdivision by removing the following clauses set out in the restriction.

- Clause 6 “Erect or cause or suffer to be erected on the land any building less than 20 metres from the road frontage boundary of the land”
- Clause 7 “Subdivide or cause or suffer the land to be subdivided in any way whatsoever” on the Plan of Subdivision.”

The purpose of the removal of the clauses is to allow the subdivision of land and construction of buildings within 20m from the road frontage.

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## 6. Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

The subject site is located on the south side of Fehring Lane, on the corner at the intersection of Fehring Lane and Ikona Drive. The site is relatively rectangular in shape with an overall area of 6677sqm. The site currently contains a single storey dwelling setback approximately 38m from Fehring Lane. The site also contains an outbuilding associated with a dwelling located in the south-east corner of the site, setback approximately 8m from Ikona Drive. A number of outbuildings are located on the site. The allotment contains mature trees along the eastern and western boundary. The site has a dual access from both Fehring Lane and Ikona Drive.

The surrounding context is as follows:

- Land to the north of the site across Fehring Lane comprises Bupa Aged Care Facility with car parking located at the front also within the Low Density Residential Zone. The building is setback approximately 28m from Fehring Lane and comprising a total of 158 beds. The walls of the building are made from bricks (various colours) with a Colourbond pitched roof.
- Land to the east of the site across Ikona Drive has an area of approximately 6540sqm and comprises a single storey dwelling setback approximately 40m from Fehring Lane with associated outbuilding and a tennis court to the rear of the dwelling.
- Land to the south of the site has an area of approximately 4000sqm and contains a single storey dwelling setback approximately 16m from the frontage (Coxon Place) and contains an outbuilding.
- Land to the west of the site has an area of 6500sqm and contains a single storey dwelling setback approximately 36m from the frontage with associated outbuildings.

Allotments within the area have varying sizes between 4000sqm and 8000sqm in accordance with the low density character of the neighbourhood. The dwellings on the allotments are appropriately setback from the street frontage and all contain a large garden setting which forms part of the existing character.

### Restriction (PS324988)

The site is burdened by a restriction on PS324988 subject to this application. The restriction specifies size, height and setback requirements for particular buildings i.e. dwellings and outbuildings, does not allow any other particular building, i.e. outbuilding, mobile home, or other moveable accommodation for residential accommodation and restricts the keeping of particular animals and prohibits particular uses. The clauses subject to this application include the removal of the front setback requirement and no further subdivision.

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The restriction was created on 9 March 1993 and following allotments are the beneficiaries of the restriction within the estate.

- Lot 4 PS324988 – 8 Fehring Lane, Echuca
  - Lot 5 PS324988 – 20 Fehring Lane, Echuca (Subject site)
  - Lot 7 PS324988 – 36 Fehring Lane, Echuca
  - Lot 8 PS324988 – 42 Fehring Lane, Echuca
  - Lot 9 PS324988 – 54 Fehring Lane, Echuca
  - Lot 11 PS324988 – 80 Fehring Lane, Echuca
  - Lot 12 PS324988 – 90 Fehring Lane, Echuca
  - Lot 13 PS324988 – 60 Fehring Lane, Echuca
  - Lot 14 PS324988 – 62 Fehring Lane, Echuca
  - Lot 15 PS324988 – 26 Fehring Lane, Echuca
  - Lot 16 PS324988 – 30 Fehring Lane, Echuca
- 

## **7. Permit/Site History**

The history of the site includes:

- PIn206/2017 – Subdivision of the land into two lots in Low Density Residential Zone (Withdrawn)
  - 2005-627 - Variation of Registered Restriction Contained in Plan of Subdivision PS324988M was proposed to allow a variation to the size of outbuildings on the land from 60m to 100sqm. The permit was issued.
  - 82-96-134 – Use and Develop Land for a Dwelling was issued.
- 

## **8. Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.
- Notice in the Newspaper.

The notification has been carried out correctly.

Council received eight (8) objections to the application. Three (3) objections were received from the owners who are benefited by the same restriction on the plan of subdivision being 26 Fehring Lane (Lot 15 PS324988), 60 Fehring Lane (Lot 13 PS324988) and 8 Fehring Lane, Echuca (Lot 4 PS324988). Five (5) objections were received from other landholders within the estate.

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The objections can be summarised as follows:

- Contrary to the character of the area
- Traffic congestion
- Noise issues
- Load on the existing infrastructure including drainage and sewerage
- Precedence for future subdivision
- Amenity of the area as the area comprises large lifestyle blocks

**Figure 1: Subject site and surrounds**



Legend	
Subject Site	★
Other Objections	●
Beneficiaries	●

## 9. Consultation

A consultation meeting was undertaken on 26 February 2018. The concerns were discussed in detail, however, there was no resolution. The main concerns expressed verbally at the consultation meeting was in relation to character of the area, drainage and traffic.

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## 10. Referrals

The proposal was not referred to any external authorities or internal Council Department.

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## 11. Assessment

### State Planning Policy Framework (SPPF)

The following State policies and objectives are relevant to this application.

**Clause 10 - Operation of the State Planning Policy Framework** - The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities. The planning policies are directed to land use and development, as required by the Planning and Environment Act 1987, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

**Clause 11 Settlement** - The objective of planning is to anticipate and respond to the need of existing and future communities. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

### Clause 11.13 Loddon Mallee North

For the purpose of this Clause, the 'Loddon Mallee North region' comprises the municipal areas of Buloke, Campaspe, Gannawarra, Mildura and Swan Hill, covered in the Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).

#### Objectives

- To align population and economic growth.
- To realise opportunities to strengthen and diversify the economy.
- To support and manage rural landscapes
- To manage the region's environmental and cultural heritage assets and minimise exposure to natural hazards.
- To protect and provide local sense of place.
- To develop a living network of towns.
- To enable healthy lifestyles.
- To retain, renew and build infrastructure to support growth and enable healthy and supportive communities.

## Clause 13.05 Bushfire

### Objective

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The site is located within bushfire prone area however proposal involves removal of restrictions on the plan of subdivision and does not involve any development. The proposal therefore does not require to be assessed for bushfire hazard.

**Clause 15 - Built Environment and Heritage** - Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community;
- Enhances liveability, diversity, amenity and safety of the public realm;
- Promotes attractiveness of towns and cities within broader strategic contexts; and
- Minimises detrimental impact on neighbouring properties.

**Clause 16 – Housing** - Planning should provide for housing diversity, including affordable housing, and ensure the efficient provision of supporting infrastructure. New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

## Local Planning Policy Framework (LPPF)

### Clause 21.01 Campaspe Shire Key Issues and Strategic Vision

The estimated 2013 population of the shire was approximately 37,000, which is expected to grow to approximately 39,600 by 2031 (VIF 2015) and to 43,000 by 2036 (Campaspe Profile). Compared to other areas of regional Victoria, the shire has a higher population of younger (school age) people and older people. This trend is expected to grow, which may leave a 'population donut', with less working age residents in the municipality.

Functionally, Echuca (with approximately 13,600 people) interacts with its New South Wales counterpart, Moama. The current population of Echuca - Moama is nearly 16,000 people. The bulk of the population is centred around the northern and eastern areas of the shire, especially within the Echuca - Kyabram - Rochester triangle. The southern and western areas of the shire are more sparsely populated.

### Clause 21.01-3 Key Issues

The key issues facing Campaspe are focused around seven strategic themes:

- Settlement and Housing.
- Environmental and Landscape Values.
- Environmental Risks.
- Natural Resource Management.
- Built Environment and Heritage.

- Economic Development.
- Transport and Infrastructure.

## Zoning

**Clause 32.03 Low Density Residential Zone (LDRZ)** – Provides for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. A planning permit is not required under the zone.

## Relevant Particular Provisions

**Clause 52.02 Easements, Restrictions and Reserves** - To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. A permit is required for the removal of the restrictions on the Plan of Subdivision pursuant to Clause 52.02.

**Clause 65 Decision Guidelines** - Sets out decision guidelines for the responsible authority to consider in ensuring acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

## The Planning & Environment Act 1987

Section 60(2) of the Act States:

*The responsible authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer—*

- (a) *Financial loss; or*
- (b) *Loss of amenity; or*
- (c) *Loss arising from change to the character of the neighbourhood; or*
- (d) *Any other material detriment—*

*as a consequence of the removal or variation of the restriction.*

Section 60(4) of the Act states:

Section 60(2) does not apply to any restriction which was—

- (a) *Registered under the Subdivision Act 1988; or*
- (b) *Lodged for registration or recording under the Transfer of Land Act 1958; or*
- (c) *Created—before 25 June 1991.*

*The restriction was created under the Subdivision Act 1988 on the plan of subdivision and therefore Section 60(5) of the Planning and Environment Act 1987 applies, Section 60(5) of the Act states:*

*The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that:*

- a. *The owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the*

*grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and*

*b. If that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

### **Subdivision Act 1988**

Under the Subdivision Act 1988 a restriction is defined as:

*“A restrictive covenant or a restriction which can be registered, or recorded in the Register under the Transfer of Land Act 1958.”*

### **Relevant incorporated or reference documents**

- Council Plan 2013-2017

### **Relevant Planning Scheme amendments**

N/A

## **12. Summary of Key Issues**

The following is a summary of the relevant planning issues and areas of non-compliance, considering the *Planning & Environment Act 1987*, the planning scheme and issues raised by the beneficiaries and objectors.

The restriction on the Plan of Subdivision was created on 14 November 1994 and was registered on PS324988. As the restriction was registered under the *Subdivision Act 1988*, in accordance with Section 60(4) of the *Planning and Environment Act 1987*, the responsible authority must consider the application in accordance with Section 60(5). Section 60(5) of the *Planning and Environment Act, 1987* states.

*The Responsible Authority must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that:*

- a. The owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and*
- b. If that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

*N.B. Emphasis added to ensure the importance and wording of the Act is noted.*

The Oxford dictionary defines 'perceive' as *“Become aware or conscious of (something); come to realize or understand”*. The term detriment (as used in the Act) is noted in the Victorian Civil and Administrative Tribunal (VCAT) case *McBride v Stonington CC 26 October 2005* as 'loss, damage or injury'.

Notice of the application was given in accordance with Section 52(1AA) of the *Planning and Environment Act 1987*, in the form of placing a sign on site, sending letters to adjoining and abutting landowners and beneficiaries and placing an advertisement in the local newspaper.

In total eight (8) objections were received with three (3) objections from the land benefitted by the restriction. Following are the land details of the beneficiaries who have objected to the application:

- 26 Fehring Lane (Lot 15 PS324988),
- 60 Fehring Lane (Lot 13 PS324988)

- 8 Fehring Lane, Echuca (Lot 4 PS324988)

Given the specific wording of s 60(5) of the *Planning and Environment Act 1987*, a number of VCAT decisions have over the years referred to the “extraordinarily high” bar set by s 60(5). These decisions have also set out various principles relevant to assessing detriment in these circumstances. These decisions include *Carabott v Hume City Council*, *McFarlane v Greater Dandenong City Council*, *Hill v Campaspe Shire Council*, *Giosis v Darebin City Council (Red Dot)* and *Yin v Monash City Council*.

In *Dacre v Yarra Ranges SC (2015) VCAT 1453* the principles stemming from these decisions was summarised as follows:

- a) *the Tribunal must be affirmatively satisfied that a covenant beneficiary will be unlikely to suffer any detriment of any kind if the variation or removal of the covenant is permitted.*
- b) *it is not necessary for an affected person to assert or prove detriment because the Tribunal must be affirmatively satisfied of a negative, namely that it is unlikely that there will be detriment of any kind.*
- c) *even if no objections are received from the owners of land benefited by the covenant, their interests must still be considered. The fact that benefitting owners have not objected does not impel the conclusion that they are unlikely to suffer detriment of any kind.*
- d) *the onus is generally on the applicant to demonstrate the unlikelihood of detriment resulting as a consequence of the covenant being varied or removed.*
- e) *if the application to vary or remove a covenant is not accompanied by a collateral application for approval of a specific development, it will generally not be possible (or it will at least be extremely difficult) for the responsible authority or VCAT to reach the conclusion that any form of development of the land permitted by the proposed variation or removal of the covenant will be unlikely to cause detriment, particularly where abutting or adjacent properties enjoy the benefit of the covenant.*
- f) *the concept of ‘any detriment’ is a very wide one and includes even minor detriments. An assessment under Section 60(5) does not involve the balancing of detriments against countervailing benefits, such as may occur in the exercise of discretion in a general planning matter. If there is any detriment of any kind, then a permit can only be granted if such detriment is considered to be unlikely.*
- g) *detriment (and, in particular, perceived detriment) does not rely on the establishment of a direct physical amenity impact – for example, from any form of multi-dwelling development on the land. In a town planning context, it includes broader concepts of detriment or non-physical amenity impacts, including perceptions of neighbourhood character or “an appeal to aesthetic judgment”.*
- h) *VCAT does not need to find that detriment will occur as a probability, rather it is sufficient that there is a possibility, which is neither fanciful nor remote, that detriment may result.*
- i) *the compliance of a proposed development or use with current planning controls does not, of itself, and without more, establish that a covenant beneficiary will be unlikely to suffer any detriment of any kind.*

As there have been objections from beneficiaries which have expressed concerns about detriment (including perceived) it is considered that the Responsible Authority must not grant a permit in accordance with the *Planning and Environment Act, 1987*.

#### Land benefited by the restriction

Three (3) objections were received from beneficiaries with the same restriction on PS324988. The term detriment (as used in the Act) is noted in the Victorian Civil and Administrative Tribunal (VCAT) case *McBride v Stonington CC 26 October 2005* as ‘loss, damage or injury’.

The following is a summary of the concerns or detrimental impacts raised by the beneficiaries:

- Contrary to the character of the area
- Traffic congestion
- Drainage issues

The area at present includes lot sizes between 4000-6000sqm with generous front setbacks and large garden settings. The objections outline that the variation to the restriction will result in a change to the existing 'low density' character of the area. Based on the existing character and the future expectations given the restriction which prevents further subdivision it is considered that a smaller lot will diminish the existing character and could result in an unusual pattern of development.

Further subdivision of the subject site as a result of permitting a variation to the restriction would allow for an additional dwelling. Any future subdivision and dwelling will generate additional traffic and noise. Additional infrastructure may also be required in terms of road maintenance, drainage and other services.

Given that the objections received raised concerns in relation to perceived detriment it is recommended that the application be refused. The proposal has failed to satisfy the requirements of the Act as the owners benefitted by the restriction will be likely to suffer detriment, including perceived.

#### Other Objectors

In addition to the above, Clause 52.02 Easements, Restrictions and Reserves of the Campaspe Planning Scheme requires consideration to be given to the interests of the affected people before deciding on the application. Clause 52.02 therefore allows to consider and support the objections (5) from the landowners who are not beneficiaries of the restriction.

A Red Dot Victorian Civil and Administrative Tribunal (VCAT) decision by Deputy President Helen Gibson *Hill v Campaspe SC (Red Dot) [2011] VCAT 949 (19 May 2011)* has been considered as part of the application. The case considers 'who is an affected person' in relation to the removal or variation of a restrictive covenant. Deputy President Helen Gibson stated that owners of land benefitted by the covenant will carry great weight due to the provisions of *Section 60(5) of the Planning and Environment Act 1987*. In relation to other objections Deputy President Helen Gibson advised "there is no limitation on third party rights of notice and review in respect of applications under clause 52.02".

Therefore as part of this decision, the responsible authority should consider all objections, even though they may not be the owner or occupier of land with the benefit. Five (5) objections were submitted from landowners who do not benefit from the restriction. In accordance with *Hill v Campaspe SC (Red Dot) [2011] VCAT 949 (19 May 2011)* the objections required to be considered as part of the application raised concerns in relation to:

- Further subdivision of the land which will potentially allow an additional dwelling
- Traffic and noise issues
- Additional infrastructure requirements
- Impact on the existing neighbourhood character
- The proposal will set a precedent for further subdivisions
- Construction of a dwelling in the future which will encroach into the front setback and amenity impacts such as privacy

The removal of the restrictions is considered to have the potential to impact on the existing streetscape character of the area and will allow an 'as of right' dwelling that can encroach into existing established setbacks further impacting the existing character of the area. The removal of the restrictions has the potential to create further infrastructure requirements



within the area and create amenity issues in relation to privacy, traffic generation and visual amenity contrary to the character of the area.

Based on the above objections and in accordance with case law *Hill v Campaspe SC (Red Dot) [2011] VCAT 949 (19 May 2011)* it is considered that the objectors will be affected as a result of the removal of the restrictions in addition to the owners of land benefited by the restriction.

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### 13. Conclusion

This proposal fails to satisfy the requirements of *Section 60(5) of the Planning and Environment Act 1987* as it has not demonstrated that the removal will not cause any detriment including perceived detriment to the objectors in benefit of the restriction and also other landholders that have been considered to be affected by the proposal. The proposal will result in change in the overall character of the area and it is therefore recommended that the application not be supported and that a refusal be issued.

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### 14. Recommendation

**That Council as the Responsible Authority under the Planning and Environment Act 1987:**

- **Having caused notice of Planning Application No. PLN324/2017 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme:**

**And**

**Having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Refuse to Grant a Permit under the provisions of Clause 52.02 of the Campaspe Planning Scheme in respect of the land known as Volume 10201 and Folio 010 and described as 20 Fehring Lane, Echuca, for the Removal of Restrictions (Clause 6 "*Erect or cause or suffer to be erected on the land any building less than 20 metres from the road frontage boundary of the land*" and Clause 7 "*Subdivide or cause or suffer the land to be subdivided in any way whatsoever*" on the Plan of Subdivision Pursuant to Clause 52.02 with the application dated 1 December 2017, subject to the following grounds of refusal:**

- 1. The proposal does not satisfy the requirements set out in Section 60(5) of the Planning and Environment Act 1987.**
- 2. The owners of the land benefitted by the restriction are likely to suffer perceived detriment as a consequence of the removal of the restrictions on the plan of subdivision.**
- 3. The removal of restrictions will have an unreasonable impact on the interests of the affected people pursuant to Clause 52.02 Easements, Restrictions and Reserves of the Campaspe Planning Scheme.**
- 4. The removal of the restrictions will have a negative impact on the character of the area contrary to the provisions of the Planning and Environment Act 1987 and Campaspe Planning Scheme.**
- 5. The removal of restrictions is contrary to the relevant decision guidelines of Clause 65 of the Campaspe Planning Scheme.**

**5.2. COUNCIL PLANNING REPORT – 969 BARNADOWN-MYOLA ROAD MYOLA VIC 3551, PLN364/2017**

<b>ALLOCATED OFFICER:</b>	Rebecca Fisher, Planner
<b>RESPONSIBLE MANAGER:</b>	Planning and Building Manager
<b>APPLICATION NO:</b>	PLN364/2017
<b>DATE RECEIVED:</b>	13 December 2017
<b>APPLICANT:</b>	Susan Pretty & Edward Twomey
<b>PROPOSAL:</b>	Use and development of the land for a dwelling in the Farming Zone Schedule 1
<b>SUBJECT SITE:</b>	969 Barnadown-Myola Road MYOLA VIC 3551
<b>ZONING:</b>	Farming Zone Schedule 1
<b>OVERLAYS:</b>	None
<b>UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:</b>	Clause 35.07-1, Clause 35.07-4
<b>RESTRICTIVE COVENANTS ON THE TITLE?:</b>	None
<b>CURRENT USE AND DEVELOPMENT:</b>	Cropping and Grazing
<b>IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED?:</b>	No
<b>OBJECTIONS:</b>	Five

**1. Summary Recommendation**

It is recommended that Council as the Responsible Authority issue a Notice of Decision to Grant a Permit subject to conditions.

**2. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

**3. Charter of Human Rights**

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. Instrument of Delegation**

This report has considered the Instrument of Delegation (S6) by Council. This report is required as the delegation does not allow officers to determine a planning application where multiple objections have been received.

**5. Proposal**

The proposal is for the use and development of a single storey dwelling on a lot size of 78.13 hectares in the Farming Zone Schedule 1.

The proposed dwelling will be set back approximately 200 metres from the Northern Highway on the western property boundary and setback approximately 225 metres from Barnadown-Myola Road on the southern property boundary. The dwelling will be accessed by an existing driveway and crossover on Barnadown-Myola Road.

The single storey dwelling will be 211.6 square metres in size, with a total footprint of 376.9 square metres including verandahs and garage. The dwelling will consist of three bedrooms, two bathrooms, lounge, dining, kitchen, office, laundry, outdoor eating area, double garage, swimming pool and verandahs. Stormwater will be captured in four rainwater tanks which will be fitted with appropriate attachments for firefighting purposes. The roof will be constructed of metal roof sheeting. The walls will be clad in Hebel Panel Cladding.

An Integrated Land Management Plan (ILMP) has been provided as part of the application addressing the relationship of the dwelling with the agricultural activities onsite. The activities include rotational cropping, breeding cattle and breeding and training of stock horses. The onsite dwelling is required to support these activities, particularly during various stages of crop production, watering and at times of livestock husbandry. The improvements on the site include new fencing and future infrastructure improvements such as stock yards and a horse arena.

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## 6. Subject Site & Locality

The property originally contained a number of separately transferable Certificates of Title and has been surveyed and consolidated onto (1) Certificate of Title. After consolidation it was found that the site was 1.87ha short from meeting the 80ha minimum lot size for an 'as of right' dwelling in the schedule to the zone.

The site has a total area of 78.13 hectares and currently contains an agricultural shed. The property has access via an existing driveway and crossover on Barnadown-Myola Road. The property is rectangular in size, with a frontage of 618.6 metres to the Northern Highway (western boundary) and 1284 metres to Barnadown-Myola Road (southern boundary). Mount Pleasant Creek runs traverses the property in a north-south direction.

To the north, south and east of the subject site are large agricultural properties made up of a number of separately transferable Certificates of Title used for cropping and grazing purposes. Mount Pleasant Creek traverses the subject site and adjoining properties to the north and south. The neighbouring land is zoned Farming Zone Schedule 1 and the Northern Highway is a Road Zone Category 1 VicRoads Road.

To the west of the subject site is the Northern Highway and beyond are two (2) small allotments of a size approx. 2 hectares and 1.2 hectares each containing a dwelling. The surrounding allotments have sizes between 12ha to 49ha and are used for cropping and grazing. It is noted that a number of properties within the area are made up of a number of separate Certificates of Title.

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## 7. Permit/Site History

The history of the site includes:

- PLN0088/2016 Plan of Consolidation - was certified.

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## 8. Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site

The notification has been carried out correctly and five (5) objections were received, three (3) of which were from the same property. The objections can be summarised as follows:

- Concerns re the proliferation of dwellings on small lots
- The Agricultural activity is not viable
- The dwelling would prevent neighbouring broad acre farms from spraying easily.
- There is no opportunity for growth because of the neighbouring broad acre farming.
- Concerns re grazing of stock in area fenced off by Landcare for regeneration.
- That the adjoining landowners were outbid during the tender process as they incorrectly believed that a dwelling was prohibited on the site.

The relevant issues have been taken into account in the assessment of the planning application.

**Figure 1: Subject site and surrounds**



Legend	
Subject Site	★
Objections	●

An objector resides approximately 7 kilometres to the south of the subject site and has not been shown.

**9. Consultation**

A consultation meeting was held on 23 February 2018. The meeting was attended by the applicant and three (3) objectors. The application was discussed in detail however there was no resolution. An email response from the applicant was forwarded to each of the objectors however no objections have been withdrawn.

**10. Referrals**

The proposed development was referred to no external authorities and one internal Council Department. The following table makes note of the type of information requested and whether conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

	Information type	Requests Conditions	Permit	Any Other Advice (Notes etc.)
Internal Department				
Environmental Health Department	Info	Yes		No

The conditions referred to in the above table are included in the Notice of Decision to Grant a Permit.

## 11. Assessment

### The State Planning Policy Framework (SPPF)

The following State policies and objectives are relevant to this application:

**Clause 10 - Operation of the State Planning Policy Framework** - The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities. The planning policies are directed to land use and development, as required by the Planning and Environment Act 1987, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

**Clause 11 Settlement** - The objective of planning is to anticipate and respond to the need of existing and future communities. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

**Clause 13.05 Bushfire** - This Clause has an objective to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This application for accommodation must address this clause as it is in a Bushfire Prone Area.

#### Clause 11.13 Loddon Mallee North

**11.13-3 Agricultural productivity** - To support and manage rural landscapes.”

#### Strategies

- Protect areas of strategic significance for agriculture.
- Support adaptation of the agricultural sector to embrace opportunities and respond to the potential risks arising from climate change.
- Facilitate ongoing agricultural productivity and investment in high value agriculture.
- Protect and maintain productive land and irrigation assets necessary to help grow the region as an important food bowl for domestic and international exports.

#### Clause 14.01 Agriculture

**Clause 14.01-1 Protection of Agricultural Land** - To protect productive farmland which is of strategic significance in the local or regional context.

**Clause 14.01-2 Sustainable Agricultural land Use** – To encourage sustainable agricultural land use.

### The Local Planning Policy Framework (LPPF)

The following Local policies and objectives are relevant to this application:

**Clause 21.01 Campaspe Shire Key Issues and Strategic Vision** tells us the estimated 2013 population of the shire was approximately 37,000, which is expected to grow to approximately 39,600 by 2031 (VIF 2015) and to 43,000 by 2036 (Campaspe Profile). Compared to other areas of regional Victoria, the shire has a higher population of younger (school age) people and older people. This trend is expected to grow, which may leave a 'population donut', with less working age residents in the municipality.

Agriculture (particularly irrigated primary production) and its processing underpin the economy of the shire and region. Approximately 40 per cent of employment in the shire is in manufacturing, agriculture (including fishing and forestry) and health care.

#### **Clause 21.01-4 Strategic Vision**

The Planning and Environment Act 1987 requires that MSS be consistent with the current Council Plan (2013-2017) which outlines the following vision for Campaspe:

"A vibrant place to live, grow and visit, with a thriving, diverse and healthy lifestyle".

**Clause 21.02 Settlement and Housing** states that while there has traditionally been support for dwellings in rural areas, there are a number of limitations with this option, including the 'right to farm', inconsistency with state policy, the costs that the council will inherit in servicing these new dwellings, the precise location of the dwelling on the land and the impact of the dwelling on farming operations. While a dwelling will often be needed to properly farm the land, any new dwellings must be limited to those that genuinely relate to agricultural production.

#### **Clause 21.05 Natural Resource Management**

##### **Agriculture**

Irrigated primary production and the processing of that product underpin the economy of the municipality and the region. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

It is increasingly evident that prospective agricultural investment is jeopardised, deterred, or lost by land use and development that has the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where the ownership of land is fragmented with housing dispersed throughout. To address this, a Regional Rural Land Use Strategy (2008) identified various categories of farming areas, and recommended different subdivision and minimum lot size provisions for dwellings in each category. Important principles arising from the strategy that have been applied in the rural areas are:

- The minimum subdivision size is always to be less than or equal to the minimum dwelling size in order to avoid expectations and perceptions that there will be an automatic entitlement to erect a dwelling on all newly created lots in the Farming Zone.
- Small lot subdivisions should not create any additional entitlements for a dwelling, nor should they create an opportunity for a dwelling without a planning permit.
- Unplanned rural living should not displace agriculture or prevent flexibility for farm businesses.

**Growth and Consolidation areas**, being an areas for growth and expansion of existing farm businesses and for new investment. The minimum subdivision size in these areas has been set at 60 hectares, and a dwelling needs a planning permit on all land less than 80 hectares in area.

##### **Objectives**

- To ensure that agriculture is and remains the major economic driver in the region
- To identify a preferred area for intensive agricultural activities

- To ensure that use and development does not pose a threat to the sustainable productive capacity of the shire's agriculture economic base.

### **The Local Planning Policy Framework (LPPF)**

#### **Clause 22.01 Agriculture Policy**

This policy addresses two separate issues, which arise in the Farming Zone being rural subdivision and rural dwellings.

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 discouraged as it is inconsistent with the trend towards the consolidation of larger and more viable agricultural parcels. Fragmentation also leads to rural living opportunities, which compromise farming purposes by increasing land prices and introducing residents with 'non-farming' amenity expectations. The existing supply of lots in the Farming Zone is considered sufficient to enable the incremental growth of farms.

Council acknowledges that there is a demand for rural living opportunities in the Shire, but adequate land has been allocated to accommodate this demand. Unplanned rural living results in agricultural land being taken out of production. A rural dwelling will often be needed to properly farm the land, however new dwellings must be limited to those that genuinely relate to agricultural production.

Clause 21.04 identifies new categories within the Farming Zone which distinguish land on the basis of productive capacity, access to water, levels of fragmentation and the existence of dwellings.

This policy provides direction on how discretion will be exercised in terms of dwellings and subdivision in the Farming Zone.

#### **Objectives**

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural land.
- To provide for the incremental growth of farming enterprises.
- To provide for small lot subdivision only where there are positive agricultural outcomes and where no additional dwelling entitlements are created under the minimum subdivision area.
- To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.

#### **Policy – Rural dwellings**

It is policy to:

- Discourage a dwelling not associated with or required for the agricultural use of the land.
- Ensure that the agricultural use has been established on the land (or an integrated land management plan under Clause 35.07-6 is in place) prior to the construction of a dwelling.
- Ensure that the dwelling is located on a lot of at least 2 hectares in area.
- Ensure that the dwelling is located on a lot created after 1st January 1960.
- Require the landowner to enter into an agreement under section 173 of the Act to:

- Ensure the dwelling is used in conjunction with an agricultural use;
- Prevent the subdivision of the lot containing a dwelling where the proposed lot size is less than the minimum subdivision area specified in the Farming Zone;
- Acknowledge the impacts of nearby agricultural activities.

#### **Clause 22.04 Non Agricultural Uses in the Farming Zone Policy**

##### Policy Basis

This policy applies to all applications on land within the Farming Zone. The policy builds on the MSS strategies at Clause 21.05 regarding potential land uses and developments that may impact on agricultural activities and investment. The Farming Zone was significantly modified in 2013, after the adoption of the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (2010). An array of new discretionary uses was introduced, many of which had been prohibited at the time of the preparation of the strategy.

In terms of land use, the preferred mix of uses in the Farming Zone includes those that support agricultural activities and associated rural industries that maintain and build the economic base of the shire. Council discourages uses in the rural areas that are not directly related to agriculture, or that have an adverse impact on agriculture and future agricultural opportunities.

##### Objectives

- To identify preferred mix of land uses in rural areas
- To promote appropriate land use and development within rural areas
- To discourage non-agricultural use and development in all rural area, other than those that support agriculture.

**Clause 22.07 Water Sensitive Urban Design (Stormwater Management) Policy** – Promotes the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Loddon, Campaspe and Goulburn Basin catchments from stormwater pollutants.

##### Zoning

**Clause 35.07 Farming Zone** - Ensures that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture and encourage use and development of land based on comprehensive and sustainable land management practices.

The site is affected by Schedule 1 of the Farming Zone. A permit is required for the use of the land for a dwelling as the lot is less than 80 hectares (Section 2 Use) (permit required) pursuant to Clause 35.07-1. A permit is required for buildings and works associated with a use in Section 2 of Clause 35.07-4.

##### General Provisions

**Clause 65 Decision Guidelines** – Sets out decision guidelines for the responsible authority to consider in ensuring acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

##### Relevant incorporated or reference documents

- Loddon Mallee North Regional Growth Plan, 2014
- Council Plan 2013-2017
- Regional Rural Land Use Strategy & Implementation 2008 & 2010



- AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia 2009)

### Relevant Planning Scheme amendments

N/A

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## 12. Summary of Key Issues

The applicant has applied for a planning permit to use and develop the land for a dwelling. The subject site was originally made up of a number of separately transferable Certificates of Title. The applicant consolidated the allotments in an attempt to meet the as of right (no permit required) 80ha minimum lot size for a dwelling in the Farming Zone Schedule 1 (FZ1). As a result of the consolidation, the site has a total area of 78.13ha, being 1.87ha short of allowing a dwelling as-of-right under the schedule to the zone.

The application was advertised and five (5) objections were received, three (3) of which are from the same family and neighbouring property with the same objection. An objection was also raised in relation to the tender process of the purchasing of the property and that it was thought a dwelling could not be constructed on the land. Matters regarding the purchasing process are not relevant planning considerations in accordance with policy and the zone and was highlighted during the consultation meeting.

As part of the application an Integrated Land Management Plan (ILMP) has been submitted to justify the agricultural activity with the dwelling. Below is an assessment of the proposal against the relevant State and local policy, zoning, particular and general provisions of the scheme.

### Policy

Clause 13.05 requires proposals for the use and development of accommodation in a designated bushfire prone area to consider the risk of bushfire to people and property and for appropriate bushfire protection measures to be identified and implemented without unacceptable biodiversity impacts. Suitable water tanks for fire-fighting requirements have been considered with the inclusion of four (4) existing 22,500 litre water tanks. The installation of four (4) additional water tanks with CFA approved fire hose outlets will ensure that there is appropriate equipment for fire-fighting purposes. The site has suitable access and an existing crossover onto Barnadown-Myola Road which is located within an area of the site cleared from vegetation. It is recommended a condition be included on the permit to ensure the dwelling will have an appropriate Bushfire Attack Level (BAL) in accordance with the measures of Clause 13.05.

Clause 14.01-1 requires the development to protect productive agricultural land from unplanned loss whilst considering and adverse effects of the proposed development on adjoining land. Protection of agriculture land, aims 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'*. Clause 14.01 Agriculture also considers *'the impacts of removing the land from primary production, given its agricultural productivity'*. The subject site is currently used for lease cropping, growing out of young beef cattle and spelling horses. The applicant has advised they currently only visit the site weekly, due to the distance from their current residence being located a three (3) hour drive from the site. Residing onsite would allow them to expand the agricultural production onsite and improve productivity. The site is located within an area which can be used for productive agriculture, with appropriate management which will be guided by the Integrated Land Management Plan (ILMP).

The Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05 categories FZ1 as being for 'growth' areas for expansion of existing farm businesses and 'consolidation' areas that support existing farm businesses to operate and expand. The site is within the Farming Zone Schedule 1 (FZ1) as is the surrounding area with productive fertile soils. The existing pattern in the area illustrates the land is used for large scale agriculture including grazing, and/or cropping with some scattered smaller lots that contain dwellings. The proposal is consistent with the RRLUS and the owners' activities of consolidating separately transferable Certificates of Title to make one (1) allotment, will to enhance agricultural productivity. The history of management and intent as illustrated within the ILMP will allow the farming enterprise to incrementally grow.

Clause 21.05-1 aims to ensure that agriculture is and remains the major economic driver in the region through such strategies as encouraging and facilitating growth of existing farm businesses. The objective of Clause 21.05-1 is to *"ensure that agriculture is and remains the major economic driver in the region"* and *"ensure that use and development does not pose a threat to the sustainable productive capacity of the shire's agriculture economic base"*. The applicant has advised

and illustrated within the ILMP that a dwelling onsite would enable them to monitor and expand cattle production, and continue pasture improvements during various stages of growth, including harvest. A dwelling would also allow them to train horses at the property, use them to work cattle, increase lease holdings and manage crops.

Clause 22.01-3 and 22.04 state that it is policy to discourage a dwelling not associated with or required for the agricultural use of the land, consistent with the State directions. The policy also requires that there should be an adverse impact on agriculture and/or adjoining land. The lot is off a size (78ha) which will accommodate productive agriculture and is unlikely to be just used a lifestyle or rural residential outcome. The dwelling is required to properly farm the land and lot and land use is compatible with the surrounding area. In response to some of the objections, the proposal is unlikely to result in the proliferation of dwellings given the lot configuration and use of the land. In addition, the ILMP has justified that the agricultural use is a genuine business enterprise and the productivity of the site will increase as a result of the dwelling.

As required in the local policy, a condition has been included requiring a Section 173 Agreement to prevent the construction of any additional dwelling and prevent further subdivision. The agreement will also make the owner aware of adjoining agricultural uses in accordance with Clause 22.01-3 and reference the agricultural use as identified in the ILMP, which forms part of the application.

The use of a dwelling on the land will enable to the landowner to farm the land more productively compared to the current use. It is expected based on the ILMP the improvements on the land will increase future stocking rates to 2-3 cattle per hectare compared to 1 cattle per 2.6 hectares currently. The use of the land is considered similar and compatible with surrounding land uses. The dwelling is unlikely to result in the loss or fragmentation of productive agricultural land with the dwelling associated with a genuine agricultural use. The dwelling will allow the applicant to use the land productively and the location of dwelling meets the setback requirements of Clause 35.07-4.

#### Design and siting

The design and siting of the dwelling is appropriate being setback 200 metres from the west boundary (Northern Highway) and 225 metres from the south boundary (Barnadown-Myola Road). The dwelling is located to avoid the need to remove any native vegetation on site in accordance with the decision guidelines of Clause 35.07. The dwelling has been sited on rocky ground that is unsuitable for most agricultural uses, minimise its impact on productivity.

Clause 22.07 relates to the management of stormwater due to increased non-permeable surfaces in developments used for accommodation. The applicant has advised the stormwater will be captured in two large rainwater tanks for use at the property, which meets the objectives of this policy. Based on the size of the site and that the dwelling is proposed to be located close to an existing agricultural shed, it is considered that the dwelling is unlikely to impact on adjoining agricultural activities in accordance with the decision guidelines of Clause 22.01 and Clause 35.07.

The dwelling is of an appropriate height, scale and built form giving regards to the context of the site and surrounding area, with dwellings in the surrounding area being constructed primarily of brick or weatherboard in natural tones. The site has existing access onto Barnadown-Myola Road which is an all-weather road and the dwelling will be connected to all required services in accordance with Clause 35.07-2. The application was referred to the Council's Environmental Health Department who supported the proposal subject to conditions relating to wastewater treatment.

Overall it is considered that the proposal complies with the relevant policy and that discretion should be applied. The dwelling is appropriate for the site considering the consolidated size and agricultural use. The concerns of the objectors have been considered, however the applicant has demonstrated the need for the dwelling which allow for increased agricultural production.

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### **13. Conclusion**

The application has been considered against the relevant provisions of the Campaspe Planning Scheme, in particular State and local planning policy, Clause 22.01 Agricultural Policy, Farming Zone and the general decision guidelines of Clause 65. The dwelling will be associated with a genuine agricultural use and will have no adverse impact on the agricultural use of the site or surrounding area. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

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#### 14. Recommendation

That Council as the Responsible Authority under the Planning and Environment Act 1987:

- Having caused notice of Planning Application No. PLN364/2017 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme

And

having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 35.07-1 and 35.07-4 of the Campaspe Planning Scheme in respect of the land known and described as Volume 11920, Folio 911 commonly known as 969 Barnadown-Myola Road MYOLA VIC 3551, for the Use and Development of the land for a dwelling in the Farming Zone Schedule 1 in accordance with the endorsed plans, with the application dated 13 December 2017, subject to the following conditions:

1. Layout not altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

2. Integrated Land Management Plan

The Integrated Land Management Plan prepared by Susan Pretty and Edward Twomey for Volume 11920 Folio 911 & Volume 11571 Folio 570, commonly known as 969 Barnadown-Myola Road, as endorsed forms part of this permit. The owner must comply with the requirements and stages of business as specified in the plan to the satisfaction of the responsible authority. The plan must not be altered without the written consent of the Responsible Authority.

3. Agreement under Section 173 of the Planning and Environment Act 1987

Prior to the occupation of the dwelling, the owner of the land must enter into an agreement with the responsible authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide that:

- a) The dwelling is to be used in conjunction with an agricultural use in accordance with the endorsed Integrated Land Management Plan.
- b) The further subdivision of the lot containing the dwelling is prevented where the proposed lot size is less than the minimum lot size in the zone;
- c) The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off site impacts include but are not limited to (dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin), from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation. In acknowledging the existence of the agricultural operations being conducted from adjoining or nearby land, the owner shall not make complaint against lawful agricultural activities on the adjoining or nearby land.

The Section 173 agreement is to be prepared by the responsible authority. The responsible authority will undertake to have the agreement prepared upon receiving a written request from the owner. All costs associated with the preparation, execution and registration of the agreement must be borne by the applicant / owner and paid prior to the execution and registration of the agreement.

#### 4. Dwelling Infrastructure

Prior to occupation of the dwelling, the following must be provided to the satisfaction of the responsible authority:

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

#### 5. Rural Vehicle Crossing Location

- a) 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.
- b) 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 375mm). Culverts located in the clear zone must 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.
- c) All bridges and crossings must be designed to carry a vehicle weighing at least 15 tonnes and be at least three metres in width.

#### 6. Rural Drainage - Works

Before the use begins, 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 or Goulburn Murray Water. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.

#### 7. Septic Treatment

A septic permit must be obtained from Council's Environmental Health Department prior to the issuing of a building permit and prior to the commencement of works for the installation of a septic tank system to the satisfaction of the Responsible Authority.

#### 8. Bushfire Prone Area

Before the building is occupied the owner must ensure that:

- a) The building is constructed to comply with the relevant Bushfire Attack Level (BAL) and AS3959:2009 (Construction of Buildings in Bushfire-prone Areas) to minimise the impact of bushfire.
- b) The building is provided with static water supply for fire-fighting and property protection purposes.
- c) Safe vehicle access is provided to the site and building for emergency services.

All to the satisfaction of the Responsible Authority

**9. Time for Starting and Completion**

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

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

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

## **6. PLANNING AUTHORITY DECISIONS**

Nil

## 7. COUNCIL DECISIONS

### 7.1. COUNCIL POLICY REVIEW

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

**Attachments:**

7.1. Council policies with amendments

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#### 1. Purpose

To present to Council for adoption policies that have been reviewed in March 2018.

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#### 2. Recommendation

That Council:

##### 1. Adopt the following reviewed Council policies:

- Policy 036 - Temporary Road and Street Closure
- Policy 046 – Removal of Street Nature Strip Trees
- Policy 052 – Street Public Lighting
- Policy 054 – Improvements to the Level of Service of the Road Network
- Policy 076 – Township Street Decorations
- Policy 122 – Flagpole Program
- Policy 126 - Procurement
- Policy 130 – Developer Contributions to Works
- Policy 132 – Private Water Assets in Road Reserves
- Policy 135 – Drainage

##### 2. Revoke Policy 128 – Rural Sealed Road Pavements Renewal and Valuation Methodology.

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#### 3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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#### 4. Charter of Human Rights

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

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#### 5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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#### 6. Background

Policies are critical to the strategic objectives of council and provide a predetermined course of action to the community. At the September 2016 Council meeting Council resolved for all Council policies to be reviewed annually commencing November 2017. Council policies scheduled for review will be presented monthly for the remainder of the year.

As part of the review process a *Review and Evaluation of Policy Guideline* was developed and introduced to assist staff in the evaluation process by providing a basic evaluation and review methodology to assist in determining the effectiveness of the policy and the extent to which a policy has met or is meeting its objectives.

There are five overarching objectives for the policy review process which are to:

1. Ensure that policies reflect current legislative and regulatory requirements,
2. Reaffirm, where possible, current practice is similar to similar activities within the Local Government sector,
3. Meet the functional and operational requirements of council staff in executing policy,
4. Be responsive and reflective of the needs of council's stakeholders and ratepayers,
5. Be relevant to the local government context in which Campaspe Shire Council operates and strive for best practice in policy development.

Questions to ask when reviewing policies should include:

- *What impact, if any, does a policy or program have in terms of specific outcomes for the people for whom it is meant to apply?*
- *Is the policy or program in accordance with the Victorian Charter of Human Rights and Responsibilities?*
- *Does it actually meet the needs of small business, ratepayers or council staff for the purpose intended?*
- A second consideration is *process evaluation*, which asks *how, why and under what conditions* does a policy work, or fail to work?
- *Are there gaps, circumstances or reasons why it cannot be applied?*

Council policies have been reviewed by the responsible officers as per the Review and Evaluation of Policy Guideline.

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#### 7. Content

A summary of the revised policies are listed below and the individual policies are also attached with track changes for readability. These policies are presented to the March Council meeting for adoption.



Policy No.	Policy Title	Purpose	Summary of changes
<b>DIVISION - CORPORATE SERVICES</b>			
<b>Department - Finance</b>			
126	Procurement	This policy has been prepared to outline the framework for the procurement of goods, services and works for and on behalf of the Campaspe Shire Council (Council), to ensure that this occurs in compliance with relevant legislation and industry best practice.	Removal of philosophy, changes to policy statement points, 2,6,7,9, 10,11,13, human rights, definitions
<b>DIVISION – ECONOMIC &amp; COMMUNITY DEVELOPMENT</b>			
<b>Department – GM Economic &amp; Community Development</b>			
076	Township Street Decorations	To provide an equitable method by which to allocate funds to towns throughout the Shire, to support communities in celebrating events and festivities through the purchase, installation and removal of temporary street decorations.	Removal of philosophy, addition to item 2 - last sentence, change of responsible officer
122	Flagpole Program	To provide direction on the design, location, booking system, installation and dismantling of banners within the Shire's CBD flagpole area of Echuca	Removal of philosophy
<b>DIVISION – INFRASTRUCTURE SERVICES</b>			
<b>Department - Assets</b>			
036	Temporary Road And Street Closure	To provide Council with a mechanism to control and regulate temporary street and road closures in the Shire of Campaspe, acknowledging interpreting and linking legislation already in place.	Removal of philosophy, changes to policy statement - points 2,3,4,5,6 , removal of attachment, change of responsible officer
052	Street Public Lighting	To provide the basis for the determination of the level of street lighting in urban areas.	Removal of philosophy, changes to policy statement a & d, exclusions, change of responsible officer, change to low energy lighting in purpose
054	Improvements to the level of service of the road network	To provide the basis of determining applications to improve the level of service of the road network under the following provisions. 1. Priority is given to funding the maintenance of existing road infrastructure in preference to improving the level of service of the existing road network in order to maximise Council's limited financial resources. (in line with Council policies 091 and 118.) 2. Generally applicants will be required to fund works for the improvements to the level of service of the road network which is primarily to benefit them. 3. Council is prepared to pay for providing a gravel road (i.e. all weather access) to a residence by the shortest route from the existing road network. 4. Council will consider contributing 50% of the cost of dust suppression works on gravel roads.	Changes to purpose, policy statement section A, B, C, D
128	Rural Sealed Road Pavements Renewal and Valuation Methodology	To set standards for the road pavement width and thickness when considering renewing and valuing rural sealed pavements.	Proposed to be revoked after consultation with Road Services, Strategic Assets and Finance

Policy No.	Policy Title	Purpose	Summary of changes
<b>DIVISION – INFRASTRUCTURE SERVICES</b>			
<b>Department - Assets</b>			
130	Developer Contributions to Works	Provide guidance to developers, Road Services team and Planning and Building Department to determine the circumstances under which a developer should either provide or contribute towards the cost of works to service any development and the mechanism through which this will be achieved.	Removal of philosophy, changes to purpose, policy statement point 1a, 1d, removal of 1h-m, point 2, point 3, change to responsible officer
132	Private Water Assets in Road Reserves	To define the criteria and requirements under which private assets will be allowed in to the road reserve.	Removal of philosophy, changes to policy statement preamble, point 2, point 3, change of responsible officer
135	Drainage Policy	<ol style="list-style-type: none"> <li>1. Enable Council, in consultation with the community, to set sustainable and affordable Levels of Service.</li> <li>2. Provide a framework to consider future drainage works and how they will be prioritised and funded.</li> <li>3. Assist Council to manage its legal drainage obligations</li> </ol>	Removal of philosophy, changes to policy statement preamble, point 7 table step 4, point 8
<b>DIVISION – REGULATORY &amp; COMMUNITY SERVICES</b>			
<b>Department – Public Environments</b>			
046	Removal of Street and Nature Strip Trees	To establish and maintain policies to provide appropriate criteria to assess requests for the effective removal of street and nature strip trees in commercial and public park and recreation and urban and rural-residential zones. It is not intended to apply to trees on private property or reserves. Trees are provided in public places such as road reserves, parks in urban and rural residential areas to enhance the environment in which we live, supporting Council's vision of providing sustainable liveable communities. Campaspe Shire Council recognises that street trees are valuable community assets that positively impact the amenity and wellbeing of the Campaspe community. Trees are the most significant form of vegetation used in the urban landscape. They benefit residents, commuters and visitors visually, emotionally and physically by defining and softening streetscapes, trees also provide shade and protection to pedestrians and infrastructure. Trees take considerable effort, cost and time to establish. They should not be removed without significant justification.	Addition of Scope section, changes to purpose and policy statement - points 1,2,3,4

**8. Issues and Risk Management**

**Issues:**

Nil

**Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

**9. Strategic Planning Environments**

Strong and Engaged Communities:	No impact
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	Policies improve delivery on services to the community and give clear direction to officers.
Responsible Management:	Council policy assist with establishing guidelines, effective decision making and being accountable to the community.

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**10. Consultation**

- Executive Management Group and staff have been consulted in relation to policies which have an effect on their area.
- Councillors reviewed the relevant policies at the 6 March 2018 Briefing session.

## **7.2. LOCAL GOVERNMENT BILL – EXPOSURE DRAFT SUBMISSION**

### **Author:**

Fleur Cousins, General Manager Corporate Services

### **Attachments:**

7.2 Submission to Local Government Bill – Exposure Draft

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### **1. Purpose**

For Council to ratify the written submission made by Campaspe Shire Council on the Local Government Bill – Exposure Draft.

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### **2. Recommendation**

#### **That Council:**

- 1. Ratify the written submission on the Local Government Bill – Exposure Draft at Attachment 7.2; and**
  - 2. Note the written submission was submitted by the closing date of 16 March 2018.**
- 

### **3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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### **4. Charter of Human Rights**

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

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### **5. Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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### **6. Background**

The Victorian Government committed to a comprehensive review and rewrite of the current Local Government Act 1989 and commenced the process in 2015. In June 2016, a Directions Paper was released seeking feedback on over 155 individual directions from a broad range of stakeholders. The Government received 333 submissions in response to the Directions Paper. During 2017, further targeted consultation was undertaken with the establishment of seven Technical Working Groups comprising of senior sector representatives, as well as meeting with peak rate payer groups, peak sector organisations and newly elected Councillors. Following the extensive consultation undertaken, on the 6 December 2017, the Local Government Bill – Exposure Draft was released for consultation.

## 7. Content

The Local Government Bill – Exposure Draft is the culmination of extensive consultation with both the local government sector as well as with a range of other key stakeholders, including peak bodies, rate payer associations and interested parties.

'The Draft Bill seeks to:

- provide a better understanding of the role of councils as democratically elected bodies
- encourage Victorians to participate more as candidates, voters and citizens in council activities and contribute to council strategic visions and plans
- drive more autonomous and outcome focused councils
- encourage Councils to embrace innovative and collaborative arrangements that increase organisational efficiency and deliver public value for residents
- provide a sound framework for the sector to become more efficient and enterprising in its local governance.' (Your Council Your Community website, <http://www.yourcouncilyourcommunity.vic.gov.au/exposure-draft>)

Council officers and the Mayor have attended information and discussion sessions with a range of stakeholder organisations to gain further understanding of the Local Government Bill – Exposure Draft and the proposed amendments this legislation seeks to achieve compared to the current *Local Government Act 1989*. Having considered this information a submission providing overall in principle support has been drafted for submission by Campaspe Shire Council. The submission also seeks to highlight some key concerns that have been identified that relate specifically to Campaspe Shire Council or are of an operational nature.

The draft submission has been discussed with Councillors on three (3) occasions at Council briefings to provide opportunities for input and to draw upon additional information gained from stakeholder engagement sessions.

Submissions to the Local Government Bill – Exposure Draft closed on Friday 16 March 2018. It was agreed that the draft submission be made to meet the deadline set by the State Government and Council ratify the submission at the next available Council meeting.

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## 8. Issues and Risk Management

### Issues:

Nil

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

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## 9. Options

There are no options presented with this report.

**10. Strategic Planning Environments**

Strong and Engaged Communities: No impact

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: The establishment of principle based legislation to govern the operations of Local Government seeks to enable Councils to operate in an efficient and effective manner, upholding the principles of good governance, community engagement and public transparency.

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**11. Consultation**

The Local Government Bill – Exposure Draft was presented to Councillors at a briefing on the 23 January 2018 and the draft submission was discussed with Councillors at Council Briefings held on 6 February, 20 February and 6 March 2018.

Council Officers have attended information sessions held with Local Government Victoria, Municipal Association of Victoria, Local Government Professionals and Macquarie Lawyers.

### **7.3. LEASE OF SHACKELL BOND STORE SHOP 2, 41 MURRAY ESPLANADE, ECHUCA**

#### **Author:**

Sally Ruckwood, Acting Property Manager

#### **Attachments:**

7.3. Plan of Shop 2, 41 Murray Esplanade, Echuca

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#### **1. Purpose**

To seek endorsement to enter a short term hire agreement over Shop 2, 41 Murray Esplanade, Echuca with Murray River Gourmet Foods Pty Ltd for use of the Premises for a maximum period of up to 12 weeks and;

To seek approval to enter a long term lease agreement with Murray River Gourmet Foods Pty Ltd over Shop 2, 41 Murray Esplanade, Echuca for a potential combined lease period of Twenty (20) years if all options are exercised.

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#### **2. Recommendation**

##### **That Council:**

1. **Endorse officers entering a short term hire agreement with Murray River Gourmet Foods Pty Ltd over Shop 2, 41 Murray Esplanade, Echuca for a maximum period of twelve weeks and;**
  2. **Give public notice under Sections 82A, 190 and 223 of the *Local Government Act 1989* ('the statutory advertising') of the proposed lease in the appropriate newspapers and on Council's website.**
    - a) **Where the proposed lease is for a proposed lease term of five (5) years with the options of three (3) further terms each of five (5) years being a total combined lease period of 20 years if all options are exercised. The rent for the first year of the term is to be \$1,716 per annum inclusive of GST and thereafter subject to annual CPI adjustments for the remainder of the term. The rent for the first year of any further term is to be the then current market rent as agreed between Council and the Proposed tenant and failing agreement is to be determined by valuation pursuant to the Retail Leases Act (Vic) 2003 and thereafter subject to annual CPI adjustments for the remainder of the term. The proposed tenant is Murray River Gourmet Foods Pty Ltd.**
  3. **Consider any submissions received in relation to the proposed lease, pursuant to Section 223 of the *Local Government Act 1989* ('submissions') following the completion of the statutory advertising period.**
  4. **Authorise the CEO to execute the lease and associated documents subject to the satisfactory outcome of the statutory requirements of Section 190 of the *Local Government Act 1989*.**
- 

#### **3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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#### **4. Charter of Human Rights**

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

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## 5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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## 6. Background

Murray River Gourmet Foods Pty Ltd have owned and operated the business trading as Sharps Magic Movie House and Penny Arcade since 2007. The business offers antique arcade amusement games, and produces traditional, fudge nougat and confectionary products for sale along with retail gifts. The business operated from the location of 43 Murray Esplanade under a lease agreement until July 2017.

In December 2014 Murray River Gourmet Foods Pty Ltd were awarded as the preferred applicant for a new lease of 43 Murray Esplanade, Echuca in an Expression of Interest process managed by Colliers International. As the preferred applicant lease negotiations were commenced between the parties, which included the provision for Council refurbishment works to the building prior to commencing the new lease. During refurbishment works the business was temporarily re-located to Customs House building at 2 Leslie Street, Echuca.

Refurbishment works to stabilise and preserve the Heritage Listed Shackell Bond building were commenced in August 2017 and nearing completion, due at the end of March 2018. As a part of the applicants original Expression of Interest for 43 Murray Esplanade they indicated a further interest in Shop 2, 41 Murray Esplanade, fronting the eastern side of the main building.

During the Expression of Interest process managed by Colliers International multiple Port properties were offered for lease, including Shop 2, 41 Murray Esplanade. There were no formal external applications received as a part of this process for the stand alone lease of Shop 2. There has been no further interest in the property since completion of the 2014 Expression of Interest and there is limited use to the property at a size of approximately 20 square metres, and limited access or street frontage.

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## 7. Content

Discussions with Murray River Gourmet Foods Pty Ltd have recently developed to the stage Council officers have received a written offer for a long-term lease of the property, for a potential combined lease period of 20 years if all options are exercised.

The offer aligns with the lease terms of the main building, 43 Murray Esplanade. The proposal would see the additional area utilised in conjunction with the main building to operate the tenants business Sharp's Magic Movie House and Penny Arcade. The offer proposed use of shop 2 as a kitchen to prepare food products (fudge, nougat caramels, confectionary etc.) to sell in the business and potential sale of retail from the shop window fronting Murray Esplanade.

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## 8. Issues and Risk Management

### Issues:

Nil

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

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## 9. Options

### Option 1: Council agree to enter a hire agreement and lease of Shop 1, 42 Murray Esplanade Echuca

This option is recommended by officers.

This will result in a long-term tenant in a Council building in the Port precinct with activation of an otherwise hard to lease vacant property.

### Option 2: Council do not agree to enter a hire agreement or lease of Shop 1, 42 Murray Esplanade, Echuca

This option is not recommended by officers. The property has historically been hard to attract tenants to a long-term lease due to the limited use as a result of the size, prominence and access of the property.

### Option 3: Council agree to the hire agreement and don't agree to a lease of Shop 1, 42 Murray Esplanade, Echuca

This option is not recommended by officers. The tenant would not be likely take up a short term hire agreement knowing there is no long term lease available. The shop would be vacant following the end of the hire agreement.

### Option 4: Council do not agree to the hire agreement and agree to lease Shop 1, 42 Murray Esplanade, Echuca

This option is not recommended by officers. Offering a hire agreement in the first instance allows activation of the building for Easter School holidays.

## 10. Strategic Planning Environments

Strong and Engaged Communities:	No Impact
Resilient Economy:	The lease supports local business growth and strengthens the precinct for tourist attractions and contributes income to Council.
Healthy Environment:	No Impact
Balanced Services and Infrastructure:	A reduction in managing vacant Council buildings and relinquishes Council responsibility to maintain cleaning of the property.
Responsible Management:	No Impact

## 11. Consultation

Consultation included the following;

Internal:

- Project Manager
- Revenue Coordinator
- General Manager Corporate Services

External:

- Council legal representatives
- Council Architects

**7.4. SALE OF LAND LOT 12 PS216564N CROW CRESCENT KYABRAM****Author:**

Sally Ruckwood, Acting Property Manager

**Attachments:**

7.4 Plan of land

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**1. Purpose**

To seek approval to sell Lot 12 Plan of subdivision 216564N Certificate of Title Volume 9886 Folio 864, known as Crow Crescent, Kyabram also referred to as Mellis Street Kyabram.

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**2. Recommendation****That Council:****1. Agree to the sale of land to Ralph Grapentin and/or**

- a) a natural corporation if that person or corporation is connected with the Purchaser. A person or corporation is “connected” for the purposes of this resolution if:
  - i. that person or corporation is a trustee of a trust under which the Purchaser is capable of benefitting, or
  - ii. the Purchaser has the capacity to determine the outcome of decisions about the corporations financial and operating policies and exercise that capacity for the benefit of the Purchaser;
- b) a natural person who is a closely related party to the Purchaser. A person is a “closely related party” to the Purchaser for the purposes of this resolution if that person is a spouse, child, parent, brother, sister of the Purchaser or in a de facto relationship with the Purchaser;

for the land described as Lot 12 Plan of Subdivision 216564N, Certificate of Title Volume 9886 Folio 864 commonly known as Crow Crescent, Kyabram and Mellis Street, Kyabram for \$110,000 inclusive of GST with a 60 day settlement or earlier by mutual agreement and otherwise on terms satisfactory to Council’s Governance Manager.

If prior to Council publishing a notice under section 223 of the Local Government Act, the Purchaser seeks to rely upon point 1. a) i), ii) or 1 b) above, Council’s Governance Manager must be satisfied that including or substituting a purchaser of the land does not result in a situation where relevant consideration has not been brought to Council’s attention, subject to:

1. The giving of public notice under section 189 of the *Local Government Act 1989*; and
2. Consideration of submissions received pursuant to Section 223 of the Local Government Act 1989, which will be returned to Council for consideration if submissions are received.
3. Authorise the CEO to sign the Contract of Sale and associated documents subject to the satisfactory outcome of statutory requirements of Section 189 of the *Local Government Act 1989*.

### 3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

### 4. Charter of Human Rights

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. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

### 6. Background

The property review project was undertaken in parallel with the Financial Sustainability Review program, which identified initiatives within the organisation to increase Council's long term Financial Stability. This process has identified particular properties as surplus, with 12 properties endorsed by Council for sale at the 17 February 2015 meeting (item 14.1) which included this property in Kyabram.

In line with previous reports to Council, when considering the disposal of land Council has a number of requirements to adhere to under the *Local Government Act 1989*, *Environment Protection Act 1970*, *Subdivision Act 1988*. This includes:

- giving public notice of proposed disposals
- acquiring of valuations
- Appropriate allocation of monies received

In support of the above legislative requirements the State Government through the former Department of Planning and Community Development has developed a Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land (June 2009), which has been used to define the process and recommendations used throughout the reports for a disposal of assets.

The agreed transfer of land process for the subject property (17 February 2015) is represented below.

#### Transfer of Land process

Process Task	Action
1. Gain Council endorsement to dispose of properties	Endorsement previously given by Council
2. Identify a purchaser	Subject of this report
3. Give notice to the community of Council's intentions	Officers to action following this report
4. Consider submissions (if any)	Future report to be presented to Council
5. Complete settlement	Projected outcome of this report

This report primarily concerns itself with steps 2 and 3 identified above.

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## 7. Content

The property was originally advertised for sale through an expression of interest process in May 2015 with public marketing via a local real-estate agent, however did not return any offers for this property.

The property was then readvertised at the then current valuation at a fixed price of \$120,000 plus GST without an expiry date through an advertisement in local papers and Council's website and also offered to agents to sell with a set commission of 3%.

An offer to purchase via Council appointed Real Estate Agent was received by Council Officers in February 2018 for \$100,000 plus GST with a 60 day settlement or earlier, by mutual agreement. The offer states the purchasers intended use of the land is for possible development.

A current valuation by Council Valuer has been obtained on 8 March 2018 and returned a value of \$100,000 plus GST.

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## 8. Issues and Risk Management

### Issues:

Nil

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

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## 9. Options

### Option 1: Agree to the sale of land

This option is recommended by officers. For the following reasons:

- The offer is at current valuation, representing a good return to Council.
- The land is surplus to Council needs.
- The purchaser proposes to develop the land.

### Option 2: Not agree to the sale of land

This option is not recommended by officers for the following reason:

- The property has been on the market since 2015
  - There has been little interest in the land during this period.
- 

## 10. Strategic Planning Environments

Strong and Engaged Communities: No Impact

Resilient Economy: The sale of land and potential development demonstrates residential growth and confidence in the local economy.

Healthy Environment: No Impact

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Balanced Services and Infrastructure: A reduction in surplus Council land and property for Council to maintain.

Responsible Management: No Impact

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## 11. Consultation

Consultation has been undertaken as follows;

Internal:

- General Manager Corporate Services
- Prior consultation with the Executive Management Group, Governance Manager, Legal officer to affirm process.

External:

- Real Estate Agent
- Council Valuer

## **7.5. COMPLIANCE 11**

### **Author:**

Andrew Fletcher, Planning & Building Manager

### **Attachments:**

7.5. Compliance 11 – Version V02

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#### **1. Purpose**

This report has been prepared to seek the formal adoption of some administrative changes to the Compliance 11 Charter.

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#### **2. Recommendation**

**That Council adopt the amended version (V02) of Compliance 11.**

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#### **3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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#### **4. Charter of Human Rights**

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

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#### **5. Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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#### **6. Background**

In January 2014 Council adopted Compliance 11, which is a sound and guiding charter used by staff and customers alike to handle matters in relation to compliance.

Compliance 11 is a detailed customer charter for the Building, Environmental Health, Local Laws and Planning Compliance Services. Compliance 11 was developed using community consultation model. A working group formed the community, all of whom had direct experience with the service. Workshops involved all of the 30 compliance staff and provided a valuable source of information on which to start to draft a new charter.

The charter was then tested with opportunity provided for feedback from the community. The charter was placed on public exhibition for a period of four weeks, was amended and then presented back to Council for adoption.

Council undertook a review of the charter in April 2016 to gauge its effectiveness and to determine if the document required any changes. A survey was sent to all of the original participants, which included staff and Councillors. A total of 7 responses were received. All response outlined that there were no significant changes required and that they fully supported the process and charter. The result of the survey were reporter to Council and no changes were required.

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## 7. Content

Although this was not part of a formal review of the charter, in preparing other important service profiles for the Planning & Building Departments, an administrative error has been identified within Compliance 11 in relation to assessing risk.

Chapter 6, Assessing Risk of Compliance 11 created a new Priority Rating Matrix and Priority Rating. On closer review the ratings, order and labels don't comply with the standard for Risk Management nor with Councils adopted Risk Management Strategy 2017-2021.

Therefore to ensure consistency with other adopted documents of Council, it is suggested that the following administrative changes are required:

<b>Issue</b> <b>Adopted Version Jan 2014</b>	<b>Summary</b>	<b>Response</b> <b>Amended Version March 2018</b>
Page 9. 'Priority Rating Matrix' refers to Identified Risk and Priority Rating along the X and Y axis.	Risk Management requires assessment against consequence and likelihood to determine priority. The axis are incorrectly labelled and do not help define priority.	Relabel the axis to refer to consequence and likelihood and use the same rating terms as in the Risk Management Strategy 2017-2021 (consistency).
Page 10 'Priority Rating' and 'Identified Risk'	These two sections should refer to consequence and likelihood. They appear wrongly labelled and over complicated.	Relabel the sections into consequence and likelihood but used the same descriptors.
Page 9: 'Priority Rating Matrix'. The location of the matrix.	The graph is out of order in relation to how priority is determined. To determine the priority, an officer must first determine the consequence and likelihood.	Move the 'Priority Rating Matrix' to be after the assessment of consequence and likelihood.
Page 9. Ensuring consistency with Risk Management Strategy 2017-2021.	Compliance 11 creates its own (agreed) descriptions of consequence. These have been reviewed to ensure consistency with other adopted strategies and policies of Council.	Add the following sentence - The types of risk should be read in conjunction with the relevant measures of impacts identified in the Risk Management Strategy 2017-2021.
Page 11. Communication Table	The table refers to inconsistent terms under the Priority Rating.	Relabel the Priority Rating terms to be the same the Risk Management Strategy 2017-2021 (consistency).
Page 12. Chapter 8 Decision Making. Compliance Response Matrix	The axis are correctly labelled but the rating terms used are inconsistent with Risk Management Strategy 2017-2021.	Relabel the terms and use the same rating terms as in the Risk Management Strategy 2017-2021 (consistency).
Appendices 2	The incorrect rating terms are used. Need to be consistent with Risk Management Strategy 2017-2021.	Update the terms within the Appendices. It is noted that the appendices were never adopted and 2, 3 & 4 were never created.

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## 8. Issues and Risk Management

The charter is a well-used and informative document which aids the community, staff and Councillors. In reviewing the document it has become apparent that there are minor administrative changes which are required. These change will ensure that there is consistency with the adopted Risk Management Strategy 2017-2021 and the relevant standards.

The intent of the change is to consider risk, but also ensure that Compliance 11 is consistent with other adopted Council strategies and policies. Compliance 11 creates a common framework that can be understood and implemented according to the identified principles. Rectifying these minor administrative errors will ensure the document is robust, effective, consistent and common approach to risk, embedded into the organisation.

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## 9. Strategic Planning Environments

Strong and Engaged Communities:	Compliance 11 implements best practice to foster and deliver a safer community.
Resilient Economy:	N/A
Healthy Environment:	Compliance 11 is a charter which helps develop partnerships to ensure the protection of the natural environment.
Balanced Services and Infrastructure:	N/A
Responsible Management:	Compliance 11 is service charter which helps determine priorities and decision making. The charter strengthens relationships, is a joint initiative and fosters a customer centred approach.

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## 10. Consultation

Compliance 11 originally undertook extensive consultation and was placed on public exhibition for a month. Press releases were distributed to all local newspapers and Council also published awareness of the exhibition period on its website. Compliance 11 articles appeared in three issues of the Campaspe Times section published in the Riverine Herald and the Kyabram Free Press as well as internally in the staff Shire Wide publication. Copies of the document were made available at each service centre and in the public libraries of the municipality.

This administrative amendment has not undergone any external notification as it is essentially minor changes to ensure consistency with the terms of the Risk Management Strategy 2017-2021. The relevant service managers affected by the minor changes have been informed and agreed to the changes.

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## 11. Officer Comment

The development of Compliance 11 was a collaborative effort between the community representatives, Councillors and the staff of Campaspe Shire. It built on initial concepts developed by the MAV and the Environment Protection Authority (EPA).

The intent of the change is to ensure consistency with Councils Risk Management Strategy 2017-2021 and the overall intent, descriptors and ratings remain unaffected.

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**7.6. BUILDING THE CASE FOR WASTE - RESOURCE RECOVERY AND WASTE MANAGEMENT STRATEGY 2018-23****Author:**

Brian Holmes, Waste and Environment Coordinator

**Responsible Manager:**

Public Environments Manager

**Attachments:**

7.6. Building the Case for Waste - Resource Recovery and Waste Management Strategy 2018-23

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**1. Purpose**

To have Council adopt Building the Case for Waste - Resource Recovery and Waste Management Strategy 2018-23

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**2. Recommendation****That Council:**

**1. Adopt Building the Case for Waste - Resource Recovery and Waste Management Strategy 2018-23**

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**3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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**4. Charter of Human Rights**

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

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**5. Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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**6. Background**

Building the Case for Waste - Resource Recovery and Waste Management Strategy 2018-23 (the Strategy) is the Campaspe Shire Council's second waste and resource recovery strategy.

The need for a strategic focus for waste was first recognised in 2011 with the first Waste Management Strategy 2012-17 focusing on providing direction to Council, the community and staff in relation to the management of unwanted materials. The Waste Management Strategy 2012-17 was an action based document that aimed to align the Shire of Campaspe with State Government directions and ensure facilities and operations relating to the management of unwanted materials were best practice.

Key actions of 2012–17 strategy included:

- The introduction of additional kerbside services — 80 litre waste bin, 360 litre recycle bin and expansion of the garden organics service to all towns
- Significant upgrade projects implemented at the Mt Scobie, Rochester, Toolleen and Colbinabbin Transfer Stations
- The development and implementation of the Waste and Environment Behaviour Change Program 2013-18 (WEBBCP)
- The inclusion of specific clauses in the Recyclables Acceptance and Sorting Contract to encourage the development of a Materials Recovery facility within the Shire of Campaspe
- Data collection and reporting systems significantly improved
- An audit of the entire street litter bin fleet performed and assets upgraded to meet current best practice.

The following achievements for council and the community resulted from the implementation of the 2012-17 strategy:

- Waste to landfill (from kerbside and transfer stations) reduced by 7.1% or 862 tonnes.
  - If population growth over the term of the strategy is considered the reduction is 10.6% or 1,348 tonnes
- The recovery of recyclables (from kerbside and transfer stations) increased by 2.6% or 110 tonnes
- Recovery of garden organics through the kerbside service increased by 125% or 1,243 tonne.
- All licensed landfills (Echuca, Kyabram and Lockington) in the Shire of Campaspe comply with EPA legislation
- Over \$300,000 in State Government funding obtained for waste related activities
- Waste bin audits conducted in 2010 and again in 2015 demonstrate the average bin weight has reduced from 12.93 kgs in 2010 to 9.6kgs in 2015, a 26% reduction
- In 2015 the average bin composition:
  - 28.4% general waste (6% non-rigid plastic, 7% nappies, 15.7% general waste)
  - 15.2% recycling (6.2% Paper/Cardboard, 2.7% Glass, 3.1% Plastics, 3.2% Metals)
  - 56.4% organics (37% Food Organics, 18% Garden Organics)

The Resource Recovery and Waste Management Strategy 2018-23 provides guidance and direction to council and to inform the community and partners about council's current status and how it intends to respond to current and emerging issues in waste and resource recovery.

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## 7. Content

The 2018 -23 strategy has been developed in line with the Goulburn Valley Waste and Resource Recovery Implementation Plan to ensure alignment with regional and state themes. State Government and regional directions are generally focused on the following themes:

- Maximising the diversion of recoverable materials from landfills
- Supporting increased resource recovery
- Achieving quantities for reprocessing

- Managing waste and material streams
- Maximising economic outcomes, providing cost effective service delivery and reducing community, environmental and public health impacts.

The Strategy defines eleven principles to guide the implementation and management of waste and resource recovery over the life of the strategy.

The principles are:

1. Resource recovery is prioritised where it is economically viable and where it improves community, environment and public health outcomes.
2. The delivery of services and use of infrastructure will align with the Waste and Resource Recovery Operational Guidelines document.
3. Council is committed to education through the WEBCP.
4. Successful waste minimisation and diversion can only truly be maximised through effective partnerships. The Campaspe Shire Council will partner where mutually beneficial outcomes can be achieved.
5. Council will advocate on behalf of the community on waste and resource recovery issues.
6. Council seeks to be a leader in waste management and resource recovery through current best practice approaches and infrastructure.
7. Social and environmental compliance with legislation are key drivers for action and change. Council commit to being compliant at all times.
8. Council will prioritise the uptake of services, programs and behaviours that align with the waste hierarchy through incentives where appropriate rather than through enforcement approaches.
9. Council continue to make a financial commitment to the program to meet the obligations in the strategy for the life of the strategy.
10. The collection of data to support decision making is valued and prioritized. Decisions are made based on facts and data.
11. Where approaches fall outside these principles Officers will seek direction from Council in all cases.

The objectives of the 2018–23 strategy are to:

- Provide an efficient and cost effective waste management service
- Minimise waste to landfill
- Influence behavior through the WEBCP
- Advocate on waste and resource recovery issues that impact the community.

The 2018–23 strategy defines a number of key themes upon which council will focus its efforts to ensure that the objectives of the strategy are delivered.

The themes of the 2018–23 strategy include:

- Landfills – Council will continue to meet all legislated requirements for the management of its historic landfill sites

- Kerbside Services – Council will focus on encouraging the uptake of garden organics services, reducing contamination rates in all kerbside services and investigating opportunities for a full organics service.
- Infrastructure – Council will ensure all sites meet current best practice, continue to increase the diversion of materials from landfill and establish ways in which the diversion rate can be calculated and tracked.
- Education – Council will continue the implementation of the WEBCP, review the current 2013–18 program and develop and implement a new program
- Resource Recovery – Council will continue to implement opportunities for increased resource recovery as they present. The following areas are those currently identified, organics, e-waste, soft plastics, timber, furniture, detox, agriculture and farm waste.
- Partners – Council will continue to partner where mutually beneficial outcomes can be achieved,
- Community – Council will continue to engage with the community through the WEBCP and work with the community to deliver appropriate high quality services.
- Litter – Council will seek to gain a greater understanding of the problem through the collection of data and continue to address the issue through a combination of education, infrastructure and enforcement activities.
- Illegal Dumping – Council will seek to gain a greater understanding of the problem through the collection of data and continue to address the issue through a combination of education, infrastructure and enforcement activities.
- Events – Council will encourage event organisers to implement higher standards for waste avoidance and resource recovery at events.
- Advocacy – Council will ensure that the advocacy plan incorporates waste and resource recovery issues when appropriate

The success of the 2018–23 Resource Recovery and Waste Management Strategy will be evaluated using the following:

1. The reduction of the average amount of waste generated per household
2. Increase in the diversion of materials collected through kerbside systems
3. Increase the diversion rate through the resource recovery centres
4. Reduce contamination in kerbside recycling
5. Evaluate the delivery of actions in the annual action plan

Waste management is an essential service. To support the Strategy relevant council policies have been updated to align with current legislation, best practice and community expectations.

An annual action plan will be developed to guide the implementation of this Strategy.

The Resource Recovery and Waste Management Strategy 2018-23 aligns with Council's Strategic Plan Toolkit.

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## 8. Risk Management

### **Risk:**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

The greatest risks come from not having a strategy. The strategy aligns Council with state priorities, ensures compliance with regulations and legislation and allows Council to leverage state and federal government funding.

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## 9. Strategic Planning Environments

Strong and Engaged Communities:	The strategy enable residents to be actively engaged in their community and supports best practice service delivery.
Resilient Economy:	No impact
Healthy Environment:	The strategy will result in improved environmental outcomes by documenting and applying strategic directions for council, community and stakeholders.
Balanced Services and Infrastructure:	Guide the development and implementation of services and infrastructure to ensure they meet current best practice, are fit for purpose and economically, environmentally and socially viable.
Responsible Management:	Documents a clear and open strategy for resource recovery and waste management services. Documents how relationships and partnerships will be developed and managed.

---

## 10. Consultation

In developing the Resource Recovery and Waste Management Strategy 2018-23 Officers have consulted with the Goulburn Valley Waste and Resource Recovery Group to ensure the document aligns with state and regional themes and directions.

Internal consultation includes Media and Communications, Corporate Strategy and Executive Management Group.

Consultation with the community occurs during implementation of specific actions captured in the strategy.

## **7.7 WASTE, RECYCLING AND GARDEN ORGANICS GUIDELINES**

### **Author:**

Brian Holmes, Waste and Environment Coordinator

### **Responsible Manager:**

Public Environments Manager

### **Attachments:**

7.7. Waste, Recycling and Garden Organics Guidelines

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#### **1. Purpose**

To adopt the Waste, Recycling and Garden Organics Guidelines.

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#### **2. Recommendation**

**That Council adopt the Waste, Recycling and Garden Organics Guidelines.**

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#### **3. Conflict of Interest**

In accordance with Section 80B of the Local Government Act 1989, the officer preparing this report declares no conflict of interest in regards to this matter.

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#### **4. Charter of Human Rights**

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

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#### **5. Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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#### **6. Background**

Officers have developed a set of waste service guidelines through consultation with industry, other local government authorities, and Regional Waste Management Group representatives. These guidelines were adopted in 2014 and have assisted with the delivery of waste services across the community. The guidelines provide officers with the formal support to work with the community around issues as they arise and provide a defensible position to deal with contentious issues.

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#### **7. Content**

The guidelines have served officers and Council well over the past three and a half years. Any anomalies and/or ambiguities have been noted and this information has been used to update the guidelines. With the development of the 2018-23 Resource Recovery and Waste Management Strategy a number of other issues that require guidance have been identified for inclusion.

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The guidelines are regarded as a useful reference for other divisions of Council that deal directly with the public especially the Customer Contact Team. In order to best respond to questions raised by community members and Council staff the new guidelines document includes more context regarding why an issue has been included or dealt with in a particular manner.

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## 8. Issues and Risk Management

### Issues:

The guidelines have been developed to address specific issues or requests from residents in relation to the implementation of Council waste, recycle and garden organic services.

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

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## 9. Strategic Planning Environments

Strong and Engaged Communities:	The guidelines enable residents to be actively engaged in their community and supports best practice service delivery.
Resilient Economy:	No impact.
Healthy Environment:	The guidelines will result in improved environmental outcomes by documenting and applying directions from Council's Resource Recovery and Waste Management Strategy.
Balanced Services and Infrastructure:	No Impact.
Responsible Management:	The guidelines will be accessible to all staff. This will be beneficial to staff, particularly the Customer Contact Team, which receive enquiry in relation to waste, recycling and garden organics. The guidelines will ensure staff understand the rationale behind particular guidelines and are able to provide a consistent response to residents.

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## 10. Consultation

Consultation has been undertaken with officers in the Regulatory and Community Services Division, with Council through briefing sessions on 30 January and 6 February 2018 and the Goulburn Valley Waste and Resource Recovery Group.

## **7.8. ECHUCA MOAMA TORRUMBARRY FLOOD STUDY MANAGEMENT ARRANGEMENTS**

### **Author:**

Richard Conway, Assets Manager

### **Attachments:**

- 7.8. Revised Terms of Reference – Echuca Moama Torrumbarry Flood Study Project Control Group and Flood Study Reference Committee.
- 

### **1. Purpose**

To seek:

- Endorsement of the revised Terms of Reference for the Project Control Group and the Flood Study Reference Committee, and
  - Appointment of two councillors to the Flood Study Reference Committee involved in supporting the Echuca Moama Torrumbarry Flood Study.
- 

### **2. Recommendation**

**That Council:**

1. **Endorse the revised Terms of Reference for the Project Control Group and the Flood Study Reference Committee as set out in Attachment 1;**
  2. **Appoint Cr ..... and Cr .....as Council's representatives on the Flood Study Reference Committee; and**
  3. **Confirm that:**
    - a. **Campaspe Shire Council remain as the Principal to the Study contracts;**
    - b. **The Project Control Group comprising the General Manager Infrastructure Services or delegate and a representative from each of Murray River Council, NSW Office of Environment and Heritage and the North Central Catchment Management Authority remains in place to advise Campaspe Shire Council on conduct of the Study; and**
    - c. **The Project Manager will be appointed by Campaspe Shire Council to manage the Study process.**
- 

### **3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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### **4. Charter of Human Rights**

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

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## 5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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## 6. Background

Echuca and Moama are undergoing continual and significant urban growth. Being located on the Murray River and adjacent to the junctions with the Goulburn and Campaspe Rivers, contemporary flooding information is important to enable appropriate and proper land use planning to guide their growth. Significant high river events have recently occurred, principally during the 2010-11 flood event. This flood event caused flooding around and within Echuca - Moama and stress and hardship for some residents.

Campaspe Shire and Murray River councils have been allocated funding by their respective State Governments to conduct flood studies to update flood information for the Murray River generally between Barmah and downstream of Torrumbarry and particularly with respect to the urban and growth areas affected by that flooding in both municipalities. As flooding along the Murray River does not respect state boundaries and the modelling will require the terrain and features on both sides of the river to be included, in November 2017 both councils resolved to undertake the studies as a joint project.

The project is to be directed by a Project Control Group (PCG) as appointed by council's November 2017 decision comprising a senior officer from each of Murray River and Campaspe Shire councils, the NSW Office of Environment and Heritage (NSW OEH) and the Victorian North Central Catchment Management Authority (NCCMA). This Group has been established.

A Flood Study Reference Committee (FSRC) is also to be established with representation from the urban and rural communities on both sides of the river, the aboriginal community, the Victorian and NSW State Emergency Services and environment departments, municipal engineers, land use planners, Bureau of Meteorology, Goulburn Murray Water and two councillors from each affected municipality. It is to be overseen by the Project Control Group and have an advisory role providing a forum for discussion of technical, social, economic and ecological issues to ensure all important aspects of the study are given due consideration. The PCG may add additional members to the FSRC as it considers necessary.

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## 7. Content

The PCG has reviewed the initial Terms of Reference (TOR) and is recommending some alterations to include representation from the Bureau of Meteorology in the FSRC and to clarify the roles of the municipalities, PCG and FSRC. This is intended to ensure it is quite clear that the councils are the decision makers and the PCG and FSRC are only advisory bodies as originally intended.

Council now needs to appoint its councillor representatives to the FSRC. Expressions of interest are also being sought for community members on the FSRC comprising 3 urban community representatives and 2 rural community representatives from each side of the Murray River. Expressions of interest from the Victorian community will be presented to council to determine the appointments. Invitations have also been forwarded to the various government agencies seeking their nominations.

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## 8. Strategic Planning Environments

**Strong and Engaged Communities:** The proposed project management and governance arrangements for conduct of this study will further foster the partnership between Campaspe Shire and Murray River councils to the benefit of the Echuca-Moama community and encourage the active involvement of community members.

**Resilient Economy:** Up to date flooding knowledge enables more appropriate planning and control of development and improved flood management thereby reducing the negative economic impacts of these events on the community and economy.

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Healthy Environment:	A joint study will enable more thorough and coordinated investigation of flooding issues thereby providing a sound basis on which to plan for urban growth and development so that the Echuca Moama and Torrumbarry district communities are less impacted by flooding in the future.
Balanced Services and Infrastructure:	Urban planning based on the results of these investigations will result in more reliable services, lower cost infrastructure and reduced flood damage by regulating development of inappropriate flood prone areas.
Responsible Management:	The proposed project management and governance arrangements support open and clear communication and relationship and partnership development between the local municipal authorities, the State flood plain management agencies and members of the Echuca – Moama community.

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## 9. Consultation

There has been extensive consultation between officers of Murray River, Campaspe Shire and Gannawarra Shire councils, NCCMA, DELWP and NSW OEH commencing with a joint meeting in May 2017 involving all of the organisations responsible for flood investigations along the Murray from Echuca / Moama to Swan Hill including the municipalities and State authorities from NSW and Victoria to ascertain what studies are being planned or needed with a view to coordinating the investigations and achieving some efficiencies. The key meeting outcome was general agreement to combine the planned Echuca, Torrumbarry and Moama flood studies as far as practical into a single project with CSC to manage the project (contract principal). Correspondence in support of MRC's funding application to the NSW State Government was also provided.

Shortly after that meeting, officers from Campaspe and Gannawarra Shire councils and the NCCMA met with the Member for Murray Plains, Hon. Peter Walsh and several Torrumbarry landowners concerned about ongoing maintenance and responsibility for the Torrumbarry levee system. The effectiveness of these levees and what they actually achieve under larger flood conditions is largely unknown as with the nearby and relatively new environmental flow management levees in the Guttram-Benwell Forest. It was indicated that these levees would be investigated as part of this study and provide the basis for establishing a management structure and funding applications for the Torrumbarry levee system.

Ongoing consultation between Murray River Council, Campaspe Shire Council, NSW OEH, DELWP and the NCCMA has continued with formation of the PCG.

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## 10. Conclusion

It is considered appropriate to amend the Terms of Reference for the PCG and FSRC to further clarify their roles and to appoint Campaspe Shire Council's councillor representatives to the FSRC so that it may be established in a timely manner.

## 8. COUNCIL INFORMATION

### 8.1. OPEN ASSEMBLY OF COUNCILLORS RECORDS

**Author:**

Sharolyn Taylor, Council Support Officer

**Responsible Manager:**

Governance Manager

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**1. Purpose**

To present to Council the open records for the Assemblies of Councillors held in the month of February 2018.

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**2. Recommendation**

**That Council note the open records of Assemblies of Councillors as outlined in this report.**

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**3. Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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**4. Charter of Human Rights**

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

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**5. Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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**6. Background**

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. An advisory committee of the Council that includes at least one Councillor; or
2. A planned or scheduled meeting that includes at least half the Councillors (5) and one member of Council staff.

The requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declaration of conflict of interest.

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## 7. Content

The following Assemblies of Councillors were held in the month of February 2018:

<b>Meeting Information</b>		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	6 February 2018	
Start time:	9:33am	Finish time: 4:18pm
Matters Discussed	<ol style="list-style-type: none"> <li>1. Welcome, present &amp; apologies</li> <li>2. Declaration of Interests</li> <li>3. Future Meetings</li> <li>4. Communication Reports</li> <li>5. Mayors &amp; Committee Representatives Report               <ol style="list-style-type: none"> <li>5.1 Kyabram Resident's Drainage Meeting</li> <li>5.2 Echuca &amp; District Livestock Exchange Advisory Committee</li> <li>5.3 Permit to Burn Fee</li> <li>5.4 Format of Councillor Reports at Council Meetings</li> <li>5.5 YYNAC Cultural Awareness Training</li> </ol> </li> <li>6. Know Your Council Briefing</li> <li>7. Unfunded Projects Process Discussion</li> <li>8. Waste Guidelines Update</li> <li>9. DELEGATION – Campaspe Connect</li> <li>10. Rochester Flood Study Progress Update</li> <li>11. Local Government Bill Exposure Draft Submission</li> <li>13. Christmas Decorations Fund Policy 076 Discussion</li> <li>14. Back 9 Golf Course Update</li> <li>15. Echuca Flood Study</li> <li>16. General Business               <ol style="list-style-type: none"> <li>16.3 Kyabram Football Club</li> <li>16.4 Rural Councils Victoria</li> <li>16.5 Regional Mayors Meeting</li> <li>16.6 Councillor Reports</li> <li>16.7 Echuca Flood Study Community Reference Group</li> </ol> </li> </ol>	
<b>Attendees</b>		
Councillors	Cr Adrian Weston (Mayor), Cr Daniel Mackrell, Cr Kristen Munro, Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr Leigh Wilson, Cr John Zobec	
Staff	Jason Russell, Keith Oberin, Paul McKenzie, Emma Dalton (9:33am – 2:32pm), Fleur Cousins, Sharolyn Taylor	
<b>Apologies</b>		
Councillors	Cr Vicki Neele	
Staff		
<b>Conflict of Interest disclosures</b>		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
5	Cr Mackrell	Yes

<b>Meeting Information</b>		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	20 February 2018	
Start time:	9:31am	Finish time: 4:08pm
Matters Discussed	<ol style="list-style-type: none"> <li>1. Welcome, present &amp; apologies</li> <li>2. Declaration of Interests</li> <li>3. Council Meeting Agenda – Open Q &amp; A</li> <li>4. Internal Audit Committee Update</li> <li>6. 2018/19 Budget Briefing</li> <li>7. DELEGATION – Winter Blues Festival</li> <li>8. Compliance 11 Overview</li> <li>9. Precinct Structure Plan Echuca West Update</li> <li>10. Victoria Park Infrastructure &amp; Services Plan Progress Update</li> <li>11. Back 9 Golf Course Progress Update</li> <li>12. Communication Reports</li> <li>13. Future Meetings</li> <li>14. Briefing Minutes Review</li> <li>15. Monthly reports – January 2018</li> <li>16. General Business               <ol style="list-style-type: none"> <li>16.1 Echuca Flood Study Reference Group</li> <li>16.2. Rural Councils Victoria Summit:</li> <li>16.3. Changing Places Toilet Facility</li> <li>16.4 Councillor Catch-up Sessions</li> </ol> </li> </ol>	
<b>Attendees</b>		
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele (Deputy Mayor), Cr Daniel Mackrell, Cr Kristen Munro, Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers, Cr Leigh Wilson, Cr John Zobec (9:49am – 4:08pm)	
Staff	Jason Russell, Keith Oberin (9:52am – 4:08pm), Paul McKenzie (10:30am – 3:59pm), Emma Dalton, Fleur Cousins, Sharolyn Taylor	
<b>Apologies</b>		
Councillors		
Staff		
<b>Conflict of Interest disclosures</b>		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
6	Cr Mackrell	No – no discussion
6	Cr Pentreath	No – no discussion
10	Cr Mackrell	Yes
12	Cr Mackrell	Yes

## 8. Issues and Risk Management

Nil.

**9. Strategic Planning Environments**

Strong and Engaged Communities: No impact

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: No impact

Responsible Management: No impact

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**10. Consultation**

Nil.

## **8.2. LETTERS OF APPRECIATION**

The following have been received:

- Martin Gleeson, AFL Goulburn Murray - thank you to Jason Russell, Chief Executive Officer and Shire staff for the contribution the AFL Community Camp visit from Richmond Football Club.
- Aysen Gazi, Queen's Baton Relay – thank you to the Queen's Baton Relay Local Working Group for putting on such an amazing community celebration. It was a pleasure to see the community come out to celebrate the GC2018 Queen's Baton Relay.
- Echuca Football Netball Club Inc – congratulations to the Campaspe Shire for having the foresight in developing a master plan for the Victoria Park precinct. The club is very appreciative of the extensive consultation that took place in the development of the master plan and looks forward to future discussions for the next steps forward to achieve short and longer term priorities.
- Rob Skinner – thank you to Jason Russell for his great contribution to the ClearWater Masterclass held in Benalla. Jason's contribution made a very big impact on participants and it was just as we had hoped for.
- Annette Gamble – thank you to Shirley Milgate, Aquatic Services Learn to Swim Team Leader for her generosity in spending time teaching new ways in the water. Your programs are great!

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### **Recommendation**

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

**8.3. RESPONSIVE GRANTS PROGRAM****Author:**

Bobbi Aitken, Civic Events & Grants Officer

**Responsible Manager:**

Economic & Community Development General Manager

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1. **Purpose** To note Responsive Grants Program applications received and approved in line with grant guidelines and criteria.

2. **Recommendation**

That council note the following grants have been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:

- Stanhope & District Men's Shed Inc – to assist with the cost of an outdoor cinema and catering for a community family event on 13 April that will assist in addressing the issues of anxiety and depression following recent years of drought, the fall in milk prices and closure of Murray Goulburn, \$1,000.
  - Koyuga Gigs & Events – to assist with the cost of engaging artists to play at the Davidson Brothers community event on 21 April, \$1,000.
  - Echuca Moama Theatre Company – to assist with the cost of indoor pyrotechnics at the 'Phantom of the Opera' production from 6 May to 10 June, \$1,000.
  - Kyabram AH&P Society – to assist with advertising costs for the Kyabram Rodeo in March, \$1,000.
  - Northern Country Women's League – to cover the cost of Rochester Recreation Reserve hire fees for the women's pre-season football carnival to be held on 15 April, \$750.
- 

3. **Conflict of Interest**

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

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4. **Charter of Human Rights**

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

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5. **Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.



## 6. Background

The Responsive Grants Program provides funding for community initiatives and has guidelines for applications submitted to council.

This month, the following applications have been received:

Organisation	Amount	Amount Recommended	Purpose	Comment
Stanhope & District Men's Shed Inc	\$1,000	\$1,000	To assist with the cost of an outdoor cinema and catering for a community family event	Approved by CEO – meets assessment criteria
Koyuga Gigs & Events	\$1,000	\$1,000	To assist with the cost of engaging artists to play at the Davidson Brothers community event	Approved by CEO – meets assessment criteria
Echuca Moama Theatre Company	\$1,000	\$1,000	To assist with the cost of indoor pyrotechnics at the "Phantom of the Opera" production	Approved by CEO – meets assessment criteria
Kyabram AH&P Society	\$1,000	\$1,000	To assist with advertising costs for Kyabram Rodeo	Approved by CEO – meets assessment criteria
Northern Country Women's League	\$750	\$750	To cover the cost of Rochester Recreation Reserve hire fees for Women's pre-season football carnival	Approved by CEO – meets assessment criteria

<b>Fund Balance Prior to application approval:</b>	\$39,314
<b>Funding approved:</b>	\$4,750
<b>Fund Balance: (20 March 2018)</b>	\$34,564

## 7. Issues and Risk Management

Nil

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

**8. Strategic Planning Environments**

Strong and Engaged Communities:	This funding source provides support to Responsive Grants Program requests for community initiatives.
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	No impact
Responsible Management:	This annual budget allocates funding for Responsive Grants Program requests for community initiatives.

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**9. Consultation**

Nil

## **8.4. COUNCIL PLAN IMPLEMENTATION UPDATE**

### **Author:**

Andrew Cowin, Corporate Strategy Manager

### **Attachments:**

8.4. Council Plan Action Plan

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#### **1. Purpose**

To provide Council with the 3<sup>rd</sup> quarter update report on the progress of implementation of the Council Plan.

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#### **2. Recommendation**

**That Council note the progress towards implementation of the Council Plan.**

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#### **3. Conflict of Interest**

In accordance with Section 80B of the Local Government Act 1989, the officer preparing this report declares no conflict of interest in regards to this matter.

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#### **4. Charter of Human Rights**

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

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#### **5. Instrument of Delegation**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

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#### **6. Background**

The 2017-2021 Council Plan (Plan) is Council's key strategic document for the term of the Council, which reflects the outcomes of stakeholder and community engagement. The Plan describes Council's strategic objectives, strategies for achieving the objectives and how the outcomes will be measured. Supporting the delivery of the Council's vision is the Strategic Resource Plan which describes the financial and non-financial resources required to implement the Council Plan over the four year period.

The Plan incorporates the requirements of the *Public Health and Wellbeing Act* for Council to prepare a Municipal Public Health and Wellbeing Plan (MPHWP). Incorporation of the MPHWP within the Plan strengthens the integrated planning approach across all Council activities and allows Council to focus on health and wellbeing outcomes for the community and enables a more optimal use of resources.

This Plan sets a vision of 'We are strong, supportive, vibrant and sustainable' which aligns and furthers the vision of Campaspe Our Future.

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The Plans is supported by key initiatives and actions funded in the 2017/18 Program Budget. A consolidated list of progress on the implementation of these initiatives is reported to Council quarterly. This report is the third report of actions from the 2017/18 budget.

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## 7. Content

The consolidated list incorporates a total of 98 initiatives. Across these initiatives:

- 35 have commenced,
- 7 have not commenced,
- 35 are achieved,
- 21 are ongoing.

Progress in relation to the implementation of these initiatives are to be reported to Council and the community quarterly. This report is the third report of actions from the 2017/18 budget.

Whilst many of the initiatives have been identified as complete. Some of these include initiative that seek to establish a process or relationship. Whilst the initiative may be complete it only represents the beginning of a process and will require the ongoing engagement and attention of the organisation.

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## 8. Issues and Risk Management

### Issues:

The Plan outlines some of the key challenges that are facing not only Campaspe but also many other rural and regional communities. The key challenges include:

- High costs of inputs for industry (energy and water)
- Renewal of community facilities
- An ageing population
- Engagement of young people
- Substance abuse issues
- Family violence
- Availability of regional education and training
- Cross-border issues

Many of the initiatives outlined in the action plan seek to address these key challenges.

### Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## 9. Options

### Option 1: Council note the progress towards implementation of the Council Plan

This option is recommended by officers.

This report seeks to provide Council and the community with an update in relation to the progress of implementation of initiatives identified to support the delivery of Councils Vision.

### Option 2: Council not note the progress towards implementation of the Council Plan

This option is not recommended by officers.

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## 10. Strategic Planning Environments

Strong and Engaged Communities: The action plan activities support the delivery of Strong and Engaged Communities

Resilient Economy: The action plan activities support the delivery of a Resilient Economy

Healthy Environment: The action plan activities support the delivery of a Healthy Environment

Balanced Services and Infrastructure: The action plan activities support the delivery of Balanced Services and Infrastructure

Responsible Management: The action plan activities outline the organisations commitment to the Responsible Management

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## 11. Consultation

General Managers and Department Managers from across the organisation have been consulted in relation to the progress on identified initiatives for the 2017/18 year.

## 9. COUNCILLOR REPORTS

<b>Cr Adrian Weston</b>	
23 February 2018	Edge FM Opening
24 February 2018	Loddon Murray Community Leadership Program
24 February 2018	Tongala RSL Sub-Branch President's Night
25 February 2018	Girgarre RSL Sub Branch - "Closer and WW1 Soldier Settlement" Girgarre and Stanhope North"
26 February 2018	Kow (Ghow) Swamp LOWMP Meeting
26 February 2018	Planning Information Session - Pln324/2017
27 February 2018	Business Clean Up Day
1-2 March 2018	MRGC Meetings
4 March 2018	International Women's Day Event
6 March 2018	Echuca Moama Tourism Networking Night
7 March 2018	MDBA Meeting
8 March 2018	Meeting with Federal Water & Agriculture Minister David Littleproud
9 March 2018	St Mary's Primary School Rushworth - School Visit & talk with Students
16 March 2018	Echuca Moama Men's Shed Opening
18 March 2018	Rich River Rod & Custom Club
19 March 2018	Community Engagement Framework Community Consultation Public Drop in Session Rushworth

<b>Cr Daniel Mackrell</b>	
26 February 2018	Sportstar of the Year 2017 Awards
2 March 2018	Grand Opening of Twin Rivers Primary School
6 March 2018	Echuca Moama Tourism Networking Night
7 March 2018	Murray Business Network Dinner
14 March 2018	Community Engagement Framework Community Consultation Public Drop in Session Echuca

<b>Cr Kristen Munro</b>	
25 February 2018	Girgarre RSL Sub Branch - "Closer and WW1 Soldier Settlement" Girgarre and Stanhope North"
27 February 2018	Business Clean Up Day
2 March 2018	Launch of Echuca Historical Society's newest publication - Celebrating Echuca-Moama
4 March 2018	International Women's Day Event
6 March 2018	Echuca Moama Tourism Networking Night
6 March 2018	CCLLEN Board Meeting
11 March 2018	Echuca Cup Day Presidents Function
14 March 2018	Community Engagement Framework Community Consultation Public Drop in Session Echuca
16 March 2018	Echuca Moama Men's Shed Opening

<b>Cr Vicki Neele</b>	
21 February 2018	Echuca Moama Tourism Board Meeting
22 February 2018	Planning Information Session - Pln348/2017
25 February 2018	Girgarre RSL Sub Branch - "Closer and WW1 Soldier Settlement" Girgarre and Stanhope North"

<b>Cr Vicki Neele continued</b>	
27 February 2018	Business Clean Up Day
2 March 2018	Grand Opening of Twin Rivers Primary School
2 March 2018	Launch of Echuca Historical Society's newest publication - Celebrating Echuca-Moama
4 March 2018	International Women's Day Event
5 March 2018	twistED Science Discovery Night
5 March 2018	Kyabram Plan Meeting
6 March 2018	Echuca Moama Tourism Networking Night
7 March 2018	Murray Business Network Dinner
15 March 2018	Community Engagement Framework Community Consultation Public Drop in Session Kyabram
17-18 March 2018	Kyabram Vintage Engine Machinery Rally & Mack Truck Muster

<b>Cr Neil Pankhurst</b>	
4 March 2018	Lions Youth of the Year
7 March 2018	Kyvalley Progress Association AGM
11 March 2018	Echuca Cup Day Presidents Function

<b>Cr Leanne Pentreath</b>	
25 February 2018	Girgarre RSL Sub Branch - "Closer and WW1 Soldier Settlement" Girgarre and Stanhope North"
27 February 2018	Business Clean Up Day
2 March 2018	Launch of Echuca Historical Society's newest publication - Celebrating Echuca-Moama
4 March 2018	International Women's Day Event
5 March 2018	twistED Science Discovery Night
6 March 2018	Echuca Moama Tourism Networking Night
7 March 2018	Murray Business Network Dinner
16 March 2018	Bamawm Extension Fire Brigade Annual Dinner

<b>Cr Annie Vickers</b>	
21 February 2018	Girgarre Community Hall Meeting
23 February 2018	Foundry Arts Space Exhibition Opening - Pete Conroy
24 February 2018	Echuca Bowls Club Centenary Dinner & Celebration of 100 years of Bowling
26 February 2018	Planning Information Session - Pln324/2017
27 February 2018	Business Clean Up Day
27 February 2018	Echuca Lions Club Youth Forum
2 March 2018	Grand Opening of Twin Rivers Primary School
2 March 2018	Launch of Echuca Historical Society's newest publication - Celebrating Echuca-Moama
4 March 2018	International Women's Day Event
5 March 2018	twistED Science Discovery Night
6 March 2018	Echuca Moama Tourism Networking Night
7 March 2018	Murray Business Network Dinner
11 March 2018	Echuca Cup Day Presidents Function
16 March 2018	Echuca Moama Men's Shed Opening

<b>Cr Annie Vickers continued</b>	
16 March 2018	Echuca Moama Beacon Foundation Business Breakfast
18 March 2018	Rich River Rod & Custom Club

<b>Cr Leigh Wilson</b>	
23 February 2018	Planning information session - PIn364/2017
27 February 2018	Business Clean Up Day
5 March 2018	EMFM Radio
21 March 2018	ROFBAG meeting

<b>Cr John Zobec</b>	
25 February 2018	Girgarre RSL Sub Branch - "Closer and WW1 Soldier Settlement" Girgarre and Stanhope North"
17-18 March 2018	Kyabram Vintage Engine Machinery Rally & Mack Truck Muster

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### Recommendation

**That the Councillor reports be noted.**



## 10. CHIEF EXECUTIVE OFFICER'S REPORT

Activities and meetings attended since previous Council meeting:

- Local Government Professionals Conference
- Murray Goulburn Transition Committee
- Goulburn Murray Water meeting
- Presented at Integrated Water Management Masterclass series
- Regional Development Victoria Executive meeting
- Murray River Group of Councils
- Meeting with Echuca Moama & District Tourism CEO
- Regional Councils Victoria Committee meeting
- Regional Councils Victoria and Skills Commissioner meeting
- St Joseph's College Governance Students

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### Recommendation

**That the Chief Executive Officer's report be noted.**

## **11. PETITIONS/LETTERS**

Nil

## **12. NOTICES OF MOTION**

Nil

## **13. URGENT BUSINESS**

Nil

## **14. QUESTION TIME**

## 15. CLOSED SESSION OF THE MEETING TO THE PUBLIC

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### Recommendation

That pursuant to the provisions of the Local Government Act 1989, the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 16, 17, 18 and 19 which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

## **16. CONFIRMATION OF CONFIDENTIAL MINUTES & ATTACHMENTS**

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person

## **17. CONFIDENTIAL COUNCIL INFORMATION**

### **17.1. CONFIDENTIAL ASSEMBLY OF COUNCILLORS RECORDS**

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person

### **17.2. CONFIDENTIAL COMMUNICATION REPORTS & ATTACHMENTS**

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person

## **18. CONFIDENTIAL BUSINESS**

### **18.1 89(2)(D) CONTRACTUAL MATTERS, ( E) PROPOSED DEVELOPMENTS**

### **18.2. 89(2)(D) CONTRACTUAL MATTERS**

## **19. CONFIDENTIAL COUNCIL MEETING CLOSE**

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person

## **20. ITEMS DETERMINED TO BE NO LONGER CONFIDENTIAL**

## **21. OPEN MEETING TO THE PUBLIC**

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### **Recommendation**

That Council resolves to open the meeting to the public at

## **22. CLOSE MEETING**

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**JASON RUSSELL**

**CHIEF EXECUTIVE OFFICER**