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AGENDA



For a meeting of the seventh Campaspe Shire Council to be held on Tuesday, 17 April 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 March 2018
- Open section of the Campaspe Briefing Session held on 6 March 2018
- Open section of the Campaspe Briefing Session held on 20 March 2018

Recommendation

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

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

ALLOCATED OFFICER:	Awais Sadiq, Planner
RESPONSIBLE MANAGER:	Planning and Building Manager
APPLICATION NO:	Pln324/2017
DATE RECEIVED:	1 December 2017
APPLICANT:	Omega Land Systems
PROPOSAL:	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
SUBJECT SITE:	20 Fehring Lane Echuca Vic 3564
ZONING:	Low Density Residential Zone
OVERLAYS:	None
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	Clause 52.02
RESTRICTIVE COVENANTS ON THE TITLE?:	Yes
CURRENT USE AND DEVELOPMENT:	Single dwelling and associated outbuilding
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:	No
BUSHFIRE PRONE AREA:	Yes but not a listed use or development
OBJECTIONS:	8 (3 from beneficiaries)

1. Summary Recommendation

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

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 lodged.

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 removal of the restrictions would allow the subdivision of land (via a planning permit) and construction of buildings within 20m from the road frontage.

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.

- 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.

The restriction was created on a certified plan in 1994 and registered on 24 January 1995. The 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:

Pln206/2017 – Subdivision of the land into two lots in Low Density Residential Zone (Withdrawn). The application was withdrawn as the applicant did not recognise the restriction which was on the Plan of Subdivision (title).

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. The application was advertised in accordance with Section 52(1AA) of the Planning & Environment Act 1987. As a permit is triggered pursuant to Clause 52.02, notice was undertaken in accordance with Section 52(2) of the Act.

Council received eight (8) objections to the application. Three (3) objections have been 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). The objections raise the following concerns:

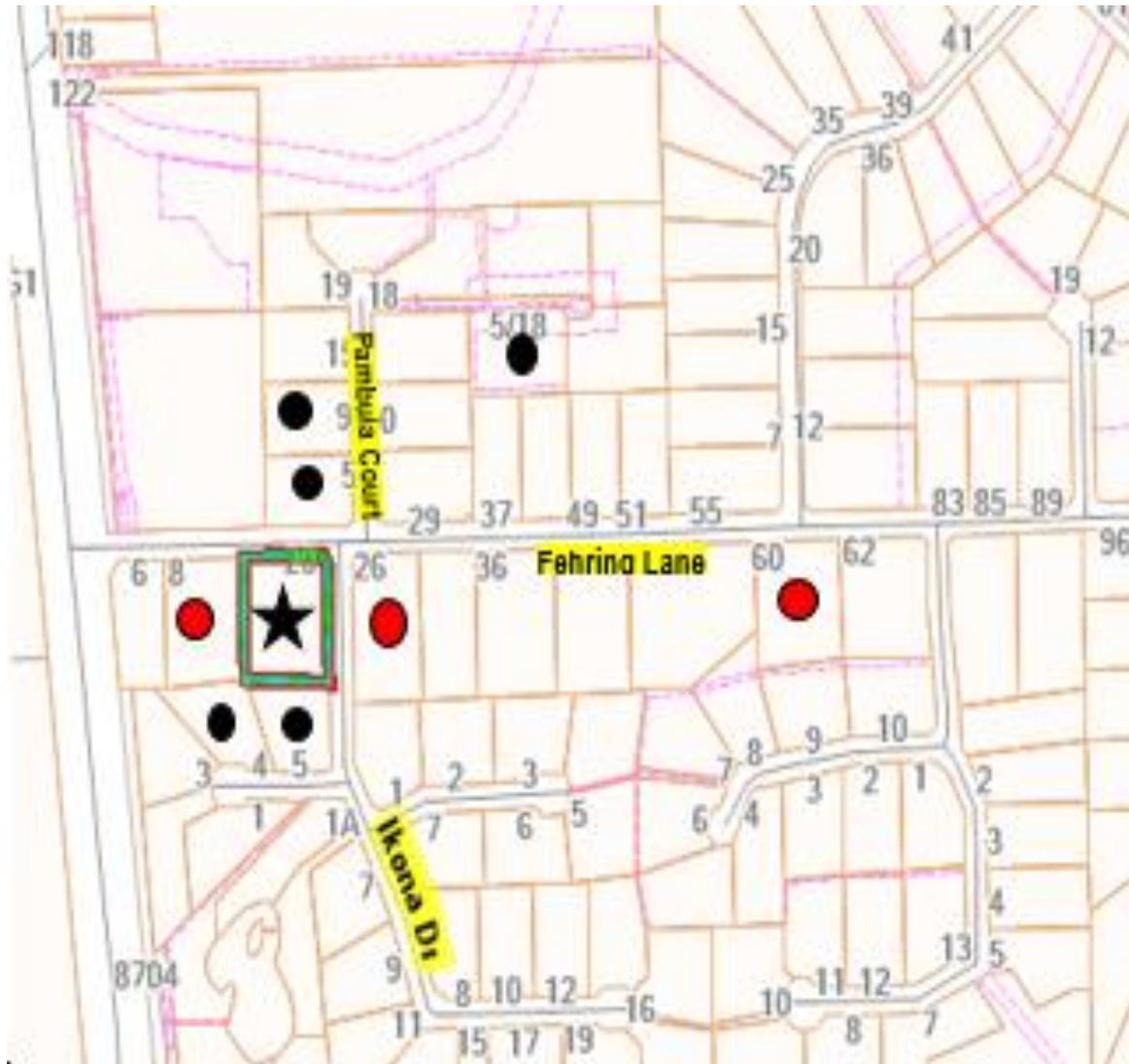
- Change to the character of the area
-

- 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

Five (5) objections were received from other landholders within the estate. 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
- Property devaluation
- 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.

It is important to note that written objections have been received in accordance with Section 57(2) of the Act. The objections have been made in good faith are not vexatious and must be considered pursuant to Section 60(1)(c). No objections have been withdrawn.

10. Referrals

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

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.

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 proposal is required to be assessed against *Section 60(2) of the Planning and Environment Act 1987* which states that:

the responsible authority must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that the owner of any land benefited by the restriction will be unlikely to suffer financial loss, loss of amenity, loss arising from change to the character of the neighbourhood; or any other material detriment as a consequence of the removal or variation of the restriction. (Emphasis added)

Three (3) objections have been received from beneficiaries to the restriction. The objections have been made in good faith and are not vexatious. The objections outline concerns in terms of loss of amenity, character and other material detriment. Due to the objections the Responsible Authority cannot be satisfied that they will be unlikely to suffer as a consequence of the removal of the restriction.

In accordance with Section 60(2) of the Act the following is an assessment of four relevant 'tests' outlined in the Act and as expressed in the written objections from the beneficiaries.

Financial Loss

No beneficiaries have raised concerns in relation to any financial loss.

Loss of Amenity

Two beneficiaries have raised concerns in relation to additional traffic and noise. The two adjoining beneficiaries have outlined that Fehring Lane is the only access road to and from the area, connecting to the highway. The removal of the restriction could result in an increase in traffic, exacerbating an existing problem. The removal of the restriction could also set a precedence for other landholders to subdivide, which will result in more traffic and noise.

One of the adjoining beneficiaries also raised concerns that the removal of the restriction will increase the impact on their open space given the proximity. The beneficiary has outlined that they purchased the land to enjoy the environment, lifestyle and quiet living which exists and the removal of the restrictions would result in a loss of amenity.

Loss Arising From a Change of Character

The area at present includes lot sizes between 4000-6000sqm with generous front setbacks and large garden settings. All three beneficiaries outline that the removal of the restrictions will result in a change to the '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 result in an inconsistent pattern contrary to the existing character of the area.

The area has been established and maintained through the use of the restriction. Purchasers of land within this subdivision have benefited from the existing character which is an outcome of the restriction. It is likely that owners of land who have purchased lots with the restriction will suffer a loss arising from a change to the character of the neighbourhood.

Consideration of character is a key factor and all three beneficiaries have raised concerns in relation to change to the character of the area. The importance of character is noted in a VCAT case *Singh & Kaur v Brimbank CC [2017] VCAT 1730 (23 October 2017)* where the applicant was seeking to remove the restriction for the construction of a second dwelling on the land. Member Michelle Blackburn in terms of the character stated:

I consider that this disruption to the character would be a real one. Furthermore, I consider this disruption to the character to be a material detriment to the benefited land, as evidenced by objections from owners of benefiting lots who are clearly aware about the mutual restrictions on lots within this area. Therefore, in my view, the proposal does not meet the test of section 60(2)(c) of the P&E Act.

The removal of restriction will result in a loss arising from a change in character as outlined in the written objections from the beneficiaries.

Other Material Detriment

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'.

Two beneficiaries have raised concerns in relation to additional infrastructure, maintenance, drainage and other services. The subdivision was designed and subdivided to comply with the relevant scheme provisions of the day which resulted in larger allotments with less services and infrastructure.

The larger allotments allow for services to be accommodated on-site and have a lower service standard (road width, seal, footpaths, etc.). The objections outline that there will be increased detriment through damage or injuries to children (all residents) and the road network, as the subdivision requires less maintenance, no footpaths or connectivity.

Three beneficiaries have objected and advised that they will suffer from at least three of the four relevant 'tests' (the Act defines 'or' meaning any one or more of the tests). In accordance with Section 60(2) of the Act the Responsible Authority must not grant a permit as it cannot be satisfied.

Other Objectors

In addition to the above, Clause 52.02 Easements, Restrictions and Reserves of the Campaspe Planning Scheme which is a permit trigger, requires consideration to be given to decision guidelines of Clause 65 and the interests of the affected people. Therefore the five other objectors who are not beneficiaries of the restriction must be considered.

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 benefited by the covenant will carry great weight. 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".

- The responsible authority is required to 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
 - Property devaluation
 - 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 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. This is a similar concern expressed by the beneficiaries, as most landowners within the estate have an expectation about the lifestyle and pattern of subdivision. The removal of the restrictions has the potential to create further infrastructure requirements within the area and create issues in relation to traffic, privacy and visual amenity.

Other Matters

The applicant submitted additional information on 20 March 2018 to support the proposal. The information has been reviewed and the following is noted:

- The report identifies the requirements of Section 60(2) of the Planning & Environment Act 1987 (the Act). The Act outlines that the responsible authority must not grant a permit unless it is satisfied that the beneficiaries are unlikely to suffer from financial loss, loss of amenity, loss arising from a change in character or any other material detriment.

- Waters v Campaspe SC (2009) VCAT 2203 was in relation to the removal of a restriction that was made on behalf of the original subdividers. The Waters appealed Council's decision however the Order outlines that there were no objecting beneficiaries. The Waters were also the original applicant and the restriction was not applicable due to the specific wording which only required their written consent.
- The applicant has incorrectly identified the beneficiaries to the restriction (Address Nos. not lots). The incorrect date was included in relation to the consultation meeting.
- Case law established in Hill v Campaspe SC (Red Dot) [2011] VCAT 949 (19 May 2011) states that objectors other than beneficiaries should also be considered.
- The applicant has relied on a VCAT decision of Jaborca Pty Ltd v Hobsons Bay CC & Ors (1 February 2011) by stating that the objectors who are not a beneficiary should not be considered, however this predated the relevant Red Dot decision (case law) of Hill v Campaspe SC (Red Dot) [2011] VCAT 949 (19 May 2011).
- Clause 52.02 of the Campaspe Planning Scheme requires consideration of affected people.
- Supreme Court of Victoria IMO Davies and McDonald (2013) VSC 236 (8 May 2013) was a decision in relation to notice of an application to remove a restriction. The decision does not override the Planning & Environment Act, make mention of Clause 52.02 or the Hill v Campaspe SC (Red Dot) [2011] VCAT 949 (19 May 2011). Notice of the application has been undertaken in accordance with the relevant provisions of Section 52 of the Act.
- Section 3 Merit of the applicants information addresses clauses relevant for subdivision, zoning and local policy. The application is for the removal of restrictions.
- Pursuant to Section 57(2) of the Act the objections have been made in writing. The objections have been made in good faith are not vexatious and the written objections must be considered pursuant to Section 60(1)(c) of the Act. Section 4 of the applicants information is in relation to the concerns raised at the consultation meeting and not the written objections.

13. Conclusion

This proposal fails to satisfy the requirements of *Section 60(2) of the Planning and Environment Act 1987*. The proposal has been assessed against the relevant requirements of the Act, Clause 52.02 and decision guidelines of Clause 65 of the Campaspe Planning Scheme.

The proposal has not demonstrated that the removal will not cause detriment to the benefitting objectors and the other affected landholders. 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.

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(2) of the Planning and Environment Act 1987.**
- 2. The owners of the land benefitted by the restriction are likely to suffer detriment in terms of loss of amenity, loss arising from a change to the character of the neighbourhood and other material detriment as a consequence of the removal of the restrictions.**
- 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 – 1106 PARK ROAD LANCASTER VIC 3620, PLN381/2017

ALLOCATED OFFICER:	Awais Sadiq, Planner
RESPONSIBLE MANAGER:	Planning and Building Manager
APPLICATION NO:	Pln381/2017
DATE RECEIVED:	18 December 2017
APPLICANT:	Esco Pacific
PROPOSAL:	Use and Development of the land for a Renewable Energy Facility (solar farm) in Farming Zone Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay
SUBJECT SITE:	1106 Park Road Lancaster Vic 3620
ZONING:	Farming Zone (Schedule 1)
OVERLAYS:	Floodway Overlay and Land Subject to Inundation Overlay
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	Clause 35.07-1, Clause 35.07-4, Clause 44.03-1 and Clause 44.04-1
RESTRICTIVE COVENANTS ON THE TITLE?:	No
CURRENT USE AND DEVELOPMENT:	Dwellings and Grazing pastures
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:	No
BUSHFIRE PRONE AREA:	Yes but not a listed use or development
OBJECTIONS:	12 Objections

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 lodged and where it is major development which has an impact on the community.

5. Proposal

It is proposed to use and develop the land for a 'Renewable Energy Facility' (Solar Farm). The facility is proposed to be connected to the 66kV Shepparton-Kyabram powerline that is owned and operated by Powercor. The use is expected to be carried out for approximately 40 years. The proposal does not require the removal of any native vegetation and incorporates portable facilities that can be removed from the site when they are no longer required. The use will operate in conjunction with an agricultural activity being the grazing of sheep to assist with the ongoing maintenance of the site.

The proposal seeks approval for a 100 megawatt (DC) solar energy facility which will generate an inverter capacity of 80 megawatt (AC) of power. The site will comprise up to 300,000 photovoltaic panels covered on an area of approximately 172 hectares. Each panel will have a maximum height of 4m and width of 6m. The proposed solar panels will be setback approximately 285m from Park Road, 44m from Ryan Road, minimum setback of 16m from Sellwood Road and 7m from Weller Road.

The overall facility will be surrounded by a 2m high cyclone wire fence and will also comprise the following additional infrastructure to support the operation:

- A power conversion unit comprising inverters, transformers and switchgear will be installed within each array of solar panels. Each power conversion unit will be 13m long and 2.5m wide with an overall height of 3m.
- A 100m long and 100m wide Battery Storage Area with a maximum height of 3m, setback 5m from Park Road;
- A 33kV switchyard compound being 50m long and 50m wide, setback 5m from Park Road;
- A 33kV control room being 10m and 15m wide, setback 55m from Park Road;
- A 10m long and 35m wide switchgear room, setback 55m from Park Road;
- An operation and maintenance building being 15m long and 10m wide, setback 60m from Park Road;
- A workshop building being 15m long and 10m wide, setback 75m from Park Road; and
- A storage unit being 15m long and 25m wide with an overall height of 3m, setback 90m from Park Road.

Access to/from the site will be via existing crossovers onto Park Road and Ryan Road. Traffic movement to/from the site during the construction period will consist of an average eight (8) truck movements per day and up to 160 employees to establish the facility. After the construction phase the applicant advised that four (4) full time and eight (8) part time workers are required for the routine maintenance and monitoring of the facility. A total of seven (7) car parking spaces will be provided as part of the proposal including the provision of one (1) disabled car space located in proximity to the operation and maintenance building.

6. Subject Site & Locality

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

The subject site is located on the north side of Park Road, at the intersection of Park Road and Weller Road. The site is irregular in shape comprising of three (3) separately transferable Certificates of Title in different ownership with a total area of approximately 243 hectares discussed in more detail below:

- 1106 Park Road, Lancaster is irregular shape comprising two contiguous allotments with a total area of 178.7 hectares. The site contains two dwellings located in the south-west corner of the property and the remainder of the property comprises paddocks of pastured agricultural land. A number of machinery sheds and silos are also located within the vicinity of the dwellings. The property is mostly clear of native vegetation with the provision of mature

native trees within the vicinity of the dwellings and farm buildings. The site comprises a number of small water dams with a Goulburn-Murray Water channel traversing the site centrally in a north-south direction.

- 250 Weller Road is irregular shape with an overall area 40.59 hectares. The site contains a single storey dwelling setback approximately 105m from Weller Road. A number of machinery sheds are located to the rear of the existing dwelling. The allotment is largely clear of native vegetation with few mature trees along southern and eastern boundary and the remainder of the site is vacant. The allotment is encumbered by two water supply easements located in the centre of the property. In the south-west corner is Reserve 1 with an area of 891sqm in favour of Goulburn-Murray Water.
- 785 Selwood Road is rectangular in shape with an area of 24.44 hectares. The site currently contains a dwelling setback approximately 8m from Sellwood Road with a number of outbuildings located to the rear of the dwelling. The allotment comprises number of small water dams and is used for agricultural purposes.

The context of the surrounding area is as follows:

- Land to the north of the site comprises large block of land containing irrigated agricultural land. The site also contains a dwelling setback approximately 55m from Ryan Road.
- Land to the east of the site contains a dwelling setback approximately 67m from Ryan Road. The remainder of the site is used for agriculture comprising a large agricultural shed and silos to the rear of the dwelling.
- Land to the south of the site comprises relatively smaller allotments containing dwellings with associated outbuildings within the Township Zone.
- Land to the west of the site across Weller Road comprises pastures of irrigated land. The site also contains a single storey dwelling setback approximately 26m from Graham Road. A number of outbuildings are also located within the close vicinity of the dwelling.

Nearest dwellings to the subject site being 994 Park Road, Lancaster setback approximately 385m to the south from the facility and 239 Weller Road to the west being setback approximately 120m from the facility. Township Zone will be setback more than 600m from the associated buildings of solar farms.

The site is located in the eastern corner of the Shire and it is noted that properties to the north and east of the subject site are within Greater Shepparton City Council.

7. Permit/Site History

The history of the site includes:

250 Weller Road, Lancaster

- WFP-2003-030 – Whole Farm Plan

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 four (4) signs on each road frontage on site.

- Notice in the Newspaper.

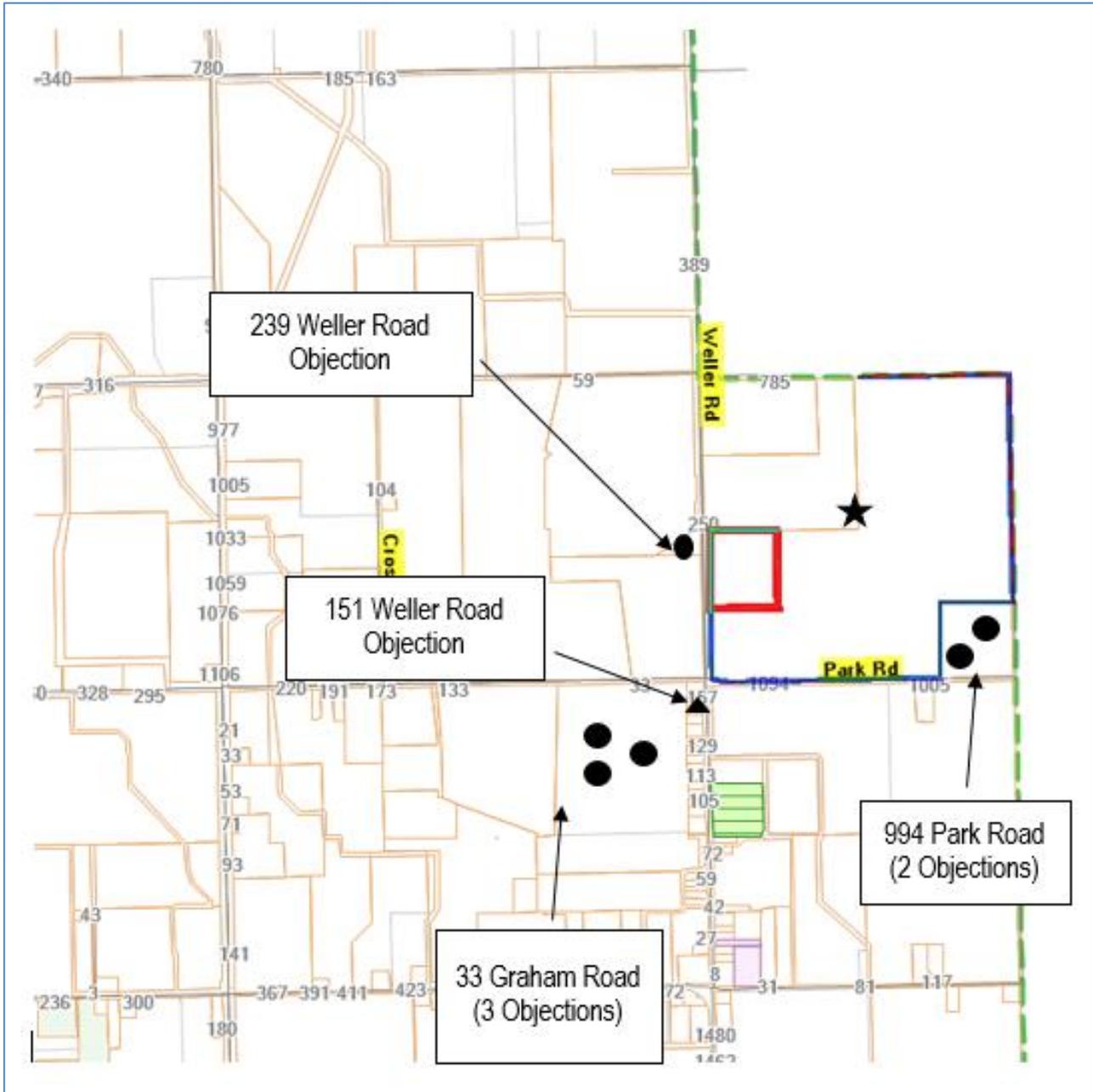
The notification has been carried out correctly.

Council received twelve (12) objections to the application. The objections can be summarised as follows:

- Loss of high quality agricultural land
- Impact on rural lifestyle and amenity
- Impact on property values
- Construction impacts including dust, noise and traffic
- Heat island effect
- Road safety to access point and local intersections
- Bushfire risk
- Electromagnetic fields from high voltage lines along Weller Road
- Potential for flooding issues
- Removal of vegetation
- Access

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

Figure 1: Subject site and surrounds



Objections have been received outside of the defined map, with some being located Greater Shepparton City Council.

Legend	
Subject Site	★
Objection	●

9. Consultation

A consultation meeting was undertaken on 27 March 2018 at the Kyabram Community Learning Centre. A number of objectors attended and the objectors concerns were discussed in detail with the applicant.

The concerns discussed at the consultation meeting were in relation to the objections received. There was no resolution however all parties were more informed about the application and the process going forward.

10. Referrals

The application has been referred to two (2) external authorities and one (1) internal Council Department. The following table makes note of the type of information requested; whether consent was given and whether conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

Referral Authority	Type of Referral	Consent/ Approve Proposal	Request Permit Conditions	Any other advice notes
Goulburn Broken Catchment Management Authority	Section 55	Consent	No	Yes
Goulburn-Murray Water	Section 52	Consent	Yes	Yes
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Design and Service Team	Comments	Consent	Yes	No

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 Environmental Risk - Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

13.02 Floodplains – Assist in the protection of life, property and community infrastructure from flood hazard.

Clause 13.05 Bushfire – To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

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 14.02 Water

14.02-1 Catchment planning and management - To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

14.02-2 Water quality - To protect water quality.

14.02-3 Water conservation - To ensure that water resources are managed in a sustainable way.

15.02-1 Energy and Resource Efficiency - To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 17 Economic Development - Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential

Clause 19.01 Renewable energy - To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Local Planning Policy Framework (LPPF)

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 21.04 Environmental Risks - This clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework.

Flooding - Sound floodplain management is the critical means by which the economic, social and environmental risks associated with floodplain use and development can be managed. This level of management is provided by seven "local floodplain development plans" which have been prepared by the relevant catchment management authority to provide a performance-based approach for decision making that reflects local best practice in floodplain management.

Clause 21.05 Natural Resource Management - This clause provides local content to support Clause 14 (Natural Resource Management) of the State Planning Policy Framework.

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.

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.

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 22.04 Non-agricultural Uses in Farming Zone

This 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 a 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 areas, other than those that support agriculture.

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.

A permit is required for the use of the land pursuant to Clause 35.07-1 (Table of Uses) for a renewable energy facility. This is a defined Section 2 Use with the condition that the proposal must meet the requirements of Clause 52.42. A permit is required to construct a building or works associated with a use in Section 2 of Clause 35.07-1.

Overlays

Clause 44.03 Floodway Overlay - Identifies waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

A permit is required for buildings and works pursuant to Clause 44.03-1.

Clause 44.04 Land Subject to Inundation Overlay - Identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

A permit is required for buildings and works pursuant to Clause 44.04-1.

Particular and General Provisions

Clause 52.06 Car Parking- Aims to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality and ensure that the car parking is of a high standard and does not adversely affect the amenity of the locality.

A Renewable Energy Facility is not listed as a defined use under Clause 52.06-5. As such car parking is to be provided to the satisfaction of the responsible Authority pursuant to Clause 52.06-5A. The application as proposed includes seven (7) defined car spaces.

Clause 52.42 Renewable Energy Facilities - Facilitates the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

This provision has no direct triggers however it provides application requirements and Decision Guidelines for any application for a Renewable Energy Facility other than a Wind Energy Facility.

Decision Guidelines

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

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on the natural environment and natural systems.
- Whether the proposal will require traffic management measures.

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.

Clause 74 Definition - Renewable Energy Facility - Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth's heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.

This definition is considered appropriate as the proposed use supplies energy but not for any existing use on the subject site.

Relevant incorporated or reference documents

- Council Plan 2013-2017
- Local Floodplain Development Plan Precinct of Lower Goulburn (2010)
- Wangaratta Solar Farm Advisory Committee Report (Department of Environment Land Water and Planning, 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 planning principles and consideration of risk. The application has been assessed against State and Local Planning Policy, the Farming Zone Schedule 1, Floodway Overlay, Land Subject to Inundation Overlay, Clause 52.06 Car parking, Clause 52.42 Renewable Energy Facilities and the Decision Guidelines of Clause 65 of the Campaspe Planning Scheme.

Context

The significant transition to renewable energy is already underway in Victoria. Renewable energy is already the cheapest and cleanest new source of energy supply. Increasing electricity generation capacity will help to reduce power prices. This is one important reason to set Victorian renewable energy targets of 25 per cent by 2020 and 40 per cent by 2025.

In relation to this proposal, it is important to outline that the facility does not involve any significant earthworks, remove any existing irrigation infrastructure, remove native vegetation or rely on any buildings and earthworks that cannot be reversed. The use is proposed to operate on the site for 40 years and the facility involves portable buildings and areas for car parking and internal access ways which can be re-instated to pasture when not required. The use will work in conjunction with the existing 'agricultural' use on the land requiring sheep grazing to maintain the site and does not permanently 'remove' land from agriculture.

When reviewing facilities of this nature it has to be acknowledged that they require willing landowners, considerable land mass and are generally discouraged with township boundaries or close to sensitive interfaces. Given the land size required and reviewing the surrounding area of Lancaster, any renewal energy facility is likely to be located within land which is zoned Farming. This is also more likely given that these facilities need to locate along or within proximity (2km) to the major transmitting lines (66kV).

State and Local Policy

In this instance, the Municipal Strategic Statement (MSS) and local policies of the Campaspe Planning Scheme provide minimal guidance regarding 'appropriate' locations or decision guidelines related to renewal energy facilities. Although the scheme includes a state wide particular provision Clause 52.47 Renewable Energy Facilities, specific guidelines regarding appropriate locations are not outlined and no 'code of practice' is available compared to other particular provisions.

Clause 11.13-2 A Diversified Economy objective is *"to realise opportunities to strengthen and diversify the economy"*. In addition, one of the strategies is to *"support emerging and potential growth sectors such as nature-based tourism, mining and renewable energy generation and protect these activities from urban encroachment"*. The use and development of the land for a renewable energy facility (solar farm) located outside a 'residential' zone and located within an area not designated in the planning scheme for urban growth is an opportunity supported by the objectives of state policy.

The site is located within bushfire prone area and is accessible from all sides via public roads and static water will be provided on-site. It is noted that the use is not included within Clause 13.05 Bushfire is not required to be assessed against a bushfire attack level and other requirements.

Clause 15.02-1 Energy and resource efficiency objective is *"to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions"*. One of the strategies is to *"improve efficiency in energy use through greater use of renewable energy"*. Clause 17 Economic Development supports development that will facilitate the economy of towns. Clause 19.01-1 Provision of renewable energy objective is *"to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met"*. One of the strategies is to *"facilitate renewable energy developments in appropriate locations"*.

The State Planning Policy Framework (SPPF) contains clauses relating to the protection of agricultural land and the direction for land use and development on farming land. Clause 11.05-3 aims to *"manage land use change and development in rural areas to promote agriculture and rural production"*. Clause 14.01-1 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 14.01-2 aims to *"encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices"*.

Clause 15 ensures *"all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic scientific and cultural value"*. *"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"*.

The MSS provides direction for economic, social and physical development of the Shire. Clause 21.05-1 recognises that *"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". The nature of the use is not considered to result in the 'unplanned loss' of productive agricultural land based on the design of the panels allowing sheep grazing to occur concurrently. The use does not rely on any buildings and works which cannot be reversed compared to 'dwellings' or other uses that can be applied for in the Farming Zone which may require permanent 'infrastructure'.

The incorporated Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05-1 identifies the site as being within a 'growth and consolidation' area identified as *"being areas for growth and expansion of existing farm businesses and for new investment"*. It is estimated that approximately 65% of land within the Shire of Campaspe is within the Farming Zone. In this instance the proposal does not remove the productive agricultural qualities of the land compared to other 'industrial' uses which can also be applied for under the Farming Zone. The use allows an agricultural activity to continue concurrently consistent with the surrounding agricultural area and retains the agricultural use of the land consistent with state and local policy.

The solar farm represents a significant investment in the Shire, and will provide economic stimulation to the region, and increased energy security for other businesses and industries potentially within the Shire of Campaspe and the broader regional community. The solar farm also addresses the objectives and strategies of Local Policy to reduce its overall carbon emissions. These are positive environmental and social outcomes for the region, and for the State more broadly.

Agricultural Issues

The appropriateness of the site has been considered as part of the application. The purpose of the Farming Zone is to *"To encourage the retention of productive agricultural land, To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture, To encourage the retention of employment and population to support rural communities and To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision"*.

It is estimated that 65% of land within the Shire of Campaspe is within the Farming Zone, with smaller amounts of land in alternative zones including the Industrial 1 Zone. The use Renewable Energy Facility is a Section 2 Use (permit required) and it is not prohibited under the zone. Upon review of the application material the use requires a large amount of land to be viable in proximity to high voltage powerlines (66kV). When considering the scale of the use, setbacks from 'sensitive uses' and nature of the use that does not 'remove' productive agricultural land it is considered that the use is appropriate within the Farming Zone.

The land is currently used for grazing, and although it will be reduced in scale, the use will be continued in this manner in conjunction with the proposed use of the land. The solar farm will occupy 172 hectares which constitutes 0.037% of the total agricultural land within the municipality which is estimated at being 65% (calculated using GIS). The solar farm provides up to 100MW (DC) of energy will provide power directly into the grid and therefore providing a wide community benefit to the immediate surrounding properties and the wider area in accordance with state and local policy.

Due to the nature of the use the proposal is unlikely to result in a permanent loss of agricultural land, as it does not rely on any buildings and earthworks that cannot be reversed. Solar panels will be fixed into the ground to minimise the ground disturbance and therefore they can be easily removed at the end of the solar farm's lifecycle. Upon decommissioning of the solar farm, land can be used for agriculture and the proposed solar farm will not impact the agricultural activities in the area.

The applicant has advised that the land beneath the solar panels will remain being used for agriculture and sheep grazing will maintain the grass and surrounding area. A condition (Condition 11) will be included on the planning permit to ensure that agricultural qualities of the land will be retained upon cessation of the solar farm use. The nature of the use avoiding heavy-duty foundations and incorporating portable buildings means that it can retain the agricultural qualities of the site. The use utilises the existing facilities including existing vehicle crossovers and configuration of the paddock layout to further minimise the disturbance on the agricultural qualities of the site in accordance with the decisions guidelines of the zone.

Rural Lifestyle and Amenity

It is acknowledged that the proposed solar farm will result in a different landscape character from the existing setting, the overall visual impacts on the surrounding environment are sought to be minimised.

The design solutions proposed are that the panels are being placed within fixed frames and having an above ground height of 4 metres at their highest point. The panels are also setback reasonably from roads between 7 to 285m. A portion of the setback will not meet the required 20m setback from a road in accordance with Clause 35.07-4. To ensure appropriate separation and opportunity for landscaping it is considered appropriate to require that all panels meet the specified setback under the schedule to the zone. Based on this condition it is considered that the design, size and style of the structure it is unlikely to cause any unreasonable visual impact compared to other 'permanent' agricultural buildings within the Farming Zone. All associated invertors, transformers and other buildings will be setback reasonably to make them appropriate to their surroundings to minimise any unreasonable visual impact in accordance with Clause 35.07-4 and 52.42-3.

It is unlikely that the proposal will cause any unreasonable impact as the infrastructure associated with the solar farm being the panels will be setback more than 350m from the dwelling in accordance with the setback requirements of Clause 35.07-4. To ensure there is no unreasonable visual impact landscaping will be included along the boundaries to screen the solar farm from the nearest dwelling and is recommended to be included as a condition (Condition 12) on the planning permit.

A landscaping condition (Condition 12) will be included on the permit to reduce the visual impacts of the proposal from the adjoining area. Views into the site from adjoining roads will be partially screened by landscaping with a minimum of 4m high species in accordance with Council's Landscape Plan Guide. The landscaping will ensure that surrounding properties and long-term views of the site will be broken-up and provide an attractive vista for neighbouring properties and users of adjoining roads in accordance with Clause 35.07 and Clause 52.42. This screening will increase as the landscaping matures protecting visual amenity from the site.

The buildings are appropriately setback with landscaping put in place to supplement the existing landscape on the site. All buildings will be required to be constructed from muted tones and is recommended to be included as a condition (Condition 3) on the planning permit. Invertors and transformers are located throughout the site in regular intervals. These are all located centrally on site to assist in minimising any unreasonable visual (or noise) impact on the surrounding area.

All works will be contained on the property for the lifespan of the solar farm and as previously stated is unlikely to cause any unreasonable impact on adjoining properties or existing agricultural uses. The works are required to comply with the setbacks of the schedule to the zone in accordance with Clause 35.-07-4.

The proposed development is unlikely to cause any unreasonable impact to the agricultural qualities of the land and as stated once the lifespan of the solar farm is completed it would revert to its previous or natural state. A condition (Condition 21) of the permit has required a rehabilitation plan to ensure that once the use ceases that the land will be able to revert or maintain productive agricultural qualities of the land including soil quality, access to water and rural infrastructure.

Traffic, Noise, Dust and Glare

The proposal will result in increase of traffic and noise from the vehicles during the construction of the solar farms. The construction of the project will be completed in 8 months and applicant has outlined that during construction phase a daily average movement of 8 trucks will occur to transport the infrastructure on site. 16 light vehicles movement will occur on the adjoining roads during the construction phase for staff. Four full time and eight part time staff will be required after the commencement of the solar farm operation.

Access will be provided via existing vehicle crossovers on Park Road and Ryan Road Council sealed roads. The access from Park Road will be setback 580m from the intersection of Weller Road and Park Road to ensure the safety of traffic movement. Similarly the access from Ryan Road will be setback 380m from Ryan Road and Park Road intersection. Both access locations are being designed to create safe passage of traffic.

The increase in traffic is considered normal for this type of development and will be greater during the construction period. Vehicles entering and exiting the site during the construction phase are unlikely to interrupt or impede the safe movement of traffic on roads. During the construction of the facility, traffic management measures will be put in place and a condition (Condition 15 and Condition 17) will be included for a construction management plan and traffic impact assessment report to ensure the appropriate traffic management and construction of solar farm.

The condition (Condition 15) for a construction management plan will require the developer to consider measures to minimise dust along the road, which could be suppression or sealing to the satisfaction of the Responsible Authority. Dust monitoring will be undertaken in accordance with regulations, guidelines and enforced by Council. It is recognised that dust could be an issue for the solar farms during the construction phase, however through the condition and once the facility is established, it is considered that there will be no significant issues in relation to the dust beyond normal occurrences in a rural area.

The on-going operation of the solar farm will not require a permanent traffic management measures due to the infrequency of traffic visiting the site which will be less than the current traffic that enters and exits the site for agricultural purposes. Four full time employees and eight part time employees will be required for the on-going operation of the solar farm resulting in less movement on the roads as compared to the movement during the construction of the project.

The solar inverters will produce some noise but is considered adequate given the proposed setbacks to any sensitive land use. The equipment will be positioned in cabins and it is not expected to hear any noise from beyond the site boundary. The noise generated from the proposal will be no more than considered normal for an agricultural use. Noise generation will be predominantly associated with the construction of the solar farm, in relation to traffic and general operation. This will be due to the machinery needed to install the proposed equipment and build the appropriate access tracks. However, this will be managed by a construction management plan and will only occur within normal working hours. A condition (Condition 4 and Condition 7) will be included for the hours of operation and to ensure that the noise must comply with standards specified under EPA Publication 411 Noise from Industry in Rural Victoria.

Solar panels will be designed to absorb as much light as possible to maximise power generation. The solar panels will have an anti-reflection (AR) coatings to further reduce reflection. While the construction of the solar panels is made up of materials that reduce glare, often there will be glare produced by the smooth glass surface of the panels. Given the flat topography and the lack of opportunities for overlooking of the site, the potential for impact resulting from reflection or glare is reduced. Landscaping along the boundaries will reduce the glare from the solar panels for the adjoining road users and properties. The solar panels are designed to absorb light rather than reflect it efficiently. Therefore, there will be no glint or reflection from the proposed panels that will have an unreasonable off-site impact.

Environmental Issues

The proposed development has been sited to minimise any impact on existing flora and fauna by taking into consideration the natural environmental features of the site including avoiding areas of remnant vegetation. A flora and fauna report prepared by a senior environmental consultant dated 12 December 2017 was submitted as part of the application.

The proposed solar farm footprint contains no remnant vegetation and has been cleared, cropped and grazed for many years. There will be removal of non-indigenous species Sugar Gum shelter belt trees which are exempt from the need for a planning permit. Landscape screening of the site will include planting of native and endemic species.

Concern has been highlighted that the proposal will result in a variance or heat temperature rise. No proof has been provided, rather an article about a solar farm in a desert of USA. No scientific information has been provided and the extreme climatic conditions (deserts in USA) is a different scenario from Lancaster. It is considered that there will not be significant change in climate and that no proof or relevant evidence has been provided. Any difference in temperature, if any, will only be much localised to the solar panel surface. Solar panels will be elevated from the ground and therefore allowing good ventilation and heat transfer. In case of any emergency, the site will have access from Park Road and Ryan Road for emergency vehicles and a large supply of static water will be provided on-site.

The site is serviced by a Community Surface Drain and an irrigation channel both regulated and operated by Goulburn Murray Water. The drain and irrigation channel will not be altered by the solar farm and will remain in place and allow surface water to drain from the site. Although the development of solar panels will increase the sites impervious area (due to overage by solar panels), runoff from the solar panels will still move across the entire site relatively unimpeded, resulting in a negligible change in net run-off. The application was referred to Goulburn-Murray Water and no objection has been raised by the authority. A condition (Condition 16) has also been included to require a plan detailing sediment and erosion to ensure that it is managed and does not result in any off-site impacts.

In terms of concerns in relation to flooding, the application was referred to the Goulburn Broken Catchment Management Authority (GBCMA). GBCMA has commented that the 100 year ARI (1% AEP) flood levels for the subject site have not

been declared for this area under the Water Act, 1989, or designated under the Drainage of Land Act, 1975. The proposal in general will not result in diminishing the flood storage and carrying capacity or impeding the flow of floodwater. GBCMA has confirmed they do not object to the proposal. It is noted that the only small portion of the site along the eastern boundary is affected by the flooding overlays.

Electromagnetic Field (EMF) from high voltage transmission lines along Weller Road

Electromagnetic fields are related to the strength of the source, duration of exposure and distance a person stands from the source, given that dissipation of the electromagnetic field is exponential over a distance. Powercor has numerous distribution and transmission lines already in the vicinity of the solar farm therefore it is considered that no unreasonable impact will occur as a result of the use on the land.

The connection route for the solar farm will be subject to a separate application. There are two potential routes one via Weller Road and the other via Ryans Road into the existing 66kV transmission line that runs along Lancaster-Mooroopna Road. It is anticipated that the solar farm transmission line would be at 66kV the same as voltage as the transmission line along Lancaster-Mooroopna Road.

No matter what the voltage of a transmission line manufacturers of electrical devices must demonstrate compliance with global and local standards to distribute a piece of equipment within Australia as specified in the report submitted by the applicant.

Other matters

Concerns were raised in relation to the devaluation of the property within the area. It is noted that objections in relation to the property devaluation cannot be considered under the *Planning and Environment Act 1987*. It has been acknowledged that concerns have been raised however for the assessment of the proposal against these concerns is not required.

A renewable energy facility is not listed in the car parking table pursuant to Clause 52.06-5. The site plan shows the provision of seven (7) car parking spaces including one disabled car space with an additional area which can be used for car parking. The site will have more parking demand during the construction phase of the proposal and once the facility is established, car parking spaces proposed for the facility will be adequate. It is therefore considered there is adequate space available for car parking.

13. Conclusion

The application is seen to meet the SPPF, LPPF, including the MSS and local planning policies. The land can physically accommodate the proposed use and development and does not result in any unreasonable off-site impacts. The application was referred to all relevant authorities and Council Departments and consent was granted by all subject to conditions. It is recommended that a Notice of Decision to Grant a Permit be issued subject to suitable conditions.

14. Recommendation

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

- **having caused notice of Planning Application No. Pln381/2017 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 Grant a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4, Clause 44.03-1 and Clause 44.04-1 of the Campaspe Planning Scheme in respect of the land known as Volume 10073 & Folio 333, Volume 10073 & Folio 335, Volume 10115 & Folio 857 and Volume 07844 & Folio 069 and described as 1106 Park Road Lancaster, 250 Weller Road Lancaster and 785 Sellwood Road Lancaster, for the Use and Development of the Land for Renewable Energy Facility (solar Farm) in the Farming Zone Schedule 1, Floodway

Overlay and Land Subject to Inundation Overlay in accordance with the endorsed plans, with the application dated 18 December 2018, subject to the following conditions:

Conditions:

1. Amended plans required

Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:

- a. A plan at a suitable scale illustrating that all panels are to be setback a minimum of 20 metres from any road to the satisfaction of the Responsible Authority.
- b. A plan at a suitable scale which illustrates that all buildings and works (including the facilities area) comply with the setback requirements of the schedule to the Farming Zone to the satisfaction of the Responsible Authority.
- c. Detailed floor and elevation plans for all buildings on the site to the satisfaction of the Responsible Authority.
- d. Detailed schedule of colours and materials for the development to the satisfaction of the Responsible Authority.
- e. Dimensions for disabled car parking layout which complies with the requirements of Clause 52.06-8 and disabled space requirements of AS2890.6-2009 to the satisfaction of the Responsible Authority.
- f. Static water supply in case of emergency. The size(s), location(s) and detail need to be included to the satisfaction of the Responsible Authority.

2. 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.

3. Muted Colours

All buildings shall be clad in muted tones to the satisfaction of the Responsible Authority.

4. Hours of Construction

Construction associated with the use must only be undertaken Monday-Friday between 7am-6pm and Saturdays between 7am-1pm unless with the written consent of the Responsible Authority.

5. Construction guidelines

Construction works must comply with EPA Publication 480 Environmental Guidelines for Major Construction Sites.

6. General Amenity

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

- a. Transport of materials, goods or commodities to or from the land;

- b. Appearance of any building, works or materials;
- c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d. Presence of vermin or weeds;
- e. Storage of solid waste;
- f. Infiltration of groundwater.

To the satisfaction of Responsible Authority.

7. Noise

Noise levels emanating from the premises must not exceed those required to be met under EPA Publication 411 Noise from Industry in Rural Victoria.

8. External Lighting

All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.

9. Car Park Construction Requirements

Before construction works start associated with the provision of car parking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.

Before the use starts, the area set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a. Surfaced with an all-weather seal coat / surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;
- b. Constructed and completed to the satisfaction of the Responsible Authority;
- c. Drained in accordance with an approved drainage plan;
- d. Line-marked to indicate each car space and all access lanes;
- e. Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
- f. Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- g. Provision of traffic control signage and or structures as required;
- h. Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.

- i. Design of car parking spaces to allow all vehicles to drive forwards both when entering and leaving the property.

To the satisfaction of the responsibility authority.

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. Number of Car Parking

Prior to the commencement of the use no fewer than seven (7) car spaces must be provided on the land for the use including one (1) space clearly marked for use by disabled persons. The disabled car space must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons.

11. Cessation of Use

Upon cessation of the approved use the site must be reinstated as farming land to the satisfaction of the responsible authority.

12. Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority, and be in accordance with the requirements of the *Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council, 2017*. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:

- a. Landscaping along the entire boundary of the solar farm including the landscape treatment for the areas immediate to the crossovers;
- b. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
- c. All trees planted as part of the landscape works shall have a minimum height of 1.5m at the time of planting;
- d. The method of preparing, draining, watering and maintaining the landscaped area;
- e. Details of surface finishes of pathways and driveways;
- f. Landscaping and planting within all open areas of the site;
- g. The sewer and water supply connection points;
- h. The weed management program;
- i. All landscaped areas proposed to be used for stormwater retardation;
- j. A permanent screen of trees and shrubs with a minimum of three rows using a mixture of local trees and understorey species to be more than 4 metres in height along the boundaries;
- k. Indicate that an in-ground irrigation system is to be provided to all landscaped areas.

All to the satisfaction of the Responsible Authority.

13. Landscape Maintenance

Before the use starts or by such a later date as is approved by the Responsible Authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

14. Stormwater Disposal

All stormwater runoff from the proposed development hereby permitted must be disposed of to the satisfaction of the responsible authority.

15. Construction Management Plan

Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Construction Management Plan will be endorsed and form part of the permit. The management plan must show:

- a. Measures implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land;
- b. Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
- c. The developer/owner is to prepare a plan showing the route used during construction (up to an including site access). The plan is to include what measures are to be implemented to minimise dust along the roads, which could include sealing, wetting, dust suppression to minimise off-site impacts. The plan is to be endorsed and form part of this condition.
- d. Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
- e. Where access to the site for construction vehicle traffic will occur;
- f. The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
- g. The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

16. Environmental Management Plan

Prior to the development commences, an environmental management plan for the management and operation of the use must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The environmental management plan must be reviewed and submitted to the Responsible Authority. The use must at all times be conducted in accordance with the approved environmental management plan. The environmental management plan must include:

- a. Sediment and erosion measures that are to be implemented to ensure no-off-site impacts;
- b. Overall environmental objectives for the operation of the use and techniques for their achievement;

- c. Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
- d. Proposed monitoring systems;
- e. Identification of possible risks or operational failure and response measures to be implemented;
- f. Day to day management requirements for the use.

To the satisfaction of the Responsible Authority.

17. Traffic Impact Assessment Report

Prior to the commencement of the development additional information is required to be submitted in the form of a Traffic Impact Assessment Report prepared by a qualified engineer and include the following;

- a. Confirmation of preferred transport routes for construction equipment
- b. A video survey of the approved transport routes demonstrating their condition prior to any development commencing.
- c. A report outlining the pavement depth of the approved traffic routes at 250m intervals demonstrating the existing pavement depths prior development commencing.
- d. Provide a dust suppression plan for Ryan Road, Park Road and all residences within 150 m of the traffic route to mitigate the dust generated by the additional vehicles movements. The dust suppressant treatment may need to be applied to other areas that maybe detrimentally impacted by the increase in dust to the satisfaction of the responsible authority.
- e. Details of the advance warning signage is required to be submitted at least 200 metres in advance of either side of the vehicle crossing to the site on Park Road and the applicant shall be responsible for the ongoing maintenance of these signs to the satisfaction of the Responsible Authority.
- f. If the development uses Selwood road for access egress the applicant will be required to provide all weather access at full cost to the developer incorporating a 4.5 m wide x 100 mm gravel road with 1.5 m wide shoulders for the length used for access egress to the satisfaction of the Responsible Authority.
- g. All permits for working within the road reserve must be received from the relevant authority prior to works commencing to the satisfaction of the responsible authority.
- h. Agreement with Council for the ongoing maintenance and repair of Council's managed roads during and on completion of the works. The terms of the Agreement shall be confirmed prior to works commencing.

The owner/developer must carry out the recommendations and suggestions of an approved Traffic Impact Assessment Report to the satisfaction of the Responsible Authority at the full cost of the owner/developer unless otherwise agreed in writing.

18. 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 (insert size) mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer VicRoads standard drawing SD 1991). The final location of the crossing is to be approved by the responsible authority.
- c. All bridges and crossings shall be designed to carry a vehicle weighing at least 15 tonnes and be at least three metres in width.

19. Drainage Discharge Plan

Before any of the development starts, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a. Details of how the works on the land are to be drained and/or retarded.
- b. Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- c. Independent drainage for each lot (for subdivisions only)
- d. Drains conveying stormwater to the legal point of discharge for each allotment
- e. Measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- f. A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council and or Goulburn Murray Water.
- g. Documentation demonstrating approval from the relevant authority for the legal point of discharge.
- h. The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- i. The details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- j. Maintenance schedules for treatment elements.

Before the use begins all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

20. Goulburn-Murray Water

- a. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b. The renewable energy facility must not impact the lease benefiting GMW on title (Titles Office Reference AB532783Q).
- c. The renewable energy facility must not impact any GMW easements.
- d. All solar panels must be setback five metres from any Goulburn Murray Water easement, freehold or reserve boundary.
- e. All wastewater from the staff office must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, and to the satisfaction of Council's Environmental Health Department.
- f. The wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice - Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways (including open GMW irrigation channels and drains), drainage lines, dams or bores.
- g. No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any Goulburn-Murray Water freehold, easements or reserves.
- h. Trees must not be planted on Goulburn-Murray Water reserve/easement. Trees must be planted at least 1m from the boundary fence or 5m from the outside toe of any bank. The following trees must not be planted within 50 metres of Goulburn-Murray Water channels or drains: all varieties of Willow; all varieties of Poplar; and Swamp She-oak (Casuarina Glauca).

21. Rehabilitation Plan

A condition of the permit has required a rehabilitation plan to ensure that once the use ceases that the land will be able to revert or maintain productive agricultural qualities of the land including soil quality, access to water and rural infrastructure.

22. Time for Starting and Completion

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

- a. The 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 (6) months afterwards.

NOTATIONS**Responsible authority**

The term “responsible authority” in the planning permit means the municipal council in accordance with section 13 of the Planning and Environment Act 1987.

Building Approval Required

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

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

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

Native Vegetation Control

A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the Planning Scheme; exemptions include the minimum area necessary for the construction of a dwelling and or buildings or vehicle access ways ancillary to a dwelling, or to comply with a fire prevention notice. The table of exceptions to clause 52.17-6 of the Planning Scheme lists the full range of exceptions.

Goulburn Broken Catchment Management Authority

The 100-year ARI (1% AEP) flood levels have not been declared for the area under the Water Act, 1989 or designated under the drainage of Land Act, 1975. Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.

Goulburn-Murray Water

Any enquiries or applications regarding access to water should be made to a Goulburn-Murray Water Customer Relationship Coordinator by calling 1800 013 357. The procurement of water for the proposal is the responsibility of the applicant and not addressed through the planning permit referrals process.

6. PLANNING AUTHORITY DECISIONS

6.1. COUNCIL PLANNING REPORT – AMENDMENT C110 MAPPING CORRECTIONS

Author:

Rebecca Fisher, Planner

Responsible Manager:

Planning and Building Manager

Attachments:

6.1. Authorisation Documentation

1. Purpose

Report seeks resolution to request Authorisation to prepare and exhibit the Amendment C110 Mapping Corrections which proposes to rezone parcels of land within the Shire of Campaspe which are considered to be an anomaly or require rezoning arising from the disposal of surplus land by authorities, or where the existing zone does not suit the purpose of how the land is being or is proposed to be used.

2. Recommendation

That Council as the Planning Authority pursuant to Section 8A of the *Planning and Environment Act 1987* (the Act), request the Minister for Planning for authorisation to prepare Planning Scheme Amendment C110 to the Campaspe Planning Scheme.

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 amendment proposes to make a number of corrections to the Campaspe Planning Scheme.

The corrections include both mapping errors that have been identified since the new format Campaspe Planning Scheme was introduced in October 1998, rezoning that is required as Council disposes of surplus land and re-zoning and overlay changes required to enable growth of two existing cemeteries.

7. Content

The Amendment seeks to rezone parcels of land within the Shire of Campaspe which are considered to be incorrect based on their existing land use or require rezoning arising from the disposal of surplus Council land. It also seeks to apply an overlay to 400 Homan Street, Echuca land in conjunction with the request to rezone.

The proposed changes to the planning scheme are as follows:

Mary Ann Road Echuca (Shire of Campaspe Owned) – rezone to Farming Zone Schedule 1

The 42.869 hectare parcel of land comprises two lots and is currently zoned as Public Use Zone 4 as it was intended to form part of an extension to Echuca Airport. The site has been considered surplus to the needs to the Echuca Airport. The land is required to be rezoned to Farming Zone Schedule 1 to reflect the current use of the land.

400 Homan Street Echuca (Echuca Cemetery) - rezone to Public Use Zone 5 and apply Land Subject to Inundation Overlay

The 4558 square metre property is currently zoned as Urban Floodway Zone and General Residential Zone and was previously used as a road. The road has been formally closed and the land gifted to form part of the Echuca Cemetery. The land is required to be rezoned to Public Use Zone 5 and the Land Subject to Inundation Overlay to be applied to enable it be used as a part of the cemetery.

49 Bonn Road Bonn (Private Owner) – rezone to Farming Zone Schedule 1

The 2 hectare lot is currently incorrectly zoned Public Conservation and Resource Zone, likely incorrectly zoned as a part of the neighbouring Crown land. The land is required to be rezoned to Farming Zone Schedule 1 to reflect the current use of the land and surrounding area.

Webb Road Rochester (Rochester Cemetery) – rezone to Public Use Zone 5

The 1.343 hectare property is currently zoned Farming Zone Schedule 1. The lot was created to enable acquisition by the Rochester Cemetery. The land is required to be rezoned to Public Use Zone 5 to enable it be used as a part of the cemetery.

504 Webb Road Kyabram (Private Owner) – rezone to Farming Zone Schedule 1

The 62.64 hectare property is currently zoned as Public Use Zone 6. It was zoned as a result of being in proximity to the neighbouring Mount Scobie Quarry. Council has identified the land as not being required (not within the defined boundary of the quarry) and it has been sold to the adjoining owner to consolidate with their surrounding farm. The land is required to be rezoned to Farming Zone Schedule 1.

Finlay Road Tongala (Shire of Campaspe Owned) – rezone to Farming Zone Schedule 2

The 5.371 hectare property comprises two lots and is currently incorrectly zoned as Public Use Zone 6, likely as an error by this land being part of the previous tourist information centre to the north of the land in the Township Zone. The land is required to be rezoned to Farming Zone Schedule 2 to reflect the current use of the land and to enable it to be sold.

Crow Crescent Kyabram (Shire of Campaspe Owned) – rezone to General Residential Zone

The 6837 square metre lot is partially zoned Public Park and Recreation Zone and General Residential Zone. The land is required to be rezoned to General Residential Zone to allow for consolidation with the intention to sell to adjoining neighbouring lots (or for future development).

1 Edis Street Kyabram (Private Owner) – rezone to Industrial 1 Zone

The 5207 square metre lot is currently partially zoned Industrial 1 Zone and partially General Residential Zone. The land is the site of the former Kyabram Butter Factory. The land is required to be rezoned to Industrial 1 Zone to reflect the current use of the land.

These amendments will provide greater clarity for residents in regards to applying the planning scheme and ensure that either existing or future uses are consistent with the general and surrounding area.

8. Issues and Risk Management

Issues:

Issue 1:

Current zoning restricts the Shire of Campaspe from disposing of surplus land.

Issue 2:

Echuca and Rochester Cemeteries require expansion which cannot be undertaken until the land is rezoned.

Issue 3:

There is land zoned incorrectly that does not suit the purpose of how the land is being or is proposed to be used.

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. If the amendment does not proceed it will jeopardise the disposal of land or in some instances stop the intended use occurring (cemeteries).

9. Options

Option 1: Resolve to seek authorisation to prepare the amendment.

This option is recommended by officers.

The Amendment will enable the Shire of Campaspe to dispose of surplus land, will allow for the expansion of both Echuca and Rochester Cemeteries, and will ensure that zoning and overlays align with the current or intended use of the land.

Option 2: Do not advance the amendment.

This option is not recommended by officers.

Not progressing with the Amendment will restrict the Shire of Campaspe from disposing of surplus land, and will restrict the expansion of both the Echuca and Rochester Cemeteries. There will also be land zoned incorrectly that does not suit the purpose of how the land is being or is proposed to be used.

10. Strategic Planning Environments

Strong and Engaged Communities:	The recommendation ensures that clear policy direction is provided to residents in relation to the use and development of the affected lots.
Resilient Economy:	Ensuring that correct controls apply to land will support local business growth by allowing residents to use and develop the land in accordance with the current and intended land use.
Healthy Environment:	No impact.
Balanced Services and Infrastructure:	The recommendation supports Council in disposing of land that has been identified as surplus to requirement.
Responsible Management:	As the Responsible Authority, Council has a responsibility to ensure that the objectives of planning in Victoria are fostered through appropriate use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

11. Consultation

Consultation has been carried out in the form of letters sent to all affected landowners dated 19 April 2017. The letter advised the potential amendment to the Campaspe Planning Scheme and provided an opportunity for landholders to be involved in the amendment. As part of the process the amendment will be exhibited as required. This will allow for affected parties to make submissions in relation to the proposed changes.

The amendment is only considered to be of local significance, therefore it is proposed that standard notice and exhibition requirements be applied pursuant to Section 19 of the Planning and Environment Act 1987, by:

- Notice to immediately adjoining landowners
 - Notice in local Newspaper
 - Notice in Government Gazette
 - Notices sent to prescribed Ministers & Authorities
 - Exhibition period of at least 30 days
-

12. Officer Comment

The amendment is required to allow the Shire of Campaspe to dispose of surplus land and will ensure that zoning and overlays align with the current or intended use of the particular parcels of land.

7. COUNCIL DECISIONS

7.1. ECHUCA, LATHAM ROAD – FINALISATION OF THE SPECIAL CHARGE FOR ROAD CONSTRUCTION

Author:

Gary Biddle, Senior Project Manager

Responsible Manager:

Program Office Manager

Attachments:

- 7.1.1 Scheme Process Chart
- 7.1.2 Plan of Scheme Area
- 7.1.3 Apportionment Table

1. Purpose

To seek Council approval to finalise the Special Charge Scheme for the construction of Latham Road, Echuca.

2. Recommendation

That Council having declared a special charge on 17 February 2015 for the purpose of defraying expenses incurred by council in relation to the construction of Latham Road from Braund Road to a point 2.08km east, including pavement, sealing and associated drainage works, Echuca:

1. Note the final scheme cost of \$737,832.50 which is approximately 1.63% less than the \$750,056.30 estimate on which the special charge was declared;
2. Vary the special charge as declared to accord with actual costs incurred in accordance with Sections 165 and 166 of the *Local Government Act 1989* and as shown in Schedule A (Attachment 7.1.3) so that all parties pay no more than their fair share of the actual costs incurred;
3. Forward notices advising of the adjustment to the owners of those properties who are liable to pay the special charge; and
4. Adjust the repayments accordingly.

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

Council declared a special charge on 17 February 2015 to part fund construction and sealing of a 2.08km section of Latham road east then north of Braund Road as shown in the plan (Attachment 7.1.2). A contract was awarded to Pearse Earthmoving Pty Ltd to construct the works. Works were delayed by abnormally wet conditions and limited contractor resources and only reached practical completion in 20 May 2017. The remaining defects have now been attended to and the final sealing is scheduled for April 2018. The defects liability period will expire 20 May 2018.

The special charges were declared on the basis of estimated costs and Section 165 of the Local Government Act requires special charges to be adjusted to accord with actual costs so contributors pay no more than their fair share of actual costs. As final costs are now known, it is appropriate to finalise the special charge scheme by adjusting the charges to accord with actual costs. Attachment 7.1.1 contains a process chart showing this stage as the final stage in the special charge scheme administrative process.

Details of the costs of the scheme are set out in the Financial and Resources Implications section of this report.

7. Content

Financial and Resource Implications

Costs associated with the Scheme are summarised as follows:

Item	As Declared	Actual	Comments
Scheme Costs	\$27,000.00	31,281.00	To set up and administer the scheme
Construction	\$669,000.00	\$662,291.04	
Design / Supervision & Administration	\$54,056.30	\$44,260.46	Design and construction supervision
Total Scheme Cost	\$750,056.30	\$737,832.5	
	Saving	\$12,223.80	(1.63%)

It is proposed to reduce all contributions to the scheme proportionately and by approximately 1.63% in accordance with Council's Special Rates and Charges Policy and the requirements of Section 165 of the Local Government Act. As landowners were contributing 80% of the scheme cost via the special charge the total reduction in special charge levies will amount to \$12,223.80 with each property's contribution reduced to the amount set out in Attachment 7.1.3; for the typical standard lot this amounts to a reduction of approximately \$300. Council's contribution will remain as originally advised \$99,757.49.

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. Options**Option 1: Finalise the costing as per the table attached and issue notices to the Landowners on Latham Road subject to the special charge scheme**

This option is recommended by officers

Option 2: Do not finalise the scheme by adjusting the charges to match actual costs incurred

This option is not recommended by officers as it contravenes the *Local Government Act 1989*.

10. Strategic Planning Environments

Strong and Engaged Communities:	This project was requested by the residents of Latham road and they agreed to contribute the majority of the required funding. As it has been successfully completed meeting the required outcomes that increases the value of the properties this will in turn foster strong and engaged communities.
Resilient Economy:	Supports the strategic objective of building the local economy. Plans are underway to develop and subdivide land adjacent to this new sealed road. This will boost the local building industry.
Healthy Environment:	No Impact
Balanced Services and Infrastructure:	No Impact
Responsible Management:	The construction is now complete. By adopting this report enables the local community will be able to make their contribution to the project as originally endorsed by Council 17 February 2015.

11. Consultation

There is an established communications process for special charge schemes set out under the Local Government Act. This was followed in establishing the scheme:

Internal:

- Road Services Manager
- External consultant specialising in special charge schemes
- Revenue/Debtors Team Leader
- Design Team Leader- Completed design and approved final construction

External:

- Property owners will be notified of the changes to the special charge in accordance with the legislative requirements.

12. Officer Comment

In conclusion, the construction works of Latham Road, Echuca have been completed for less than the estimated costs on which the special charges were raised. As these costs are now known, the scheme must be finalised and contributions adjusted in line with actual costs incurred which will result in a reduction of those charges by approximately 1.63%.

7.2. SALE OF LAND LOT 2 PS445122D, MELLIS STREET KYABRAM**Author:**

Sally Ruckwood, Acting Property Manager

Attachments:

7.2. Plan of land

1. Purpose

To seek approval to sell Lot 2 Plan of subdivision 445122D Certificate of Title Volume 10643 Folio 095, known as Mellis Street, Kyabram.

2. Recommendation**That Council:**

1. Note a decision of Council on 28 January 2016 Item 16.2 to sell the land was not actioned as the prospective purchaser withdrew from the sale.
2. 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 2 Plan of Subdivision 445122D, Certificate of Title Volume 10643 Folio 095 commonly known as Mellis Street, Kyabram for \$165,000 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 2. a)i., 2a)ii. or 2b) 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 Act 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 transfer of land process for the subject property agreed by Council at its meeting on 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.

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 successful offers for this property.

The property was then readvertised at the then current valuation at a fixed price of \$175,000 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%.

In 2016 an offer to purchase the land was presented and approved at Council meeting on the 28 January for an amount of \$154,546 plus GST. Statutory advertising was commenced with the approved purchaser withdrawing from the purchase prior to contract stage.

An offer to purchase via Council appointed Real Estate Agent was received by Council Officers in March 2018 for \$150,000 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 6 April 2018 and returned a value of \$150,000 plus GST.

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. 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 good return
- 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
 - One previous offer withdrawn in 2016 prior to contract stage.
 - 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 local economy.

Healthy Environment: No Impact

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

Responsible Management: No Impact

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

7.3. MAV STATE COUNCIL MEETING SUBSTITUTE REPRESENTATIVE

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

1. Purpose

To appoint a substitute Councillor representative for the Municipal Association of Victoria (MAV) State Council Meeting to be held on Friday, 18 May 2018.

2. Recommendation

That Council appoint Cr _____ as the substitute Councillor representative for the MAV State Council Meeting to be held on Friday 18 May 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.

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 MAV State Council Meeting to be held on Friday, 18 May 2018 clashes with the Rural Councils Victoria Conference. If council's MAV representative and substitute representative are unable to attend the MAV State Council meeting, Council must resolve to nominate an alternative substitute representative to attend the meeting and vote.

Council's representative Cr Adrian Weston will be on leave and Council's substitute representative Cr Vicki Neele will be attending the Rural Councils Victoria Conference, therefore an alternative substitute representative is required to be appointed.

7. 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.

8. Options**Option 1: Appoint an alternative substitute representative to attend the MAV State Council meeting on 18 May 2018**

This option is recommended by officers.

Option 2: Not appoint an alternative substitute representative to attend the MAV State Council meeting on 18 May 2018

This option is not recommended by officers.

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

10. Consultation

Governance Manager, Cr Adrian Weston - Mayor

7.4. CAPITAL WORKS BUDGET TRANSFER AND PROJECT CLOSURES REPORT

Author:

Sarah Butterworth, Capital Works Coordinator

Responsible Manager:

Program Office Manager

1. Purpose

To seek council approval for the transfer of Capital Works budgets and related Cash Reserve transfers, to correct prior reports where required and to note closure of selected projects.

2. Recommendation**That Council:****1. Approve the following budget transfers as reported in Table A:**

- Nil

2. Note the projects reported in Table B as closed

- 100224 Echuca, Echuca West Open Space Development
- 100061 Kyabram, Recreation Reserve Cricket Pitch
- 100633 Echuca, Victoria Park Cricket Net
- 100103 Echuca, Goulburn Road Upgrade
- 100128 Rochester, Wayfinding Signs
- 100518 Echuca, Port of Echuca, Log Slip - Design stage
- 100538 Echuca, EWMAC Wet Deck Grates
- 100574 Corop, Trewin Road Rural Road Rehabilitation
- 100597 Echuca, Holiday Park Switchboard Renewal
- 100157 Kyvalley, Hall Kitchen Renewal
- 100495 Plant Replacement - Major (16/17)

3. Approve the following corrections as reported in Table C:

- Nil

4. Note the following budget adjustments as reported in Table D:

- Nil

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

Council allocates project funding to an array of projects on the Capital Works Program through its annual Program Budget or through specific resolution.

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that council's decisions to adjust project budgets from the originally approved allocations are open and transparent to the community. Therefore any changes to initially approved project budgets are reported in a manner that demonstrates the diligence and transparency of the organisation's project management processes.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported herein for closure have been through council's project review and closure process and will not appear on the current Capital Works Program reporting after this period.

7. Content

The following budget transfers, detailed in Table A, are required where it has been identified that active or planned projects require adjustments to their approved budgets to allow ongoing management of projects and achievement of project scope and objectives. Project funds that are consistent with the scope and budget approved by council through its Capital Works Program are not reported herein until the project is ready for closure and savings are identified. Projects with approved scope and budget that are managed across multiple accounts are only reported in Table A if there is a request to council to adjust scope or budget.

TABLE A – NEW OR ACTIVE PROJECTS THAT NEED BUDGET ADJUSTMENT

Division requesting transfer	Account From	Account To	Amount	Reason
Nil				

The following budget transfers, detailed in Table B, represent projects that have been successfully completed and are presented to council for acknowledgement. Where unexpended funds remain they are returned to the most appropriate source as per council's approved business practices.

TABLE B – PROJECTS TO BE CLOSED

Division	Project Details	Budget \$	Savings \$	Savings to be returned to	Further information (if applicable)
Regulatory and Community Services	100224 Echuca, Echuca West Open Space Development	\$362,100.00	\$307,012.00	100339 Developer Contributions Reserve	
Regulatory and Community Services	100061 Kyabram, Rec Reserve Cricket Pitch	\$148,000.00	\$4,105.35	100261 Asset Renewal Unallocated Funds (Non Roads)	
Regulatory and Community Services	100633 Echuca, Victoria Park Cricket Net	\$35,000.00	\$8,533.00	100261 Asset Renewal Unallocated Funds (Non Roads)	
Infrastructure Services	100103 Echuca, Goulburn Road Upgrade	\$1,337,300.00	\$66,293.15	100262 Asset Renewal Unallocated Funds (Roads)	
Regulatory and Community Services	100128 Rochester, Wayfinding Signs	\$20,000.00	\$1,565.32	100261 Asset Renewal Unallocated Funds (Non Roads)	
Economic and Community Development	100518 Echuca, Port of Echuca, Log Slip - Design stage	\$89,500.00	\$6,617.60	100261 Asset Renewal Unallocated Funds (Non Roads)	
Regulatory and Community Services	100538 Echuca, EWMAC Wet Deck Grates	\$98,000.00	\$19,809.50	100261 Asset Renewal Unallocated Funds (Non Roads)	
Infrastructure Services	100574 Corop, Trewin Road Rural Road Rehabilitation	\$208,000.00	\$54,925.16	100262 Asset Renewal Unallocated Funds (Roads)	
Corporate Services	100597 Echuca, Holiday Park Switchboard Renewal	\$38,500.00	\$3,452.73	100327 Commercial Investment Echuca Holiday Park	
Regulatory and Community Services	100157 Kyvalley, Hall Kitchen Renewal	\$59,804.00	\$3,252.87	100261 Asset Renewal Unallocated Funds (Non Roads)	
Infrastructure Services	100495 Plant Replacement - Major (16/17)	\$485,000.00	\$197,860.39	400007 Plant Replacement (Renewal)	

TABLE C – CORRECTIONS TO PRIOR REPORTS

Division requesting transfer	Account From	Account To	Amount	Reason
Nil				

TABLE D – EXISTING PROJECT BUDGET ADJUSTMENTS

The following budget transfers, detailed in Table D, are required where it has been identified that active or planned projects require adjustments to their approved budgets to allow ongoing management of projects and achievement of project scope and objectives. In this case the funds being transferred have already been approved as available for the required purpose (such as DDA funding) by council and this table serves to inform Councillors of transactions that have been processed by officers.

Division requesting transfer	Account From	Account To	Amount	Reason
Nil				

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: No impact
- Responsible Management: No impact

10. Consultation

Internal:

- General Manager Infrastructure Services
- Relevant Project Sponsors

8. COUNCIL INFORMATION

8.1. OPEN ASSEMBLY OF COUNCILLORS RECORDS

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

1. Purpose

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

2. Recommendation

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

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 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.

7. Content

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

Meeting Information	
Meeting Name/Type	Campaspe Briefing Session
Meeting Date	6 March 2018
Start time:	9:30am
Finish time:	5:17pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present & apologies 2. Declaration of Interests 3. Future Meetings 4. Mayor & Committee Representatives Report <ol style="list-style-type: none"> 4.1 Echuca Flood Study 4.2 CEO Performance Review 4.3 Echuca Moama Tourism 4.4 Riverside Meats 4.5 Solar Farms 4.6 Town Crier 4.7 MRGC Meeting 5. Resource Recovery and Waste Management Strategy 2018-23 Draft 9. Port Precinct Strategy Update 10. Local Government Exposure Bill Draft – Submission 11. Rochester Socio Economic Development Plan Progress Update 12. Council Policy Review – March 13. Campaspe Logo and Branding Redesign Project 14. Integrated Water Management Project
Attendees	
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele (Deputy Mayor), Cr Daniel Mackrell, Cr Kristen Munro (9:39am – 5:17pm), Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Annie Vickers (9:52am - 5:17pm), Cr Leigh Wilson, Cr John Zobec
Staff	Jason Russell, Keith Oberin (9:39am - 5:17pm), Paul McKenzie (9:45am – 10:57am), Emma Dalton, Fleur Cousins (9:30am – 5:16pm), Sharolyn Taylor
Apologies	
Nil	
Conflict of Interest disclosures	
Nil	

Meeting Information		
Meeting Name/Type	Campaspe Budget and Strategy Session	
Meeting Date	13 March 2018	
Start time:	9:30am	Finish time: 4:30pm
Matters Discussed	1. Welcome and Introductions 2. Looking Ahead 3. The Term in Review 4. Delivering the Council Plan 5. Key Initiatives for 2018/19 6. Mid-Year Budget Review 7. Capital Budget for 2018/19 8. Operating Budget for 2018/19 9. Review of Fees & Charges 10. Wrap Up	
Attendees		
Councillors	Cr Adrian Weston (Mayor), Cr Vicki Neele (Deputy Mayor) Cr Daniel Mackrell, Cr Kristen Munro , Cr Neil Pankhurst, Cr Leanne Pentreath, Cr Leigh Wilson, Cr John Zobec	
Staff	Jason Russell, Fleur Cousins, Paul McKenzie, Emma Dalton, Keith Oberin, Ailsa Box, Stephen Cook, Filipa Marshall, Andrew Cowin	
Apologies		
Councillors	Cr Annie Vickers	
Staff	Nil	
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
Nil		

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	20 March 2018	
Start time:	9:35am	Finish time: 4:03pm
Matters Discussed	<ol style="list-style-type: none"> 1. Welcome, present & apologies 2. Declaration of Interests 3. Future Meetings 4. Briefing Minutes Review 5. Council Meeting Agenda – Open Q & A 8. Echuca Flood Study Progress Update 9. 2018/19 Budget – Fees & Charges 10. Rochester Socio Economic Development Plan Update 11. Echuca Arts Precinct Master Plan Update 12. Community Grants Program Process Review 13. Strategic Planning Update 14. Delegation – Murray Regional Tourism Board 15. General Business <ol style="list-style-type: none"> 15.1 Earthcore Event, Elmore 15.2 Campaspe East Timor in Friendship 15.3 Productivity Commission Murray-Darling Basin Plan Five-Year Assessment Review 15.4 MAV State Council motions 15.5 Rural Councils Victoria Summit 	
Attendees		
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	
Staff	Jason Russell, Keith Oberin, Paul McKenzie (9:39am – 3:10pm), Emma Dalton (9:38am – 4:03pm), Fleur Cousins, Sharolyn Taylor	
Apologies		
Nil		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
5 – 7.3	Cr Vickers	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

10. Consultation

Nil.

8.2. LETTERS OF APPRECIATION

The following have been received:

- River City Christian College – thank you to the Roads Maintenance department for fixing the River City Christian College sign that had come loose and was blowing in the wind on the corner of McSwains Road and Northern Highway.
- Kathryn Pontelandolfo – thank you to Gayle Hogg, Assessment Officer for her efficiency in arranging assistance and care for her mum.
- Kirra Hampson, Boanalbo NSW – congratulations on the specialist fire preparation books. As a parent of teens with anxiety and autism the publication could well save a life and is being applauded online by parents and carers in similar circumstances.
- Institute of Instrument, Control & Automation Australia – thank you to Astrid O’Farrell, Investment Attraction Manager, for promoting the IICA Technology Expo in Echuca on Tuesday, 20 March and for attending with Cr Vicki Neele, Deputy Mayor.

“Vicki’s presentation was great and informed participants of new developments in the Echuca area. Many positive comments were received about how useful the information provided was.”
- Lockington Community News Inc – thank you for your ongoing support and the recent donation of \$400. This contribution will help towards the cost of printing the paper.
- Close the Loop – congratulations and thank you for the great effort in diverting 16.06kgs of printer cartridges to landfill from 1 January – 31 March 2018.

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

1. Purpose

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

2. Recommendation**That Council:**

1. **Note the following grants have been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:**
 - **Keeley Thompson (Michael Thompson) – to assist with costs associated with representing Victoria in Hockey at the U15 National Girls Championships in Wollongong from 18 – 27 April, \$300.**
 - **Nathaneal Tonizzo (Sue Brown) – to assist with costs associated with representing Victoria in Basketball at the Special Olympics Australia National Games in Adelaide from 16 – 21 April, \$300.**
 - **Noah Tonizzo (Sue Brown) – to assist with costs associated with representing Victoria in Swimming at the Special Olympics Australia National Games in Adelaide from 16 – 21 April, \$300.**
 - **Outback Academy Australia – to assist with costs for Ashley Farrell to attend the Commonwealth Games as part of the Indigenous Hospitality Crew, \$300.**
 - **Echuca Moama Uniting Church Congregation Fundraising Group – to assist with costs associated with bringing the Victorian Welsh Male Voice Choir to Echuca for a concert on 22 April, \$1,000.**
 2. **Note the following grants have not been approved in accordance with Responsive Grants Program guidelines and criteria and applicants advised in writing:**
 - **Rochester Golf Club Inc – to assist with costs associated with the running costs, in particular the purchase of trophies, for the Rochester Golf Club Annual Tournament to be held from 17 – 20 May.**
 - **Echuca & District Poultry Club Inc – to assist with costs for renovations to the Poultry Pavilion at the Echuca Showgrounds.**
 - **Moama Local Aboriginal Land Council – to assist with the installation of LED lighting in the offices to improve visibility for office staff.**
-

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 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
Keeley Thompson (Michael Thompson)	\$300	\$300	To assist with costs associated with representing Victoria in Hockey at the U15 National Girls Championships	Approved by CEO – meets assessment criteria
Outback Academy Australia	\$1,000	\$300	To assist with costs associated for Ashley Farrell to attend the Commonwealth Games as part of the Indigenous Hospitality Crew	Approved by CEO – meets assessment criteria
Nathaneal Tonizzo (Sue Brown)	\$300	\$300	To assist with costs associated with representing Victoria in Basketball at the Special Olympics Australia National Games from 16 -21 April	Approved by CEO – meets assessment criteria
Noah Tonizzo (Sue Brown)	\$300	\$300	To assist with costs associated with representing Victoria in Swimming at the Special Olympics Australia National Games from 16 -21 April	Approved by CEO – meets assessment criteria
Rochester Golf Club Inc	\$250	\$0	To assist with costs associated with running the annual 4 day tournament, in particular trophies and advertising	Not approved by CEO – meets assessment criteria however, the organisation has received funding from this program in 15/16 and 16/17. The organisation was advised to apply for a Community Grant for future events such as this.
Echuca & District Poultry Club Inc	\$1,000	\$0	To assist with costs for renovations to the Poultry Pavilion at the Echuca Showgrounds	Not approved by CEO – meets assessment criteria however the project is more relevant to the Community Grants Program
Moama Local Aboriginal Land Council	\$1,000	\$0	To assist with the installation of LED lighting in the offices to improve visibility for office staff	Not approved by CEO – applicant ineligible as located outside Campaspe Shire boundaries

Organisation	Amount	Amount Recommended	Purpose	Comment
Echuca Moama Uniting Church Congregation Fundraising Group	\$1,000	\$1,000	To assist with bringing the Victorian Welsh Male Choir to Echuca for a concert on 22 April	Approved by CEO – meets assessment criteria

Fund Balance Prior to application approval:	\$34,564
Funding approved:	\$2,200
Fund Balance: (17 April 2018)	\$32,364

7. 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.

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.

9. Consultation

Nil

8.4. COUNCILLOR EXPENSES

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

Attachments:

8.4.1 Councillor expenses summary as at 31 March 2018

8.4.2 Council policy 58 Councillor Support and Entitlements

1. Purpose

To note the councillor expenses summary from 1 July 2017 to 31 March 2018.

2. Recommendation

That Council note the councillor expenses summary from 1 July 2017 to 31 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.

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 *Local Government Act 1989* provides that Mayor and Councillors are entitled to an annual allowance as set out in Section 74 of the *Local Government Act 1989*. The annual allowances are reviewed and determined by council following the general council election and are then reviewed annually by the Minister for Local Government.

There are very substantial time commitments required of Councillors in order for them to properly represent the community and perform their significant legal responsibilities, often requiring travel and late hours. The provision of IT equipment such as mobile phones and iPads, reimbursement of official travel expenses and if applicable, child care expenses is generally provided by municipalities across the state to assist Councillors to defray some of the costs incurred in meeting their responsibilities.

Council Policy 58 – *Councillor Support and Entitlements* (see Attachment 8.4.2) provides guidance on the reimbursement of expenses, and provision of facilities available to the Mayor and Councillors as required by the *Local Government Act 1989*, Section 75.

The cost of allowances and reimbursed expenses paid to Councillors together with the costs of related services and resources are managed as part of Council's annual budget process.

7. Content

Each Councillor attends regular Council Meetings and Councillor Briefings. In addition to these, a typical Councillor's workload includes meeting with residents and staff; community consultation sessions and other opportunities to engage with constituents often involved long hours and travel; correspondence with the community by mail, email and telephone; site inspections and visits; community celebrations and ceremonial functions; and extensive reading of reports, briefings and other preparation to support effective decision-making.

To contribute to Council's openness and transparency, councillors' expenses are published on council's website.

Attachment 8.4.1 details the expenses incurred by each Councillor in the following categories:

Allowance: includes statutory allowances for the Mayor and Councillors, inclusive of a provision in recognition of the fact that Councillors do not receive superannuation or any other retirement benefit.

Travel Expenses: includes taxi fares, public transport costs, car parking fees, a payment of \$40 per round trip exceeding 100 kms and reimbursement to Councillors for kilometres travelled in their private vehicles associated with Council related business. The Mayor is also provided with full private use of a motor vehicle.

Telephone: includes the capital costs, monthly fees and usage costs associated with Councillor mobile phone, and computer equipment.

Training & Conferences: includes any registration fees, associated with attendance or participation in conferences or professional development programs within Victoria.

Accommodation: includes accommodation costs associated with attendance or participation in conferences, meetings or professional development programs within Victoria.

Reimbursement of Expenses: includes carer expenses and other incidental expenditure incurred by Councillors in performing their Councillor role.

8. Issues and Risk Management

Issues:

The public expect accountability and transparency from its council and this report and the publishing of councillor expenses on Council's website responds to this expectation.

Risk:

There may be increased questions from the public about councillor expenses but this would be considered a positive development as it would show that Council welcomes scrutiny.

9. Strategic Planning Environments

Strong and Engaged Communities:	The Councillor's role includes acting as a point of contact for residents, which can include meeting with residents; attending community consultation sessions, site inspections and visits; community celebrations and ceremonial functions. The councillor's assists with fostering council's strategic objectives of strong and engaged communities.
Resilient Economy:	No impact
Healthy Environment:	No impact
Balanced Services and Infrastructure:	No impact
Responsible Management:	The cost of allowances and reimbursed expenses paid to Councillors together with the costs of related services and resources are managed as part of Council's annual budget process.

10. Consultation

Governance Manager

8.5 STATUTORY REQUIREMENTS UPDATE

Author:

Frank Crawley, Governance Manager

1. Purpose

To advise Councillors on the progress of meeting statutory obligations under the *Local Government Act 1989*.

2. Recommendation

That Council note the report.

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

Councils are governed by the requirements of the Victorian Local Government Act and associated legislation. There is an expectation by other levels of government and the community in general that councillors are making sufficient enquiries and scrutinising information so as to satisfy themselves that the Council is meeting its statutory obligations.

7. Content

The report advises of the obligations Council has met in the last quarter and what it needs to meet in the next quarter in regards to its Statutory Obligations.

For the period 1 January 2018 – 31 March 2018 the following has been achieved:

- Adopted a new Local Law No. 1 – Meeting Procedures and place the required notice in the Victorian Government Gazette.
 - Considered a quarterly financial report for the quarter ended 31 December 2017
 - Completion of Councillor and Senior Officers ordinary returns for inclusion in the Register of Interests
 - Reviewed the Procurement Policy
-

For the period 1 April 2018 – 30 June 2018 the following is required to be achieved:

- Adopt the budget for 2018-19
 - Declare rates and charges for 2018-19
 - Adopt the strategic resource plan for 2018-19
-

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. Options

There are no options presented with this report, as the information is presented for noting.

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: This report supports the implementation of the following strategic objectives:

- Support clear and open communication
 - Deliver sound governance and fiscal responsibility
-

11. Consultation

Nil

8.6. CAMPASPE ADVOCACY PRIORITIES 2016-2018 – IMPLEMENTATION PLAN

Author:

Andrew Cowin, Corporate Strategy Manager

Attachments:

8.6. Campaspe Advocacy Priorities 2016-2018 – Implementation Plan

1. Purpose

To provide Council with the 3rd quarter update report on the progress of implementation of the Campaspe Advocacy Priorities.

2. Recommendation

That Council note the progress towards implementation of the Campaspe Advocacy Priorities.

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

Advocacy is an important role for local government in Victoria, and to this extent it is specified in the Victorian Local Government Act as one of the key functions of councils. Local government advocacy is about stepping up to speak out on issues that matter to the local community so as to seek positive outcomes from decision-makers. This may include issues such as new infrastructure, funding for programs, or changes to policy or legislation. Funding and support from government also allows councils to progress key local projects and continue to deliver high-quality services to the community.

In recent years, Council has stood up on a broad range of issues on behalf of the local community, including national water reform, improved public transport, support for the local agricultural sector, improved telecommunications infrastructure, and funding for local schools and healthcare.

Given the broad range of advocacy issues across the municipality, these have been brought together into a single document that provides clarity to decision-makers and the community on Council's advocacy program. Progress on the implementation of these initiatives is reported to Council quarterly. This report is the third progress report.

7. Content

The consolidated list incorporates a total of 86 initiatives. Across these initiatives:

- 14 have commenced,
- 14 have not commenced,
- 21 are achieved,
- 37 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 progress report.

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
- Substance abuse issues
- Availability of regional education and training
- Cross-border issues

Many of the advocacy priorities seek to 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 Campaspe's Advocacy Priorities

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 advocacy priorities.

Option 2: Council not note the progress towards implementation of Campaspe's Advocacy Priorities

This option is not recommended by officers.

10. Strategic Planning Environments

Strong and Engaged Communities:	The implementation of the Campaspe Advocacy Priorities support the delivery of Strong and Engaged Communities
Resilient Economy:	The implementation of the Campaspe Advocacy Priorities support the delivery of a Resilient Economy
Healthy Environment:	The implementation of the Campaspe Advocacy Priorities support the delivery of a Healthy Environment
Balanced Services and Infrastructure:	The implementation of the Campaspe Advocacy Priorities support the delivery of Balanced Services and Infrastructure, in particular <i>Plan and advocate for services and infrastructure to meet community need.</i>
Responsible Management:	The implementation of the Campaspe Advocacy Priorities outline the organisations commitment, in particular <i>advocating for infrastructure and services where another level of government has responsibility, such as roads and transport issues.</i>

11. Consultation

General Managers and Department Managers from across the organisation have been consulted in relation to the progress on the implementation of the advocacy priorities.

9. COUNCILLOR REPORTS

Cr Adrian Weston	
21 March 2018	CLAPIC Meeting
21 March 2018	Steph Ryan MP Meeting
23 March 2018	Horizon 360 - The interconnectivity of Agriculture Conference
23 March 2018	Launch of Emergency Management Social Stories - Bushfire Awareness NDIS
23 March 2018	Proposed Animal Industries Planning Provisions Meeting
24 March 2018	Heads of the River VIP Luncheon
27 March 2018	IAP2 Engagement Essentials Training
27 March 2018	Productivity Commission - Murray-Darling Basin Plan: Five-year assessment Public forum
27 March 2018	Planning Information Session - Pln381/2017
28 March 2018	Goulburn Broken Catchment Management Authority Board Meet the Board & Networking Event
31 March 2018	Rushworth Easter Heritage Festival
3 April 2018	Citizenship Ceremony
5 April 2018	GMW Connections Project Meeting
9 April 2018	ACE Radio Interview
9 April 2018	Campaspe East Timor Association in Friendship Meeting
11 April 2018	Rural Councils Victoria Mayors, Councillors & CEO Forum
12 April 2018	Meeting of Rural and Regional Mayors
13 April 2018	Open Water Forum "Uniting the Southern Basin"
13 April 2018	Echuca Arts Space - Have your Say Pop Up Information Session
14 April 2018	Gargarro Soundshell Gala Opening
16 April 2018	Raglus Bridge Meeting

Cr Daniel Mackrell	
27 March 2018	IAP2 Engagement Essentials Training
28 March 2018	Echuca Moama Artists Opening & Awards Presentation Easter Art Exhibition "Just a Little One"
3 April 2018	Citizenship Ceremony
14 April 2018	Echuca & Moama & Districts Agricultural & Pastoral Society Northern District Regional Finals Presentation Evening

Cr Kristen Munro	
21 March 2018	Kyabram Deakin Residents and Ratepayers Development Group Meeting
22 March 2018	Cunningham Downs Community Centre Purple Day Morning Tea
23 March 2018	Launch of Emergency Management Social Stories - Bushfire Awareness NDIS
23 March 2018	Official Opening 'Women of Empire' Exhibition
27 March 2018	IAP2 Engagement Essentials Training
28 March 2018	Echuca Moama Artists Opening & Awards Presentation Easter Art Exhibition "Just a Little One"
3 April 2018	Citizenship Ceremony
10 April 2018	DAP (Mobile) Jewellery School Industry Night
11 April 2018	Changing Places Funding Announcement

Cr Kristen Munro continued	
13 April 2018	Open Water Forum "Uniting the Southern Basin"
13 April 2018	Echuca Arts Space - Have your Say Pop Up Information Session
14 April 2018	Gargarro Soundshell Gala Opening

Cr Vicki Neele	
21 March 2018	Kyabram Deakin Residents and Ratepayers Development Group Meeting
23 March 2018	Official Opening 'Women of Empire' Exhibition
27 March 2018	IAP2 Engagement Essentials Training
27 March 2018	Planning Information Session - Pln381/2017
28 March 2018	Echuca Moama Tourism Board Meeting
3 April 2018	Citizenship Ceremony
11 April 2018	Rural Councils Victoria Mayors, Councillors & CEO Forum
13 April 2018	Open Water Forum "Uniting the Southern Basin"
13 April 2018	Echuca Arts Space - Have your Say Pop Up Information Session
14 April 2018	Gargarro Soundshell Gala Opening
15 April 2018	Kyabram Legacy Group Annual Chairperson's Luncheon

Cr Neil Pankhurst	
21 March 2018	Goulburn Broken Greenhouse Alliance Electric Vehicle Forum
27 March 2018	IAP2 Engagement Essentials Training
3 April 2018	Citizenship Ceremony
5 April 2018	GMW Connections Project Meeting
12 April 2018	MAV Information Session on Recycling Industry
13 April 2018	Open Water Forum "Uniting the Southern Basin"
15 April 2018	Kyabram Legacy Group Annual Chairperson's Luncheon

Cr Leanne Pentreath	
27 March 2018	IAP2 Engagement Essentials Training
13 April 2018	Open Water Forum "Uniting the Southern Basin"

Cr Annie Vickers	
21 March 2018	Kyabram Deakin Residents and Ratepayers Development Group Meeting
22 March 2018	Cunningham Downs Community Centre Purple Day Morning Tea
23 March 2018	Launch of Emergency Management Social Stories - Bushfire Awareness NDIS
23 March 2018	Official Opening 'Women of Empire' Exhibition
27 March 2018	IAP2 Engagement Essentials Training
28 March 2018	Goulburn Broken Catchment Management Authority Board Meet the Board & Networking Event
3 April 2018	Radio Interview - ACE Radio
3 April 2018	Citizenship Ceremony
9 April 2018	Campaspe East Timor Association in Friendship Meeting
11 April 2018	Rural Councils Victoria Mayors, Councillors & CEO Forum

Cr Annie Vickers continued	
12 April 2018	MAV Information Session on Recycling Industry
13 April 2018	Open Water Forum "Uniting the Southern Basin"
13 April 2018	Echuca Arts Space - Have your Say Pop Up Information Session
14 April 2018	Gargarro Soundshell Gala Opening

Cr Leigh Wilson	
21 March 2018	ROFBAG Meeting
21 March 2018	Toolleen Recreation Reserve AGM
27 March 2018	IAP2 Engagement Essentials Training
3 April 2018	Citizenship Ceremony
4 April 2018	Rochester Open Community House for Card Players
12 April 2018	MAV Information Session on Recycling Industry
15 April 2018	Northern Country Women's League Pre Season Carnival
16 April 2018	Victorian Recycling Markets Government Taskforce Workshop
16 April 2018	Rochester Community House Meeting

Cr John Zobec	
23 March 2018	Official Opening 'Women of Empire' Exhibition
27 March 2018	IAP2 Engagement Essentials Training
28 March 2018	Goulburn Broken Catchment Management Authority Board Meet the Board & Networking Event
3 April 2018	Citizenship Ceremony
13 April 2018	Open Water Forum "Uniting the Southern Basin"
14 April 2018	Gargarro Soundshell Gala Opening

Recommendation

That the Councillor reports be noted.

10. CHIEF EXECUTIVE OFFICER'S REPORT

Activities and meetings attended since previous Council meeting:

- Meeting with Court Services
- Launch of Emergency Management Social Stories - Bushfire Awareness
- Red Tape Commissioner
- Productivity Commission - Murray-Darling Basin Plan: Five-year assessment Public forum
- EPA Regional Team Executive meeting
- VicRoads Municipal meeting
- VicRoads Bridge Steering Committee meeting
- Echuca Basketball Association meeting
- Rural Councils Victoria Forum
- Loddon Campaspe Regional Partnership meeting

Recommendation

That the Chief Executive Officer's report be noted.

11. PETITIONS/LETTERS

11.1. CCTV PETITION

Author:

Sam Campi Community Engagement Manager

Attachments:

11.1.1. Community Petition received 14 March 2018

11.2.2 Consultant report - Cube Consulting June 2015

1. Purpose

To advise Council about a petition received in relation to the installation of CCTV security cameras in the Echuca Tourism and general retail areas and to advise Council on an appropriate response to the request.

2. Recommendation

That Council:

- 1. Not to install CCTV security systems with the Echuca Tourism and Retail Precinct.**
 - 2. Advise the first named petitioner that Council will work with all stakeholders to develop a Crime prevention strategy with local traders that is effective and financially sustainable.**
-

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

In 2015 Council undertook a study led by external Consultants Cube Group to review the viability of establishing a unified security system across the townships of Echuca, Kyabram and Rochester. The report tabled identified a number of operational issues for Council to consider, these included:

- *Legislative issues, which require resourcing to maintain compliance, this would include issues relating to privacy from acquiring footage and the storage of such footage for extended periods of time.*
- *Types of systems available, their cost in terms of installation and ongoing maintenance*

In reviewing the 2015 report it was clear that the concept of a CCTV security system run by Council would be costly to install and maintain. The report made a number of other recommendations that would as effectively deal with local crime as a CCTV would, these included:

- *Crime prevention assessments*
- *Use environmental design to reduce the risk of crime*
- *Improve lighting in public spaces*
- *Target hardening – involves the addition of security devices and enhancements to physical items such as windows or fences, which provide entry points for criminal activity (i.e. building infrastructure in vulnerable public places)*
- *Targeting crime in the late night economy – Echuca Police report that the primary crime of concern is occurring in the night time economy, between the hours of 11.00pm and 2.00am on Friday and Saturday evenings. There are many ways this may be addressed without the installation of a public-place CCTV system. This includes:*
 - *Licensed security firms using hand held radios to intercept intoxicated and/or unruly patrons as they enter the venue*
 - *Increased police presence in entertainment precincts*
 - *Restrict the availability of late night trading for food outlets and licensed venues serving liquor to disrupt congregations of people in entertainment precincts during late hours.*
 - *Benchmark against other local governments in Ballarat, Geelong, Shepparton and Colac who have developed successful strategies to deter late night alcohol fuelled crime.*
- *Providing effective public transport options, including well-lit and orderly taxi lines may also assist in reducing the incidence of street-level conflict and violence, or crimes such as vandalism.*

The recommendations were based upon the fact that the Community Program team (which now sits within the Community Engagement Team) does not have the capacity to manage a service at this level.

The concept of that CCTV will be managed by Council also has a risk that Council becomes partially responsible for the management of crime prevention within the shire.

In March 2018 a new petition was received by Council from Traders within Echuca seeking to lobby council to again reinstall CCTV security systems in the Tourism and Retail precincts. 243 signatures were on the petition.

7. Content

At this time there are no environmental changes that impact upon the validity the recommendations listed by the report previously tabled in 2015.

In this crimes against the person and public order offences totalled 829, compared to current statistics of 821. Crimes against property in 2015 totalled 1711 compared to current statistics of 1697. This indicates that these crimes within the shire have decreased. The offence sub-division of theft has also decreased from 927 incidents in 2015 to 841.

Some Councils have instigated the concept of CCTV within their municipalities, external funding for this had a significant contribution towards the installation of system, and however this funding is no longer available.

The cost of installation has risen (in 2013 Shepparton spent \$713,000), Funding for this was sourced from the:

Auditor General's Office \$178,000 (No longer available now)

Dept of Justice \$250,000

Council funding \$285,000

The Echuca police have maintained their position as stated in 2015, that they will not take any responsibility for the management of the footage and have reiterated that the "Echuca Police do not see the Port Precinct as an area of concern".

All these elements reinstate that this is not a service that Council can facilitate from a cost perspective.

8. Issues and Risk Management

Issues:

Issue 1: Ongoing Management

Council does not have the internal infrastructure to manage the facilitation of CCTV across the Echuca Tourism and Retail precincts.

The ongoing maintenance would have significant impacts to our ongoing IT asset and operational and costs

The concept of compliance in relation to legislation that oversees CCTV structures would be a financial and staffing burden that the Council is not in a position to maintain

It is unlikely that Traders will assume the cost for this additional service

Issue 2: Traders responsibility

Some traders, essentially those who are from large multinational chains, have been instructed to take logical steps in altering their approach to on street merchandising of stock. This is the most cost effective and simplest way to address potential theft of stock.

Issue 3: Community perception

There are many in the community that have fears about their personal safety, at this stage the level and type of crime do not warrant this significant investment from Council. The direction received from the Echuca Police is that CCTV systems help solve crime not prevent it and the areas identified are not warranted and are not areas of concern for the local police.

Risk:

Risk	Likelihood	Consequence	Rating	Mitigation action
Unsustainable management of CCTV system	High	Legally not compliant Financial burden on Council and rate payers Do not meet community expectations	High	Work with the community on more effective preventative measures, through a partnership with police and other relevant groups, e.g. Neighbourhood watch

9. Options

Option 1: Do not install CCTV cameras in the identified areas

Council officers recommend this option.

Council officers will work with traders on prevention methods that are significantly less costly and more effective.

Option 2: Negotiate with all traders in the catchment areas of the Tourism and retail areas of Echuca to self-fund the installation and ongoing management of CCTV in these areas

Council officers do not support this option as there are more effective ways to combat this problem.

10. Strategic Planning Environments

Strong and Engaged Communities: No impact

Resilient Economy: No impact

Healthy Environment: No impact

Balanced Services and Infrastructure: Desired outcome "Services and assets meet current and future community need". Through investigation of current crime rates and through the feasibility report we can establish that providing CCTV does not currently meet a community need.

Responsible Management: Desired outcome "An organisation that is responsive, flexible, honest, accountable and consistent". This is achieved by responding to a community petition to install CCTV cameras by investigating and conducting a feasibility report by an external group (2015), speaking to the local police Inspector, capturing current statistics and looking at trends, then making an honest recommendation from all evidence and knowledge provided.

11. Consultation

Consultation with the Echuca Police as a significant stakeholder in the delivery of the concept.

12. NOTICES OF MOTION

Nil

13. URGENT BUSINESS

Nil

14. QUESTION TIME

15. CLOSED SESSION OF THE MEETING TO THE PUBLIC

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)(a) Personnel matters and (d) Contractual Matters

17.2. CONFIDENTIAL COMMUNICATION REPORTS & ATTACHMENTS

Nil

18. CONFIDENTIAL BUSINESS

Nil

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

Recommendation

That Council resolves to open the meeting to the public at

22. CLOSE MEETING

.....

JASON RUSSELL

CHIEF EXECUTIVE OFFICER