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AGENDA



For a Special meeting of the seventh Campaspe Shire Council to be held on Tuesday, 24 July 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

2. 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.

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. COUNCIL PLANNING REPORT – 2 WATSON STREET ECHUCA VIC 3564, PLN049/2018

ALLOCATED OFFICER:	Ally Wilkie, Senior Planner
RESPONSIBLE MANAGER:	Acting Planning and Building Manager
APPLICATION NO:	Pln049/2018
DATE RECEIVED:	2 March 2018
APPLICANT:	Brandrick Architects
PROPOSAL:	Buildings and works (partial demolition and external alteration) of the existing kiosk in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Floodway Overlay and removal of native vegetation (one tree) in the Environmental Significance Overlay Schedule 1 pursuant to Clause 52.17 and use of the land for a liquor license pursuant to Clause 52.27
SUBJECT SITE:	2 Watson Street Echuca VIC 3564
ZONING:	Public Conservation and Resource Zone
OVERLAYS:	Environmental Significance Overlay Schedule 1, Floodway Overlay
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	36.03-2, 42.01-2, 44.03-1, 52.17, and 52.27
RESTRICTIVE COVENANTS ON THE TITLE?:	No
CURRENT USE AND DEVELOPMENT:	Existing kiosk and leisure and recreation
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:	Yes (Cultural Heritage Management Plan number 15404)
OBJECTIONS:	Three (3)

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 objections have been lodged.

5. Proposal

The following buildings and works are proposed to be carried out:

External alternations

The building will be setback 4.553m from Watson Street. The ground floor will consist of the boat storage facilities with an area of 263.4sqm compared to 148.6sqm. The first floor will have an area of 127.14sqm and will contain the kiosk, balustrade around the decking area, storage and toilets compared to an area of 40.61sqm. The development will have a total area of 390.54sqm compared to the previous building with an area of 189.21sqm.

The building will have an overall height of 7.4m and will have a staircase on the southwest and southeast elevation and also the western elevation to allow access to the first floor. The extension to the building is consistent with the existing building and is sympathetic to the existing footprint and the existing architectural design with curved corners and rectilinear walls. It is noted that a canopy and the access to the building on the northwest elevation will be assessed as part of a separate application.

The building will be constructed from Cemintel surround Whitish external cladding, Hanson Ocean Grover concrete deck, Dulux White Polar Quarter Boat Store and Dulux Duralloy Surfmist Matt window and door frame paint, and concrete finish internal walls and floors and Dulux Drive Time Store Floor paint, Dulux Snowy Summit Toilet wall paint.

Native Vegetation

It is proposed to remove one (1) scattered tree as part of the application. The tree is located in proximity to the kiosk and is located within a 'low' risk based pathway as per the Biodiversity Assessment Report submitted in accordance with Clause 52.17. The removal of the native vegetation satisfies the transitional requirements in accordance with the Minister of Energy, Environment and Climate Change.

Licensed Premises

A liquor license is also proposed as part of the application located on the first floor associated with the kiosk. In total the kiosk on the first floor can accommodate 80 patrons. The hours of operation associated with the liquor license are as follows;

- Sunday 10am-11pm
- Good Friday and Anzac day 12pm – 11pm
- On any other day 7am -11pm

A Patron Management Plan and a red line plan have been submitted as part of the application and include the first floor of the building associated with the kiosk only. The Patron Management Plan provides measures to address the management of patron numbers, amenity management, security and management of patron behaviour.

6. Subject Site & Locality

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

The subject site is located on Crown land and is irregular in shape with an area of more than 1ha with frontage onto the Murray River. The site also adjoins Watson Street a Council sealed road. The site is located to the north of the Echuca Port Precinct and the subject site includes an existing kiosk located centrally on the site. The remaining land is associated with public open space used for leisure and recreation purposes.

The building is estimated to have been established in 1920 and is also referred to as the former Echuca Swimming Club rooms. The building includes a dressing room, kiosk, toilets and facilities and is currently utilised by the Echuca Canoe

Club. The building is being used for storage purposes and is in a dilapidated condition with the toilets having been decommissioned. The buildings proximity to the Murray River as a natural resource was once recognised as the place for community swimming. It is considered that the subject site is of social significance within the Shire of Campaspe.

The building although not currently within a Heritage Overlay, is renowned for its three (3) dimensional symmetry and horizontal banding of the windows, the round corners, rectangular massing of the kiosk and the flat roof top viewing platform and pipe railing. The building and the surrounding site are considered to have aesthetic and architectural significance.

The surrounding context is as follows:

- To the north of the site is Crown land in the ownership of the Department of Environment Land Water and Planning (DEWLP). The land is occupied by the NRMA Echuca Caravan Park and is within the Public Conservation and Resource Zone and is affected by the Floodway Overlay and Environmental Significance Overlay Schedule 1 and Bushfire Management Overlay.
- To the east of the site is land within New South Wales in the Murray River Shire and beyond is the Murray River.
- To the south of the site is the remaining park land including the timber punt. This portion of the site is within the Heritage Overlay Schedule 1 Old Echuca Township Precinct. The place description within the Echuca Heritage Review Part B Heritage Precincts document is as follows;

2, 51 & 52 Watson Street consists of parkland to the river banks. It includes a former timber punt. This area is distinguished by the natural riverine environment with its treed banks. It contributes to the historic and aesthetic significance of the Old Echuca Township Precinct.
- To the west of the site is Watson Street a Council sealed road and beyond is land within the General Residential Zone (GRZ). The land directly to the west is within the Heritage Overlay Schedule 87 Echuca North Residential Precinct. The nearest dwelling fronting onto Watson Street is located approximately 42m from the kiosk (2 Law Court, Echuca). A number of dwellings referred to as 10 and 13 Dickson Street have frontage onto Dickson Street with access to the rear of lot from Watson Street directly opposite the subject site.

The site is entirely affected by an Aboriginal Heritage Sensitivity Area. A Cultural Heritage Management Plan (Number 15404) prepared by Heritage Insights dated 14 May 2018 was submitted as part of the application and received approval by Yorta Yorta Aboriginal Corporation. This has been discussed in more detail as part of the assessment of the application.

7. Permit/Site History

The history of the site includes:

- PLN177/2017 Buildings and works (partial demolition and external alteration) of the existing kiosk in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Floodway Overlay and removal of native vegetation (one tree) in the Environmental Significance Overlay Schedule 1 pursuant to Clause 52.17 and use of the land for a liquor license pursuant to Clause 52.27. The application was withdrawn.
- PLN135/2018 Buildings and works (car park, landscaping, pathways, shelters and viewing platforms) in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Heritage Overlay Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay and Removal of Native Vegetation (5 trees) in the Environmental Significance Overlay Schedule 1 and Heritage Overlay Schedule 1 and pursuant to Clause 52.17. The application is currently being assessed and includes the canopy and DDA access located on the northwest elevation of the kiosk.

8. Public Notification

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

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

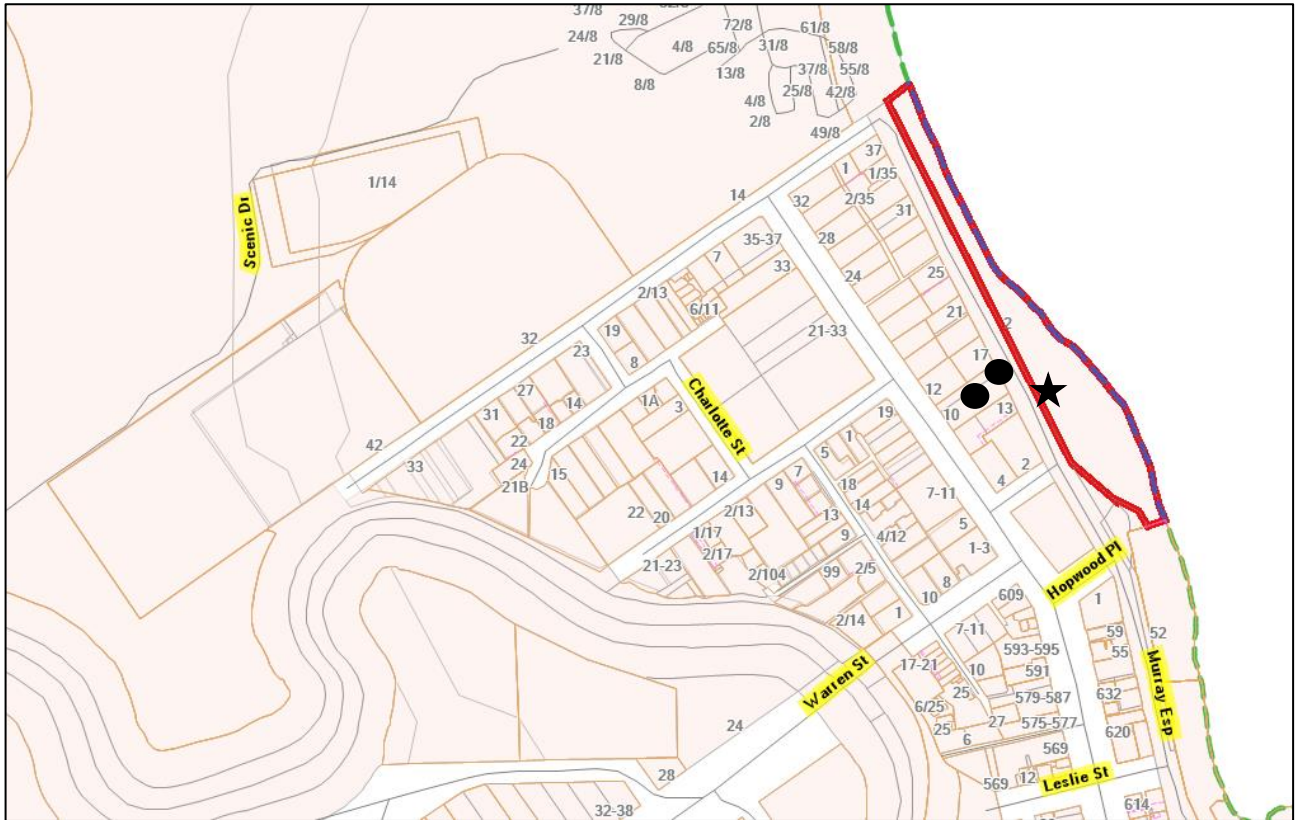
The notification has been carried out correctly.

Council received three (3) objections to the application. The objections can be summarised as follows:

- Impact of the removal of one (1) tree on the habitat.
- Proposed development has been designed to avoid impacts on other surrounding native vegetation.
- Proposal does not respond to the Native Vegetation Precinct Plan for the area
- Provision of a habitat important map for each rare and threatened species in this area.
- The works and development will directly affect lifestyle, property and surrounding landscape and environment
- Change in ambience of the area
- “I will be emotionally affected after being refused a permit to remove a tree (non-native) that I planted on my property that was causing damage to our driveway”
- “This tree is magnificent specimen, according to my information is in healthy condition and possibly several hundred or more years old”. This age old icon of Echuca and its history and survival must be preserved for this generation and the next.”

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

Figure 1: Subject site and surrounds



Legend	
Subject Site	★
Objection	●
Withdrawn	▲

The remaining one (1) objection is located outside the area of the map shown above.

9. Consultation

A consultation meeting was arranged on the 21 June 2018 at 11am at Council Offices. Two objectors and the applicant attended the meeting. The application was discussed in detail and the predominant concern raised was the removal of the one tree.

The applicant advised that the works to the building could not avoid the removal of the one (1) tree on the site. In addition, an Arborist report identified that the tree is affected by 'bracket fungi at the base'. The Arborist Report was forwarded to the objectors. However, no objections were withdrawn.

10. Referrals

The application has been referred to three (3) external authorities and two (2) internal Council Departments. 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
North Central Catchment Management Authority	Clause 55 (Recommending)	Consent	Yes	Yes
Country Fire Authority	Info	Approve	No	Yes
Department of Environment Land, Water and Planning	Clause 66 (Determining)	Yes	Yes	Yes
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Design and Road Services	Info	Consent	No	Yes
Environmental Health	Info	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 12 Environmental and Landscape Values – Planning should assist in the protection and conservation of biodiversity including important habitat for flora and fauna. The permitted clearing of native vegetation should result in no net loss in the contribution made by native vegetation to Victoria’s biodiversity.

Clause 12.01 Protection of Biodiversity

Objective

- *To assist the protection and conservation of Victoria’s biodiversity.*

Strategies

- *Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.*
- *Use strategic planning as the primary planning tool for the protection and conservation of Victoria’s biodiversity, particularly those areas identified as important.*
- *Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity.*

Clause 12.01-2 Native vegetation management - To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

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.

Clause 13.02-1 Floodplain management - To assist the protection of: Life, property and community infrastructure from flood hazard. The natural flood carrying capacity of rivers, streams and floodways. The flood storage function of floodplains and waterways. Floodplain areas of environmental significance or of importance to river health.

Clause 13.04-1 Noise Abatement - Assist the control of noise effects on sensitive land uses. Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, Planning must consider *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*.

Clause 13.05-1 Bushfire planning - To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 14 Natural Resource Management - Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Clause 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

Clause 14.02-2 Water quality - To protect water quality.

Clause 15 - Built Environment and Heritage

All new land use and development should appropriately respond to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Quality built environments should be created that 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 15.01-1 Urban Design**Objective**

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Strategies

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
- *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.*
- *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

Clause 15.01-2 Urban Design Principles**Objective**

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.03 Heritage**Objective**

- *To ensure the conservation of places of heritage significance.*

Strategies

- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.*

Clause 15.03-2 Aboriginal cultural heritage

Objective

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Strategies

- *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*
- *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
- *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

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.

Objectives

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*
- *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

Local Planning Policy Framework (LPPF)

Clause 21.01 Campaspe Shire Key Issues and Strategic - 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.

Clause 21.03-1 Significant environments and landscapes - The Murray River is an asset of national and state significance. The river and its environs serve a variety of environmental, economic, social, recreational and tourist functions. A co-ordinated and co-operative approach to planning and management of the river corridor is required to protect its significant values, and to prevent conflict arising from agricultural development, urban development, tourism and recreation development along the waterway and on adjoining land.

Clause 21.03-2 Biodiversity - The shire contains natural vegetation communities that are significant in a local, state and national context. Environmental threats include clearing of remnant vegetation, loss of hollow bearing trees, over-grazing, isolation and fragmentation of remnant habitat, soil degradation, degradation of riparian habitats and clearing of roadside vegetation.

Clause 21.04-2 Flooding - Floods are naturally occurring events, and the inherent functions of floodplains to convey and store floodwater should be recognised and preserved to minimise the deterioration of environmental values, mitigate downstream flooding and maintain floodplain production, assets and communities. 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 21.06 Built Environment and Heritage - This clause provides local content to support Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework.

Objectives

- *To promote a high standard of architecture, landscaping and urban design.*
- *To provide a visually attractive urban environment which creates a positive image.*
- *To improve the appearance of commercial and industrial areas.*
- *To recognise places of distinct neighbourhood character.*
- *To protect and enhance heritage places, including buildings, trees and structure of natural or cultural significance, for present and future generations.*
- *To identify, recognise and protect places of heritage, cultural and social significance.*
- *To improve the environmental performance of housing and ensure that it is responsive to local climatic conditions.*
- *To encourage environmentally sustainable land use and development.*

Clause 21.06-2 Heritage

The cultural heritage within the Shire of Campaspe is rich and varied, and the municipality has a relatively high proportion of places demonstrating National and State values.

Pre-settlement cultural heritage is of particular significance, and the majority of known Aboriginal cultural heritage places in the shire occur in the vicinity of the Murray, Lower Goulburn and Campaspe river systems.

Places of post-settlement cultural heritage significance include buildings, infrastructure, streetscapes, sites and precincts, landscapes and natural features. These places reflect the origins of the Campaspe Shire as an important pastoral area that developed in response to the gold rushes of the 1850s.

These heritage places are important assets for the continued economic, social and cultural development of the community, and include the Port of Echuca which is recognised as the “anchor” tourist attraction in the region; the Rushworth Town Centre with its intact 19th century main commercial street; the Whroo historic area; and the Rochester Town Centre with many individually significant buildings.

Some of the older parts of the Echuca commercial and residential precincts date back to the mid to late 19th century when Echuca first developed as a crossing place on the river for stock, general merchandise and freight. In addition, there are individual sites scattered throughout the shire, reflecting its origins as an important pastoral area after the gold rush of the 1850s.

Clause 21.07 Economic Development – Encourages development of commercial centres within the existing towns to provide with a comprehensive range of goods and services and to facilitate a vibrant and dynamic economic environment.

Clause 21.07-2 Commercial – Ensure the development of commercial centres within the existing towns to provide community with a comprehensive range of goods and services.

Clause 21.07-4 Tourism - The key tourism assets of the shire are based on the Murray River, the Port of Echuca, river boats, native forests, historic buildings, the Kyabram Fauna Park and local tourist attractions. The estimated annual turnover associated with the tourism industry is \$100 million, not including the multiplier effects associated with tourism activity. The tourism industry in the shire employs approximately 1,500 people. Council encourages the development of new tourist attractions and services throughout the shire.

Council supports rural based tourism that builds on existing tourism activities and takes advantage of the natural attributes of the region, such as the Murray River, the agricultural landscape and produce. The Echuca Heritage Precinct Master Plan has been adopted, which seeks to protect the heritage character of the port and environs. An area to the west of Echuca is included within the Rural Activity Zone, where accommodation uses such as bed and breakfast and farm stays are encouraged, and where recreational and leisure activities that complement existing uses such as boating, ecotourism and nature retreats will also be encouraged.

Objective

- *To enhance the Port of Echuca as a nationally significant heritage tourism precinct.*

Strategies

- *Protect the heritage character and integrity of the historic port and environs, having regard to the Echuca Heritage Precinct Master Plan.*
- *Consolidate the port precinct as a well serviced tourism centre, including alternative accommodation types and improved entertainment and services.*
- *Identify key development sites in the Port of Echuca for preferred uses.*

Clause 21.09-1 Echuca - Echuca is the largest centre in the shire with a population of about 12,280, although its catchment area is estimated to include 50,000 people within a 70 kilometre radius. The town is an important commercial, industrial, community, recreational and transportation hub for northern Victoria and southern New South Wales. Echuca's commercial structure is dominated by retail and wholesale trade.

Echuca's population is expected to be about 17,300 by the year 2021. When the combined population potential of Echuca and Moama is considered, the 2020 population could be in excess of 20,000. It is estimated that Echuca will need an average of about 110 new dwellings per year up until 2031.

- Echuca is the largest centre within the shire and is estimated to service a 70 kilometre radius.
- Echuca will continue to experience strong residential growth, and a key challenge is to properly manage that growth.

Clause 22.02 Heritage Policy

Objectives

- *To protect heritage places within the Shire of Campaspe in accordance with the accepted conservation standards of the ICOMOS Burra Charter.*
- *To encourage the retention and conservation of all significant and contributory heritage places.*
- *To conserve and enhance the cultural fabric of heritage places with the shire of Campaspe to ensure that the form and appearance of any additions, alterations, or new development is complementary.*
- *To promote design excellence, which clearly and positively supports the ongoing cultural significance of heritage places.*
- *To ensure that new development in heritage precincts, including external additions and alterations, is respectful to the architectural, social and/or historic character of the precinct and makes a positive contribution to its built form and amenity.*

- *To ensure that non-contributory buildings in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the significance of the heritage precinct.*

22.03 Port of Echuca Heritage Policy

Echuca is situated at the junction of the Murray and Campaspe Rivers and has its origins as a crossing place for stock, general merchandise, and freight between the pastoral stations of the Riverina, the Victorian central goldfields and Melbourne, from the early 1850's. With the arrival of railway in 1864, Echuca developed into an important river port town, becoming the colonies busiest inland port. Traffic peaked during the years leading up to the early 1880's and it was during this time that a thriving commercial centre developed around the Port.

Today the precinct has taken on a significantly different profile. The Port presents a unique tourism product that has experienced significant visitor numbers since the re-opening of the Port as a heritage tourist destination in 1974. The Port of Echuca is recognised as the "anchor" tourist attraction to the region. A recommendation from the Northern Rural and Regional Forum identified transport infrastructure improvements to the Port of Echuca as a key action area by the Forums Action Plan. This initiative is part of the wider potential for regional Victoria to benefit from heritage steam rail tourism and to create linkages and alliances with other regional centres to strengthen regional tourism.

The Shire of Campaspe, Tourism Victoria, Department of Natural Resources and Environment, and the Port of Echuca Authority recognise the Heritage Precinct as an area that has significant heritage and tourism potential to both the national and international market and are prepared to undertake significant development initiatives to realise this potential in accordance with the Echuca Heritage Precinct Master Plan.

Objectives

- *To create the Port of Echuca as a nationally significant heritage tourism precinct.*
- *To protect the heritage character and integrity of the historic port and environs.*
- *To create a multi-layered tourism experience, including activities specific to the particular attractions and features of Echuca and the region.*
- *To identify and promote under developed sectors and themes.*
- *To consolidate the port precinct as a well serviced tourism centre including alternative accommodation types and improved entertainment and services.*
- *To consolidate a unified heritage precinct and town centre, including stronger pedestrian links.*
- *To protect key environmental and urban elements through policy, development control mechanisms, incremental relocation of river boat infrastructure and improved coordination with Murray Shire.*
- *To identify key development sites for preferred uses.*
- *To extend and consolidate the pedestrian network, including extensive avenue planting and new pavement works.*
- *To implement the recommendations of the Echuca Heritage Precinct Master Plan.*
- *To ensure that development enhances the broad boulevard of High Street and which entrenches its strong visual and physical role in the area.*
- *To encourage sympathetic commercial signage and advertising which is appropriate for an area of State significance.*
- *To encourage elements which reflect the character of the area including signage, fences, plant and equipment and paint colour schemes. To ensure that streetscape works enhance the cultural significance of the area with respect to street trees, tree guards, public seating, pavement materials, public lighting and car park furniture.*

Zoning

Public Conservation and Resource Zone – To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values and to provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

A planning permit is required for buildings and works in accordance with Clause 36.03-2 of the zone. Clause 36.03-3 requires an application must be accompanied by the written consent of the public land manager indicating that the manager consents generally or conditionally to either the application for permit being made or the application for permit being made and to the proposed use or development. This is discussed in more detail within the report.

Overlays

Clause 42.01 Environmental Significance Overlay (ESO1) – To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values.

The subject site is affected by Schedule 1 Murray River Corridor which has objectives to promote consistent planning and management along the Murray River corridor and to protect the environs of the Murray River recognising its importance for nature conservation, flooding, economic development, recreation and tourism.

A planning permit is required for buildings and works and the removal of one (1) tree pursuant to Clause 42.01-2.

Clause 44.03 Floodway Overlay (FO) – Ensures that any development maintains the free passage and temporary storage of floodway, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

A planning permit is required for buildings and works pursuant to Clause 44.03-1 of the overlay.

Relevant Particular Provisions

Clause 52.06 Car Parking - Ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activity on the land and the nature of the locality. The existing use of the land for a kiosk is not defined in Clause 52.06-5 table for the required rate.

It is considered there is ample car spaces associated with the building located on Watson Street and informally on the site. Car parking is not proposed to be altered as part of this application and forms part of a separate planning permit application.

Clause 52.17 Native Vegetation –Ensures that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

A planning permit is required for the removal of one (1) tree pursuant to Clause 52.17-7 of the provision.

Clause 52.27 Licensed Premises – Ensures that licensed premises are situated in appropriate locations and the impact of the licensed premises on the amenity of the surrounding area is considered.

A planning permit is required for a licensed premises in accordance with Clause 52.27.

Clause 52.34 Bicycle Facilities – Encourages cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

A kiosk is not defined pursuant to Clause 52.34-3. It is considered that there is ample area for informal bicycle facilities on the site.

Relevant General Provisions

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

Relevant incorporated or reference documents

- *A Master Plan for the Heritage Precinct of Echuca, Cox Sanderson & KLM Gerner Consulting Group, March 2000*
- *Heritage Review 2014 - Part B Heritage Precincts*
- *Aboriginal Heritage Act 2006*
- *Permitted clearing of native vegetation Biodiversity assessment guidelines 2013*
- *Campaspe Local Floodplain Development Plans Precinct of Echuca (2010)*
- *The Shire of Campaspe Liquor Industry Accord.*

This document has been reviewed as part of the application. This document has been established to encourage and promote best practices in licensed premises in the Shire of Campaspe. It is noted that the document does not hold any statutory weight and is not referenced within the Campaspe Planning Scheme, however, the proposal is considered to be in accordance with the document

Relevant Planning Scheme amendments

- Amendment VC138 was a state wide amendment gazetted in December 2017 and amended Clause 52.17 Native Vegetation state wide particular provision. The amendment changes the Victoria Planning Provisions and Planning schemes in Victoria following the release of Protecting Victoria's Environment – Biodiversity 2037 document to ensure that planning provisions relating to native vegetation removal sensible protect biodiversity.
- This application falls under the transitional provisions of the clause and the applicant provided written confirmation from the secretary to the Department of Environment, Land, Water and Planning (DEWLP). This was also confirmed in the Departments written response dated 3 June 2018.

12. Summary of Key Issues

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by objectors.

The application is required to be assessed against the relevant provisions of the Campaspe Planning Scheme, in particular, the Public Conservation and Resource Zone, the Environmental Significance Overlay Schedule 1, Floodway Overlay, the particular provisions of clauses 52.17, 52.27 and the general decision guidelines of Clause 65.

Planning considerations

Clause 15.03-2 Aboriginal Cultural Heritage Objective “ensures the protection and conservation of places of aboriginal cultural heritage significance”. Strategies include “Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme” and “Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.”

In accordance with the above, planning must consider the Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage, the findings and recommendations and of the Aboriginal Heritage Council and the findings and recommendations of the

Victorian Heritage Council for post-contact Aboriginal heritage places where relevant in accordance with Clause 15.03-2. As mentioned previously within the report a Cultural Heritage Management Plan prepared by Heritage Insights dated 14 May 2018 has been considered as part of the application and has been approved by Yorta Yorta Aboriginal Corporation.

As part of the Cultural Heritage Management Plan, a desktop and standard assessment were carried out within the subject site and surrounding area. The results identified a single dead scarred tree (VAHR 7825-0506) in the southern portion of the site (to be retained) and not located in the area subject to this application. In relation to the remainder of the site, the report highlighted the following:

“It was considered that the remainder of the activity area had undergone considerable disturbance as a result of the historical land use activities. In particular, the lower floodplain has been considerably disturbed by initial vegetation clearance, the construction of the swimming pontoon and associated land-based infrastructure, straightening of the river bank, installation of underground services including water, sewerage and the embankment below Watson Street and filling across the surface of the floodplain to level it.”

The Cultural Heritage Management Plan includes management requirements to ensure all personnel and contractors involved with the works associated with the kiosk and all other construction works are given appropriate cultural awareness and heritage training. The single dead scarred tree must be protected both during and after works and ongoing maintenance and protection of the tree is the responsibility of the Shire of Campaspe in consultation with Yorta Yorta. It is recommended that the requirements of the Cultural Heritage Management Plan be included as condition on the permit in accordance with state policy.

The Echuca Riverfront Development Historic Archaeological Assessment Report dated 4 January 2018 prepared by David Rhodes assessed the impacts of the development on any known or potential heritage places including European history within the subject site. This study has also been considered as part of the application. The study concluded that *“given the level of disturbance of the river bank and the fact that there appear to be few other historical features within the study area, it is considered highly unlikely that any structural features or associated artefacts will be found”*. It is considered that the proposed works are unlikely to impact archaeological sites and the natural and cultural heritage of the river environs.

Zone Requirements

In accordance with Clause 36.03-3 of the Public Conservation and Resource Zone (PCRZ) consent for the works and/or planning permit application being made, must be accompanied by the written consent of the public land manager. Consent was obtained from the Department of Environment, Land, Water and Planning. The following response was provided from the Department who advised that the proposed development would not impact negatively on the public space due to the following:

- The small increase in footprint is not considered to have an impact on the public's use of the area.
- The area used for car park on the foreshore will be returned to open space, therefore creating a greater area available for public use.
- Two boat clubs will be co-located into the new building – therefore allowing an area of Crown land downstream of the site currently used for storing canoes to be made available for public use.
- The design of the building meets the minimum standards required for safe food handling and all abilities access.
- The new amenities area will be open to the public during operating hours of the kiosk.
- The top deck of the new building will be open to the public.

The response submitted from the Department confirms that the development on the site satisfies the purpose of the zone *“To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values”* and *“To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.”*

State and Local Policy

An important consideration as part of any planning application is Clause 10.01 of the Campaspe planning scheme. It is policy that *“Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.”* The proposal has been assessed in accordance with relevant state and local policy as outlined below.

Clause 15 of the Campaspe Planning Scheme aims to ensure *‘all new development should appropriately respond to its landscape, valued built form and cultural value’* and that *‘development responds to its context and reinforces special characteristics’*. The external alterations are to an existing kiosk building on the site, utilising existing infrastructure and services. Although the existing location is adjoining a residential area the location forms the northern end of the Old Echuca Port Precinct and is associated with the tourism activity of the Murray River a key asset of the Shire of Campaspe.

An important consideration is Council’s Strategic Vision in Clause 21.01-4 of the planning scheme. It is policy that *“Council acknowledges that it has inherited from previous generations a shire that has outstanding environmental, social and economic attributes. Council is committed to passing on the shire to the next generation in as good (or better) condition as when they inherited it.”* In addition to Clause 21.01-4 *“Council also acknowledges that its decision making in respect of land use planning applications will always be made with the above vision in mind, taking into account the interests of all Campaspe residents. Council acknowledges that personal circumstances are not a matter for it to take into account as either the responsible authority or planning authority.”*

Clause 21.06-1 has objectives to *‘promote a high standard of architecture, landscaping and urban design’*, *‘To provide a visually attractive urban environment which creates a positive image’* and *‘To recognise places of distinctive neighbourhood character’*. The existing neighbourhood character within Watson Street has been considered with the ‘scale’ being the most relevant assessment criteria referring to height, bulk, setbacks and separation between buildings. The building alternations do not encroach further to the General Residential Zone. The design responds positively and incorporates colours and materials to respect the existing character of the existing building and present streetscape.

A strategy of Clause 21.07-2 is to *“provide opportunities for growth that ensure that new development is integrated with and does not fragment, existing commercial centres”*. The site is located approximately 60m from land within the Commercial 1 Zone (C1Z) and utilises existing infrastructure and services within the area. The proposal will facilitate new development and create additional employment opportunities, making a positive contribution to the community, while complementing the existing building form and the existing streetscape character.

The planning scheme identifies in Clause 21.07-2 that the key tourism asset for the shire is based on the Murray River, the Port of Echuca, and riverboats. It is policy that *“Council supports rural based tourism that builds on existing tourism activities and takes advantage of the natural attributes of the region such as the Murray River, the agricultural landscape and produce”*. In addition, *“Council encourages the development of new tourist attractions and services throughout the shire.”*

The location of the site is located within the ‘heritage precinct’ identified within *The Echuca Heritage Precinct Master Plan* referenced in Clause 21.07-4. The plan outlines that extending visitor stays in Echuca requires tourism products that encourages visitors to explore and discover the linkages between the Port of Echuca and the town’s historic assets. It is considered that the proposal is in line with the adopted document for the area by enhancing an underutilised area to further promote the existing Echuca Port Precinct and the vision of being an entertainment hub for Echuca.

In addition to the above, the recently completed ‘Sally Hirst Study’ sets out the vision identified for the Port Precinct which also includes the subject site. The vision of the study was adopted by Council at the 17 July 2018 Council Meeting. The study confirms that the vision identified for the Port Precinct remains an ‘entertainment hub’ and outlines that pubs, cafes and shops provide interest and variety from early morning to late at night. It is noted that the document is not referenced in the planning scheme and does not have any statutory weight (at this time), however, the vision of the study is consistent with local policy.

Clause 22.02 recognises and protects places of heritage significance through ensuring development is respectful of the historic character and appearance of the area. A portion of the site is affected by the Heritage Overlay Schedule 1 (HO1) Old Echuca Port Precinct, however, does not affect the subject site. Although the site is not located within the Heritage

Overlay, the social significance being the former Echuca Swimming Club and the architectural style of the building has been considered as part of the assessment. The proposal respects the existing scale, form and siting of the existing building and adjoining recreation area which and has been discussed in more detail below.

Built form and siting

The purpose of the Public Conservation and Resource Zone is *“To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.”* Clause 15.01-1 of the scheme requires any proposal to create a safe, functional urban environment and Clause 21.06 builds on this policy to ensure that any development makes a positive contribution to the local urban character by applying the relevant design principles and strategies.

The building and surrounding area was recognised as the place for ‘community swimming’. The introduction of chlorinated pools has meant that these community riverside places are no longer common. Although the subject site is not within the Heritage Overlay the subject site ‘2 Watson Street’ is identified in the *Heritage Review Part B Heritage Precincts 2014* document. Heritage advice prepared by a suitably qualified consultant advised that the building has social significance being the former clubrooms to the local community during the mid-20th century. This has been demonstrated by its scale, style and construction and is considered to have required considerable community ingenuity and resourcefulness.

The Heritage advice also highlighted that the building is identified as having aesthetic and architectural significance. This building is renowned for its three (3) dimensional symmetry and horizontal banding of the windows, the round corners, rectangular massing of the kiosk and the flat roof top viewing platform and pipe railing. The building is considered an exemplar from 1948 and is considered a rare example of a building with the use of solid concrete masonry. The plasticity of this material is recognised in the rounded walls and would have required skills not in evidence in Echuca at this period. The significance of the building including its existing characteristics and prominent position on the Murray River are considered an important consideration as part of the assessment of the application.

In accordance with Clause 15.03-1, the proposal supports the adaptive reuse of the building that has not been fully utilised. Concerns were raised in relation to the impact of the proposal on the surrounding landscape and environment. The design maintains most of the significant features of the building and has avoided the need to remove any further native vegetation within the area respecting the existing character of the area. The proposal also does not significantly increase the setback onto Watson Street further minimising any unreasonable impact on abutting properties.

In addition to the above, the proposal utilises traditional symmetrical forms with similar roof forms and architecture elements including materials and finishes which complement the existing structure. The design and architectural elements reduce perceived visual bulk and the location of the first floor will have the same footprint as the current kiosk. In order to enhance the relationship of the first floor of the building and the natural environment, solid concrete walls will be replaced with glazed panels. The roof will also follow the same cantilever as existing and will be constructed from lightweight concrete to further minimise perceived visual bulk of the building within the landscape.

The design seeks to improve the presentation of the building, while respecting the existing streetscape and environment. The height and scale of the building as seen from the streetscape, ensures that the building will not dominate and is well integrated, within the environmental context. The materials proposed including colours are respectful of the existing building and also the environment. The proposal will provide an area where the public can appreciate the Murray River environs and the aesthetic value within the existing parkland. The proposal does not significantly alter the setback onto Watson Street and is considered unlikely to cause any further unreasonable impact to abutting dwellings.

Based on the design and location of the building, it is unlikely that the building will cause any unreasonable impact on adjoining properties or visually dominates the adjacent contributory buildings in terms of size, height or bulk due to the separation, architectural design and materials. It is also noted that a number of nearby dwellings have frontage onto Dickson Street therefore minimising any unreasonable impact to directly abutting residents. The proposal will enhance an underutilised building and by doing so is likely to increase personal safety and property security and will create an area for people to feel safe to live and work in accordance with state and local policy.

Currently the building is not constructed in accordance with the Disability Discrimination Act (DDA). An objective of Clause 17.01-1 is *“To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the*

aggregation and sustainability of commercial facilities.” As part of the overall development of the site accessible ramps located on the southern and western portion of the building and also disabled toilet facilities will ensure that the development will provide a space and a tourist attraction for people of all disabilities. The proposal provides an overall net community benefit, providing greater accessibility and amenities, while respecting the existing public recreation use of the site.

The building will also include balustrade on the first floor to ensure the building will meet relevant Building Regulations. The proposal retains the curved railing, however, will remove the cyclone wire. Instead to ensure consistency through the Old Echuca Port Precinct, the balustrade is proposed to be square mesh, similar to existing fencing within the Hopwood Gardens playground and also noticeable within the Murray Esplanade. The material will still ensure transparency within the environmental setting while also respecting the existing architectural style. The proposed balustrade is considered unlikely to impact on the social, aesthetic and architectural importance of the building also in accordance with Clause 15.01.

In relation to car parking, car parking associated with the kiosk is located on Watson Street and also within the site. Car parking associated with the proposal is not proposed to be altered as part of this application. Car parking will be addressed as part of a separate planning permit application, which will also enhance pedestrian linkages and provide informal bicycle facilities on the site in accordance with the objectives of Clause 52.06 and Clause 52.34 and state and local policy.

Environmental Issues

An objective of Clause 12.01-1 is “To assist the protection and conservation of Victoria’s biodiversity”. Strategies to meet the objective include “Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites” and “Avoid and minimise impacts of land use and development on important areas of biodiversity and Assist in the re-establishment of links between important areas of biodiversity.”

The proposal requires the removal of one (1) scattered tree in proximity to the kiosk. The location of the tree is within the Environmental Significance Overlay Schedule 1 Murray River Environs. In accordance with the objectives to the schedule of Clause 42.01 is “To protect the environs of the Murray River recognising its importance for nature conservation, flooding, economic development, recreation and tourism.” In relation to biodiversity a proposal should consider that the removal “Does not reduce vegetation connectivity or reduce opportunities for increasing vegetation connectivity.”

Objections have been raised in relation to the removal of the tree as part of the application. In response to these concerns, the applicant advised at the consultation that the footings associated with the kiosk required as part of Building Regulations are likely to impact on the health of the tree and as a result the removal was unable to be avoided. In support of the removal of the tree, the applicant also provided an Arborist Report dated April 2018. The report stated the tree has a defect being ‘Bracket Fungi at the base’ with a moderate failure potential and a useful life expectancy (ULE) of 10-20 years. The fungi has the potential to reduce stability at the base of the trunk which could lead to further maintenance issues.

In accordance with Clause 52.17 a Biodiversity Assessment Report has been submitted as part of the application. The application falls under the ‘Transitional provisions’ of the Clause and written confirmation has been obtained from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) that a report about the proposed removal has been generated by DEWLP within 12 months before 12 December 2017 (Amendment VC138).

Objections raised concerns regarding the impact on other trees, the biodiversity of the area, the proposal not responding to the current native vegetation plan on the site and impact on rare and threatened species within the area. The report generated on the Departments website identified the risk-based pathway for the removal of the native tree as being within a ‘low’ category. This category risk is the ‘lowest’ category in removal of native vegetation and therefore has a ‘low’ impact on rare or threatened species. To address the concerns of the objectors, the Department have recommended conditions to ensure remaining vegetation will be protected associated with the works on the kiosk and ensure the remaining vegetation and biodiversity of the area will not be impacted upon and to ensure the ambiance will be retained.

It is considered that as the removal of the vegetation is located within the lowest category pursuant to Clause 52.17 and consent has been obtained from the Department that the removal of the tree is unlikely to cause any unreasonable impact to biodiversity within the area. Although it is policy to avoid the removal of vegetation the applicant has demonstrated that

the tree must be removed and in support of this has provided an Arborist report that has identified health issues of the tree for the future. It is considered the net community benefit to use an underutilised building and the increased public accessibility for all disabilities and amenities associated with the application outweighs the removal of the one (1) tree on the land.

The locations of the works are within the Floodway Overlay, in accordance with the planning scheme the application was referred to North Central Catchment Management Authority (NCCMA). The authority consented to the proposal subject to conditions. The conditions include requirements regarding electrical fittings, essential services to the building being flood proof or raised at least 300mm above the 1% AEP flood level, water resistant building materials and a flood response action plan which sets procedures and actions to minimise flood damage, risk to occupants and demands and emergency services. It is considered based on the comments received from the Floodplain Manager that the proposal is unlikely to impact the flood storage and capacity within the area.

An objection raised concerns regarding the emotional impact as a result of the proposal to remove the tree after being refused a permit to remove a tree (non-native) that was planted and was causing damage to an internal driveway. In accordance with Clause 21.01-4 "*Council acknowledges that personal circumstances are not a matter for it to take into account as either the responsible authority or planning authority.*" Emotional impacts are not considered a relevant planning consideration. As addressed above, based on the expectancy and health of the tree, it is considered that the net community benefit of the overall proposal outweighs the removal of the single tree on the site.

Licensed Premises

The applicant is seeking a liquor licence to give the opportunity to customers who dine on the premises the option to have an alcoholic beverage with their food. It is not seeking to establish a mainly alcohol related venue such as a hotel or bar. The subject site is considered to be located within the 'Heritage Precinct' in accordance with *The Echuca Heritage Precinct Master Plan*. It is located in walking distance to commercial businesses and shops, a number of which are licenced premises close to the subject site, and places used for accommodation.

The hours proposed are 7.00am to 11pm Monday to Friday and Sunday 10am to 11pm. It is considered that as the General Residential Zone (GRZ) is located to the west and the nearest dwelling is located approximately 42m from the kiosk it is recommended that the hours be amended to 9am to 10pm which is respectful with the sensitive use. In this instance, it is also recommended to include a condition, which limits the consumption of alcohol on the premises to be in association with the consumption of food from the premises only.

The above recommendation will serve to alleviate concerns relating to the proliferation of licensed premises in the area, is in line with the information provided by the applicant in relation to the purpose of requiring a liquor licence and ensures that the nature of the business as a café/restaurant (serving of food) is the primary purpose. It is considered that the hours of operation are appropriate and will not result in an adverse amenity impact upon adjoining properties in accordance with the decision guidelines of Clause 52.27.

The proposed patron number for the licence (80) is considered to be appropriate and is based on the size of the area designated on the redline plan including the café, and deck area. Based on the use as a kiosk, it is considered that drinks will be consumed with meals and that this is not a drinking destination in its own right. Consequently, the potential for amenity impacts associated with this licenced premise would be expected to be less than another type of licenced venue (such as a bar or hotel). Alcohol can only be served to persons over the legal age and this would be expected to be controlled by staff that have a Responsible Serving of Alcohol certificate. This is the same scenario for any licenced premises such as a hotel, café, sports club or cinema.

The recommended hours of operation will ensure that noise generated from outdoor dining patrons will have minimal impact on the neighbouring land uses. In addition, it is considered that there is no live music to be played externally of the venue. It is considered that the music on the premises is contained in accordance with the requirements of the state Environment Protection Policy (SEPP N-2) – Control of Music Noise from Public premises.

A patron management plan has been provided and includes details in relation to the measures that will be put in place to ensure that patron behaviour does not adversely impact upon the surrounding area. Measures include details of staff training in relation to the responsible service of alcohol and details of venue shut down requirements. Given the nature of

the proposed use, patron numbers and hours of operation it is considered that the patron management plan will ensure the site is appropriately managed and will not result in any unreasonable off-site impacts.

The Shire of Campaspe Liquor Accord has been considered in this assessment. The Liquor Accord contributes to the safety of patrons, staff and the local community and seeks to ensure that the operation of licensed premises impose the minimum of inconvenience on residents, businesses and the community. The application is considered to have appropriately addressed the outlined issues above through a Patron Management Plan.

Other Matters

The subject site is location within a Bushfire Prone Area. In accordance with Clause 13.05 any application that will result in people congregating in large numbers must consider bushfire management and provide a Bushfire Attack Level (BAL) assessment.

In response the proposed building is made up of non-combustible materials that includes concrete, steel and cement sheeting. The main first floor will be constructed using a steel frame and will have a BAL 29. The location of the kiosk is in proximity to a hydrant on the corner of Watson Street and Law Court Place and there is appropriate emergency vehicle access.

The application was referred to the Country Fire Authority (CFA) who did not include conditions as part of the application. The Country Fire Authority, however, did note that fire services and fire equipment will be required to be installed in accordance with the Building Code of Australia which will be required to be addressed as part of the building permit process.

13. Conclusion

It is recommended that a Notice of Decision to Grant a Permit be issued subject to suitable conditions. The proposal has been assessed in accordance with the zone and overlays and relevant particular provisions. The comments from the Department and the Floodplain Manager have also been considered as part of the assessment.

It is considered that the proposal responds positively to the environment and provides an overall net community benefit and aids in enhancing an existing public open space. The proposal will maintain the aesthetic, social and heritage significance of the building while respecting the existing character of the streetscape and Murray River environ in accordance with state and local policy.

14. Recommendation

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

- **Having caused notice of Planning Application No PLN049/2018 to be given under Section 52 of the *Planning and Environment Act 1987***

And

Having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of 36.03-2, 42.01-2, 44.03-1, 52.17, 52.27 of the Campaspe Planning Scheme in respect of the land known as Vol. 11904 Fol. 704 Township of Echuca and described as 2 Watson Street, Echuca for the Buildings and works (partial demolition and external alteration) of the existing kiosk in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Floodway Overlay and removal of native vegetation (one tree) in the Environmental Significance Overlay Schedule 1 and use of the land for a liquor license pursuant to Clause 52.27, with the application dated 2 March 2018, subject to the following conditions:

Conditions:**1. Amended Plans Required**

Before the use and development commences, 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 *Echuca Riverfront Development – The Kiosk, by Brandrick Architects (888-01-15)* but modified to show:

- a) A detailed schedule of the external colours and materials including samples.
- b) The location of all plant equipment (services, air cons, heaters, etc.) on the site and must be appropriately screened.
- c) Prior to construction a full archival recording of the structure should be undertaken
- d) An amended Patron Management Plan in accordance with Condition 13.

All 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. Notification of consent conditions

Before works start, the consent holder must advise all persons undertaking the works on site of all conditions of this consent. Protection of vegetation to be retained

4. Protection of vegetation to be retained

- a) Before works start, a native vegetation protection fence must be erected around all retained native vegetation within 15 metres of the works. The protection fence must be constructed of paraweb to the satisfaction of the Department of Environment, Land, Water and Planning. The protection fence must remain in place at least until all works are completed to the satisfaction of the department.
- b) Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - i. Vehicular or pedestrian access;
 - ii. Trenching or soil excavation; c)
 - iii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - iv. Construction of entry and exit pits for underground services; or
 - v. Any other actions or activities that may result in adverse impacts to retained native vegetation.

5. Native vegetation offsets

To offset the removal of 1 scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual*:

The offset must:

- Contribute gain of 0.070 general biodiversity equivalence units;
- Be located within the North Central Catchment Management Authority boundary or Campaspe Shire municipal district; and
- Have a strategic biodiversity score of at least 0.117.

6. Offset evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- a) A credit register extract from the Native Vegetation Credit Register; or

A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification.

7. North Central Catchment Management Authority

- a) Electrical fittings must be fixed at least 300 millimetres above the 1% AEP flood level, i.e. no lower than 95.9 metres AHD.
- b) Essential services to the building should be flood proofed or raised at least 300 millimetres above the 1% AEP flood level.
- c) Water resistant building materials that minimise the physical effects of flooding on the shed and its contents should be used up to at least 300 millimetres above the 1% AEP flood level.
- d) All chemicals, oil, fuel, grease, waste or other potential pollutants should be stored at least 300 millimetres above the 1% AEP flood level. Adequate storage areas and shelving should be provided for this purpose.
- e) A flood response action plan must be prepared which sets out the procedures and actions to minimise flood damage, risk to occupants, and demands on emergency services. The plans must be approved by North Central CMA prior to obtaining a certificate of occupancy.

8. Consumption of Liquor

Consumption and sale of liquor is required to be in conjunction with the sale and consumption of food from the premises.

9. Hours of operation

The liquor licence hereby permitted must only operate during the following hours:

- 9:00am – 10:00pm Monday to Friday
- Good Friday and Anzac Day – 12:00pm -10:00pm
- Sunday 10:00am – 10:00pm

The hours of operation cannot be varied without the written consent of the Responsible Authority.

10. Patron Numbers

No more than 80 patrons in association with the liquor licence may be present on site any one time without the written consent of the Responsible Authority.

11. Cultural Heritage Management Plan

All works on the land must be carried out in accordance with the requirements set out in the approved Cultural Heritage Management Plan (Number 15404) prepared by Heritage Insights dated 14 May 2018 to the satisfaction of the Responsible Authority.

12. Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

13. Patron Management Plan

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

- a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
- b) Hours of operation;
- c) Management of patron behaviour on the premises;
- d) The training of staff in the management of patron behaviour.
- e) Venue shut down procedures to encourage the patrons to leave the premises sporadically and proposed routes encouraging the flow to the nearest taxi rank;
- f) Patrons must be reminded to be quite and actively encouraged not to go in near sensitive land uses and other accommodation establishments;
- g) Signage to be used to encourage responsible off-site patron behaviour;
- h) The training of staff and the management of patron behaviour;
- i) Details of the management of patron numbers;
- j) Staff communication arrangements;
- k) Measures to control noise emissions from the premises and amenity control;
- l) Details of emergency evacuation and first aid;
- m) Measures to prevent vandalism and antisocial behaviour;
- n) Details to address waste including bottles, rubbish and reduce generated by the use;

All to the satisfaction of the Responsible Authority.

14. Amenity

The use of the land must be managed so that the amenity of the area is not detrimentally affected in the opinion of the Responsible Authority, including but not limited to:

- Transport of materials, goods or commodities to or from the land;
- Appearance of any building, works or materials;
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

All to the satisfaction of the Responsible Authority.

15. Noise control

The use permitted must fully comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 to the satisfaction of the Responsible Authority.

16. Live Music

No live or amplified music will be played within the decking area at any time to the satisfaction of the Responsible Authority.

17. Access for People with Disabilities

The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the Responsible Authority.

18. Bushfire Prone Area

Before the building is occupied the owner must ensure that:

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

All to the satisfaction of the Responsible Authority.

19. Construction Phase

- a) Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
- b) Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
- c) Management measures are to be in accordance with best practice EPA guidelines and to the satisfaction of the Responsible Authority.

20. Environmental Health

- a) Prior to the commencement of any building works, a plan of the proposed internal fit out of the cafe, including specifications of the premises is required to be submitted to Councils Environmental Health Department for review, comment and approval. Furthermore, an onsite meeting will be required to be held with the applicant, proposed proprietor and a representative from Councils Environmental Health Department to discuss the proposal prior to the commencement of building works.
- b) As the premises will operate as a café, it must be registered with Council in accordance with the Food Act 1984.
- c) The business must comply in full with requirements of the Food Act 1984 and the Food Standards Code.
- d) Contact must be made with Councils Environmental Health Department to discuss the proposed food handling activities to determine specific registration requirements.
- e) Coliban Water is required to be consulted with regards to the requirements for a grease trap.
- f) Connection to Coliban Water's reticulated water and sewerage systems is required.
- g) The premises must comply in full with the requirements of the Tobacco Act 1987.
- h) The premises must not cause a nuisance from any noise emanating from or associated with the premises.

All to the satisfaction of the Responsible Authority.

21. 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) Underground pipe drains conveying stormwater to the legal point of discharge.
- d) 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.
- e) Documentation demonstrating approval from the relevant authority for the legal point of discharge.
- f) 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.
- g) The details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- h) Maintenance schedules for treatment elements.

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

22. Waste Disposal

Disposal of the rubbish including glass bottles outside the premises must not occur after 11:00pm or before 7:00am.

23. Time for Starting and Completion

This permit will expire if the following circumstance applies:

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

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

5. COUNCIL PLANNING REPORT – 2 WATSON STREET ECHUCA VIC 3564, PLN135/2018

ALLOCATED OFFICER:	Sarah Perry, Planner
RESPONSIBLE MANAGER:	Acting Planning and Building Manager
APPLICATION NO:	Pln135/2018
DATE RECEIVED:	24 May 2018
APPLICANT:	Shire of Campaspe
PROPOSAL:	Buildings and works (car park, landscaping, pathways, shelters and viewing platforms) in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Heritage Overlay Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay and Removal of Native Vegetation (5 trees) in the Environmental Significance Overlay Schedule 1 and Heritage Overlay Schedule 1 and pursuant to Clause 52.17
SUBJECT SITE:	2 Watson Street Echuca VIC 3564
ZONING:	Public Conservation and Resource Zone
OVERLAYS:	Environmental Significance Overlay Schedule 1, Heritage Overlay Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	36.03-2, 42.01-2, 43.01-1, 44.03-1 and 44.04-1, 52.17
RESTRICTIVE COVENANTS ON THE TITLE?:	No
CURRENT USE AND DEVELOPMENT:	Existing kiosk, Riverboat Dock, Leisure and Recreation
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED:	Yes (Cultural Heritage Management Plan number 15404)
OBJECTIONS:	One (1)

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 for a major application.

5. Proposal

The buildings and works are proposed as part of this application:

Buildings and Works

- Formalised vehicle access into the site from the existing crossover on Watson Street with new vehicular access onto Watson Street at the northern end of the site.
- Realignment of the Watson Street kerbing and on-street parking with 23 car parks including one disabled and three (3) boat operator bins.
- Disabled parking and short term parking on site for deliveries and servicing of the moored boats.
- Concrete and granitic sand pathways throughout providing universal access across the site.
- New passenger access steps down to the boat moorings and new boat mooring connection structures.
- Low profile retaining walls at locations to create a terraced landscape and to support pathways and landscaping planting along the Watson Street and throughout the site.
- Three (3) viewing platforms along the river edge and two (2) picnic shelters.
- Hard surfaced and grassed areas for gatherings and community events.
- Treatment of stormwater drainage into the Murray River.
- Construction of canopy and structure over the entrance to the existing kiosk on Watson Street. The canopy contains a seating, drinking fountain and bicycle racks.

Native Vegetation

It is proposed to remove five (5) scattered trees including a remnant patch. The trees are located throughout the subject site and are located within a 'low' risk based pathway as per the Biodiversity Assessment Report submitted in accordance with Clause 52.17. The removal of the native vegetation satisfies the transitional requirements in accordance with the Minister of Energy, Environment and Climate Change.

In support of the application a *Cultural Heritage Management Plan (Number 15404) prepared by Heritage Insights dated 14 May 2018*, a *Biodiversity Assessment: Port of Echuca, Murray Esplanade, Echuca Victoria report prepared by Ecology and Heritage Partners Pty Ltd dated March 2018* and a *Historical Archaeological Assessment prepared by suitably qualified consultants have been submitted and considered as part of the application.*

It is noted that a Development Approval application is required to be submitted and assessed within the New South Wales portion of the land and is not required to be assessed as part of this application.

6. Subject Site & Locality

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

The subject site is located on Crown land and is irregular in shape with an area of more than 1ha with frontage onto the Murray River. The site also adjoins Watson Street, a Council sealed road. The site is located to the north of the Echuca Port Precinct and the subject site includes an existing Kiosk building associated with leisure and recreation on the land. The site is dominated by the use of the area as a car park servicing the paddle steamers and houseboats that dock/moor on the Murray to the east of the site.

A portion of the site subject to the works is located within the *Heritage Overlay Schedule 1 Old Echuca Township Precinct* that covers the southern portion of the site below the kiosk. The place description is outlined within the *Heritage Review 2014 Part B Heritage Precincts* document as follows;

2, 51 & 52 Watson Street (Hopwood River Park) consists of parkland to the river banks. It includes a former timber punt. This area is distinguished by the natural riverine environment with its treed banks. It contributes to the historic and aesthetic significance of the Old Echuca Township Precinct.

The subject site is within the Public Conservation and Resource Zone (PCRZ) and is affected by the Environmental Significance Overlay Schedule 1, Floodway Overlay and the Land Subject to Inundation Overlay. The site also contains timbered parkland to the north that is used for informal recreation.

The surrounding context is as follows:

- To the north of the site is Crown land in the ownership of the Department of Environment, Land, Water and Planning (DELWP). The land is occupied by the NRMA Echuca Caravan Park and is within the Public Conservation and Resource Zone and is affected by the Floodway Overlay and Environmental Significance Overlay Schedule 1 and Bushfire Management Overlay.
- To the east of the site is land within New South Wales in the Murray Shire and beyond is the Murray River.
- To the south of the site is part of the Echuca Wharf and is within the Heritage Overlay Schedule 1 Old Echuca Township Precinct and also individually listed under Heritage Overlay Schedule 7 Echuca Wharf which is included on the Victorian Heritage Register under the Heritage Act 1995.
- To the west of the site is Watson Street a Council sealed road and beyond is land within the General Residential Zone (GRZ). The land directly to the west is within the Heritage Overlay Schedule 87 Echuca North Residential Precinct. The nearest dwelling fronting onto Watson Street is located some 25 metres from the subject site.

The site is entirely affected by an Aboriginal Heritage Sensitivity Area. A Cultural Heritage Management Plan (Number 15404) prepared by Heritage Insights dated 14 May 2018 was submitted as part of the application and received approval by Yorta Yorta Aboriginal Corporation. This has been discussed in more detail as part of the assessment of the application.

7. Permit/Site History

The history of the site includes:

- PLN049/2018 Buildings and works (partial demolition and external alteration) of the existing kiosk in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Floodway Overlay and removal of native vegetation (one tree) in the Environmental Significance Overlay Schedule 1 pursuant to Clause 52.17 and use of the land for a liquor license pursuant to Clause 52.27. Is currently being assessed.
- Pln177/2017 Buildings and Works (partial demolition and external alteration) of the existing kiosk in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Floodway Overlay, and use of the land for a liquor license pursuant to Clause 52.27 - The application was withdrawn.

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 two (2) signs on site.

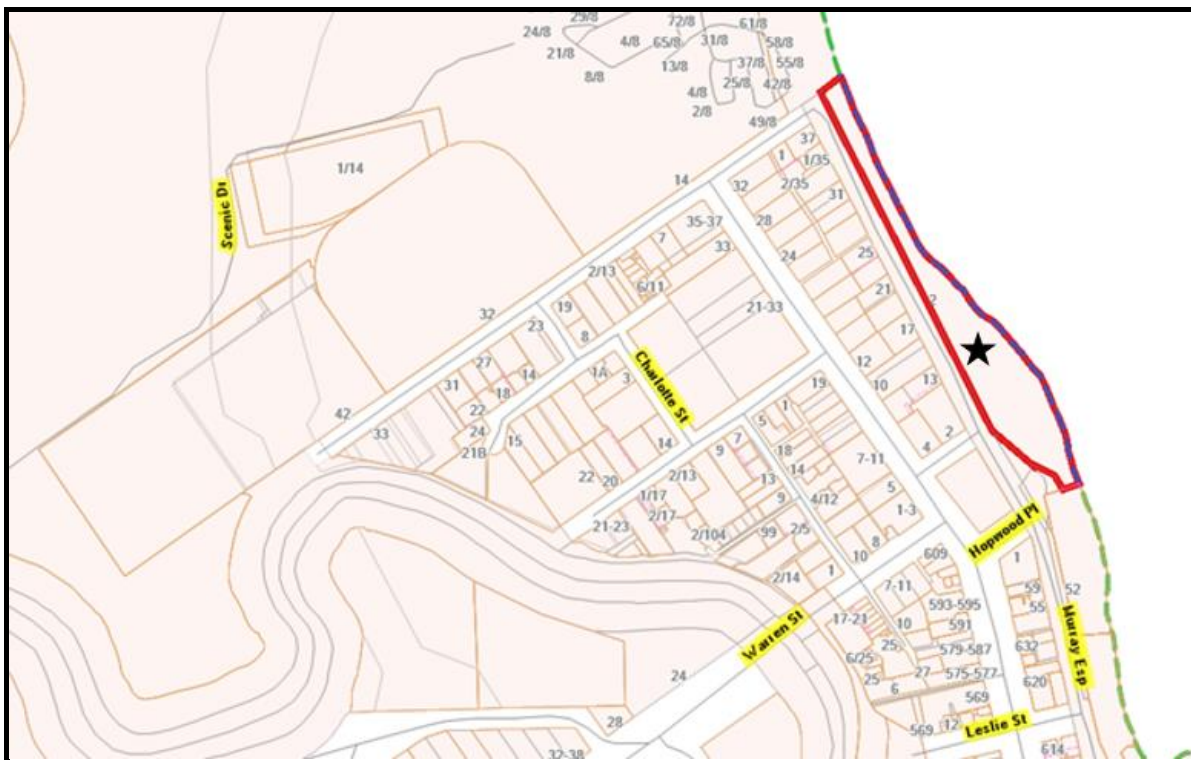
The notification has been carried out correctly.

Council received one (1) objection to the application. The objection can be summarised as follows:

- Removal of the five (5) trees on the heritage, cultural and environmental significance of the area
- Impact on the habitat for wildlife, the historical landscape of the area and the loss of shade

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

Figure 1: Subject site and surrounds



The objector resides outside of the area of the map shown above.

Legend	
Subject Site	★
Objection	●
Withdrawn	▲

9. Consultation

A consultation meeting was undertaken on 11 July 2018 at Council Offices. The applicant and the objector attended. The concerns of the objector was discussed in detail with the applicant, however, there was no resolution.

10. Referrals

The application has been referred to three (3) external authorities and one (1) internal Council Departments. 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
North Central Catchment Management Authority	Section 55 (Recommending)	Consent	Yes	Yes
Goulburn Murray Water	Section 52 (info)	Consent	Yes	No
Department of Environment Land Water and Planning	Section 55 Determining	Consent	Yes	Yes
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Road Services Department	Info	Consent	Yes	Yes

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 12 Environmental and Landscape Values – Planning should assist in the protection and conservation of biodiversity including important habitat for flora and fauna. The permitted clearing of native vegetation should result in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Clause 12.01 Protection of Biodiversity

Objective

- *To assist the protection and conservation of Victoria's biodiversity.*

Strategies

- *Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.*
- *Use strategic planning as the primary planning tool for the protection and conservation of Victoria's biodiversity, particularly those areas identified as important.*
- *Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity.*

Clause 12.01-2 Native vegetation management - To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

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.

Clause 13.02-1 Floodplain management - To assist the protection of: Life, property and community infrastructure from flood hazard. The natural flood carrying capacity of rivers, streams and floodways. The flood storage function of floodplains and waterways. ▯ Floodplain areas of environmental significance or of importance to river health.

Clause 13.05-1 Bushfire planning - To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 14 Natural Resource Management - Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Clause 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

Clause 14.02-2 Water quality - To protect water quality.

Clause 15 - Built Environment and Heritage

All new land use and development should appropriately respond to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Quality built environments should be created that 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 15.01-1 Urban Design

Objective

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Strategies

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
- *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.*
- *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

Clause 15.01-2 Urban Design Principles

Objective

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

Clause 15.03 Heritage**Objective**

- *To ensure the conservation of places of heritage significance.*

Strategies

- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.*

Clause 15.03-2 Aboriginal cultural heritage**Objective**

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Strategies

- *Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*
- *Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*
- *Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*

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.

Objectives

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*
- *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

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.

Clause 21.03-1 Significant environments and landscapes - The Murray River is an asset of national and state significance. The river and its environs serve a variety of environmental, economic, social, recreational and tourist functions. A co-ordinated and co-operative approach to planning and management of the river corridor is required

to protect its significant values, and to prevent conflict arising from agricultural development, urban development, tourism and recreation development along the waterway and on adjoining land.

Clause 21.03-2 Biodiversity - The shire contains natural vegetation communities that are significant in a local, state and national context. Environmental threats include clearing of remnant vegetation, loss of hollow bearing trees, over-grazing, isolation and fragmentation of remnant habitat, soil degradation, degradation of riparian habitats and clearing of roadside vegetation.

Clause 21.04-2 Flooding - Floods are naturally occurring events, and the inherent functions of floodplains to convey and store floodwater should be recognised and preserved to minimise the deterioration of environmental values, mitigate downstream flooding and maintain floodplain production, assets and communities. 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 21.06 Built Environment and Heritage - This clause provides local content to support Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework.

Objectives

- *To promote a high standard of architecture, landscaping and urban design.*
- *To provide a visually attractive urban environment which creates a positive image.*
- *To improve the appearance of commercial and industrial areas.*
- *To recognise places of distinct neighbourhood character.*
- *To protect and enhance heritage places, including buildings, trees and structure of natural or cultural significance, for present and future generations.*
- *To identify, recognise and protect places of heritage, cultural and social significance.*
- *To improve the environmental performance of housing and ensure that it is responsive to local climatic conditions.*
- *To encourage environmentally sustainable land use and development.*

Clause 21.06-2 Heritage

The cultural heritage within the Shire of Campaspe is rich and varied, and the municipality has a relatively high proportion of places demonstrating National and State values.

Pre-settlement cultural heritage is of particular significance, and the majority of known Aboriginal cultural heritage places in the shire occur in the vicinity of the Murray, Lower Goulburn and Campaspe river systems.

Places of post-settlement cultural heritage significance include buildings, infrastructure, streetscapes, sites and precincts, landscapes and natural features. These places reflect the origins of the Campaspe Shire as an important pastoral area that developed in response to the gold rushes of the 1850s.

These heritage places are important assets for the continued economic, social and cultural development of the community, and include the Port of Echuca which is recognised as the "anchor" tourist attraction in the region; the Rushworth Town Centre with its intact 19th century main commercial street; the Whroo historic area; and the Rochester Town Centre with many individually significant buildings.

Some of the older parts of the Echuca commercial and residential precincts date back to the mid to late 19th century when Echuca first developed as a crossing place on the river for stock, general merchandise and freight. In addition,

there are individual sites scattered throughout the shire, reflecting its origins as an important pastoral area after the gold rush of the 1850s.

Clause 21.07 Economic Development – Encourages development of commercial centres within the existing towns to provide with a comprehensive range of goods and services and to facilitate a vibrant and dynamic economic environment.

Clause 21.07-2 Commercial – Ensure the development of commercial centres within the existing towns to provide community with a comprehensive range of goods and services.

Clause 21.07-4 Tourism - The key tourism assets of the shire are based on the Murray River, the Port of Echuca, river boats, native forests, historic buildings, the Kyabram Fauna Park and local tourist attractions. The estimated annual turnover associated with the tourism industry is \$100 million, not including the multiplier effects associated with tourism activity. The tourism industry in the shire employs approximately 1,500 people. Council encourages the development of new tourist attractions and services throughout the shire.

Council supports rural based tourism that builds on existing tourism activities and takes advantage of the natural attributes of the region, such as the Murray River, the agricultural landscape and produce. The Echuca Heritage Precinct Master Plan has been adopted, which seeks to protect the heritage character of the port and environs. An area to the west of Echuca is included within the Rural Activity Zone, where accommodation uses such as bed and breakfast and farm stays are encouraged, and where recreational and leisure activities that complement existing uses such as boating, ecotourism and nature retreats will also be encouraged.

Objective

- *To enhance the Port of Echuca as a nationally significant heritage tourism precinct.*

Strategies

- *Protect the heritage character and integrity of the historic port and environs, having regard to the Echuca Heritage Precinct Master Plan.*
- *Consolidate the port precinct as a well serviced tourism centre, including alternative accommodation types and improved entertainment and services.*
- *Identify key development sites in the Port of Echuca for preferred uses.*

Clause 21.09-1 Echuca - Echuca is the largest centre in the shire with a population of about 12,280, although its catchment area is estimated to include 50,000 people within a 70 kilometre radius. The town is an important commercial, industrial, community, recreational and transportation hub for northern Victoria and southern New South Wales. Echuca's commercial structure is dominated by retail and wholesale trade.

Echuca's population is expected to be about 17,300 by the year 2021. When the combined population potential of Echuca and Moama is considered, the 2020 population could be in excess of 20,000. It is estimated that Echuca will need an average of about 110 new dwellings per year up until 2031.

- Echuca is the largest centre within the shire and is estimated to service a 70 kilometre radius.
- Echuca will continue to experience strong residential growth, and a key challenge is to properly manage that growth.

Clause 22.02 Heritage Policy

Objectives

- *To protect heritage places within the Shire of Campaspe in accordance with the accepted conservation standards of the ICOMOS Burra Charter.*

- *To encourage the retention and conservation of all significant and contributory heritage places.*
- *To conserve and enhance the cultural fabric of heritage places with the shire of Campaspe to ensure that the form and appearance of any additions, alterations, or new development is complementary.*
- *To promote design excellence, which clearly and positively supports the ongoing cultural significance of heritage places.*
- *To ensure that new development in heritage precincts, including external additions and alterations, is respectful to the architectural, social and/or historic character of the precinct and makes a positive contribution to its built form and amenity.*
- *To ensure that non-contributory buildings in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the significance of the heritage precinct.*

22.03 Port of Echuca Heritage Policy

Echuca is situated at the junction of the Murray and Campaspe Rivers and has its origins as a crossing place for stock, general merchandise, and freight between the pastoral stations of the Riverina, the Victorian central goldfields and Melbourne, from the early 1850's. With the arrival of railway in 1864, Echuca developed into an important river port town, becoming the colonies busiest inland port. Traffic peaked during the years leading up to the early 1880's and it was during this time that a thriving commercial centre developed around the Port.

Today the precinct has taken on a significantly different profile. The Port presents a unique tourism product that has experienced significant visitor numbers since the re-opening of the Port as a heritage tourist destination in 1974. The Port of Echuca is recognised as the "anchor" tourist attraction to the region. A recommendation from the Northern Rural and Regional Forum identified transport infrastructure improvements to the Port of Echuca as a key action area by the Forums Action Plan. This initiative is part of the wider potential for regional Victoria to benefit from heritage steam rail tourism and to create linkages and alliances with other regional centres to strengthen regional tourism.

The Shire of Campaspe, Tourism Victoria, Department of Natural Resources and Environment, and the Port of Echuca Authority recognise the Heritage Precinct as an area that has significant heritage and tourism potential to both the national and international market and are prepared to undertake significant development initiatives to realise this potential in accordance with the Echuca Heritage Precinct Master Plan

Objectives

- *To create the Port of Echuca as a nationally significant heritage tourism precinct.*
- *To protect the heritage character and integrity of the historic port and environs.*
- *To create a multi-layered tourism experience, including activities specific to the particular attractions and features of Echuca and the region.*
- *To identify and promote under developed sectors and themes.*
- *To consolidate the port precinct as a well serviced tourism centre including alternative accommodation types and improved entertainment and services.*
- *To consolidate a unified heritage precinct and town centre, including stronger pedestrian links.*
- *To protect key environmental and urban elements through policy, development control mechanisms, incremental relocation of river boat infrastructure and improved coordination with Murray Shire.*
- *To identify key development sites for preferred uses.*

- *To extend and consolidate the pedestrian network, including extensive avenue planting and new pavement works.*
- *To implement the recommendations of the Echuca Heritage Precinct Master Plan.*
- *To ensure that development enhances the broad boulevard of High Street and which entrenches its strong visual and physical role in the area.*
- *To encourage sympathetic commercial signage and advertising which is appropriate for an area of State significance.*
- *To encourage elements which reflect the character of the area including signage, fences, plant and equipment and paint colour schemes. To ensure that streetscape works enhance the cultural significance of the area with respect to street trees, tree guards, public seating, pavement materials, public lighting and car park furniture.*

Zoning

Clause 36.03 Public Conservation and Resource Zone (PCRZ) – To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values and to provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

A planning permit is required for buildings and works in accordance with Clause 36.03-2 of the zone. Pursuant to Clause 36.03-3 an application must be accompanied by the written consent of the public land manager indicating that the manager consents generally or conditionally to either the application for permit being made or the application for permit being made and to the proposed use or development. This is discussed in more detail within the report.

Overlays

Clause 42.01 Environmental Significance Overlay (ESO1) – To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values.

The subject site is affected by Schedule 1 Murray River Corridor which has objectives to promote consistent planning and management along the Murray River corridor and to protect the environs of the Murray River recognising its importance for nature conservation, flooding, economic development, recreation and tourism.

A permit is required for buildings and works and remove, destroy or lop any vegetation pursuant to Clause 42.01-2.

Clause 43.01 Heritage Overlay (HO1) – Conserves and enhances heritage places of natural or cultural significance those elements which contribute to the significance of heritage places. The site is within the Heritage Overlay Schedule 1 – Old Echuca Township Precinct.

A permit is required to construct a building or construct or carry out works and remove trees greater than 5 metres in height or greater than 2 metres in circumference pursuant to Clause 43.01-1 and the schedule to the overlay.

Clause 44.03 Floodway Overlay (FO) – Ensures that any development maintains the free passage and temporary storage of floodway, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

A permit is required to construct a building or to construct or carry out works pursuant to Clause 44.03-1.

Clause 44.04 Land Subject to Inundation Overlay (LSIO) – 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 and seeks to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood

damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A permit is required to construct a building or to construct or carry out works pursuant to Clause 44.04-1.

Relevant Particular Provisions

Clause 52.06 Car Parking - Ensures that car parking does not adversely affect the amenity of the locality and that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

There is no new use or an increase in the floor area or site area of an existing use as part of this application and as such a permit is not required to reduce or vary the number of car parks. The proposal will provide 23 car spaces on Watson Street including a disabled car park and three (3) formal car spaces within the site.

Clause 52.17 Native Vegetation – Ensures that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

A planning permit is required for the removal of five (5) trees including a remnant patch pursuant to Clause 52.17-7 of the provision.

The application falls under the 'Transitional provisions' of the Clause and written confirmation has been obtained from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) that a report about the proposed removal has been generated by DEWLP within 12 months before 12 December 2017 (Amendment VC138).

Clause 52.34 Bicycle Facilities - Encourages cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

There is no new use or an increase in the floor area or site area of an existing use as part of this application and as such a permit is not required to reduce or vary the number of bicycle spaces. The proposal provides an additional six (6) bicycle spaces on the site.

Relevant General Provisions

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

Relevant incorporated or reference documents

- *A Master Plan for the Heritage Precinct of Echuca, Cox Sanderson & KLM Gerner Consulting Group, March 2000*
- *Heritage Review 2014 Part B - Heritage Precincts, amended February 2016*
- *Aboriginal Heritage Act 2006*
- *Permitted clearing of native vegetation Biodiversity assessment guidelines 2013*
- *Campaspe Local Floodplain Development Plans Precinct of Echuca (2010)*
- *Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council 2017*

Relevant Planning Scheme amendments

- Amendment VC138 was a state wide amendment gazetted in December 2017 and amended Clause 52.17 Native Vegetation state wide particular provision. The amendment changes the Victoria Planning Provisions

and Planning schemes in Victoria following the release of Protecting Victoria's Environment – Biodiversity 2037 document to ensure that planning provisions relating to native vegetation removal sensibly protect biodiversity.

This application falls under the transitional provisions of the clause and the applicant provided written confirmation from the secretary to the Department of Environment, Land, Water and Planning (DEWLP). This was also confirmed in the Departments written response dated 3 June 2018.

12. Summary of Key Issues

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objector.

The application is required to be assessed against the relevant provisions of the Campaspe Planning Scheme, in particular the Public Conservation and Resource Zone, the Heritage Overlay Schedule 1, the Environmental Significance Overlay Schedule 1, Floodway Overlay, the Land Subject to Inundation Overlay, the particular provisions of clause 52.17 and the general decision guidelines of Clause 65.

Planning considerations

Clause 15.03-2 Aboriginal Cultural Heritage Objective *“ensures the protection and conservation of places of aboriginal cultural heritage significance”*. Strategies include *“Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme”* and *“Ensure that permit approvals align with recommendations of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.”*

In accordance with the above, planning must consider the Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage, the findings and recommendations and of the Aboriginal Heritage Council and the findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places where relevant in accordance with Clause 15.03-2. As mentioned previously within the report a Cultural Heritage Management Plan prepared by Heritage Insights dated 14 May 2018 has been considered as part of the application and has been approved by Yorta Yorta Aboriginal Corporation.

As part of the Cultural Heritage Management Plan, a desktop and standard assessment were carried out within the subject site and surrounding area. The results identified a single dead scarred tree (VAHR 7825-0506) in the southern portion of the subject site. This tree will remain and it is recommended that a condition be included on the permit to ensure the tree is clearly defined to protect the tree during the proposed buildings and works. In relation to the remainder of the site, the report highlighted the following;

“It was considered that the remainder of the activity area had undergone considerable disturbance as a result of the historical land use activities. In particular, the lower floodplain has been considerably disturbed by initial vegetation clearance, the construction of the swimming pontoon and associated land-based infrastructure, straightening of the river bank, installation of underground services including water, sewerage and the embankment below Watson Street and filling across the surface of the floodplain to level it.”

The Cultural Heritage Management Plan includes management requirements to ensure all personnel and contractors involved with the works associated with the kiosk and all other construction works are given appropriate cultural awareness and heritage training. The single dead scarred tree must be protected both during and after works and ongoing maintenance and protection of the tree is the responsibility of the Shire of Campaspe in consultation with Yorta Yorta. It is recommended that the requirements of the Cultural Heritage Management Plan be included as condition on the permit in accordance with state policy.

The Echuca Riverfront Development Historic Archaeological Assessment Report dated 4 January 2018 prepared by David Rhodes assessed the impacts of the development on any known or potential heritage places including European history within the subject site. This study has also been considered as part of the application. The study concluded that *“given the level of disturbance of the river bank and the fact that there appear to be few other historical features within the study area,*

it is considered highly unlikely that any structural features or associated artefacts will be found". It is considered that the proposed works are unlikely to impact archaeological sites and the natural and cultural heritage of the river environs.

Zone Requirements

In accordance with Clause 36.03-3 Application requirements of the Public Conservation and Resource Zone (PCRZ) consent for the works and/or planning permit application must be accompanied by the written consent of the public land manager. As part of the application consent for the buildings and works and removal of vegetation associated with the redevelopment of the foreshore area were obtained from the Department of Environment Land Water and Planning.

It is considered based on the response received from the Department who have not objected to the proposal that the proposal satisfies the purpose of the zone *"To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes"* and *"To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values"*.

State and Local Policy

An important consideration as part of any planning application is Clause 10.01 of the Campaspe planning scheme. It is policy that *"Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations."* The proposal has been assessed in accordance with relevant state and local policy as outlined below.

An important consideration is Council's Strategic Vision in Clause 21.01-4 of the planning scheme. It is policy that *"Council acknowledges that it has inherited from previous generations a shire that has outstanding environmental, social and economic attributes. Council is committed to passing on the shire to the next generation in as good (or better) condition as when they inherited it."* In addition to Clause 21.01-4 *"Council also acknowledges that its decision making in respect of land use planning applications will always be made with the above vision in mind, taking into account the interests of all Campaspe residents. Council acknowledges that personal circumstances are not a matter for it to take into account as either the responsible authority or planning authority."*

Clause 15.01-1 Urban Design and Clause 21.06 Built Environment and Heritage aim *"to create urban environments that are safe, functional and to protect and enhance heritage places... including buildings, trees and structures of natural or cultural significance, for present and future generations."* Clause 21.07-4 identifies that the key tourism asset for the shire is based on the Murray River, the Port of Echuca, and riverboats. The proposal removes the informal car parking spaces and prioritises pedestrians within the key tourist area of Echuca. It is considered the proposal will increase safety and will develop a more usable public open space area with appropriate paths to allow increased accessibility, additional BBQ shelters and increased landscaping to improve the respected Murray River environs.

The location of the site is located within the 'heritage precinct' identified within *The Echuca Heritage Precinct Master Plan* referenced in Clause 21.07-4. The plan outlines that extending visitor stays in Echuca requires tourism products that encourages visitors to explore and discover the linkages between the Port of Echuca and the town's historic assets. It is considered that the proposal is in line with the adopted document for the area by enhancing an underutilised area to further promote the existing Echuca Port Precinct. The proposal provides a safe and functional public open space area with a strong sense of community and increased accessibility for people with disabilities within an identified entertainment hub in Echuca.

The recently completed 'Sally Hirst Study' sets out the vision identified for the Port Precinct including the subject site. The vision was adopted by Councillors as part of the 17 July 2018 Council Meeting. The study confirms that the vision identified for the Port Precinct is for a place to linger, interact and connect and that the Port *"is a friendly and sociable place for people of all ages, there are spots for sitting and watching the world go by, chatting with friends, playing and picnicking...the viewing platforms and seats provide places to take post-worthy photos of the rivers and river craft."* It is noted that the document is not referenced in the planning scheme and does not have any statutory weight (at this time), however, the proposal is consistent with the vision of the study also in line with local policy.

Clause 22.02 recognises and protect places of heritage significance through ensuring development is respectful of the historic character and appearance of the area. The Riverboat Dock is culturally important with respect to the development of the old Township of Echuca. The place description for the subject site states *"2, 51 and 52 Watson Street consists of*

parkland to the river banks. It includes a former timber punt. This area is distinguished by the natural riverine environment with its treed banks. It contributes to the historic and aesthetic significance of the Old Echuca Township Precinct” (Heritage Review 2014 – Part B Heritage Precincts). The proposal is considered to make a positive contribution to the existing character of the area while respecting the historic significance of the site.

Clause 22.03 Port of Echuca Heritage Policy states “*The Port of Echuca is recognised as the “anchor” tourist attraction to the region*”. In addition the policy states “*The Shire of Campaspe, Tourism Victoria, Department of Natural Resources and Environment, and the Port of Echuca Authority recognise the Heritage Precinct as an area that has significant heritage and tourism potential to both the national and international market and are prepared to undertake significant development initiatives to realise this potential in accordance with the Echuca Heritage Precinct Master Plan*”. The proposal has been assessed against the Echuca Heritage Master Plan in accordance with policy as outlined below.

Echuca Heritage Precinct Master Plan

A Master Plan for the Heritage Precinct of Echuca (colloquially known as the Echuca Port Master Plan) was adopted by Council and is referenced in Clause 21.07-4. The strategy aims “*to create a nationally significant tourism heritage precinct*” key strategies around the heritage, tourism, integration and environment of the precinct including the rationalisation of traffic network and parking strategies and the extension and consolidation of pedestrian network. The strategy includes significant development initiatives many of which have already been carried out (or underway) including the Freemans Foundry Site, Hopwood gardens playground, aquatic reserve, discovery centre, and boardwalk.

Echuca Heritage Precinct Master Plan recommends “*future development of the Port precinct is predicated on the broadening of the existing tourist experience such that the port can be appreciated more readily in relation to its extraordinary landscape and historical context. This strategy entails new physical linkages between the port, Murray Esplanade, the riverbanks... to allow more ready visual and physical access*” and “*new pedestrian access closer to water level would significantly enrich the visitor experience. Paddles steamers could be viewed in the immediate vicinity of the wharf providing a river vista more indicative of the early settlement.*”

In relation to the subject site and the proposed buildings and works The *Echuca Heritage Precinct Master Plan* supports the re-development and recommends “*Enhancement of the natural landscape in this area with the provision of established walking trails and interpretive material is a simple and valuable action for this area. The benefits of this remediation and protection strategy are an easily accessible place of natural beauty with exemplary viewing possibilities towards an historic site.*”

In particular the Echuca Port Master Plan specifically identifies the subject site and states “*Slow and restrict circulation traffic, extend park to water edge, restrict car parking to river bank and upgrade landscaping, landscape Hopwood Gardens to showcase civic and heritage significance*”. The proposal restricts vehicular access within the area and improves pedestrian connectivity to increase the usability of the public open space. The development will revitalise a space that holds a considerable cultural part of the development of Echuca, while respecting the historic and aesthetic significance of the site and the surrounding area. The proposal is considered consistent with the strategic direction stated in the master plan that is referenced within the planning scheme.

Design and siting

The purpose of the Public Conservation and Resource Zone is “*To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.*” Clause 15.01-1 of the scheme requires any proposal to create a safe, functional urban environment and Clause 21.06 builds on this policy to ensure that any development makes a positive contribution to the local urban character by applying the relevant design principles and strategies.

The proposal includes additional footpaths, BBQ shelters and viewing platforms to provide increased safety for users and pedestrians accessing the site. The integration of the parkland, the Murray River and the kiosk (assessed as part of a separate application) provides the opportunity to interpret the history of the Riverboat Dock and provide linkages with the Port precinct to the south and Hopwood Gardens to the west in accordance with state and local policy and the purpose of the Heritage Overlay which aims “*To conserve and enhance those elements which contribute to the significance of heritage places*”.

The below photos show the lack of pedestrian connectivity and protection of existing native vegetation within the subject site. The location of the cars within the site also raise safety issues for tourists including parents with children the elderly and the disabled when viewing the Murray River and paddle steamers being a key tourism asset in Echuca. The proposal will improve connectivity within the Echuca Port Precinct and will provide an area for future generations to appreciate and enrich in accordance with state and local policy.



The subject site to the north showing the informal car spaces and lack of pedestrian connectivity

The proposal has prioritised the retention of native trees and have minimised the removal of native vegetation where possible and is sympathetic to the existing topography of the subject site. The BBQ shelters are open in style providing transparency and respect the aesthetic and historic significance of the site and surrounding area. The structures are constructed of predominately steel and are consistent with the material and style of other buildings found within the historic Echuca Port Precinct in accordance with Clause 22.02 performance measures.

The proposal involves a canopy located on the western elevation of the kiosk fronting Watson Street. To ensure that the canopy is respectful of the existing kiosk building and also the Watson Street streetscape, it is recommended a condition be included on the permit to provide detailed plans including the details regarding the transition, change in height or incorporate appropriate finishes to integrate with the adjoining kiosk building.

In addition it is also recommended that the existing concrete light posts at the front of the site be retained and incorporated as part of the entrance of the building onto Watson Street. It is considered that the additional plans will ensure that the canopy will not visually dominate the architectural significance of the kiosk in terms of size height or bulk in accordance with Clause 15.01.

In relation to car parking the development will provide bus parking bays, 23 car parks including one disabled car park located on Watson Street and also up to 10 short-term car spaces located within the site. Bicycle facilities will be located in front of the kiosk providing increased alternative transport opportunities in accordance with state and local policy. On the subject site an additional three (3) car spaces, and two loading and unloading spaces are located in the southern portion of the site. The proposal will significantly reduce the amount of car spaces within the site and provide appropriate car spaces on the street or formally within the site to minimise the impact on existing native vegetation occurring currently as shown in the above photos.

The proposal includes two loading and unloading locations within the site to ensure easy accessibility for existing houseboats, paddle steamers and other tourism uses within the area in accordance with Clause 65. Loading and unloading will be required to be undertaken at appropriate times to ensure that the public and tourists can enjoy the public open space and river environs. It is recommended a condition be included on the permit that a traffic management plan including details of loading and unloading, signage, bollards, etc. to control vehicle movements within the area and restrict those only associated with existing business within the area be provided to the satisfaction of the Responsibility Authority.

The submitted landscape plan is in accordance with the *Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council 2017* adopted by Council. The plant species are considered appropriate based on the climate and additional lawn is proposed on Watson Street to continue the existing character

beyond Hopwood Gardens. The landscape plan also proposes additional native grasses, shrubs and trees located throughout the site to improve the relationship with the Murray River environs.

The landscaping is considered sympathetic and will provide additional cover to increase useability within the area, a concern raised by an objector, and visually improve the appearance of the area while respecting the environmental landscape in accordance with the Environmental Significance Overlay Schedule 1. The landscape plan also includes numerous picnic benches and less formal seating opportunities linked with paths to maximise the useable areas of open space whilst respecting the aesthetic and historic significance of the area.

Environmental issues

An objective of Clause 12.01-1 is *“To assist the protection and conservation of Victoria’s biodiversity”*. Strategies to meet the objective include *“Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites”* and *“Avoid and minimise impacts of land use and development on important areas of biodiversity and Assist in the re-establishment of links between important areas of biodiversity.”*

An objection raised concerns regarding the removal of the trees on the heritage, cultural and environmental significance of the area and the impact on the habitat for wildlife. The Biodiversity Assessment Report generated on the Department of Environment, Land, Water and Planning website identified the risk-based pathway for the removal of the native tree as being within a ‘low’ category. This category risk is the ‘lowest’ category in removal of native vegetation and therefore is considered to have a ‘low’ impact on rare or threatened species within the area.

To ensure the impact of flora and fauna within the Murray River environs is minimised and to address the objector’s concerns the Department recommended conditions to ensure remaining vegetation will be protected during the construction phase. It is considered that the removal of the trees is in accordance with the objectives to the schedule of Clause 42.01 that is *“To protect the environs of the Murray River recognising its importance for nature conservation, flooding, economic development, recreation and tourism.”*

In support of the removal of the vegetation on the site and to ensure no unreasonable impact will occur to the existing flora and fauna on the site, the applicant submitted a *Biodiversity Assessment: Port of Echuca, Murray Esplanade, Echuca Victoria report prepared by Ecology and Heritage Partners Pty Ltd dated March 2018*. The report provides the following conclusions, which also respond to the concerns raised by the objector:

- *Based on the highly modified nature of the study area and absence of native understorey vegetation, significant flora species are considered unlikely to occur within the study area.*
- *Due to the highly disturbed nature of the understorey vegetation, reptile and amphibian diversity is likely to be low and limited to common species such as wall-skinks and eastern brown snake.*
- *The study area is devoid of any native understorey shrub or herbaceous species and the ground cover dominated by bare ground, leaf litter and introduced species*
- *Twenty-seven (27) scattered River Red-gum trees occur throughout the study area... many of these scattered trees have a canopy cover of less than 20 percent, which is a symptom of reduced tree health.*
- *There are no listed or protected flora species in the study area.*

The subject site is currently degraded with the uncontrolled nature of vehicular access impacting on the health of the existing scattered trees and remnant patches. The Report also states *“Significant erosion is present throughout the study area as a result of the repeated flooding and public vehicular and foot traffic.”* The compaction from vehicles has reduced canopy cover and health leading to a reduction in root length, susceptibility of falling trees after flood events and falling limbs. It is considered based on the information prepared by suitably qualified consultants, that the proposal will improve the useability and also enhance and retain the aesthetic and historical significance of the area.

Overall, the proposal provides a net community benefit as it improves the existing public open space by incorporating increased landscaping that complements the Murray River environs and will provide appropriate connectivity and accessibility to key tourism assets. In accordance with state and local policy, it is considered that the loss of five trees and

remnant patch is considered appropriate in the context of the net community benefit to rejuvenate an underutilised parkland, increase public use and instil a greater awareness of the cultural and historic nature of the site.

The Floodway Overlay and Land Subject to Inundation Overlay aim to protect the free passage of floodwater and minimise flood damage. The application was referred to North Central Catchment Management Authority who consented to the application subject to conditions regarding the storage of potential pollutants and the development of a flood response action plan which sets out procedures and actions to minimise flood damage, risk to occupants and demands on emergency services. It is considered based on the response obtained from the Floodplain Manager that the proposal is unlikely to impact on the flood storage and capacity within the area.

In relation to drainage within the area, the long-term water quality of the Murray will be improved with the exclusion of car parking along the foreshore area. Planning conditions will ensure that construction will be in accordance with best practice sediment control principles to ensure water quality is not affected during construction. Appropriate conditions are recommended to ensure no effluent or polluted water of any type may be allowed to enter the Murray River to improve drainage in accordance with state and local policy.

It is considered that the net community benefit to re-develop and enhance the public open space of the site outweighs the removal of the five trees and the small remnant patch, leading to the overall improvement of the natural landscape. The proposal achieves the development initiative in the *Echuca Heritage Precinct Master Plan* to “*Slow and restrict circulation traffic, extend park to water edge, restrict car parking to river bank and upgrade landscaping, landscape Hopwood Gardens to showcase civic and heritage significance*”.

13. Conclusion

It is recommended that a Notice of Decision to Grant a Permit be issued subject to suitable conditions. The proposal has been assessed in accordance with the zone and overlays and relevant particular provision. The comments from the Department and the Floodplain Manager have also been considered as part of the assessment.

It is considered that the proposal responds positively to the environment, reflective of the objectives of the relevant strategies of the Port Precinct and provides an overall net community benefit and aids in enhancing an existing public open space. The proposal will improve the aesthetic, social and heritage significance of the site while respecting the existing character of the streetscape and Murray River environ in accordance with the *Echuca Heritage Precinct Master Plan* and the reports prepared by suitably qualified consultants.

14. Recommendation

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

- **Having caused notice of Planning Application No. Pln135/2018 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

And

Having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of 36.03-2, 42.01-2, 43.01-1, 44.03-1 and 44.04-1 of the Campaspe Planning Scheme in respect of the land known as Vol. 11904 Fol. 704 Township of Echuca and described as 2 Watson Street, Echuca, for the Buildings and works (car park, landscaping, pathways, shelters and viewing platforms) in the Public Conservation and Resource Zone, Environmental Significance Overlay Schedule 1, Heritage Overlay Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay and Removal of Native Vegetation (5 trees) in the Environmental Significance Overlay Schedule 1 and Heritage Overlay Schedule 1 and pursuant to Clause 52.17 in accordance with the endorsed plans, with the application dated 18 May 2018, subject to the following conditions:

Conditions:**1. Amended Plans Required**

Before the development commences, 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 *Echuca Riverfront Development – Riverboat Dock, by Urban Initiatives 15045 L00-L13'* but modified to show:

- a) Amended site plans, floor plans and elevations in A1 and be fully dimensioned and to scale and illustrate:
 - i. Detailed floor plans and elevations and schedule of colours and materials of the kiosk canopy. The canopy must integrate with the abutting kiosk and incorporate the two existing concrete light poles to provide an entrance feature respectful of the existing streetscape onto Watson Street.
 - ii. Clearly define the location of the trees to be removed within the site and the location of the dead single scarred tree to be retained. The plan must show an annotation that the scarred tree must be maintained in accordance with the Cultural Heritage Management Plan (Number 15404) prepared by Heritage Insights dated 14 May 2018 requirements.

All to the satisfaction of the Responsible Authority

2. Layout not altered

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

3. Heritage Requirements

Building materials and paint colours associated with the park furniture must be respectful of the environmental and heritage landscape and must be to the satisfaction of the Responsible Authority.

4. Notification of consent conditions

Before works start, the consent holder must advise all persons undertaking the works on site of all conditions of this consent.

5. Protection of vegetation to be retained

Before works start, a native vegetation protection fence must be erected around all retained native vegetation within 15 metres of the works. The protection fence must be constructed of paraweb to the satisfaction of the Department of Environment, Land, Water and Planning. The protection fence must remain in place at least until all works are completed to the satisfaction of the department.

6. Native vegetation offsets

In order to offset the removal of 0.015 hectares of native vegetation and 5 scattered trees approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:

The offset must:

- Contribute gain of 0.009 general biodiversity equivalence units;
- Be located within the North Central Catchment Management Authority boundary or Campaspe municipal district; and

- Have a strategic biodiversity score of at least 0.064.

7. Offset evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- a) A credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification.

8. Construction Phase

- a) Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
- b) Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
- c) Management measures are to be in accordance with best practice EPA guidelines.

All to the satisfaction of the Responsible Authority.

9. Car Park and Traffic Requirements

Before the development associated with the provision of carparking, 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. The areas 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 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) Car parking must be in accordance with the standards of Clause 52.06 including access ways and disabled car spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

All 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. Vehicle Turning

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

11. Bicycle Racks

Prior to the commencement of the use, provision shall be made to accommodate no less than six (6) bicycles racks. Bicycle racks shall be designed, constructed and located to the satisfaction of the responsible authority.

12. Road Upgrading of Watson Street and River front dock area

The developer must upgrade the Watson Street to incorporate earthworks, pavement, sealing, shoulder-sealing, drainage, line-marking, footpath, kerbing, and environmental treatments across the frontage of/to the development, in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

- a) Fully sealed pavement with kerb and channel and vehicular crossings;
- b) Footpaths and/or shared pedestrian/bicycle paths including ramps and stairs.
- c) Underground drainage;
- d) Street trees;
- e) Indented car parking and/or bus parking bays;
- f) Underground conduits for water, gas, electricity and telephone;
- g) Appropriate intersection and traffic measures;
- h) Appropriate street lighting and signage;

Road reserve and road widths must be in accordance with the requirements of the Infrastructure Design Manual to the satisfaction of the Responsible Authority.

13. Drainage Discharge Plan

Before the development commences, 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 (or as specified) 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) Underground pipe drains conveying stormwater to the legal point of discharge
- d) 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;
- e) Documentation demonstrating approval from the relevant authority for the legal point of discharge.
- f) 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.
- g) The details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- h) 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.

14. Access for People with Disabilities

The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access to the satisfaction of the Responsible/Authority.

15. Cultural Heritage Management Plan

All works on the land must be carried out in accordance with the requirements set out in the approved Cultural Heritage Management Plan (Number 15404) prepared by Heritage Insights dated 14 May 2018 to the satisfaction of the Responsible Authority.

16. Biodiversity Assessment Report

All works on the land must be carried out in accordance with the mitigation measures set out in the Biodiversity Assessment: Port of Echuca, Murray Esplanade, Echuca Victoria report prepared by Ecology and Heritage Partners Pty Ltd dated March 2018 unless with the written consent of the Responsible Authority.

17. Goulburn Murray Water

All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

18. North Central Catchment Management Authority

- a) Electrical fittings must be fixed at least 300 millimetres above the 1% AEP flood level, i.e. no lower than 95.9 metres AHD.
- b) Essential services to the building should be flood proofed or raised at least 300 millimetres above the 1% AEP flood level.

- c) Water resistant building materials that minimise the physical effects of flooding on the shed and its contents should be used up to at least 300 millimetres above the 1% AEP flood level.
- d) All chemicals, oil, fuel, grease, waste or other potential pollutants should be stored at least 300 millimetres above the 1% AEP flood level. Adequate storage areas and shelving should be provided for this purpose.
- e) A flood response action plan must be prepared which sets out the procedures and actions to minimise flood damage, risk to occupants, and demands on emergency services. The plans must be approved by North Central CMA prior to obtaining a certificate of occupancy.

19. 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 months afterwards.

6. MEETING CLOSE

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JASON RUSSELL

CHIEF EXECUTIVE OFFICER