



ORDINARY COUNCIL MEETING AGENDA

Wednesday, 27 January 2016

to be held at

Mortlake Council Offices

1 Jamieson Avenue, Mortlake

Commencing 4.30pm

Moyne Shire - a safe, vibrant, liveable, and prosperous community



Audio Recording of Council Meetings

Please note: All open Council meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting.

Audio recordings of meetings will be held by the Council and made available to members of the public upon written request to the Council, with recordings to be kept for a period of seven years.

By participating in open Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions. Individuals also consent to the disclosure of that information to any person(s) who applies/apply to the Council and is granted access to the audio recording of the meeting.

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TAPING OF COUNCIL MEETINGS

Please note that today's meeting is being audio recorded. This recording will be made available to any member of the public on written request to the Council.

The record will be kept and be made available for a period of seven years.

By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded, and that recording being made available to any person who applies to the Council and is granted access to the audio recording of the meeting

Prayer

Almighty God, we humbly beseech your blessing on the Council, direct and prosper its deliberations for the welfare of the people of the Moyne Shire. AMEN

Apologies

MOTION (if required)

That an apology be received from Cr

Declaration of Interest

Local Government Act 1989 Section 79 (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 paragraph (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.

Confirmation of Minutes

Ordinary Council Meeting held on Tuesday, 15 December 2015

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 15 December 2015 be confirmed.

Public Participation

Members of the public attending the monthly Council Ordinary Meeting may address the meeting in respect of either:

- a) any item listed in the business paper; or
- b) any other matter relevant to the activities and projects of the Council.

Any person wishing to address the Council must submit details in writing of the nature of the issue / question they wish to raise by 12 noon on the Monday prior to the meeting day.

The public participation segment for each meeting will be held at the beginning of the Council meeting commencing at 4.30 pm.

Any matters raised at a public participation session will be considered by the Council at the subsequent Council meeting.

The matters will be considered after the confirmation of minutes of previous meetings and be considered in the order they were raised at the public participation session.

Public participation attendees registered at time of printing:

- Ms Jennifer McCutcheon – Report # 8 – Planning Permit PL15/165

GOVERNANCE

1. Assemblies of Councillors

Presented by	David Madden
Report author	Lesley Cook
Attachment(s)	Nil

OFFICER'S RECOMMENDATION

That Council receives and notes the records of the listed assemblies of Councillors covering the period *5 December 2015 to 15 January 2016*.

8 December 2015 – Site Visit Southern Cross

Matters considered	Planning Permit PL15/064
Councillors present	Cr Doukas, Cr Keane, Cr Leutton, Cr Parker, Cr Ryan, Cr Wolfe
Staff present	Ms F Castley, Mr A Nield
Conflict of Interest	None declared.

9 December 2015 – Mortlake South Wind Farm CEC Committee Meeting

Matters considered	<ul style="list-style-type: none">• Project status report.• Proposed amendment application to the Minister for Planning regarding turbine height.• Planning process to be followed for an amendment application.• Acciona's proposed community consultation methods.• Clarification of permit expiry date – October 2020.
Councillors present	Cr Doukas, Cr Keane, Cr Parker
Staff present	Ms Grainger, Ms Askew-Thornton
Conflict of Interest	None declared.

9 December 2015 – Roads Focus Group Meeting

Matters considered	<ul style="list-style-type: none">• Business arising from previous meeting.• Correspondence• General Business• Shire Report• Industry Issues• Regional Issues• State and Federal issues
Councillors present	Cr Doukas, Cr Keane, Cr Wolfe
Staff present	Mr Greenberger
Conflict of Interest	Cr Anthony Keane is a civil contractor.

Governance

Assemblies of Councillors (cont'd)

12 January 2016 – Councillor Workshop

Matters considered	Presentation - Port Fairy Surf Life Saving Club, Paul Buchanan Presentation - Beyond the Bell, Adele Kenneally & Helen Bayne Kindergarten Services Review Business Case Template & Capital Evaluation Criteria Road Making Materials Childers Street Peterborough Access Council's Plant Depreciation Review Port Fairy Surf Lifesaving Club Extension Intention to Sell Land Owned by Council known as Nirranda Mechanics Hall Intention to Sell Land Owned by Council known as Nullawarre North Hall Intention to Sell Land Owned by Council known as Rosebrook Hall Folk Festival Camping Site – 18 Settlers Lane, Illowa Update on Rate Capping and the 2016/2017 Budget Implications Enforcement Matter 23 High Street / 3 Queen Street, Koroit Council Policy – Unused Road Licences PS-3 PRESENTATION - Revenue Strategy, Review Consultant Workshop, CT Management Group
Councillors present	Cr Jim Doukas, Cr Kelvin Goodall, Cr Anthony Keane, Cr Ralph Leutton, Cr Jill Parker, Cr Colin Ryan, Cr Mick Wolfe
Staff present	Mr D Madden, Mr O Moles, Mr T Greenberger, Mr D Robertson, Ms L Cook
Conflict of Interest	None declared.

SYNOPSIS

- This report details assemblies of Councillors that have taken place since the matter was last reported to Council in December 2015.

BACKGROUND

- In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

STRATEGIC LINK

- Moyne Shire Council Plan 2013 - 2017 Key Result Area 1 Governance: 'Improve our processes and operating systems'

DISCUSSION

- Amendments to the Local Government Act 1989 (the Act) require records of assemblies of Councillors to be reported to an Ordinary Meeting of Council and recorded in the Minutes of that meeting.
- An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:
 - a planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meeting of Councillors and Council staff that are not planned or scheduled
 - A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.
- A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure.
- In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.
- The recommendation contains details of assemblies of Councillors that have taken place since the matter was last reported to Council in December 2015.

CONSULTATION

- None required, statutory compliance

FINANCIAL IMPLICATIONS

- This is a routine reporting item

Governance

Assemblies of Councillors (cont'd)

RISK

- If not compliant will be in breach of the Local Government Act 1989 section 80A. Reporting on Assemblies of Councillors provides a level of public transparency about meetings held by the Council and ensures that the records are retained.

CONCLUSION

- It is recommended that Council receive and note the records of recent assemblies of Councillors as contained in this report.

GOVERNANCE

2. Update on Rate Capping and the 2016/2017 Budget Implications

Presented by	David Madden
Report author	David Madden
Attachment(s)	Nil

OFFICER'S RECOMMENDATION

That the 2016/2017 Budget be prepared to include the savings and extra income identified in this report.

SYNOPSIS

- This report gives Council an update on the service reviews to date and the implication to the 2016/2017 Budget.

BACKGROUND

- The State Government has introduced rate capping to commence in the 2016/17 financial year.
- The Minister has set the cap at 2.5% for the 2016/17 year.
- Our recently reviewed 10 Year Plan has assumed a 2.5% rate increase.

DISCUSSION

- Earlier this year we presented Council with a revised 10 Year Plan. This showed that we needed to cut \$600,000 from our operational expenditure and cut \$2,000,000 from capital expenditure over the ten years.
- Today you will receive the last two reports on our service reviews, being kindergartens and plant depreciation.
- The table below shows the potential changes to the 2016/17 budget that have been identified through the service review.

Governance

Update on Rate Capping and the 2016/2017 Budget Implications (cont'd)

Savings to date

1. Increasing full cost recovery charge to \$50 per hour (inc GST) for HACC services	opex + \$100,000 (income)
2. Changes to HACC travelling	opex - \$20,000
3. Split of Home Maintenance contract into mowing and home Maintenance	
4. Great Southern Bike Race	opex - \$20,000
5. Reduction in hours for MCH	opex - \$22,000
6. Kindergarten Enrolments	opex + \$70,000 (income)
7. Gravel Road re-sheeting	capex - \$80,000
8. Change to Plant Depreciation	opex - \$210,000 capex - \$140,000
9. Waste: Reduction of 4 Transfer Stations and changes to hours	opex - \$150,000
Total opex	<hr/> \$592,000
Total capex	\$220,000

- We can see that through savings and extra income that \$592,000 worth of operational expenditure has been identified and \$220,000 of capital expenditure.
- This meets the targets set by our 10 Year Plan.
- We are now in a position to prepare the 2016/17 Budget using the identified changes.
- As previously discussed, we will also have a detailed look at the fees and charges as part of our budget process.
- Rate capping has been a particular challenge but it is our intention to continue the continuous improvement program that has identified many savings and efficiency gains over the last five years.

CONSULTATION

- No consultation with the community has been carried out but all the reviews were done in open Council meetings and the press reported on some of these.
- The budget process includes consultation as part of the process.

FINANCIAL IMPLICATIONS

- Rate capping will provide a restriction to Council's income.
- Long term financial sustainability is dealt with in our 10 Year Plan.
- The long term plan also addressed the freeze on the Financial Assistance Grants and the cancelling of the Country Roads and Bridges Fund.

RISK

- Long term financial sustainability will remain a challenge with our large asset base and decentralized service delivery.
- The only serious service change is the closure of 4 out of 10 waste sites. We still provide more sites than our neighbours but it will affect some citizens.

CONCLUSION

- We are now in a position to construct the 2016/17 Budget.
- The savings identified in this report should deliver a balanced budget, maintain our assets, deliver services to citizens and allow us to match grants for special projects.

COMMUNITY AND CORPORATE SUPPORT

3. Performance Report

Presented by	Dean Robertson
Report author	Vikram Jaggi
Attachment	Monthly Performance Report – December 2015

OFFICER'S RECOMMENDATION

1. That Council receive the December 2015 Performance Report
 2. That Council approves the variations listed in Attachment 4 to this Report.
-

COMMUNITY AND CORPORATE SUPPORT

4. Councils Plant Depreciation Review

Presented by	Dean Robertson
Report author	Craig Ralston
Attachment(s)	Nil

OFFICER'S RECOMMENDATION

That Council introduce residual values for plant and equipment when calculating depreciation for the 2015/16 financial year.

SYNOPSIS

- To review the depreciation calculation for plant and equipment and subsequent impact to the plant operating costs for the current financial year.

BACKGROUND

- At present depreciation is calculated on a straight line basis for all asset classes based on a range of useful lives that are reviewed each year.
- Each asset is depreciated as a whole except for roads and playgrounds which are componentised, then individual components are depreciated.
- In past years no residual value has been allowed for any class of asset.
- The Australian Accounting Standards allow for the use of residual values for plant and equipment when calculating depreciation.

DISCUSSION

- The current budget includes \$1.64 million for depreciation of plant and equipment. This estimate has been based on not using any residual values. The Construction and Maintenance Manager has provided indicative residual values for our major plant and vehicles. By recognising these residual values in the calculation, depreciation of plant and equipment can be reduced by \$350,000.

**Community and Corporate Support
Councils Plant Depreciation Review (cont'd)**

- This means the plant operating account will also reduce by \$350,000 therefore plant hire rates will be reduced resulting in \$350,000 less plant hire being charged to operating and capital works using plant and equipment. The table below shows the plant hire charged to these jobs over the last 3 years.

	\$'000	\$'000	\$'000
	2014/15	2013/14	2012/13
Plant Hire Capital	1,492	1,590	1,886
Plant Hire Operating	2,508	2,474	2,484
	<u>4,000</u>	<u>4,064</u>	<u>4,370</u>
% Capital	37%	39%	43%
% Operating	63%	61%	57%
% Capital Average	40%		
% Operating Average	60%		
Anticipated Savings			
- Capital	140,000		
- Operating	210,000		
	<u>350,000</u>		

- With an average % split of 40% plant hire charged to capital and 60% charged to operating jobs it is anticipated that will be \$140,000 saving in the capital budget and \$210,000 saving in the operating budget for the 2015/16 financial year.
- These savings will predominately be reflected in the road related service costs by reducing the plant hire costs in these areas.

CONSULTATION

- The review included consultation with the Manager of Construction and Maintenance and Executive Management Team.

FINANCIAL IMPLICATIONS

- Depreciation saving of \$350,000 have been identified by introducing residual values for plant and equipment.

RISK

- No risks have been identified. The accounting standards allow for the use of residual values for plant and equipment.

CONCLUSION

- Introducing residual values to the plant and equipment depreciation calculation will result in savings to depreciation of \$350,000 for the 2015/16 financial year.
- The saving of \$350,000 per annum will flow through to 2016/17 financial year and subsequent years. This will assist in the operational and capital expenditure savings required to offset the rate capping loss of revenue commencing from 1 July 2016.
- These savings will be reflected primarily in the road related service areas by reducing the plant hire expense in these areas.

COMMUNITY AND CORPORATE SUPPORT

5. Festivals and Events Funding 2015/2016 (Round 3)

Presented by	Dean Robertson
Report author	Mitchell Rowe
Attachment(s)	1. Round 3 Festival and Events Funding Allocations spreadsheet 2015/2016 2. Mortlake Car Club Inc submission

OFFICER'S RECOMMENDATION

That the 2015/2016 Round 3 Festival and Events Funding be allocated pursuant to the attached Festival and Events Funding allocation spreadsheet.

SYNOPSIS

- This report lists the requests for Festival and Event Funding and the proposed allocation made against each request for Round 3 of the 2015/2016 financial year.

BACKGROUND

- This request is a special request received post the advertisements for Round 2 for Festival and Event Funding.
- One (1) request totalling \$5,000 is being submitted for Council's consideration.
- The total budget amount for festival and event funding in the 2015/2016 financial year was \$130,000.
- Council has allocated \$120,550 to Festivals and Events across the Shire so far in this current financial year.
- Total funds remaining available for allocation by Council is \$9,450.
- Total funds recommended to be allocated in Round 3 amount to \$5,000.
- If approved this would leave a contingency of \$4,450.

STRATEGIC LINK

- Key Result Area 4.
- 4.8 Support community events and festivals throughout the Shire.

DISCUSSION

- The process of applications has been opened up to the whole Shire.
- New initiatives for festivals and events across the Shire have been identified via this expanded process.
- Council has determined the criteria by which applications are to be assessed.
- A process for equitable distribution of Festival and Event funding across the Shire is in place.

CONSULTATION

- Applicants have discussed their requests with Council Officers.
- In some cases more details were requested to support the applicant's request.

FINANCIAL IMPLICATIONS

- An amount of \$130,000 for Festival and Event funding has been approved in the 2015/2016 Council budget.
- To date Council has allocated \$120,550.
- Remaining funds available for allocation to Festivals and Events in the 2015/2016 financial year is \$9,450.
- One request totalling \$5,000 has been received as Round 3.
- Total funds recommended to be allocated in Round 3 amount to \$5,000.
- This would leave a contingency of \$4,450 available for Festival and Event funding for the remainder of the 2015/2016 financial year.

RISK

- There is no identifiable risk to Council.

CONCLUSION

- This report sets out the process undertaken to equitably distribute the 2015/2016 Festival and Event funds across the Moyne Shire.
- Council is requested to approve the attached list of Festivals and Event allocations so that organisers of the festivals and events can be notified.

SUSTAINABLE DEVELOPMENT

6. Planning Permit PL14/122 – Dunnes Road, Winslow – 14 Lot subdivision in 2 stages and creation of access to a Road Zone Category 1

Presented by	Oliver Moles
Report author	Andrew Nield
Attachment(s)	Application Plans

OFFICER'S RECOMMENDATION

That Council having caused notice of Planning Application No. PL14/122 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 the Moyne Planning Scheme in respect of the land known and described as Dunnes Road, Winslow for a 14 lot subdivision in 2 stages in accordance with the endorsed plans, subject to the following conditions:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Provide stormwater easements pursuant to Engineering Design condition 4, to the satisfaction of the Responsible Authority.
2. The layout of the subdivision as shown on the endorsed plan must not be altered or modified without the prior written consent of the Responsible Authority.

Engineering Design

3. Prior to the commencement of any site works, an engineering design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The design must be drawn to scale with dimensions and three copies must be provided. The design must show:
 - a) All roads, drainage, storm water quality measures, street lighting, street trees, and other infrastructure to the satisfaction of the Responsible Authority, including the following:
 - i) Construction of Rutledge Street from Warrnambool-Caramut Road extending to the Unnamed Government Road, to provide a minimum seal width of 6.2 metres plus 1.5 metre shoulders plus table drains to each side.

- ii) **Construction of the Unnamed Government Road extending from the proposed crossover to Lot 14 through to the proposed crossover to Lot 7, to provide a seal width of 4.0 metres on a 6.2 metre wide pavement plus 1.5 shoulders and table drains each side.**
 - iii) **Upgrade Dunnes Road extending across the frontage of Lot 1 through to Lot 6 (inclusive) to meet Rural Access Requirements with a 6.2 metre seal and 1.5 metre wide unsealed shoulders and table drains each side.**
 - iv) **A sealed appropriate turn around to cater for emergency and service vehicles.**
 - v) **a sealed crossover to each lot**
 - vi) **Street lighting shall be to current Australian Standard using poles and approved standard L.E.D. luminaries. Generally, a minimum of one light per intersection and one per end of road turn around to be provided. Additional lights or less may be required as dictated by site conditions.**
 - vii) **Street and traffic signage and line marking.**
 - viii) **An onsite stormwater detention system for each lot, designed by a suitably qualified engineer, to ensure that all storm water flows across the property boundaries are maintained at predevelopment levels for minor 1 in 5 year ARI and major 1 in 100 year ARI storms.**
 - ix) **Basic water quality measures will be required in accordance with the principles of Water Sensitive Urban Design.**
 - x) **A storm water swale drain system to cater for storm water flows extending from Warrnambool Caramut Road, including Rutledge Street and the Unnamed Road Reserve, through the subdivision to discharge into the Dunnes Road table drain. Capacity to be confirmed by engineering calculation to cater for 1 in 5 year events.**
 - xi) **Street trees to Rutledge Street and the Unnamed Government Road (if unaffected by storm water drain system), including proposed species to be planted at a rate of one tree per lot frontage and one tree per lot sideage. All street trees must have an existing height of (minimum) 1.5 metres upon planting, must be planted to an approved standard incorporating two hardwood stakes, tree tie, Ag pipe, water crystals, 100mm of mulch and initial watering, to the satisfaction of the Responsible Authority**
- b) **Construction Management Plan that addresses traffic management, amenity and environmental controls during the construction of infrastructure works to the satisfaction of the Moyne Shire Council.**

Infrastructure Conditions:

- 4. Prior to Certification of Stage 1 of the Plan of Subdivision under the Subdivision Act 1988 the developer must:**
 - a) Provide new and alter existing drainage easements as required to satisfaction of Moyne Shire Council.**
 - b) Include the road name as approved by Moyne Shire Council on the Plan of Subdivision.**
- 5. Prior to the issue of a Statement of Compliance of each stage under the Subdivision Act 1988 the developer must construct, at no cost to the responsible authority, all works as approved in the engineering design for roads, drainage, storm water quality measures, street lighting, street trees, footpaths, and other infrastructure as approved.**
- 6. Street trees must be maintained for a minimum period of 18 months including watering, mulching, weeding and formative pruning, to the satisfaction of the Responsible Authority.**
- 7. Prior to the issue of Statement of Compliance for stage 2 under the Subdivision Act 1988, the developer must lodge a security deposit equal to 150% of the cost of planting street trees with the Responsible Authority. The deposit will be returned after the final inspection of street trees, 18 months after the completion of the street trees, only if Moyne Shire Council requires no further maintenance of the street trees to be undertaken.**
- 8. Prior to the issue of Statement of Compliance for each stage under the Subdivision Act 1988 the developer must pay the Responsible Authority:**
 - a) 0.75% of the total estimated cost of works for the checking of engineering plans associated with the development.**
 - b) 2.50% of the total estimated cost of the works for the supervision of the works associated with the development.**
- 9. Prior to the issue of Statement of Compliance for each stage under the Subdivision Act 1988 a security deposit for 5% of the total value of engineering works as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, 3 months after the completion of works, subject to the satisfactory completion of all maintenance and rectification works.**
- 10. Prior to the commencement of the development for each stage, notification including photographic evidence must be sent to Councils Asset Unit identifying any existing change to council assets. Any existing works affected by the development must be fully reinstated at no cost and to the satisfaction of the Responsible Authority.**

Public Open Space Contribution:

11. Prior to issuing of a Statement of Compliance for stage 1, a public open space contribution of 1% of the net developable area of land must be paid to the responsible authority in accordance with the requirements of Clause 52.01 of the Moyne Planning Scheme.

Time Condition:

12. This permit will expire if one of the following circumstances applies:
- The plan of subdivision is not certified within two years of the date of this permit.
 - The statement of compliance for Stage 1 is not issued within five years of the date of certification of the plan of subdivision.
 - The statement of compliance for Stage 2 is not issued within seven years of the date of certification of the plan of subdivision.

The responsible authority may extend the time if a request is made in writing in accordance with the Planning and Environment Act 1987.

Referral Authority Conditions:

Downer Tenix:

13. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor Australia:

14. The plan of subdivision submitted for certification must be referred to Powercor Australia in accordance with Section 8 of the Subdivision Act 1988.
15. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- b) Where buildings or other installations exist on the land to be subdivided are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia's Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- j) Provide Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

VicRoads:

- 16. Prior to the issue of Statement of Compliance for Stage 2 and /or 3 of the subdivision approved by this permit, the following roadworks must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - a) Upgrade to the Rutledge Street / Warrnambool–Caramut Road intersection.
 - b) Enter into a formal agreement with VicRoads regarding processes and fees associated with all works undertaken within the declared road reserve of the Warrnambool-Caramut Road.

CFA:

- 17. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
 - 18. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8(12%) (7.1 degree) entry and exist angle.**
 - 19. There must be no obstructions within one metre of the edge of the formed width of roads at any time, and there must be four metres height clearance above all roads to allow fire vehicle access.**
-

SYNOPSIS

- The application is for 14 lot subdivision in 2 stages and creation of access to a Road Zone Category 1.
- The site forms a substantial parcel of land in the Rural Living Zone on the eastern periphery of Winslow.
- Having regard to all relevant planning consideration, it is considered the proposed subdivision proposal provides for infill rural residential development, increased population and a subdivision pattern that is functional and is well integrated with the Winslow township.
- It is recommended for a Notice of Decision to Grant a Permit be issued.

BACKGROUND

Application Details:

Application is for:	14 Lot subdivision in 2 stages and creation of access to a Road Zone Category 1	
Applicant's Name:	Joseph Land Surveying	
Date Received:	20/06/2014	
Application Number:	PL14/122	
Planner:	Andrew Nield	
Land/Address:	Dunnes Road WINSLOW	
Zoning:	Rural Living Zone (RLZ)	
Overlays:	N/A	
Under what clause(s) is a permit required?:	Clause 35.03-3 of RLZ Clause 52.29 (Creation of access to a Road Zone Category 1)	
Current use and development:	Vacant	
Cultural Heritage Management Plan	Require: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date Received: N/A

- This application has been circulated to Councillors through the 'Call-in' process on the basis that 36 objections have been received following the initial public notification.

Proposal

- This application seeks planning permission for a 14 lot subdivision in 2 stages at Dunnes Road, Winslow (subject site). The application was amended on 21 September 2015 to respond to issues raised by objectors and alter the proposed access route to Stage 2 of the subdivision.
- The proposed lot sizes range between 1 hectare and 1.23 hectare, with the average lot size being 1 hectare. It is intended that each lot will contain a single dwelling in the future.
- The proposed subdivision shows 6 lots (lots 1-6) fronting Dunnes Road and 8 lots (lots 7-14) fronting an unmade government road, which is linked to the Warrnambool Caramut Road via Rutledge Street.
- The proposed subdivision will include the provision of services to the new lots including:
 - Construct Rutledge Street and unmade government road with a capacity of 150 vehicles per day including a 4 metre wide seal, 1.5 metre wide unmade shoulders/verge and swale drain system.
 - Construct a standard intersection treatment at the intersection of Warrnambool-Caramut Road and Rutledge Street.

- Upgrade of the section of Dunnes Road fronting lots 1-6 (inclusive) consisting of 1.6 metres of unsealed pavement and 1.2 metre earth shoulder.
- Electricity and communications conduits.
- A land capability assessment has been submitted with the application. Each lot is capable of accommodating an onsite wastewater management system for a single dwelling.

Subject Site and Locality

Subject Site

- An inspection of the subject site and the surrounding area has been undertaken. An aerial photograph of the site and surrounding area is provided at figure 1 and 2.
- The subject site is located on the west side of Dunnes Road between Duffy Street and O'Keefes Road. The site also has frontage to an unmade government road to the west, which is linked to the Warrnambool Caramut Road via Rutledge Street.
- The subject site comprises two titles described as Crown Allotments 1 and 2 Section 24 Parish of Yarpurk (Volume 1433 Folio 435) and Lot 1 on TP851583L (Volume 5651 Folio 108). The site is irregular in shape and has a total area of 14.47 hectares.
- The subject site is currently vacant and has been used for light grazing. There are no significant trees or vegetation on the site. The site consists of brown silty topsoil overlying silty buckshot gravel, with brown silty clay at depth. The site does not contain any significant vegetation. The subject site does not have a reticulated water supply available. The site is not serviced by a sewerage system and is unlikely to be serviced in the short to medium term. Electricity is available to the site.

Locality

- Winslow is a village located approximately 20 kilometres north of Warrnambool. A notable geological feature of the area is Lake Cartcarrong, on the west side of the township.
- Winslow has been developed for a mix of residential and rural living purposes. The village facilities include a hall, recreation reserve and facilities including the Western District Pony Club, Cricket Club, Tennis Courts, and Playground. The surrounding landscape is characterised by sparsely populated rural grazing land. The Winslow Recreation Reserve is located to the immediate south of the site.
- The subject site forms a substantial parcel of land within the Rural Living Zone on the eastern periphery of Winslow. The site is a transition area between the Township Zone (west of site) and Farming Zone (east of site).
- Winslow is developed with single dwellings on lots with areas between 2000 and 5000 sqm (Township Zone) and 1.0 and 1.7 hectares (Rural Living Zone).
- The landscaping within the Winslow Township includes native species. There are indigenous and native plantings within shelter belts and isolated specimens including Blackwood, Drooping She-Oak and Eucalyptus.

Permit/Site History

- There is no relevant permit/site history.



Figure 1 – aerial photograph detailing site and access locations.

*** Refer to attachments for full page photograph**



Figure 2 – aerial photograph of Winslow highlighting subject land

*** Refer to attachments for full page photograph**

Public Notification

- The initial application (20/6/2014) 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 (approximately 14 letters).
 - Placing a public notice on the site.
 - Placing public notices in the *Warrnambool Standard* and the *Moyne Gazette*
- Council received 36 objections. The key issue that were raised in the objections are:
 - The proposed access from Church Street will impact on the continued use of land by Winslow District Pony Club.
 - The proposed access from Church Street will cause storm water issues for properties on the east side of Church Street.
- Notice of the amended application (21 September 2015) was given. No objections have been withdrawn

Consultation

- Consultation was undertaken and included:
 - The permit applicant was sent a request for further information on 16 July 2014.
 - The permit applicant provided a response to further information on 20 May 2015.
 - Notice of the application was given on 4 June 2015.
 - 36 objections were received by Council following public notification.
 - The applicant was provided with a copy of the objector concerns via correspondence dated 6 July 2015.
 - The permit applicant responded to objectors concerns by amending the application via correspondence dated 21 September 2015.
 - The amended application went to public notification 23 September 2015.
 - No objections have been withdrawn.

Referrals

- External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Vic Roads - No objection, subject to conditions CFA - No objection, subject to conditions Powercor - No objection, subject to conditions Wannon Water - No objection, comments provided Tru Energy - No objection, subject to conditions
Section 52 notices	DELWP - No objections, comments provided

Internal Referrals	Advice/Response/Conditions
Assets	No objection, conditions required
Environmental Health Officer	No objection, comments provided
Strategic Planning	No objection, comments provided
Environment Officer	No objection, comments provided

PLANNING POLICY FRAMEWORK

The zoning of the land and any relevant overlay provisions

- The subject site is included in the Rural Living Zone (RLZ). A permit is required under the provisions of the RLZ to subdivide land.
- The purpose of the RLZ is as follows:
 - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To provide for residential use in a rural environment.
 - To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

Sustainable Development

Planning Permit PL14/122 – Dunnes Road, Winslow (cont'd)

- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- The RLZ Schedule specifies a minimum lot size of 1 hectare.
- Decision Guidelines require the Responsible Authority to have regard to:
 - General issues
 - Agricultural issues
 - Environmental issues
 - Design and siting issues
- There are no overlays applying to the subject site.

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of Urban Land

- This clause aims to ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- This clause aims to plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.

Clause 11.05-4 Regional Planning Strategies and Principles

- This clause aims to develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable

Clause 12.01-1 Protection of Habitat

- This clause aims to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 15.01-3 Neighbourhood and Subdivision Design

- This clause aims to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Clause 16.01-1 Integrated housing

- This clause aims to promote a housing market that meets community needs.

Clause 16.01-2 Location of Residential Development

- This clause aims to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

Clause 16.02-1 Rural Residential Development

- This clause aims to identify land suitable for rural living and rural residential development.

Clause 19.03-2 Water Supply, Sewerage and Drainage

- This clause aims to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Clause 19.03-3 Stormwater

- This clause aims to reduce the impact of stormwater on bays and catchments.

The Local Planning Policy Framework (LPPF) - Clause 21 Municipal Strategic Statement

Clause 21.05 Settlement and Housing

- This clause aims to allow the accommodation of the population of the municipality within a range of dwelling types suitable for the needs of the community and to encourage residential development within existing serviced areas and established settlements.

Clause 21.06 Environment

- This clause outlines the environmental and landscape character features of the Shire and environmental matters to be addressed.

Clause 22 Local Planning Policies

Clause 22.01-10 Small Townships and Settlements

- This clause aims to encourage growth within smaller townships and settlements within clearly established boundaries in order to protect the character of townships/settlements, protect adjoining farmland and to ensure that the environment of the area is not compromised.

Clause 52.01 Public Open Space Contribution and Subdivision

- This clause outlines requirements for contribution of public open space in the form of land or a monetary contribution for particular types of subdivision of land in accordance with Section 18 of the *Subdivision Act 1988*. Further, a public open space contribution may be made only once for any of the land to be subdivided.

Clause 65 Decision Guidelines

Clause 65.02 Approval of an application to subdivide land

- Relevant considerations include:
 - The suitability of the land for subdivision.
 - The existing use and possible future development of the land and nearby land.
 - The availability of subdivided land in the locality, and the need for the creation of further lots.
 - The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
 - The area and dimensions of each lot in the subdivision.
 - The layout of roads having regard to their function and relationship to existing roads.
 - The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
 - The provision and location of reserves for public open space and other community facilities.
 - The staging of the subdivision.
 - The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

Other Documents

Rural Housing Settlement Strategy

- The Rural Housing and Settlement Strategy (RHSS) Addendum Report August 2015 made no recommendations for zoning changes to Winslow and recommended a settlement boundary be introduced which includes the subject site.

Infrastructure Design Manual

- The Infrastructure Design Manual (IDM) is a joint initiative of Victorian rural and regional Councils working together to formulate and maintain a set of consistent requirements and standard for the design and development of infrastructure. The IDM was adopted by Council in July 2015.

Summary of Key Issues

- Key issues relevant to this application include:
 - Does the proposal adequately respond to State and Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies?
 - Does the proposal adequately respond to the purpose of the Rural Living Zone?
 - Would the proposal result in the proper and orderly planning of the area?
 - Are the objections supportable?

ASSESSMENT / DISCUSSION

State and Local Planning Policy Framework

- The relevant State and local planning policies have been considered in detail during the planning assessment of this application.
- Clause 16 (Housing) encourages, the 'consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.' This proposal is consistent with this policy objective as it will result in 14 new rural residential lots located within Winslow where infrastructure has been established.
- Clause 22.01-10 identifies Winslow as a small settlement facing a decline in population. In order to reverse this trend, residential growth is encouraged within defined settlement boundaries to protect adjoining farmland, and the surrounding environment. The subject site, being zoned Rural Living Zone, is considered to be within the established settlement boundaries of Winslow township.
- Having regard to this state and local policy context the subdivision proposal provides infill rural residential development, potential for increased population and a subdivision pattern that is functional and is well integrated with the Winslow Township.
- As there are no site constraints relating to topography, soil stability, risk of flooding, habitat value, loss of very high agricultural quality land, it is reasonable that the subject site be subdivided into 14 lots, with a minimum area of 1 hectare.

Rural Living Zone

- The Rural Living Zone seeks to provide residential use in a rural environment and encourages use and development of land based on sustainable land management practices and infrastructure provision.
- The proposed subdivision is considered to meet this purpose, as it will provide new rural residential lots of a similar density to nearby rural residential properties to cater for housing demand within Winslow.

General Issues

Any Regional Catchment Strategy and associated plan applying to the land.

There are no regional catchment strategies which are applicable to the subject site.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

As the subject site has been zoned for rural living purposes, it is appropriate for the site to be subdivided as proposed. It is envisaged that the land will be in a manner which is compatible with neighbouring land uses. A permit is not required for buildings and works associated with a dwelling within the Rural Living Zone where the lots are greater than 1.0 hectare. The average lot size is 1.0 hectare and each lot will be suitable for development.

Agricultural Issues

The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

The subject site is a substantial parcel of land within the Rural Living Zone on the eastern periphery of Winslow, providing a transition between land within the Township Zone (west of site) and Farming Zone (east of site). The proposed lots will provide adequate area to allow for landscaping and a buffer to adjacent farming activities. Dunnes Road is an additional buffer of 20m between Winslow and the adjacent farming activities.

Environmental Issues

The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.

The subject site is currently used for light grazing and there are no significant physical features that are affected as a result of the subdivision. The subdivision will not create any unreasonable noise, dust or odours.

The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The submitted Land Capability Assessment shows a 400 square metre effluent envelope of land on each lot. The proposed effluent envelopes are suitable for effluent management for a single dwelling.

Design and Siting Issues

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

The application was referred to all relevant internal and external referral authorities where no objections were raised. The site will be serviced by road and drainage as a result of the subdivision. Other services are not available in Winslow at this point in time.

Whether the use or development will require traffic management measures.

Dunnes Road (Stage 1)

Existing traffic data shows that approximately 100 vehicles per day use Dunnes Road, and 5% of those are heavy vehicles. The additional traffic will result in an increase of 62 vehicles per day using Dunnes Road.

Dunnes Road, will become as a result of the increase in traffic, a Rural Access Road (150-1000 vehicles a day) as defined by the IDM. A Rural Access Road requires a 6.2 metre seal and 1.5 metre unsealed shoulders.

Dunnes Road is currently a Rural Access Road (50-100 vehicles a day) with a 4.0m wide seal and grass verges.

It would be onerous for the applicant to upgrade the full length of Dunnes Road (1.4km). To facilitate safe traffic movement entering and existing the properties, the frontage of the property to Dunnes Road will be upgraded to meet the Rural Access Road requirements with a 6.2m seal and 1.5m wide unsealed shoulders. This will allow safe passing of vehicles and turning movements in proximity to the new crossovers.

Rutledge Street/Un-named Road (Stage 2)

Rutledge Street will direct traffic to the Warrnambool Caramut Road providing access to the eight lots fronting the un-named road. Rutledge Street currently provides access to one lot. This proposal will provide access to an additional 8 lots, and there is further subdivision potential to the north of the street which may result in additional vehicle use in the future.

Rutledge Street and the un-named government road, will become as a result of the increase in traffic, a Low Density Residential Access Road (up to 1000 vehicles per day) as defined by the IDM. A Low Density Residential Access Road requires a 6.2 metre seal and 1.5 metre shoulders.

The un-named government road will provide access to four lots to the north of Rutledge Street and four lots to the south of Rutledge Street, approximately 40 vehicles/day in each direction.

As the vehicle movements are split in two directions, although the IDM requires a 6.2m seal with 1.5m shoulders, it is considered appropriate to reduce the width of the seal to 4.0m, with an unsealed pavement on each side to create a total width of 6.2m and 1.5m shoulders.

Should future lots be created with primary access off this road, the width of the seal may be easily upgraded as necessary without requiring the removal of drainage or other infrastructure.

Summary

The construction of the intersection of Rutledge Street and the Warrnambool Caramut Road will be required to be to the satisfaction of VicRoads and Council.

The road upgrades will be constructed to Council's satisfaction and will be required to be completed prior to the issue of statement of compliance for each stage of the subdivision.

Public Open Space Contribution

- Clause 52.01 of the Moyne Planning Scheme provides that a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to clause 52.01.
- The schedule to clause 52.01 specifies the public open space contribution to be provided for all rural residential subdivisions is 1% of the net developable area of land.
- This requirement is subject to the qualification that a 'contribution may be made only once for any of the land to be subdivided'.

- There is no history of land owner making a contribution to the Council for public open space.
- Accordingly, a condition on any permit issued will require the land owner to make a contribution to Council for public open space of 1% of the net developable land area.

Response to Objections

- **The proposed access from Church Street will impact on the continued use of land by Winslow District Pony Club**

Objection not supported

Due to the objections received for the initial application which proposed access via Church Street and an un-named road used by the Western District Pony Club, the application was amended as all access to Stage 2 of the subdivision is from Rutledge Street.

This change resolves the issues raised in all submissions as the application no longer seeks access from Church Street and will not impact on the continued use of the land by the Western District Pony Club.

- **The proposed access from Church Street will cause storm water issues for properties on the east side of Church Street**

Objection not supported

As noted above, all access to Stage 2 of the subdivision is from Rutledge Street. In addition, all stormwater can be adequately discharged by way of road reserve stormwater drainage infrastructure that is required by permit condition.

CONCLUSION

- With reference to the above assessment, the proposed 14 lot subdivision in 2 stages meets the provisions and requirements of the Rural Living Zone, the State and Local Planning Policy Frameworks and all relevant planning provisions.

SUSTAINABLE DEVELOPMENT

7. Planning Permit PL15/176 – 330 Grassmere Road, Grassmere – Use and Development of Land for Racing Dog Keeping and Racing Dog Training

Presented by	Oliver Moles
Report author	Andrew Nield
Attachment(s)	Application plans

OFFICER'S RECOMMENDATION

That Council having caused notice of Planning Application No. PL15/176 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 Grant a Notice of Decision to Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as 330 Grassmere Road, Grassmere (Lot 1 PS724621E), for the Use and Development of land for racing dog keeping and training, in accordance with the endorsed plans, subject to the following conditions:

Amended Plans

1. Before the use and development commences, three copies of amended plans must be submitted to and endorsed by the Responsible Authority. Such a plan must be generally in accord with those submitted with the application but modified to show:
 - a) Annotations that the walls and ceiling of the racing and puppy kennels to be constructed of 50mm Bondor panels or materials of equivalent acoustic attenuation value to the satisfaction of the Responsible Authority.
 - b) A screen using built structure across the front of the racing kennels to reduce visual stimuli and act as a secondary noise attenuation device. This screen must be in place prior to the commencement of the use hereby permitted and must be maintained to the satisfaction of the Responsible Authority.
 - c) The location and dimensions of visual screens along the northern and western boundary of the rearing puppy yard to the satisfaction of the Responsible Authority. These screens must be in place prior to the commencement of the use hereby permitted and must be maintained to the satisfaction of the Responsible Authority or until alternative screen planting measures are demonstrably able to perform the same function.

- d) Screen planting measures to the puppy rearing yards and associated exercise area using large shrubs such as *Callistemon viminalis*, *Callistemon 'Kings Park Special'* or other similar species (planted 3m apart) to the satisfaction of the Responsible Authority.
- e) The location of screen planting to filter views of the development site from surrounding properties and the road to the satisfaction of the Responsible Authority.
- f) The method of maintenance, including irrigation and the replacement of dead screen plantings to the satisfaction of the Responsible Authority.

Once endorsed these plans will become part of this permit.

- 2. Landscaping must be maintained to the satisfaction of the Responsible Authority as long as the use of racing dog keeping and training continues.
- 3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Site Management for Racing Dog Keeping and Training

- 4. Before the racing dog keeping and training use commences a Site Management Plan (Racing Dog Keeping and Training) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit.
- 5. The Site Management Plan (Racing Dog Keeping and Training) must be in accordance with the requirements set out in this permit, the Department of Primary Industries *Code of Practice for the operation of Greyhound Establishments* (October 2006), EPA Noise Control *Guidelines for Dog Kennels* and, the Greyhound Racing Victoria *Code of Practice (A Code of Practice for Greyhound Establishments)* March 2008. The plan must include:
 - a) Feeding arrangements.
 - b) Management of any visitors including a maximum number on site at any one time.
 - c) Ongoing management of the facility.
 - d) Access to dog holding areas by the owner/manager and a nominated responsible person only.
 - e) Noise management (including maximum number of dogs using the puppy rearing yards, and maximum hours using the exercise yards per week).

- f) **Waste management including collection, storage and removal of dry dog faeces**
 - g) **Cleaning methods for the entire facility.**
 - h) **Ventilation for the facility.**
- 6. At all times during the operation of the Racing Dog Keeping and Training Facility use hereby approved, the following requirements must be met to the satisfaction of the Responsible Authority:**
- a) **The permit holder or a nominated responsible person must be resident on the subject land and be reasonably available 24 hours per day when dogs are present on the subject land.**
 - b) **The permit holder or nominated responsible person must ensure that the dogs do not leave the subject land unless on a leash and/or in a vehicle from which they are unable to escape.**
 - c) **The dogs must not be allowed outside the enclosures shown on the endorsed plans unless on a leash or otherwise under the effective control of the permit holder or a nominated responsible person.**
 - d) **If any dogs escape, the permit holder or a nominated responsible person must ensure that they are brought back to the subject land without reasonable delay once the escape is known.**
 - e) **Unless with the prior written consent of the Responsible Authority, feeding of the dogs must only occur between sunrise and sunset and exercise of dogs must only occur between the hours of 7.00am and 7.00pm, unless in the event of unforeseen circumstances whereby the dogs would otherwise go unfed or exercised, at other times to the satisfaction of the Responsible Authority. The permit holder or a nominated responsible person must document any such unforeseen circumstances in writing, recording the times, dates and reasons of such events.**
- 7. Not more than 25 greyhound dogs can be kept on the site at any one time. This number does not include the number of greyhound pups (dogs under 16 weeks of age).**
- 8. The landowner or holder of this planning permit must hold and maintain registration with Greyhound Racing Victoria and comply with the requirements of the *Code of Practice for the Greyhound Industry March 2008* (or as may be amended). In the event of difference between any permit condition and the *Code of Practice*, the requirements of this permit shall prevail.**
- 9. Areas in which greyhounds are to be kept must be fenced to the satisfaction of the Responsible Authority and maintained thereafter in good order to prevent the escape of animals.**

Permit Expiry

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

- a) The development and use 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 to the Responsible Authority in accordance with the Planning Environment Act 1987.

SYNOPSIS

- The application is for use and development of land for racing dog keeping and racing dog training in the Farming Zone.
- The applicant wishes to keep and breed a maximum of 25 dogs on site. These dogs include adult greyhounds and pups.
- The site is located within the hamlet of Grassmere which has developed over time with a number of dwellings on smaller lots.
- Having regard to all relevant planning considerations, it is considered the proposed use and development is appropriate for the Farming Zone and will operate without unreasonably affecting residential amenity and adjoining agricultural uses.
- It is recommended for a Notice of Decision to Grant a Permit be issued.

BACKGROUND

Application Details

Application is for:	Use and development of land for animal keeping and training (Racing dogs).	
Applicant's Name:	James Thomas Sheahan	
Date Received:	11/08/2015	
Application Number:	PL15/176	
Planner:	Andrew Nield	
Land/Address:	330 Grassmere Road GRASSMERE	
Zoning:	Farming Zone (FZ)	
Overlays:	N/A	
Under what clause(s) is a permit required?:	35.07-1 and 35.07-4 of the FZ	
Current use and development:	Dwelling	
Cultural Heritage Management Plan	Require: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date Received: N/A

- This application has been circulated to Councillors through the 'Call-In' process on the basis that three objections have been received following public notification.

Proposal

- This application seeks planning permission for use and development of land for racing dog keeping and training at 330 Grassmere Road, Grassmere. Following consultation with the applicant to address objector concerns, an amended application under Section 57A of the Planning and Environment Act 1987 was received by Council on 18/10/2015.
- The application seeks consent to keep and breed a maximum of 25 dogs on site. These dogs include adult greyhounds and pups. The number of dogs kept on site at any one time will vary according to the breeding cycle.

Racing Kennels

- An existing shed will house the adult racing greyhounds comprising 12 individual wire mesh enclosures. The shed is located to the rear/side of the existing dwelling. An exercise yard with a timber paling fence is to be attached to the east side of the shed.
- An "empty out yard" will be attached to the south west side of the existing shed and will be 5 metres x 3 metres. This would be used in association with toilets.
- The plans do not provide details of any acoustic attenuation measures, however the shed has been insulated and further sound proofing works will be undertaken.

Whelping Pens

- One whelping pen is proposed to be built on the subject site inside an existing shed located at the rear of the existing dwelling. The whelping pen is an open box which accommodates a mother and newborn puppies during birth and early life.

Puppy Yards

- On the south side of the site will be three puppy yards (25 metres x 25 metres). Each yard will have a kennel and will incorporate a shaded area of 4 square metres.

Rearing Puppy Yard

- A rearing puppy yard to be constructed on the north side of the subject site. This yard is 10 metres wide and 75 metres in length and will comprise a kennel area and daily exercise yards. The pups will have access to the daily exercise yard between the hours of 7am-7pm weekdays and 8am-7pm weekends and will be confined to the kennel area at all other hours.
- The kennel area is located in proximity to large trees to ensure the puppies have access to shade. The plans show a small plantation to the west of the rearing puppy yard exercise yard as an acoustic measure and to reduce visual stimulation.

Exercise Yard

- A 75 metre long exercise yard is proposed along the south side of the subject site. This yard will be utilised 2 times a week, between the hours of 7am-7pm on weekdays. Dogs will be supervised whilst in this yard and no dogs are to sleep or be kept in this yard for long periods of time.

Site/Facility Management Plan

- A site/facility management plan has been submitted with the application in support of the proposal. The plan responds to the Code of Practice for the Greyhound Industry (the Code of Practice) and provides details of measures to:
 - minimise dog barking,
 - monitor and record keep,
 - provide veterinarian care,
 - provide adequate wastewater and stormwater disposal,
 - provide details of food preparation and daily responsibilities, and
 - plan for emergency evacuation.

Subject Site and Locality

Subject Site

- An inspection of the subject site and the surrounding area has been undertaken. The location of the site is depicted in Figure 1 – location plan.
- The site is located in the Farming Zone on the east side of Grassmere Road.
- The subject site is 6,966 square metres in area and contains a dwelling, which is setback 211 metres from Grassmere Road.
- A shed is located at the rear/side of the existing dwelling. This shed is currently being used to house two racing dogs. No planning permit is required under the provisions of the Farming Zone to keep less than 5 animals.
- The subject site is accessed via an existing crossover from Grassmere Road, which is a local road under the care and management of Council. The majority of the subject site has established vegetation and landscaping, which provides screening from the road.

Sustainable Development

Planning Permit PL15/176 – 330 Grassmere Road, Grassmere (cont'd)

- There are two Section 173 legal agreements registered on title relating to:
 - Prohibiting further subdivision, unless a new lot is equal or greater to the minimum lot size specified in the Moyne Planning Scheme.
 - Prohibiting the construction and use of additional dwellings.
 - Acknowledging that the land is within a Farming Zone and that it will experience a level of amenity commensurate with in being within a working farming area.

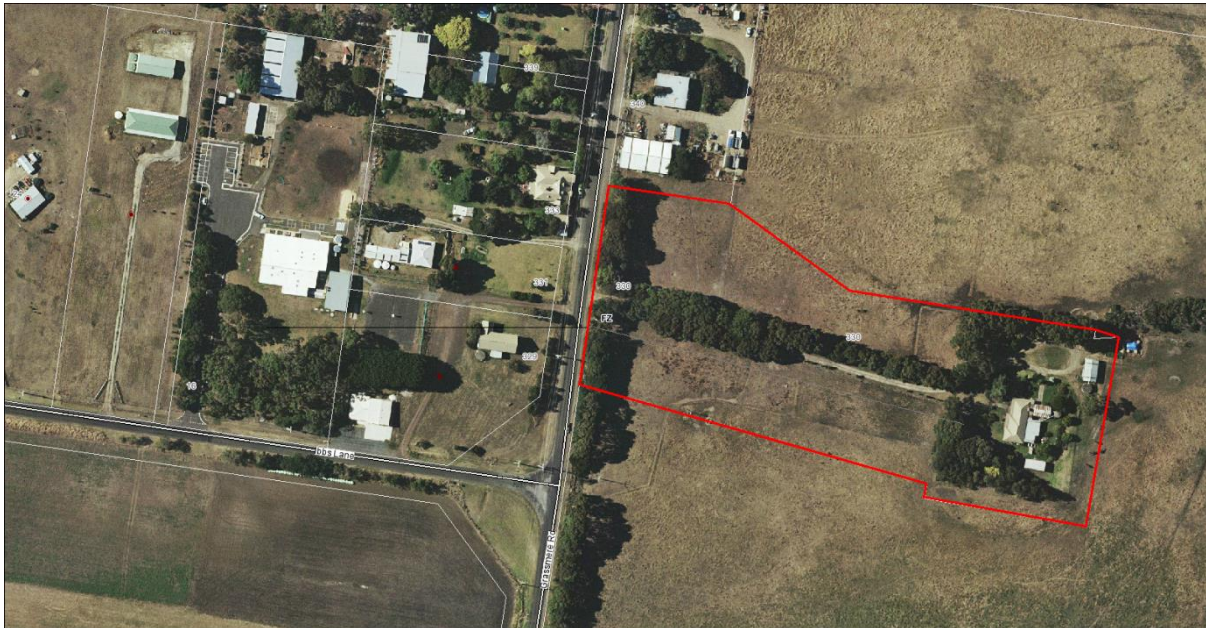


Figure 1 – Location Plan

Locality

- The subject site is bounded on three sides by a 37 hectare allotment that is currently used for agricultural production, including broad acre cattle grazing.
- Land opposite the subject site, on the west side of Grassmere Road, comprises a number of small lots between 0.3 and 1.8 hectares. These lots comprise the hamlet of Grassmere.
- The lots are generally developed with single dwellings and a mixed array of sheds, machinery and stored goods. Existing community facilities in Grassmere include a kindergarten, public hall, and CFA building.
- The nearest dwelling to the proposed Racing Kennel is 340 Grassmere Road, which is located 240 metres to the northwest of the subject site.
- A boarding kennel is located 619 metres north of the subject site at 398 Grassmere Road. This boarding kennel has a licence for 45 dogs.
- Land surrounding the Grassmere is used for productive agriculture activities, including extensive animal husbandry and crop raising.
- The characteristics of the area are depicted in Figure 2 – site context.



Figure 2 – Site context and location of boarding kennels in relation to the subject site.

Permit/Site History

- The history of the subject site includes:
 - Planning Permit PL08/320 was issued by Council on 23 January 2009. This permit allowed a boundary re-alignment between the subject site and neighbouring property to increase the size of the site from 1518 square metres to 6966 square metres.

Public Notification

- Notice of the initial and amended applications was given. Council has received three objections to date. The key issues that were raised in the objections are:
 - Noise from barking dogs.
 - Increase in the number of dog kennels in the area with wider noise implications for the Grassmere community.
 - Devaluation of property value.

Consultation

- Consultation was undertaken and included:
 - A request for further information was sent on 27/8/2015 and a response was received on 28/8/2015.
 - Notice of the application was given on 2/9/2015.
 - One objection to the application was received by Council on 20/9/2015.
 - The applicant was provided with a copy of the objection on 22/9/2015.
 - The permit applicant responded to the objector's concerns on 28/9/2015. This was sent to the objector on 30/9/2015.
 - The amended the application on 18/10/2015.
 - The amended application went to public notification.
 - The objector responded on 5/11/2015 reiterating their initial concerns.
 - Two additional objections were received on 5/11/2015 and 17/11/2015 (respectively) following notification of the amended application raising similar concerns.

Referrals

- External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A

Internal Referrals	Advice/Response/Conditions
Environmental Health Officer	No objection, comments provided
Environment Officer	No objection, comments provided
Local Laws	No objection, comments provided

PLANNING POLICY FRAMEWORK

Definitions

- Under Clause 74 the use meets the following definitions:
- Racing dog keeping is included in the definition of Animal Keeping. Animal keeping is defined as “land used to keep, breed or board racing dogs”
- Racing dog training is included in the definition of Animal Training. Animal training is defined as “Land used to train animals”.

Zoning

- The subject site is located within the Farming Zone (FZ). The purpose of the FZ is as follows:
 - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To provide for the use of land for agriculture.
 - To encourage the retention of productive agricultural land.
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
 - To encourage the retention of employment and population to support rural communities.
 - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- Animal keeping of more than five (5) animals is a section 2 use (permit required) under the FZ.
- Buildings and works associated with keeping of more than five animals requires a permit.
- The FZ at Clause 35.07-6 includes decision guidelines under the following headings:
 - General issues
 - Agricultural issues and the impacts from non-agricultural uses
 - Dwelling issues
 - Environmental issues
 - Design and siting issues

State Planning Policy Framework

- There are no State planning policies specifically directed at racing dog keeping or training. Notwithstanding this, the following summary of broad themes provides a balanced snapshot of relevant state wide policy:
 - Provide support and direction on appropriate locations for the establishment of new agricultural industries (Clause 11.09-5).
 - Facilitate changes in agricultural activities over time, encourage diversification and value adding, and provide appropriately timely infrastructure to realise these opportunities (Clause 11.09-5).

- To ensure community amenity is not reduced by noise emissions, using a range of techniques as appropriate to the land use functions and character of the area (Clause 13.04-1).
- To ensure that the State's agricultural base is protected from the unplanned loss of agricultural land (Clause 14.01-1).
- The compatibility between the proposed or likely development and the existing uses of the surrounding land (Clause 14.01-1)
- Encourage sustainable agriculture and associated rural land use (Clause 14.01-2).

Municipal Strategic Statement

- The Municipal Strategic Statement (MSS) identifies agriculture as the most significant land use within the Shire (Clause 21.02). Clauses 21.03 and 21.04 encourage sustainable agricultural uses in the Shire's rural areas. They also acknowledge the rural areas popularity for those seeking rural-residential lifestyles.

Local Planning Policies

- The local planning policy seeks to promote agricultural industries and prevent land use conflicts between agricultural and sensitive uses, in order to ensure that the use and development of land is not prejudicial to agricultural production (Clause 22.03-4).

The Decision Guidelines of Clause 65

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

Relevant Planning Scheme Amendments

- The Rural Housing and Settlement Strategy (RHSS) Addendum Report August 2015 identifies the western side of Grassmere Road (Opposite the subject site) as part of the Grassmere Hamlet.
- The Strategy recommends the western side of Grassmere Road be rezoned to the Rural Living Zone with a 2 hectare dwelling and subdivision minimum. The RHSS Addendum Report was adopted by Council in September 2015.
- The RHSS will inform a future planning scheme amendment.

Summary of Key Issues

- The key issues for consideration in the assessment of the application are:
 - Whether the proposed use and development of land for racing dog keeping and training will respond appropriately to the relevant provisions of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement.
 - Whether the proposed use and development of land for racing dog keeping and training is consistent with the purpose, and decision guidelines of the Farming Zone and the locality.
 - Whether the proposed use and development of land for racing dog keeping and training will result in the proper and orderly planning of the area.

ASSESSMENT / DISCUSSION

State and Local Planning Policy Framework

- The key policy issue in this application and the underlying theme of all the submissions opposing the application is that conflict between incompatible land uses should not be allowed.
- Policy frameworks state that incompatible land uses should be separated so that conflict and loss of amenity is minimised. For example, State planning policy at Clause 13.04-1 (noise abatement) requires that:

Development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

- In Clause 14.01 (Agriculture) factors to consider when developing agricultural land include *the compatibility between the proposed or likely development and the existing uses of the surrounding land*. While local planning policy continues this theme of minimising incompatible uses, there are no specific planning policies relating to intensive activities in rural areas such as racing dog keeping and training.
- Having regard to the above policy, the site context of this application is regarded as appropriate for the proposed use.
- The kennels are to be situated in the rear portion of a 6,966 square metre allotment, being buffered variously by a landscaped 211 metre setback from Grassmere Road and general farming land to the north, east and south.
- The nearest dwelling is 340 Grassmere Road, which is located 240 metres to the northwest of the site. In these circumstances, it is considered a well conducted animal keeping enterprise is unlikely to generate unreasonable on-site or off-site amenity impacts.
- As a professional trainer registered with Greyhound Racing Victoria, the permit applicant is obliged to operate this facility (for keeping, breeding and rearing, and training for racing) in accordance with the Code of Practice. The Code of Practice specifies minimum standards of accommodation, management and care which are appropriate to the physical and behavioural needs of greyhounds. A permit condition can require compliance with the Code of Practice.

- The Code of Practice requires the trainer to keep the greyhounds in a stress free and secure environment (noting greyhounds themselves are sensitive to noise and presence of other dogs and other stressors). The proposal contains substantive works to contain and secure dogs on site, including fencing. The applicant has provided a site/facility management plan that provides details on minimising dogs barking through the use of barking muzzles and video surveillance. It is also proposed to sound proof the kennels and undertake additional landscape planting to visually screen stimuli from the dogs. A permit condition can require compliance with this plan.
- Council's Environmental Health Officer has viewed the specifics of the application and has no objection subject to conditions including the provision of noise baffling and restrictions to feeding and exercise times: 7am to 7pm respectively. The application generally addresses these requirements and conditions can be included on any permit to achieve ongoing compliance.
- Given the high level of control that the applicant will operate under and for the reasons noted above, it is considered that this proposal will not create conflict with surrounding agricultural and rural living uses. The proposal is therefore consistent with the outcomes sought by State and Local Planning Policy Framework.

Farming Zone

- The key purposes of the Farming Zone is to provide for the use of land for agriculture, protect productive agricultural land and prevent inappropriate development which could adversely impact on agricultural activities. Having regard to the purpose and decision guidelines of the Farming Zone, the following assessment is made:

General Issues

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The subject site is capable of accommodating the proposed use, including the disposal of effluent. Council's Environmental Health Officer has confirmed that the animal waste and wash down from the kennels can be appropriately designed to accord with both Council's and the Greyhound Racing Victoria requirements.

How the use or development relates to sustainable land management.

The site/facility management plan provides a level of documentation that demonstrates sustainable land management. A permit condition can require compliance this plan.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The Farming Zone is an appropriate location for animal keeping, which is defined as an agricultural use. The proposal provides sufficient documentation to demonstrate it is unlikely to generate unreasonable on-site or off-site amenity impacts by way of noise, waste, and storm water management.

Permit conditions for this proposal are comprehensive and sufficient to ensure minimal impacts on adjoining land uses and landowners. The proposed kennels are situated at the rear portion of the site and will not be visible from public spaces due to existing landscaping. As such, there would be no visual intrusion that would be significantly out of character for the area.

Agricultural issues and impacts from non-agricultural uses

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The proposal will not compromise the operation and expansion of adjoining and nearby agricultural uses, being extensive animal husbandry (i.e., grazing activities). It must be noted that a key focus of the application is to retain dogs in a secure and low stress environment so they are prepared for racing. Given the highly regulated nature of greyhound keeping, breeding and training activities by Greyhound Racing Victoria the impact on other agricultural enterprises, including extensive animal husbandry is low.

Environmental Issues

The impact of the use or development on the flora and fauna on the site and its surrounds.

The subject site is located in an area that is known to be of koala habitat, with the land likely to be used by travelling koalas. Council's Environment Officer notes that if the intent of the proposal is to keep the dogs confined to the kennels then there should not be an issue.

If the dogs are to be exercised, it is recommended that this occur during the daytime hours as koalas are more active during the night than during the day. The proposal shows that the racing dogs will be predominately confined to the racing kennels when not exercising/training and the pups will be confined to respective enclosures at night.

Response to Grounds of Objection

- **Noise**

Objection not supported

The key underlying theme in submissions are concerns with noise from barking dogs. It is considered that the proposed use would not result in any adverse amenity impacts (i.e. increased noise) on residents of surrounding area because the dogs to be kept on site are from a breed that does not have a trait resulting in a consistent barking nuisance. The Code of Practice notes greyhounds are not known for barking.

The subject site is capable of accommodating the proposed number of dogs in accordance with the Code of Practice. As noted above, the applicant seeks to invoke a site/facility management plan and undertake substantive works to minimise noise, including sound proofing the kennels and planting trees to reduce visual stimuli. As the dogs will be confined to kennels, and enclosures when not being exercised or trained (for example at night when background noise levels are at their lowest), the nuisance caused by any barking is significantly lessened by being contained within a building. The trainer also lives on site, so will have capacity to monitor barking during these periods to ensure no nuisance is being caused.

- **Increase in the number of dog kennels in the area with wider noise implications for the Grassmere community**

Objection not supported

The proposal will not result in a cumulative increase in noise to the area

The existing dog kennel facility to the north of the subject site occasionally has noise impacts on the area. The noise from the facility is not known to be an ongoing nuisance for local residents. The locality is not an undisturbed broad scale farming area nor a dense residential environment. The amenity expectations for residents in this area should anticipate some background noise from agricultural activities or activities associated with existing uses.

Importantly, noise within rural areas is to be anticipated, whether it is generated from truck movements associated with rural enterprises, cropping machines, or wood cutting to name just a few activities that generate noise within a Farming Zone.

The applicant has provided sufficient information to demonstrate noise attenuation measures will minimise the impacts of the proposed animal keeping. It is therefore considered that the proposal will not create any significant amenity impacts than already exist in the area.

The permit conditions will ensure that there is an ability for Moyne Shire Council or Greyhound Racing Victoria (as appropriate) to investigate any ongoing concerns. The amended application and permit conditions have been designed to ensure that any amenity impacts are not unreasonable in the context of the use, the site and locality.

- **Devaluation of property value**

- ***Objection not supported***

- *Concerns about the loss of property values are not relevant to the consideration of planning merits. This is evident in VCAT decisions that have consistently stated that fears about adverse impacts on property values are not a relevant factor to be taken into account in planning applications.*

CONCLUSION

- Having regard to all relevant planning considerations, it is considered the proposed use and development is appropriate for the Farming Zone and will operate without unreasonably affecting residential amenity and adjoining agricultural uses. A Notice of Decision to Grant a Permit is recommended to be given as objections to the proposal remain.

SUSTAINABLE DEVELOPMENT

8. Planning Permit PL15/165 – 903 Koroit-Woolsthorpe Road, Woolsthorpe – Use and development of a dwelling, associated buildings and works, and creation of an access to Road Zone Category 1

Presented by	Oliver Moles
Report author	Amanda Power
Attachment(s)	Application plans

OFFICER'S RECOMMENDATION

That Council having caused notice of Planning Application No. PL15/165 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 Refuse to Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as Lot 1 PS 612736L, Koroit-Woolsthorpe Road, Woolsthorpe, for the Use and development of a dwelling, associated buildings and works, and creation of an access to Road Zone Category 1, with the application dated 27/07/2015 and as amended 05/10/2015:

For the following grounds:

1. The dwelling is not justified to support the agricultural use and productivity of the land.
2. The use and development of a dwelling will result in the loss and fragmentation of productive agricultural land.
3. The use and development of the dwelling does not satisfy the decision guidelines set out in Clause 35.07 (Farming Zone) of the Moyne Planning Scheme.
4. The use and development of the dwelling does not satisfy the policy set out in Clause 22.03-5 (Housing on lots less than the minimum area) of the Moyne Shire Planning Scheme.

SYNOPSIS

- The application is for the use and development of a dwelling, associated buildings and works, and creation of an access to Road Zone Category 1 at Lot 1 PS 612736L, Koroit-Woolsthorpe Road, Woolsthorpe.
- The land is 14.24 hectares in area, and Local Planning Policy is clear in discouraging dwellings on lots greater than 2ha and less than 40ha in areas of high quality agricultural land.
- The owner has sought to justify the dwelling based on an increased agricultural use of the land, however the existing dwelling which is occupied by the owner and located on the land must be taken into consideration.
- There does not appear to be any reason why the agricultural use of the site cannot continue over the titles boundary as currently occurs on the land.
- The application is therefore recommended for refusal.

BACKGROUND

Application Details:

Application is for:	Use and development of a dwelling, associated buildings and works, and creation of an access to Road Zone Category 1
Applicant's Name:	Anthony James McCutcheon
Date Received:	27/07/2015
Application Number:	PL15/165
Planner:	Amanda Power
Land/Address:	903 Koroit-Woolsthorpe Road WOOLSTHORPE
Zoning:	Farming Zone
Overlays:	None applicable
Under what clause(s) is a permit required?:	35.07-1, 35.07-4, 52.29
Current use and development:	Agricultural land used for grazing cattle and sheep
Cultural Heritage Management Plan	Required: No, not within area of Cultural Heritage Sensitivity

Proposal

- A planning permit has been sought for the use and development of a dwelling, associated buildings and works, and creation of an access to Road Zone Category 1 at Lot 1 PS 612736L, Koroit-Woolsthorpe Road, Woolsthorpe (subject site).
- A planning permit is required under the provisions of the Farming Zone for the use of the land as the subject site is 14.24 hectares in area, and is less than the 40 hectare minimum lot size for the zone. A permit is also required under the Farming Zone for the buildings and works. The creation of a new access to the Koroit-Woolsthorpe Road requires a permit under Clause 52.29.

Dwelling and Related Use

- The owner of the land intends to use the land for calf rearing, with a minimum of 36 calves depending on the time of the year and age of the calves. The calves are to be purchased from 1-2 weeks old and will be kept until they are approximately 7-10 months old.
- The owner also intends to increase the existing lamb production on the land, from 60 lambs per year to 70 lambs per year, and a resultant increase in sheep numbers from 35 to 45 (115 sheep in total).
- The application states that the increase in the agricultural productivity of the land will be due to the agricultural improvements proposed, including the new dwelling with the calving and hay sheds located in close proximity, new watering infrastructure including a bore, and the direct drilling of pasture seeds. The application states that the dwelling is needed to support the more intense agricultural production of the land.
- The owner intends to sell their existing land, including their existing dwelling, on the adjoining land at Lot 2 PS612736, known as 903 Koroit-Woolsthorpe Road and adjoining the subject site to the north. The application states that the sale of their existing dwelling is required to finance the new and dwelling and infrastructure on the subject site, in order to improve the agricultural productivity of the subject site.

Siting and Design of Dwelling and Associated Buildings

- The proposed dwelling is to be setback 60m from the front property boundary of the site to Koroit-Woolsthorpe Road, and approximately 175m from the nearest boundary to the east. The proposed calf shed and hay shed are both located approximately 7m from the rear of the proposed dwelling.
- The dwelling is a single storey four bedroom design, with an attached garage, although no plans have been provided of the garage. The dwelling is shown with a hipped roof clad in Colourbond and pitched at 22.5 degrees, and finished in face brickwork in an unspecified colour.
- The calf shed has dimensions 20m x 8m, while the hay shed is 15m x 8m with one open side. Both sheds have a maximum height of 4.38m. No materials or colours have been specified.

Subject Site and Locality

Site

- An inspection of the site and the surrounding area has been undertaken.
- The site has an area of 14.24 hectares, and is generally triangular in shape and reasonably flat. The site is located to the west of Koroit-Woolsthorpe Road, approximately 4km south of the Woolsthorpe Township.
- The site adjoining unformed government roads to the west and the south. There is no current access provided to the site other than through the adjoining lot to the north.
- The site has been previously cleared and currently only contains exotic grasses. The soil is noted in the application as being stony, with surface and subsurface rocks in a dark clay loam. The land is currently being used in association with the adjoining lot to the north for sheep and cattle grazing.

Sustainable Development

Planning Permit PL15/165 – 903 Koroit – Woolsthorpe Road, Woolsthorpe (cont'd)

- The subject site is held in common ownership with the adjoining land to the north (Lot 2), which contains an existing dwelling occupied by the owner on 4.6 hectares. Existing sheds are located on this site, with an access to the Koroit-Woolsthorpe Road.

Locality

- The broader locality is characterised by farming land used for grazing, predominantly for sheep and cattle. Farming properties in the area generally comprise multiple titles, and dwellings are not a dominant feature of the landscape.
- Within 500m of the subject site, there are 5 existing dwellings (not including the existing dwelling occupied by the owner). Three of these dwellings are on lots greater than 40ha and are associated with the predominant use of that land for agriculture. Two of the dwellings are located on small lots (1.6 hectares and 3.2 hectares respectively). One of these titles was create via a house lot excision from a larger property.

Zoning Map:



Aerial Photograph:



Permit/Site History

- The history of the site includes:
 - PL08/040 – Two lot subdivision (house excision)
 - The planning permit was granted 14/07/2008 under delegation, and permitted the excision of the existing dwelling at 903 Koroit-Woolsthorpe Road from the subject site. The permit application noted that the subject site was to be retained by the owner and continue to be farmed in conjunction with their continued occupation of the dwelling.
 - The permit also required that the landowner enter into a Section 173 Agreement, which prohibits further subdivision of the land. This Agreement is registered on title.

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 has received one objection to date. The key issues that were raised in the objections are:
 - Approval of the application would create a precedent to change the locality into lifestyle properties, which is not in keeping with the Farming Zone.

Consultation

- Consultation was undertaken and included:
 - Two requests for further information.
 - The applicant also provided a response to the objection. This was subsequently provided to the objector.
 - A Councillor site inspection was undertaken on 14 July 2015, where available Councillors, Council staff, the permit applicant and owner attended the site and discussed the application.

Referrals

- External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	VicRoads, no objection, subject to standard conditions.
Internal Referrals	Advice/Response/Conditions
Assets Department	No objection subject to standard conditions.
Environment	Notes that native grassland is located within the road reserve, and that exemption for construction of crossover would apply.
Environmental Health	No objection subject to installation of onsite wastewater treatment system.

PLANNING POLICY FRAMEWORK

- The land is within the Farming Zone, and is not subject to any overlays.
- The use of the land for a 'Dwelling' within the Farming Zone is a Section 2 Use (permit required) as the subject site is under the minimum lot size of 40 hectares as specified by the Schedule to the zone.
- The buildings and works associated with the development of the dwelling and associated buildings also require a permit under Clause 35.07-4 of the Farming Zone.
- The purpose of the Farming Zone is as follows:
 - To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - To provide for the use of land for agriculture.
 - To encourage the retention of productive agricultural land.
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
 - To encourage the retention of employment and population to support rural communities.
 - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

- The Farming Zone at Clause 35.07-6 includes decision guidelines under the following headings:
 - General issues
 - Agricultural issues and the impacts from non-agricultural uses
 - Dwelling issues
 - Environmental issues
 - Design and siting issues

The State Planning Policy Framework (SPPF)

- State Planning Policy Framework (SPPF) in Clause 11.05-3 for Rural Productivity seeks to manage land use change and development in rural areas to promote agriculture and rural production, by:
 - Preventing inappropriately dispersed urban activities in rural areas;
 - Limiting new housing development in rural areas, including:
 - Directing housing growth into existing settlements;
 - Discouraging development of isolated small lots in rural zones from use for single dwellings, rural living and other incompatible uses;
 - Encouraging consolidation of existing isolated small lots in rural zones;
 - Restructure of old and inappropriate subdivisions (Clause 11.05-3).
- Planning should assist in the protection and conservation of environmental values, such as biodiversity and native vegetation, and ensure that changes in land use and development do not cause any adverse impact (Clauses 12.01-2 and 12.01-3).
- The protection of landscapes and significant open spaces that contribute to the character, identity and sustainable environments should be recognised in retaining the natural landscape of an area (Clause 12.04-2).
- The protection of productive farmland is a key emphasis of SPPF in Clause 14.01 in order to maintain to State's agricultural base and limit the loss and fragmentation of land. The following factors should be considered in any development application:
 - The desirability and impacts of removing land from primary production, given its agricultural productivity.
 - The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
 - The compatibility between the proposed or likely development and the existing uses of the surrounding land.
 - Assessment of the land capability (Clause 14.01-1).
- Planning should also seek to assist the protection and restoration of catchments, waterways and water bodies from development, whilst ensuring that land use activities do not contaminate or affect surrounding water quality (Clauses 14.02-1 and 14.02-2).

- Planning also seeks to ensure that all land use and development proposals appropriately respond to the surrounding landscape, built form, cultural context and sites of significance. All new forms of development should achieve positive architectural and urban design outcomes which contribute positively to local character and minimise any detrimental impact on neighbouring properties (Clause 15.01-2).
- The objective to identify land suitable for rural living and rural residential development in the SPPF is outlined in Clause 16.02-1. Strategies include the need to manage development in rural areas to protect agriculture and avoid inappropriate rural residential development (Clause 16.02-1).
- The protection of water supply from uses that may cause possible contamination must also be considered in permit applications (Clauses 19.03-2 and 19.03-3).

The Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

- The Municipal Strategic Statement (MSS) identifies agriculture as the most significant land use within the Shire, due to the mild climate, high and well distributed rainfall, suitable soils and good access to markets. Agriculture is also the most important sector of the local and regional economy, in terms of its contribution to gross product, value-adding, employment and trade. The economic well-being of towns, as well as the Shire generally, is directly related to the incomes of primary producers.
- The MSS encourages low density rural lifestyle lots to be provided within established settlements in order to prevent unwarranted alienation and fragmentation of valuable farming land by not supporting rural living and low density residential development, except in areas zoned for those purposes. The MSS also seeks to avoid residential and rural residential development on small rural lots or re-subdivision of existing lots that may form isolated developments that are unrelated to existing townships and impact on farming activities and sensitive environments (Clause 21.05).
- The MSS seeks to reinforce the SPPF and specifically seeks to maintain the status of agriculture as a key element of the economy and encourage innovative farming practices to expand the agricultural sector's role (Clause 21.07).

Local Planning Policies

- The local planning policy seeks to promote agricultural industries and prevent land use conflicts between agricultural and sensitive uses, in order to ensure that the use and development of land is not prejudicial to agricultural production. Policy states that the non-agricultural development of high quality agricultural land should be limited (Clause 22.03-4).
- Local planning policy also identifies 'Housing on Lots Less than the Minimum Area' where non-agricultural development should be limited so as to not prejudice rural production activities. Policy states at Clause 22.03-5 that:

"The construction of houses on lots greater than 2.0 hectares and less than the minimum specified in the schedule to the zone will be discouraged".

Particular Provisions

Land Adjacent to a Road Zone Category 1 (Clause 52.29)

- The purpose of Clause 52.29 is to ensure appropriate access to identified roads is provided. A permit is required to create or alter access to a road in a Road Zone, Category 1.

The Decision Guidelines of Clause 65

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

Summary of Key Issues

- The key issues for consideration in the assessment of the application are:
 - Whether the proposed use and development of land for a dwelling and outbuilding will respond appropriately to the relevant provisions of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF).
 - Whether the proposed use and development of the land for a dwelling is consistent with the purpose, and decision guidelines of the Farming Zone.
 - Whether the proposed use and development of the land for a dwelling will result in the proper and orderly planning of the area.

DISCUSSION

State and Local Planning Policy

- The SPPF and the LPPF consider agricultural land to be a highly valuable and significant asset within Moyne Shire. Planning policy focuses on protecting and retaining productive agricultural land in non-fragmented units by preventing inappropriately dispersed urban activities, encouraging sustainable land use, and avoiding land use conflict with sensitive uses.
- Local policy at Clause 22.03-5 expressly discourages the use and development of land such as this for dwellings, as follows:
- *“The construction of houses on lots greater than 2.0 hectares and less than the minimum specified in the schedule to the zone will be discouraged”.*
- The application states that the owner intends to sell their existing dwelling at 903 Koroit - Woolsthorpe Road, in order to finance the construction of the new dwelling and the agricultural infrastructure and improvements to the subject site. The application also states that the owners of the land require better and closer facilities for the calf rearing, but do not provide any explanation as to why this cannot be managed from the existing dwelling on Lot 2.
- Furthermore, there does not appear to be any reason why the agricultural improvements, including improved watering infrastructure, construction of agricultural sheds, separating the lot into paddocks, planting shelter belts, and direct seeding cannot occur on the subject site and be managed from the existing dwelling, without the need for an additional dwelling on the land.

- Having regard to the State and Local Planning Policy, the proposal is contrary to the aims and requirements of these policies. The construction of an additional dwelling on the subject site, when there is already a dwelling occupied and associated with this land, will erode the agricultural capacity of the land in the long term. The site is not within an urban or township settlement, and the approval of a dwelling will contribute to transitioning the area toward a rural residential environment. The proposal is directly contrary to Local Policy at Clause 22.03-5, and does not provide an appropriate response to the State and Local Policies.

Farming Zone

- The key purpose of the Farming Zone is to protect productive agricultural land and prevent inappropriate development which could adversely impact on agricultural activities, including dwellings. Having regard to the purpose and decision guidelines of the Farming Zone, the following assessment is made:

General Issues

The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

The subject site is capable of accommodating the proposed dwelling and associated buildings. The area of the land is adequate to enable effluent and stormwater to be contained on-site. If a permit were to be issued, conditions to this effect and compliance with the EPA Regulations to satisfy Clause 35.07-2 of the Farming Zone would be required.

How the use or development relates to sustainable land management.

The Farm Management Plan states that land management techniques such as direct drilling of pasture and improvements to water distribution will increase the productivity of the land.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The use of the land for a dwelling would be compatible with the adjoining dwelling uses. The dwelling would be unlikely to affect the existing farms to the west due to the large setback to these farms, and the native shelter belts proposed to be planted.

How the use and development makes use of existing infrastructure and services.

The use and development does not make use of any existing infrastructure or services within the site, other than perimeter fencing.

Agricultural issues and the impacts from non-agricultural uses

Whether the use or development will support and enhance agricultural production.

The proposed dwelling will support agricultural production to some extent, however, this is argued by the applicant to be dependent on approval of the dwelling. There are opportunities for the land to continue to be used and improved for agricultural purposes, including from the existing dwelling on the adjoining lot, without the need for an additional dwelling on the land.

Whether the use or development will permanently remove land from agricultural production.

The proposed dwelling will permanently remove land from agricultural production due to the introduction of a dwelling approximately in the centre of the land. The construction of a dwelling on the land will increase the likelihood of the land being used for rural lifestyle purposes in an area not zoned for this purpose.

The Rural Housing and Settlement Strategy (RHSS) Report (March 2010) and the Addendum Report (August 2015) identifies parts of the Moyne Shire, as being suitable for re-zoning to allow land to be used for rural lifestyle purposes.

The RHSS Addendum Report was adopted by Council in September 2015. This will form a future Planning Scheme amendment.

The RHSS does not identify any land in proximity to the subject site as being recommended for re-zoning. The closest settlement is Woolsthorpe which is identified as a village and as having adequate land supply for the locality and where rural lifestyle or rural residential development is encouraged.

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

The dwelling will result in the loss of productive agricultural land as approximately 20% of the site will be lost to residential uses. Furthermore, the sale of the existing dwelling will further fragment the existing property which is currently held in one ownership.

The capacity of the site to sustain the agricultural use. The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

The subject site is located within an area that is identified as having high quality agricultural soils and is capable of accommodating the proposed agricultural use. The land should therefore be retained for agricultural purposes and the dwelling not be supported.

Dwelling issues

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The approval of the dwelling will contribute to the concentration of dwellings in the locality. The agricultural integrity of the locality has already been undermined through the construction of nearby dwellings, and the approval of this dwelling will contribute to the gradual erosion of the agricultural productivity of the area.

Environmental issues

The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to re-vegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge areas.

There is currently no native vegetation within the subject site. The applicant has proposed to plant native shelter plantings in a 5m wide strip around the northern, western and southern property boundaries, which will contribute to the locality biodiversity in a small way.

Design and siting issues

The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The proposed dwelling and associated buildings are sited in a cluster arrangement, which goes some way to minimise the area of land lost to agricultural production. However, the siting of this cluster of buildings at 60m from the road frontage and approximately in the centre of the site will limit the productivity of the rest of the land.

The design, height, bulk and materials are not likely to have an impact on the landscape character of the area.

Response to Grounds of Objection

- **Approval of the application would create a precedent to change the locality into lifestyle properties, which is not in keeping with the Farming Zone**

Objection supported in part

The application will not necessarily create a precedent, as each planning permit must be assessed on its merit. However, the approval of a dwelling on the land will contribute to the gradual erosion of the Farming Zone and result in a loss of productive agricultural land, which is inconsistent with the objectives of the Farming Zone as outlined through this report.

FINANCIAL IMPLICATIONS

- Council representation at any VCAT hearing may result in costs for Council.

RISK

- If a refusal is issued, the applicant may appeal that decision to VCAT.
- The Department of Transport, Planning and Local Infrastructure may revoke Council's power as the Responsible Authority under the Planning and Environment Act 1987 if a decision is made which is a significant departure from the Moyne Planning Scheme

CONCLUSION

- Local Planning Policy is clear in discouraging dwellings on lots greater than 2ha and less than 40ha in areas of high quality agricultural land.
- Although the owner has sought to justify the dwelling based on an increased agricultural use of the land, the existing dwelling which is occupied by the owner and located on the land must be taken into consideration.
- There does not appear to be any reason why the agricultural use of the site cannot continue over the titles boundary as currently occurs on the land.
- The application does not provide a suitable response to the provisions of the Planning Scheme and is recommended for refusal.

PHYSICAL SERVICES

9. Walkers Lane Former Quarry – Petition received requesting beautification following installation of new fence

Presented by	Trevor Greenberger
Report author	Trevor Greenberger
Attachment	Petition received 19 November 2015

OFFICER'S RECOMMENDATION

That Council receive the Petition signed by 63 citizens regarding beautification of the perimeter of the former quarry in Walkers Lane, Koroit.

SYNOPSIS

- This report relates to the petition received by Council on 19 November 2015 which is signed by 63 citizens.
- The petition requests Council to address weed issues and beautify the perimeter of the former quarry in Walkers Lane, Koroit.
- In accordance with Council's Local Law (meeting procedures) N^o 1 of 2011, the petition is to be received by Council.

BACKGROUND

- The petition indicates that the quarry was previously buffered by trees that were removed to allow for the installation of a new fence.
- High scrub and weeds have now grown creating an eyesore along a popular scenic drive area.
- The petition requests that the weeds and scrub be cleared and that native vegetation be planted around the perimeter.

STRATEGIC LINK

- The Council Plan 2009-2013 has the following strategies:
'To ensure that Council services and programs are responsive to the changing needs and expectations of the community.'
'Support the development of local area partnerships to ensure the active participation of residents in the future of their communities'.
- In particular, it also has broad links with the following strategy:
2.3 Develop and implement improvements to town entrances, recreation facilities and open space amenities.

DISCUSSION

- Council Officers have been working on this issue since the fence was installed earlier this year.
- Local residents have provided advice regarding appropriate species but have also voiced concerns regarding the use of weed killer in the area and potential health risks.
- After various correspondence it was agreed to spray the Western Boundary of the quarry and to plant native vegetation around the perimeter of the fenceline during next year's Autumn period.
- Council's Local Law (Meeting Procedures) N° 1 of 2011 does not allow a motion to be made regarding the petition until the following ordinary meeting of Council unless Council determines that it is a matter of urgent business.
- Given that action is already planned regarding this matter it is intended to write back to the organiser of this petition to provide this advice.

CONSULTATION

- Presentation of petition.

FINANCIAL IMPLICATIONS

- The planting and spraying is allowed for in Councils 2015-16 budget.

RISK

- There is no perceived risk for Council in receiving the petition.

CONCLUSION

- In accordance with Council's Local Law (meeting procedures) N° 1 of 2011 the petition is to be received by Council.
- Intended actions should address the petitioners concerns without any required decisions of Council

PHYSICAL SERVICES

10. Childers Street Peterborough Access

Presented by	Trevor Greenberger
Report author	Trevor Greenberger
Attachment	Plan of Antares Estate and Childers Street, Peterborough

OFFICER'S RECOMMENDATION

That Council:

- 1. Note the dispute relating to an access gate from 18 Sotlej Court on to Childers Street in Peterborough.**
- 2. Withdraw the crossover permit from 18 Sotlej Court on to Childers Street in Peterborough and direct officers to reaffirm that vehicle access to Childers Street, from their property is prohibited.**

SYNOPSIS

- This report seeks Council direction regarding a dispute relating to an access gate from a Sotlej Court address property on to Childers Street, Peterborough.

BACKGROUND

- The Antares Estate in Peterborough includes a street, titled Sotlej Court.
- An issue has arisen regarding an access gate from a property in Sotlej Court that adjoins Childers Street, Peterborough.
- Property owners in Childers Street have raised concerns, suggesting that the gate is illegal and that it contravenes the Antares Estate planning permit that was to prevent vehicular access from Sotlej Street through to Childers Street.
- The initial subdivision provided a physical barrier preventing vehicular access from the newer subdivision (Sotlej Court) passing through the older subdivision (Childers Street).
- Council Officers have visited the site and confirmed that a masonry wall has been constructed to prevent vehicle access between the Antares estate and Childers Street.
- The owners of Lot 18 Sotlej Court have previously been provided a crossover permit to enter their property from Childers Street. Concerns from residents regarding increased traffic in Childers Street led to them not enacting the crossover permit. They have retained the gate into their property at this location and signed a written agreement that the gate will remain padlocked at all times except for an extreme event that endangers property or life.
- Some property owners in Childers Street are not content with this arrangement and have asked that the gate be removed and replaced with a fence.

Physical Services

Childers Street Peterborough Access (cont'd)

- The owners of 18 Sulej Street have been forwarded the suggestion of replacing the gate with a fence.
- The owners have denied this request but offered to relocate the masonry wall at their cost so as the gate would then be on the Antares Estate side of the wall.
- Council officers have considered this proposal but have advised that the relocation of the wall is impractical as vehicles would no longer be able to turn around at the end of the street (including the garbage truck) without using private driveways.

STRATEGIC LINK

- This contribution aligns with Council's 2013-17 Council Strategy Plan 2.6 Support an active and healthy community that is engaged in a broad range of artistic, cultural and recreational activities.

CONSULTATION

- Various correspondence has occurred with Childers Street property owners (one in particular) and the owners of 18 Sulej Street.

DISCUSSION

- More recently, Council officers have been made aware that the padlock on the gate from Childers Street into 18 Sulej Court has been removed.
- When questioned, the owner of 18 Sulej Court, has advised that they have safety concerns with the potential of fire at the entrance of the Antares Estate and as such are no longer comfortable to have a padlock on the gate as it provides safe exit in an emergency situation.
- Council planners have advised that Council is unable to stipulate the type of fencing or gates on the property boundary as no planning overlay applies.
- The only control Council has over access to the Sulej Court property from Childers Street, is in relation to a crossover permit.
- Without a crossover permit, the owner of Sulej Court cannot legally use the access gate for vehicle access.
- It is proposed that the owner of 18 Sulej Court be informed that the current crossover permit is withdrawn and reaffirm that vehicle access to Childers Street, from their property is prohibited.

FINANCIAL IMPLICATIONS

- Nil

RISK

- None identified.

CONCLUSION

- Correspondents from Childers Street have been advised that the planning permit conditions have been met and that the gate in itself is not illegal.
- It is understood that the access point has only been used once since the building was completed approximately 3 years ago.
- A Council decision is required on this matter as it is likely that the dispute will continue until a clear direction from Council is determined.
- It appears that the most appropriate action at this stage is for Council to withdraw the current crossover permit for this location and reaffirm with the owner of 18 Sutlej Court that vehicle access to Childers Street from their property is prohibited.

PHYSICAL SERVICES

11. Council Policy – Unused Road Licences PS-3

Presented by	Trevor Greenberger
Report author	Ian Harper
Attachments	1. Draft Policy – Unused Road Licences PS-3 2. Existing Policy – Unused Road Closures PS-M-1. 3. Existing Policy – Unformed Government Roads PS-E-1

OFFICER'S RECOMMENDATION

That Council adopt the revised Policy for Unused Road Licences PS-3 which will replace Policies PS-M-1 Unused Road Closures, and PS-E-1 Unformed Government Roads.

SYNOPSIS

- This report details a review of policies Unused Road Closures PS-M-1 and Unformed Government Roads PS-E-1, and proposes a new policy Unused Road Licences PS-3 in their place. The new policy combines both existing policies.
- There are no major changes to the intent of the policy.

BACKGROUND

- The policy refers to government roads and specifically when they can be licenced for other use, or when a licence can be removed.
- Licences over unused government roads are issued under the Land Act 1958 (specifically sections 400 and 407) by the Minister for Environment, Land, Water and Planning whose agent is Department of Environment, Land, Water and Planning (DELWP).
- Council only has control of a government road when it is in public use, otherwise DELWP controls the road. A declared unused road may be licenced by DELWP.
- Council only has a statutory role in the process when a government road is declared to be unused, and when it is returned to public use.
- Council's role in declaring a road to be unused, is to ascertain through appropriate consultation that the road is not required for public traffic, and to formally advise DELWP of this declaration.
- Council's role in determining if a licenced road should be open to public use, i.e. the licence cancelled, is based on the test "desirable in the public interest" as opposed to a specific party's private interest to have a licence.
- The current policy Unformed Government Roads PS-E-1 requires that the cost of any construction works to be done on a previously unformed government road be apportioned amongst those property owners that benefit from the construction works.

STRATEGIC LINK

- Council has legislative requirements under the Local Government Act 1989 to foster community cohesion, and order and good government.
- Council has statutory obligations under the Land Act 1958

DISCUSSION

- The policy reflects Councils statutory obligations for road licences regarding the Land Act 1958 in particular sections 400 and 407.
- The level of delegation is also stipulated in accordance with Councils delegations and also the CEO's delegations, but requires the Council to make decisions on declaring a road unused, and also the desirability of a road to be open to public traffic.
- The required consultation and reporting to Council also forms an important part of the policy for licences.
- The third part of the policy matches the current policy requiring benefitting owners to pay for the cost of constructing a previously unformed government road. This continues an equitable outcome for all ratepayers considering that new subdivision and other roads are paid for by the developer, which is effectively worn by the subsequent or benefitting owner of the property. If new roads are constructed by Council (the ratepayer) then residents who have contributed to the cost of their road are effectively also paying the road for someone else.
- In constructing unformed government roads the policy also stipulates that the DPS will determine the standard of road required in accordance with the Infrastructure Design Manual recently adopted by Council.
- The policy is also consistent with current practice of Moyne and other municipalities in requiring the developer to construct an otherwise unformed/below standard road within government road reserve

CONSULTATION

- Consultation during the development of the policy has included a meeting with the Full Management Team.
- Consultation in regards the determination of licences is documented within the policy.

FINANCIAL IMPLICATIONS

- Adoption of the policy will result in no additional costs to Council, and in particular regarding the payment of costs for constructing unformed government roads.

RISK

- The use and adherence to this policy will reduce any risk to Council in not complying with legislation, i.e. not leaving itself open to challenge.

CONCLUSION

- This policy is essentially the previous policies updated with more certainty as to who makes what decisions, it is in accord with legislation, and complies with recently approved delegations of Council and the CEO.
- The policy requires Council to authorise (a) the declaration of a road as unused and (b) the desirability to open a licenced road.

COUNCILLOR ITEMS

12 (a) Mayoral Report

This report provides information to Council in regard to the Mayor's meeting schedule 5 December 2015 to 15 January 2016.

Attachments None.

2015	Location	Function
7 December	Kirkstall	Opening of Bush Outdoor Learning Area
7 December	Port Fairy	VicHealth Project – presentation to St Patricks School Winner
8 December	Southern Cross	Planning Permit PL15/064 Site Visit
10 December	Warrnambool	WRAD Annual General Meeting
11 December	Camperdown	Great South Coast Board Meeting
15 December	Nirranda	Council Meeting
18 December	Koroit	Staff Long Service Award presentations and Christmas Lunch
22 December	Peterborough	Official opening of Bay of Martyr Steps
27 December	Port Fairy	Official opening of Lions Club Art Show
2016		
1 January	Port Fairy	New Year's Day Wooden Boat Parade
12 January	Port Fairy	Councillor Workshop

Councillor Items (cont'd)

12 (b) Councillors' Report

This report provides information to Council in regard to the Councillors' meeting schedules, 5 December 2015 to 15 January 2016.

Attachments None.

2015	Location	Function
7 December	Kirkstall	Opening of Bush Outdoor Learning Area
8 December	Southern Cross	Planning Permit PL15/064 Site Visit
9 December	Mortlake	Mortlake South Wind Farm Community Engagement Committee (CEC) Meeting
9 December	Port Fairy	Roads Focus Group meeting
11 December	Warrnambool	Brauer College Middle School Final Assembly
15 December	Nirranda	Council Meeting
18 December	Koroit	Staff Long Service Award presentations and Christmas Lunch
2016		
12 January	Port Fairy	Councillor Workshop

Councillor Items (cont'd)

13. COUNCILLOR NOTICE OF MOTION – Cr Wolfe Port Fairy Camping – Bushfire Victims

That Moyne Shire Council make available at no cost, camping sites at its Port Fairy Camping Grounds, to the 121 victims who lost homes in the Christmas Day Bushfires that occurred in the Colac Otway Shire. This offer is exclusive of the Labour Day weekend in March.

Supporting Notes

- On the 25th of December 2015 a Bush fire occurred in the Wyre River area in the Colac Otway Shire.
- That during this fire 121 Homes, both residential and holiday were totally destroyed.
- That in a show of good will for fellow Victorians MSC should offer at free of charge camping sites, at its Port Fairy Caravan Parks.
- MSC Council should show full support for Colac Otway shire which is a fellow member of the Great South Coast Region.

Councillor Items (cont'd)

14. Personal Explanations

None detailed at time of printing.

Councillor Items (cont'd)

15. Urgent Business

None detailed at time of printing.

