

Minutes

Ordinary Meeting of Council

Tallangatta Council Office

Tuesday 2 April 2013

This information is available in alternative formats on request

<p style="text-align: center;">MINUTES OF THE ORDINARY MEETING OF COUNCIL BE HELD AT TOWONG SHIRE COUNCIL, TALLANGATTA OFFICE ON TUESDAY 2 APRIL 2013 COMMENCING AT 10.00 AM.</p>
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1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer presence at the meeting

Present: Cr Fraser OAM, Crs Wortmann, Joyce, Scales and Gadd

In Attendance:	Title:
J Phelps	Chief Executive Officer
D Barry	Director Community and Corporate Services
J Heritage	Director Technical Services
D Snaith	Executive Assistant

3 Apologies and granting of leave of absence

Nil.

4 Declaration of pecuniary interest and/or conflict

For the purpose of this section, Councillors must disclose the nature of the conflict of interest in accordance with s79(2) of the Local Government Act.

Nil.

5 Confirmation of minutes

5 March 2013

**CR JOYCE
CR SCALES**

**THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 5 MARCH 2013, AS
CIRCULATED, BE CONFIRMED.**

CARRIED

6 Petitions, joint letters and declarations

Nil.

7 Assembly of Councillors

A written record of the Assemblies of Councillors from 5 to 19 March 2012 is included at Appendix 1.

**CR GADD
CR JOYCE**

THAT THE INFORMATION BE NOTED.

CARRIED

8 Open Forum

NAME	TITLE
Mr Charlie Trenchard	Mr Trenchard referred to the Tallangatta Eco Education and Integrated Services Hub and raised several issues pertaining to its location in the central business district and child safety.
Ms Anita Towers	Ms Towers spoke in relation to Planning Permit Application 2012/093 and raised the following matters: <ul style="list-style-type: none">• noise during hours of operation• vehicular traffic and safety• lighting• dust• colour of silo's
Mr Jim Drew	Mr Drew spoke on behalf of the Men's Shed Bethanga. Mr Drew advised that in the absence of the liaison person he would be the new contact for the next three weeks.

9 Governance and decision making

9.1 Finance Report as at 28 February 2013 (DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

OPERATING RESULT

	Note	Feb-13 (Actual) \$'000	Feb-13 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %
Income	1	449	134	11,969	14,343	(2,374)	-17%
Expenditure	2	939	679	6,398	8,269	(1,871)	-23%
Surplus		(490)	(545)	5,571	6,074	(503)	-8%

Note 1:

The variance in budgeted income compared to actual income is due to a number of income items that have been budgeted to occur but the income has not yet been received including:

- Grant Income (per *Grant Income* below) \$2,360,000
- Community contribution to recreation projects \$135,000

Non-grant income has been received in excess of budget, including:

- Developer and private contribution to works \$40,000
- Corryong Netball Courts contribution \$35,000

Note 2:

The variance in budgeted expenditure compared to actual expenditure is due to timing differences (ie: budgeted expenditure items that have not yet occurred). Expenditure was budgeted at the earliest anticipated time that it could occur for the following:

- Stock grid surveys - \$75,000
- Walwa waste water - \$160,000
- Recreation projects - \$1,146,000

- Waste collection - \$62,000
- Waste management - \$83,000
- Planning services - \$154,000
- Other Economic Development activities - \$329,000
- Lookouts - \$184,000

Grant Income

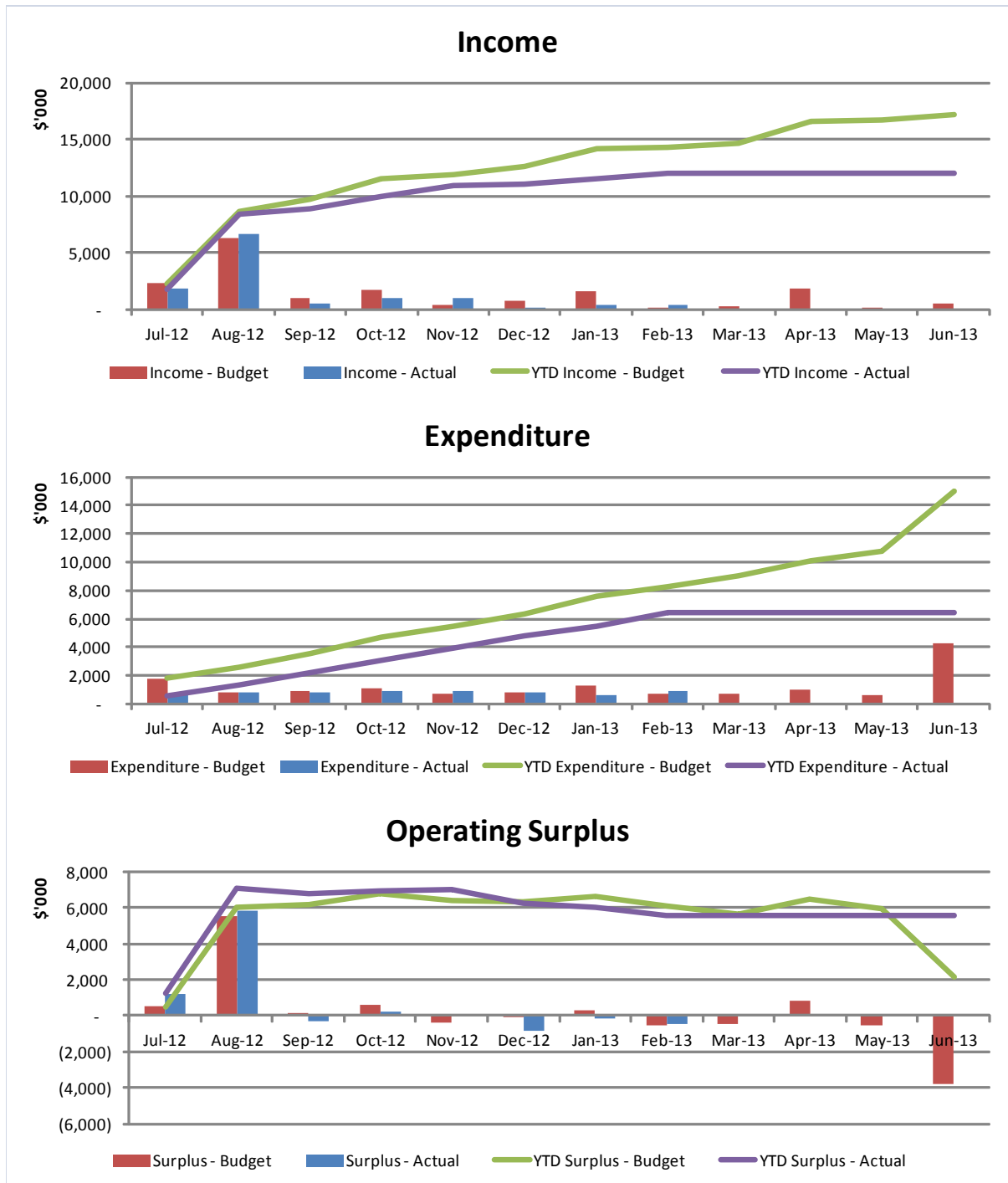
	Note	Feb-13 (Actual) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	12 Month (Budget) \$'000
Recurring	1	404	1,459	2,206	(747)	3,081
Non-Competitive	2	(39)	1,789	3,397	(1,608)	4,269
Competitive		-	1,459	1,464	(5)	1,696
Total		365	4,707	7,067	(2,360)	9,046

Note 1: VGC payments budgeted in advance of actual payment dates.

Note 2: Emergency response and Roads to Recovery (R2R) funding has not been received in line with budget timing.

Grants received Year-to-Date (YTD) of greater than \$1,000 are as follows:

	YTD (Act) \$'000
Competitive and Non-Competitive	
Country Roads and Bridges	1,000
LG Infrastructure Projects	500
Sandy Creek Bridge Grant	350
Tallangatta Multi-sport Precinct	271
Adaptation at the Source	133
Cudgewa Multi Purpose Facility	130
Walwa Community Recovery Centre	125
Flood Recovery Officer	120
NE Solar Hub	119
Cudgewa Recreation Reserve	77
R2R Supplementary	76
Corryong Netball Courts	72
Community Development Officer (Flood)	72
Municipal Emergency Response Program	60
L2P Program	47
MFSR Precinct	38
Mitta Valley Dairy Pathways	30
Weed Project	28
Freeza Funding	12
Improving Liveability of Older People	10
Sustainable Intelligence	6
Senior Week	2
Flood Recovery	(39)
Recurring	
VGC General Purpose Funds	1,211
Maternal and Child Health	70
Corryong Pre School	55
Tallangatta Pre School	36
Berringa Pre School	53
State Emergency Service Corryong	13
State Emergency Service Tallangatta	13
State Emergency Service Mitta	6
Health Administration	2
Total	4,707

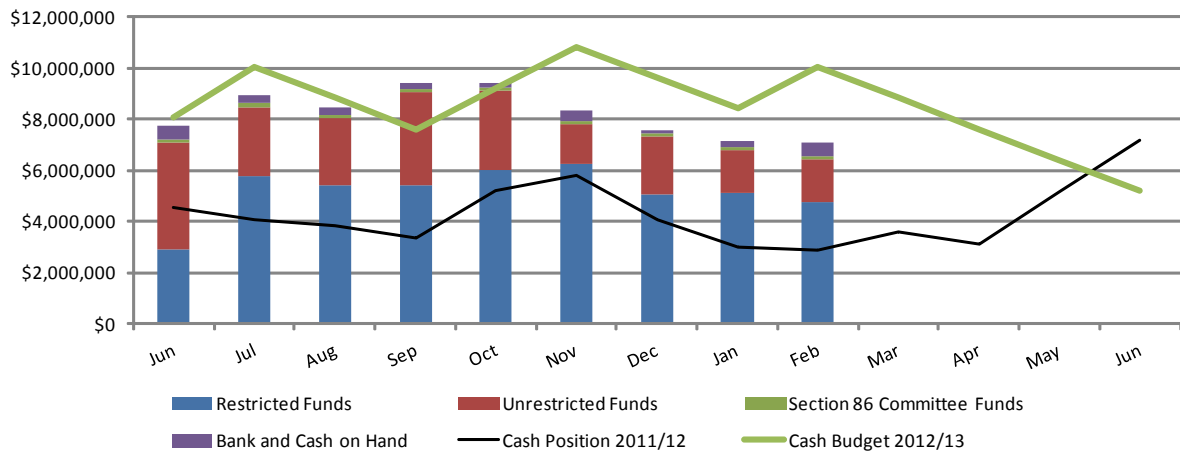


CASH POSITION

Cash on Hand

The cash position moved during the month as detailed below:

	Current Month	Prior Month	Variance	
	Feb-13	Jan-13	\$	%
	\$	\$	\$	%
Unexpended Grants	3,705,326	3,888,636	(183,310)	-4.7%
Notional Reserves	1,053,489	1,203,206	(149,717)	-12.4%
Restricted Funds	4,758,815	5,091,842	(333,027)	-6.5%
Unrestricted Funds	1,654,960	1,714,671	(59,710)	-3.5%
Section 86 Committee Funds	119,889	119,889	-	0.0%
Total Investments	6,533,664	6,926,402	(392,738)	-5.7%
Bank and Cash on Hand	531,727	201,705	330,022	163.6%
Total Cash	7,065,392	7,128,107	(62,715)	-0.9%
Average Interest Rate	4.49%	4.46%		



Investments

Investments were made up of the following at the month end:

Date	Product	Institution	Principal	Yield	Term	Maturity
11/02/2013	Term Deposit	ME Bank	523,509	4.35%	91 Days	13/05/2013
15/08/2012	Term Deposit	ING Bank	1,000,000	5.19%	210 Days	13/03/2013
8/01/2013	Term Deposit	Bank of Qld	1,028,758	4.50%	120 Days	8/05/2013
26/12/2012	Term Deposit	WAW	753,086	4.50%	180 Days	26/06/2013
22/01/2013	Term Deposit	Heritage Bank	1,011,589	4.50%	90 Days	22/04/2013
8/01/2013	Term Deposit	ME Bank	1,000,000	4.65%	90 Days	8/04/2013
N/A	Online Saver	ANZ	1,096,834	3.75%	On Call	N/A
N/A	S86 Committees	Various	119,889	4.68%	N/A	N/A
Total Investments			6,533,664			

Restricted Funds

Unexpended Grants and Notional Reserves at the end of the month:

	\$
Unexpended Grants	
Country Roads and Bridges	1,554,601
LG Infrastructure Projects	678,712
Bushfire Camera Network	308,537
Tallangatta Multi-sport Precinct	231,105
Cudgewa Multi Purpose Facility	150,492
Walwa Community Recovery Centre	122,944
Flood Recovery Officer	120,000
Improving Liveability of Older People	83,322
Mitta Valley Dairy Pathways	73,577
Cudgewa Recreation Reserve	72,745
Community Development Officer (Flood)	71,897
Corryong Netball Courts	48,774
Municipal Emergency Response Program	48,114
Flood Recovery	44,619
L2P Program	24,590
Weed Project	20,117
Tallangatta Swimming Pool Upgrade	19,425
Universal Access to Kindergarten	9,997
Freeza Funding	9,818
Towong Racecourse	6,200
Local Government Reform	3,977
Fire Access Track Maintenance	1,764
Provisions and Reserves	
Long Service Leave	1,003,206
Landfill Rehabilitation	200,000
Total	4,908,532

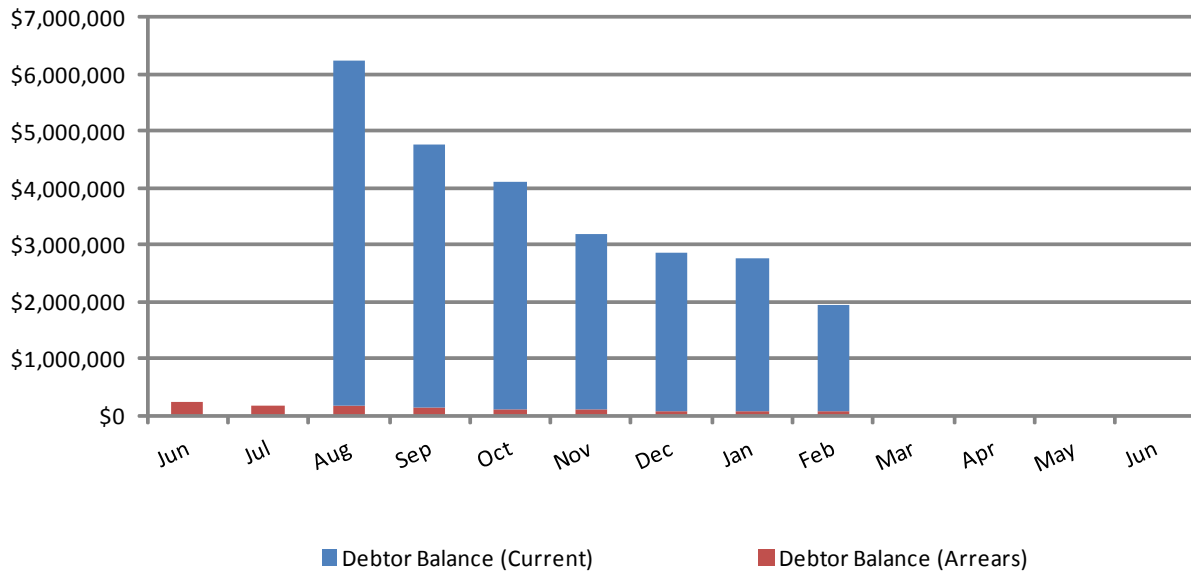
RECEIVABLES

Rates, Municipal Charge, Waste Management Charge and Waste Collection Charge

The outstanding amount of rates, municipal charge, waste management charge and waste collection charge at month end were \$1,947,881.

The breakdown of rates received for the current month and year to date is shown in the following table and graph:

Rates, Municipal Charge, Waste Collection Charge and Waste Management Charge Debtors	Amount Received \$	% Collected Feb-13	Received Feb-13 %	Collected YTD \$	Collected YTD %	Balance Outstanding \$
Levied 2012/13	6,353,282	794,083	12.5%	4,476,808	70.5%	1,876,474
Arrears prior to 2012/13	243,607	12,797	5.3%	172,201	70.7%	71,406
Total Charges		806,879		4,649,008		1,947,881

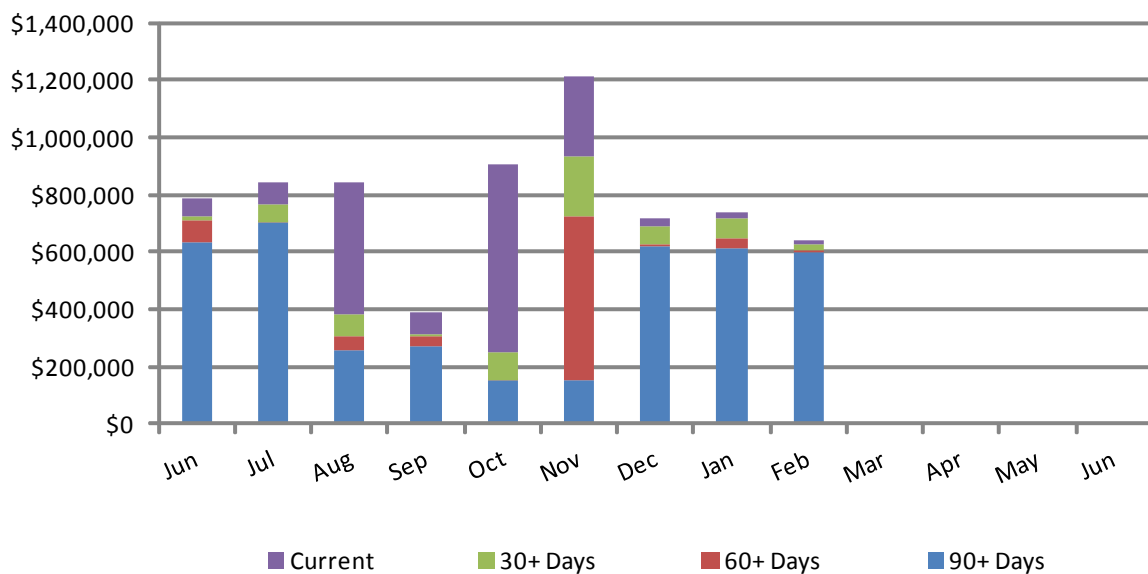


Sundry Debtors

The Sundry Debtors outstanding at month end total \$640,557.

The variance in Sundry Debtors from current month to prior months is shown below:

Sundry Debtors	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
February 2013	11,629	22,825	5,844	600,259	640,557
January 2013	15,163	71,775	33,044	615,713	735,695
Variance	(3,534)	(48,950)	(27,200)	(15,454)	(95,138)



Significant debtors (>\$1,000) with ageing of greater than 90 days are as follows:

Debtor	Amount	Description	RO	Notes
Department of Planning and Community Development (18890)	\$500,000.00	LGIP Claim #2	DB	
Debtor 16010	\$22,070.80	Lease	PB	Full year invoiced. Payments are ahead of lease terms.
Debtor 19132	\$22,000.00	Corporate contribution	DB	Payment plan of \$11,000 per month until March 2013 agreed. One month behind schedule.
Debtor 19600	\$15,436.94	Reinstatement for Walwa sewerage	JH	Contractor is to invoice Council at completion. This amount will be reduced from the invoice.
Tumbarumba Shire Council	\$5,060.30	Waste Collection	JH	
Debtor 18925	\$4,500.00	Community Group Loan	DB	Long term binding payment agreement has not yet been signed. \$100 per month terms verbally agreed. \$500 received April 2012.
Regional Development Victoria (17261)	\$4,070.00	Towong Racecourse	PS	10% balance due when acquittal report lodged. Project complete and acquittal still to be prepared.
Debtor 8411	\$2,370.75	Towong Alliance Contribution	MS	
Debtor 18871	\$2,133.34	Back Rent – Corryong Innovation Space		Monthly direct debits in place. Within payment plan terms.
Debtor 14846	\$1,970.00	Maintenance Contact - NEW	JH	November contract payment

Debtor	Amount	Description	RO	Notes
Debtor 18781	\$1,337.00	Equipment Loan		Agreed (annual) payment plan. Within payment plan terms.
Debtor 17695	Nil	Building Permits		Paid

LOCAL ROADS

Local Roads Capital Works

	Note	YTD Actual	YTD Budget	Variance	Annual Budget
		\$	\$		\$
402 Survey and Design	1	6,338	65,000	(58,662)	120,985
410 Road Construction	2	146,311	364,000	(217,689)	759,000
413 Storm Damage	3	1,247,879	2,100,000	(852,121)	3,048,951
416 Sealing	4	3,125	174,000	(170,875)	307,000
417 Resealing		716,152	750,000	(33,848)	750,000
420 Drainage Construction		8,571	10,000	(1,429)	90,000
421 Digouts	5	447,713	550,000	(102,287)	550,000
422 Resheeting	6	126,945	255,000	(128,055)	286,465
432 Footpaths	7	380	34,000	(33,620)	44,000
433 Kerb and Channel	8	15,354	60,000	(44,646)	123,000
450 Bridge Construction	9	5,448	739,872	(734,424)	1,516,315
Total		2,724,216	5,101,872	(2,377,656)	7,595,716

Note 1: Flood Damage has absorbed Survey and Design cost for several items listed for this year.

Note 2: Timing of works has not coincided with budget. Flood damage has also absorbed some cost e.g. Georges Creek Rd Culverts.

Note 3: Claimable works as a result of March 2012 event. Budget for these works was included at capital works.

Note 4: Timing of works has not coincided with budget. Works due to be completed by end of April.

Note 5: Timing of works has not coincided with budget. Majority of works now completed.

Note 6: Timing of works has not coincided with budget. Reseal portion of works completed, final portion due to be completed within April.

Note 7: Footpath construction is underway and due for completion by April, rectification portion due for completion in May.

Note 8: Rectification works due for completion in May.

Note 9: Timing of works has not coincided with Budget timing, Flood Damage has absorbed minor cost, two contracts are currently let with construction due to commence.

Local Roads Maintenance

	Note	YTD Actual \$	YTD Budget \$	Variance	Annual Budget \$
302 Survey and Design		3,588	-	3,588	-
304 Pavement Maintenance		106,196	120,581	(14,385)	180,869
306 Grading	1	280,477	299,999	(19,522)	449,999
308 Shoulder Maintenance	1	38,883	93,332	(54,449)	140,000
310 Drainage Maintenance	2	177,701	130,000	47,701	195,000
312 Call Outs		10,246	8,000	2,246	12,000
313 Storm Damage	3	190,763	-	190,763	35,000
324 General Roadside Maintenance	4	66,343	43,332	23,011	65,000
328 Tree Maintenance		47,708	63,332	(15,624)	85,000
330 F/Path Maintenance		1,869	5,332	(3,463)	8,000
331 K and C Maintenance		1,771	3,332	(1,561)	5,000
336 Signs Maintenance		17,343	8,004	9,339	12,000
338 Linemarking		11,088	6,664	4,424	10,000
340 Guideposts		2,196	6,669	(4,473)	10,001
342 Guardrail		-	3,332	(3,332)	5,000
346 Bridge Maintenance	5	12,611	34,001	(21,390)	51,005
Total		968,783	825,910	142,873	1,263,874

Note 1: Budget is evenly spread throughout the year, grader operations have been reduced due to weather

Note 2: Budget is evenly spread throughout the year, drainage work has been prioritised during the winter months

Note 3: Claimable works as a result of March 2012 event. The \$35,000 budget is allowance for one event insurance claim. Budget for these works was included at capital works.

Note 4: Budget is evenly spread throughout the year, roadside maintenance work has been prioritised during the winter and spring months.

Note 5: Budget is evenly spread throughout the year, bridge maintenance occurs as required.

**CR SCALES
CR GADD
THAT THE FINANCE REPORT BE NOTED.**

CARRIED

9.2 Road Deviation – Hardys Road (01/01/0135-DTS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Bruce Braines, Manager Assets.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Council, at its meeting of 7 July 2008, agreed to fund the realignment of Hardys Road in conjunction with the upgrade of the intersection with Murray Valley Highway which was a condition of planning approval for a twelve lot subdivision in Hardys Road, Tallangatta.

An amended planning permit, which included the road realignment, was approved by Council after notification of affected landowners.

Impact on Council Policy:

Council's consent to the deviation facilitates the development of rural living allotments close to Tallangatta township in accordance with the Local Planning Policy Framework (LPPF) section of the Towong Planning Scheme.

State Government Policy Impacts:

Nil.

Budget Impact:

The approved budget for the realignment of Hardys Road included the cost of preparation of the road deviation plan and land transfer fees.

Risk Assessment:

None undertaken.

Community Consultation/Responses:

Notification of the proposed deviation to affected landowners did not result in any submissions.

Discussion/Officers View:

The proposed deviation gives effect to the realignment of Hardys Road and upgrade of the intersection with Murray Valley Highway in accordance with the subdivision development approval.

Construction of the realigned portion of Hardys Rd has been completed and is open to traffic.

It remains for Council to formally adopt the deviation in accordance with the Local Government Act so that the required process is completed correctly and the road deviation can be finalised.

**CR JOYCE
CR WORTMANN**

THAT:

- 1. COUNCIL RESOLVE PURSUANT TO THE PROVISIONS OF SECTION 206 AND CLAUSE 2 OF SCHEDULE 10 OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) TO DEVIATE THAT SECTION OF ROAD SHOWN HATCHED ON THE ATTACHED PLAN (APPENDIX 2) ON TO THAT SECTION SHOWN CROSS HATCHED;**
- 2. COUNCIL RESOLVE PURSUANT TO THE PROVISIONS OF SECTION 207A OF THE ACT TO GIVE NOTICE IN LOCAL NEWSPAPERS OF ITS INTENTION TO DEVIATE THE ROAD AS DESCRIBED IN 1 ABOVE AND TO INVITE SUBMISSIONS IN ACCORDANCE WITH SECTION 223 OF THE ACT; AND**

3. SUBJECT TO THERE BEING NO ADVERSE SUBMISSIONS RECEIVED WITHIN THE LIMIT SPECIFIED IN THE NOTICE IN 2 ABOVE, COUNCIL RESOLVES TO PUBLISH A NOTICE DESCRIBING THE DEVIATION IN THE VICTORIAN GOVERNMENT GAZETTE.

CARRIED

9.3 Action Sheet Reports (06/05/0010-EA)

Items requiring action from the 5 March 2013 Council Meeting are attached at Appendix 3.

**CR GADD
CR SCALES**

THAT THE REPORT BE NOTED.

CARRIED

9.4 Council Plan Priorities (07/05/0022-DCCS)

The report was unavailable but would be provided at the May 2013 Council meeting.

9.5 Performance Reporting Graphs (DCCS)

The Performance Reporting Graphs are attached at Appendix 5 for information.

**CR JOYCE
CR GADD**

THAT THE REPORT BE NOTED.

CARRIED

10 Asset management

10.1 Works Schedule (DTS)

The works scheduled for the period 2 February to 15 March 2013 is attached at Appendix 6 for information.

**CR JOYCED
CR WORTMANN**

THAT THE REPORT BE NOTED.

CARRIED

11 Our environment

No reports.

12 Planning for the future

12.1 Application to Amend Planning Permit 2012/093 (320161 - MP)

Disclosure of Interests (S.80C):

This report was prepared by Mr Ron Mildren, Living Streets Design Pty Ltd.

At the time of preparation of the report Mr Mildren (Living Streets Design Pty Ltd) did not have a direct or indirect interest in any matter to which the report or advice relates.

Property/File No: 320161 (Lot 6 PS444190, Parish of Colac Colac)

Property: 12 Boundary Street, Corryong

Applicant: Brendan Baxter C/O Peter O'Dwyer EDM Group

Owner: Towong Shire Council

Zoning: Industrial 1 Zone

Overlays: Development Plan Overlay – Schedule 4

Permit Trigger:

Clause 33.01 Industrial Land. A permit is required for the development and use of the land for a Concrete Batching Plant.

Relevant Local Planning Policies:

22.09 Industrial Development

It is policy that the Municipality maintains a positive industry and investment attraction program. It is policy that new industrial development takes into consideration presentation for the overall amenity and appearance to Corryong as well as for providing attractive and efficient areas in which to locate business so as to attract further investment.

It has previously been determined through the granting of planning permit 2012/093 that the development of the land for the purposes of a Concrete Batching Plant is appropriate with the zoning of the land and the policy basis.

DESCRIPTION OF PROPOSAL

EDM Group on behalf of the applicant has requested a variance of planning permit 2012/093 conditions 9 and 10. The permit gave consent to the development and use of the land for the purposes of a Concrete Batching Plant.

Current condition 9 and 10 on planning permit 2012/093:

Condition 9 of the planning permit was to be satisfied prior to the issue of a Building Occupancy Certificate.

9. Areas set aside for the parking of vehicles together with the aisles and drives must be paved with an impervious all weather seal (eg; bitumen or concrete) according to the nature of the subgrade and vehicles which will use the areas. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

10. Except in emergency situations or with the prior written consent of the Responsible Authority, the operation of the approved use, including associated vehicle movements must not occur outside the following times:

- *Monday to Friday: 7:00am to 6:00pm*
 - *Saturday and Sunday: 9:00am to 5:00pm*
- The use must not occur on public holidays.*

The applicant wishes to amend condition 10 to vary the permitted hours of operation to:

Monday to Friday:	4.00am – 10.00pm
Saturday:	6.00am – 7.00pm
Sunday:	7.00am – 5.00pm

The applicant also wishes to amend Condition 9 to allow for a gravel surface as opposed to a bitumen or concrete surface on the subject land.

SITE DESCRIPTION

The subject land is located on Boundary Street off Sugar Loaf Road in the south – west of Corryong Township. Boundary Street is a sealed bitumen road that is flat. The subject land is currently vacant and has a dirt unsealed accessway from Boundary Street.

There is no vegetation located on the site and adjoining land is used for Industrial purposes with sites used for storage sheds, a building supplies and nursery business and a wood products business. Land located to the east and south east are zoned Rural Activity Zone and further to the west is zoned Farming Zone.

HISTORY AND COMMUNITY CONSULTATION:

The application for amendment was registered on the 15 February 2013.

Adjoining and nearby land owners were notified about the application pursuant to Section 52 of the Planning and Environment Act. Four objections were received (Appendix 7) from residents and landowners in the surrounding area.

The grounds of objection are summarised as:

- Volume of traffic causing excessive noise outside of business hours.
- Safety issues for children playing on the streets in the area.
- Devaluing of property market in the area and rental potential due to increased heavy vehicle usage in the area and excessive noise from both the heavy vehicle traffic and the plant operation.
- Noise levels associated with the plant affecting surrounding neighbours.
- Concern with dust and continual road damage, such as pot holes, as a result of usage from heavy vehicles. Some of the corners in the area are too narrow for trucks to be trying to pass around.
- Light disturbances from the night time traffic for residential areas.

REFERRALS

The application was referred to North East Water and Goulburn Murray Water pursuant to Section 55 of the Planning and Environment Act.

Both North East Water and Goulburn Murray Water responded with no objection to the proposal.

PLANNING AND ENVIRONMENT ACT 1987

Section 60.

(a) the relevant planning scheme;

This report considers the provisions of the relevant Towong Planning Scheme.

(b) the objectives of planning in Victoria;

The proposal as described in the application to amend the permit and as considered in this report is consistent with the objectives of planning in Victoria.

(c) all objections and other submissions received and which have not been withdrawn;

Four submissions in objection have been received and are addressed elsewhere in this report.

(d) any decision and comments of a referral authority which it has received;

There were no objections from referral authorities.

(e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Information was provided in respect to environment issues as part of the initial planning permit application. Generally there are no anticipated significant effects that the amendment proposal will have on the environment or that the environment may have on the proposal, subject to compliance with the relevant conditions of permit and the EPA guidelines.

TOWONG PLANNING SCHEME REQUIREMENTS

Local Planning Policy Framework (LPPF):

Local Planning Policies

Clause 22.10 Industrial Land of the Towong Planning Scheme is relevant to this application.

Zone Provisions

Industrial Zone

Clause 33.01 refers to the Industrial Zone and establishes the purpose of the zone as:

- *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 manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Clause 33.01-4 refers to buildings and works and provides that:

- *A permit is required to construct a building or construct or carry out works. This does not apply to:*
- *A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.*
- *A building or works which are used for crop raising, extensive animal husbandry or informal outdoor recreation.*
- *A rainwater tank with a capacity of more than 4500 litres if the following requirements are met:*
 - *The rainwater tank is not located within the building's setback from a street (other than a lane).*
 - *The rainwater tank is no higher than the existing building on the site.*
 - *The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.*

The proposal:

- is a section 2 use; (permit triggered for both use and development)

Clause 33.01-4 provides decision guidelines that must be considered in deciding an application (as appropriate). These decision guidelines have been addressed and considered as part of the original planning permit application. The proposed amendment to permit conditions generally satisfies the decision guidelines of the Clause.

Clause 43.04 Development Plan Overlay

The whole of the land is covered by the Development Plan Overlay Schedule 4.

The Purpose of the overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

Schedule 4 states that a development plan is required to be submitted with a planning permit application or before a planning permit is granted to subdivide land into two or more lots. As this planning permit amendment does not include subdivision no development plan is required.

Clause 65.01 – Decision Guidelines

It is noted that although a permit can be granted this 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 Clause 65.01. In making a determination on this application, Council must consider, (as appropriate):

- *The matters set out in Section 60 of the Act.*

The relevant matters set out in Section 60 of the Act have been addressed previously in this report.

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The SPPF has been considered previously in this report and the proposal is generally compliant with all provisions.

- *The purpose of the zone, overlay or other provision.*

The purpose of the zone, overlay or other provisions have been addressed previously in this report.

- *The orderly planning of the area.*

The proposal is in an industrial location and is adjacent to other industrial uses. The location and the relevant environmental considerations have been addressed, therefore the proposal is considered to be consistent with orderly and proper planning subject to compliance with the relevant conditions.

- *The effect on the amenity of the area.*

The Environmental Guidelines for the Concrete Batching Industry and the Guidelines for Noise from Industry in Regional Victoria generally provides for maintenance of amenity through hours of operation recommendation, noise and dust controls. The location and suitability of the site and the lack of dwellings in close proximity also limit the amenity affects. It is however acknowledged that noise levels may potentially be an issue for surrounding residents in the wider area subject to management of the facility and the times of operation. In essence the EPA noise guidelines set decibel limitations for all times of the day and night and provided limitations are met operations may be undertaken (subject to any other approvals). The below tables are extracts from the EPA guidelines and indicate the decibel limitations for the Concrete Batching Industry.

Table 1: Typical noise limits for various types of land uses

Land use	Noise limits dB(A)		
	M-F 7am-6pm* Sat 7am-1pm*	All nights 10pm-7am	All other times
Quiet rural areas	45	32	37
Mainly residential	50-54	39-43	44-48
Residential, commercial and industrial	54-59	39-43	48-52
Commercial and industrial	56-59	47-52	58-52
Industrial	63-68	52-56	57-61

* Excludes public holidays.

NOISE
<p>Objective</p> <p><i>To ensure no noise nuisance results from the facility.</i></p>
<p>Suggested measures</p> <ul style="list-style-type: none"> • Liaise with the local community to identify noise issues. • Select quieter equipment. • Alter or enclose equipment to reduce noise at the source. • Use sound absorbing materials to prevent the spread of noise by isolating the source. • Ensure hooters are used for emergencies only. • Avoid public address systems for paging staff.

It is understood that the categories within the table above relate to decibel readings taken at the particular location whether it be in a 'quiet rural', 'residential' or 'industrial' location irrespective of the noise source location.

- *The proximity of the land to any public land.*

The subject land does not abut public land although it is close to a Public Conservation and Recreation Reserve strip to the north east.

REPORT

The guidelines for Noise from Industry in Regional Victoria recommend maximum noise levels for different periods of the day. The applicant has not provided an overview of what noise levels may be expected from the operation of the Concrete Batching Plant.

The EPA Environment Guidelines for the Concrete Batching Industry lists a number of noise mitigation measures including the sealing of roads and plant site with concrete

or bitumen and generally limiting operation hours to between 7.00am and 6.00pm which is the original basis for conditions 9 and 10 of the planning permit.

The primary noise generator at a Concrete Batching Plant is the processes of mixing the concrete and the delivery system into the truck for transportation to the site. The preparatory activities generally undertaken prior to batching commencing are usually not significant noise generators. The significant noise is generated by stone on metal hoppers and the like as may result from deposition into the hopper or from mixing activities.

There is an issue in respect to the aesthetics and presentation of the site in considering the request to remove the seal or concrete surfacing of accessways and parking on site. In considering the effect it is considered appropriate that the frontage area carpark and accessway should be bitumen sealed or concrete to the satisfaction of the responsible authority in order to establish an appropriate aesthetic presentation. The working surfaces behind the frontage area and administration building may, subject to permanent dust suppression, be constructed and maintained with an adequate road base material surfaced with a dust suppressant.

CONCLUSION

This proposal is to amend conditions 9 and 10 of planning permit 2012/093 for a Concrete Batching Plant. Both these conditions have their origins within recommendations of the EPA Concrete Batching Industry guidelines and Noise Industry Guidelines. There has been no demonstration that noise levels will be below the recommended maximum noise levels as outlined in the Noise Industry Guidelines however equally there is no material evidence to suggest that levels will not be met or exceeded. The proponents are very aware of and generally conversant with both guideline documents as they are generally accepted and used within the industry and the proponents are well experienced in the industry.

It is considered to be reasonable to change Condition 9 to require the carpark and all associated accessways to be sealed whilst the working surfaces to the rear of the front office may be constructed with compacted road base material provided that the surface is maintained in good condition and dust suppressed at all times.

In regards to condition 10 it is reasonable to change the required timeframes for concrete batching from:

- Monday to Friday 7:00am – 6:00pm to 6:00am – 6:00pm
- Saturday 9:00 am – 5:00pm to 6:00am – 6:00pm
- Sunday No concrete batching except with prior written approval of the responsible authority in circumstances where it would be unreasonable to expect the concrete pour to be undertaken during normal hours. (For example this may cover a community or volunteer project)

Any proposed concrete batching outside of the above hours will need secondary approval from Council. Should there be any noise complaints consequent of any activities on the site outside of the concrete batching hours listed above the proponent may be required to provide a noise level/acoustics report showing that the Concrete Batching Plant is operating within the specified noise levels outlined in the Noise Industry Guidelines.

**CR WORTMANN
CR GADD**

THAT COUNCIL HAVING CAUSED NOTICE OF AMENDMENT TO PLANNING PERMIT APPLICATION NO. 2012/093 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 AMEND A PLANNING PERMIT UNDER THE RELEVANT PROVISIONS OF THE TOWONG PLANNING SCHEME IN RESPECT TO THE LAND KNOWN AND DESCRIBED AS 12 BOUNDARY STREET, CORRYONG / LOT 6 PS444190 FOR THE USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSES OF CONCRETE BATCHING PLANT (AS DEFINED UNDER THE 'ENVIRONMENT GUIDELINES FOR THE CONCRETE BATCHING INDUSTRY') IN ACCORDANCE WITH THE PREVIOUSLY ENDORSED PLANS AND SUBJECT TO THE FOLLOWING AMENDED CONDITIONS:

9. (A) AREAS SET ASIDE FOR THE PARKING OF VEHICLES AND ASSOCIATED ACCESSWAYS AT THE FRONTAGE OF THE SUBJECT LAND BETWEEN THE ROAD RESERVE AND THE SHED/AMENITIES BUILDING MUST BE PAVED WITH AN IMPERVIOUS ALL WEATHER SEAL (EG. BITUMEN OR CONCRETE) ACCORDING TO THE NATURE OF THE SUBGRADE AND VEHICLES WHICH WILL USE THE AREA.

9. (B) THE WORK AREA TO THE REAR OF THE SITE MUST BE CONSTRUCTED WITH A COMPACTED ROAD BASE MATERIAL AND THE AREA MUST BE MAINTAINED AND DUST SUPPRESSED AT ALL TIMES.

9. (C) BOTH AREAS REFERRED TO IN CONDITIONS 9(A) AND 9(B) MUST BE CONSTRUCTED, DRAINED AND MAINTAINED IN A CONTINUOUSLY USEABLE CONDITION TO THE SATISFACTION TO THE RESPONSIBLE AUTHORITY.

10.(A) EXCEPT IN EMERGENCY SITUATIONS OR WITH THE PRIOR WRITTEN APPROVAL OF THE RESPONSIBLE AUTHORITY, CONCRETE BATCHING AND THE DISPATCH FROM THE SITE OF BATCHED CONCRETE TRANSPORT VEHICLES MUST NOT OCCUR OUTSIDE THE FOLLOWING TIMES:

- **MONDAY TO SATURDAY: 6:00AM – 6:00PM**
- **SUNDAYS AND PUBLIC HOLIDAYS: NO CONCRETE BATCHING EXCEPT WITH PRIOR WRITTEN APPROVAL OF THE RESPONSIBLE AUTHORITY IN CIRCUMSTANCES WHERE IT WOULD BE UNREASONABLE TO EXPECT THE CONCRETE POUR BEING SUPPLIED TO BE UNDERTAKEN DURING NORMAL HOURS.**

10.(B) ALL ACTIVITIES UNDERTAKEN ON THE SUBJECT LAND MUST BE IN ACCORDANCE WITH THE PROVISIONS OF THE EPA PUBLICATIONS 628 (*ENVIRONMENTAL GUIDELINES FOR CONCRETE BATCHING INDUSTRY*) AND 1411 (*NOISE FROM INDUSTRY IN REGIONAL VICTORIA*).

10.(C) IN THE EVENT OF ANY NOISE COMPLAINT AND SUBJECT TO THE DISCRETION OF THE RESPONSIBLE AUTHORITY AN ACOUSTICS REPORT ADDRESSING THE NOISE LEVELS ESTABLISHED UNDER EPA PUBLICATIONS 628 AND 1411 MAY BE REQUIRED TO BE PROVIDED AT NO COST TO COUNCIL BY THE CONCRETE BATCHING PLANT OPERATOR TO ASCERTAIN NOISE LEVEL COMPLIANCE.

CARRIED

12.2 Proposal: Development associated with a Place of Assembly (Men's Shed) 203650, 2012/089-MP)

Disclosure of Interests (S.80C):

This report was prepared by Mr Simon Hollis, Manager Planning.

At the time of preparation of the report the officer preparing the report did not have a direct or indirect interest in any matter to which the report or advice relates.

Proposal: Development associated with a Place of Assembly (Men's Shed)

Property: Lot 2 LP63042 (6 Sirl St, Corner Lobban St, Bethanga)

Applicant: Bruce Deas (Peninsula Men's Shed Bethanga)

Owner: Towong Shire

Zoning: Public Use Zone – 6 (Local Government) (PUZ6)

Overlays: Environmental Audit Overlay

Permit Trigger:

In the Public Use Zone of the Towong Planning Scheme Clause 36.01-1 indicates that a permit is required for any land use not carried out by or on behalf of the public land manager. Clause 36.01-2 further specifies that a permit is required to construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. A planning permit is therefore required.

DESCRIPTION OF PROPOSAL

The applicant seeks approval to further develop the former Council Depot at Bethanga for the purposes of a 'Men's Shed'. The additional development proposed is three sheds, each 3 metres by 3 metres, and a skillion awning, being 7 metres by 4 metres and located on the southern side of the existing shed.

Approval has also been sought for a native screening hedge, a 3000 litre water tank, two garden beds, a flagpole, and plastering the interior of the shed. A planning permit is not required for any of these items however, and these are best dealt with via the Memorandum of Understanding that exists between the Peninsula Men's Shed group and Council.

SITE DESCRIPTION

The site is located at the corner of Sirl and Lobban Streets, Bethanga and is the former Council Depot. The site slopes generally to Sirl Street and contains a shed.

The site is fenced by approximately 1.8m chain wire fence and has an access point constructed from Sirl Street.

A soil test done in 1988 revealed contaminants at levels greater than EPA guidelines. The contaminants are petroleum hydrocarbons in soil adjacent to the old fuel bowser, an area within close proximity to the south western side of the main shed.

Land around the site is generally used for residential purposes and is within the Township Zone.

HISTORY AND COMMUNITY CONSULTATION:

Planning Permit 2012/015 was issued on 6 June 2012 and provided consent to use the subject land for the purpose of a Place of Assembly, following the resolution from the 7 May 2012 Council meeting.

Council was informed on 24 September 2012 that a building had been erected on the site without prior Council approval and of other possible breaches of the conditions of Planning Permit 2012/015. In a subsequent site meeting with the representatives of the Men's Shed, advice was given that a planning permit should have been applied for before any further development of the site not approved by Planning Permit 2012/015.

The current application before Council was lodged on 23 November 2012 and in part seeks retrospective approval for the building erected without prior council approval.

Upon receipt of the application, adjoining and nearby land owners were notified about the application pursuant to Section 52 of the Planning and Environment Act. Notice of the application was also given to the EPA because of the Environmental Audit Overlay that applies to the site.

One objection to the application was received by Council (Appendix 8) from the owner of abutting land in Lobban Street. This objection is from the same land owner who objected to Planning Permit 2012/015 and some of the matters raised relate to issues with the use approved by that permit rather than the current application for further development at the site.

Below is a summary of the main points of the objection:

- Conditions of Planning Permit 2012/015 are not being complied with.
- The further development of the site will impact the amenity of the area through:
 - Noise emissions
 - Visual impact
 - Potential health hazard for nearby residents.

- The proposed location of the car park relating to Planning Permit 2012/015 is too close to the objector's property boundary and too far from the Sirl Street entrance.
- The proposed location of a community garden is sited downhill from an area of potentially contaminated soil.
- Drainage problems.

Only the points of objection relating to the new development can be considered as valid points of objection for this application.

A meeting was held with the objector on 13 March 2013. The meeting raised issues about the compliance with the previously issued Planning Permit 2012/015 and the current application. Despite the meeting being constructive it was not ultimately able to find consensus on potential conditions for the permit and the objection has not been withdrawn.

REFERRALS

The application was referred to Goulburn Murray Water (GMW) pursuant to Section 55 of the Planning and Environment Act. GMW has no objection to the proposal.

Internal referral was also made to Council's Technical Services Department.

TOWONG PLANNING SCHEME REQUIREMENTS

State and Local Planning Policy Framework:

There are no SPPF or LPPF policies of specific reference or relevance to the proposal.

Clause 36.01 – Public Use Zone – 6 –Local Government (PUZ 6)

The purpose of the Public Use Zone is:

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

Clause 36.01-4 Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

There are no SPPF, LPPF or MSS policies of specific reference or relevance to the proposal.

- *The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.*

A Memorandum of Understanding has been entered into between the proponents and Council in relation to the use of the site.

- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

There is no specific use, design or siting guidelines relevant to the proposal or subject land.

Clause 36.01-3 Application Requirements

Clause 36.01-3 Application requirements states that *"An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager"*

In this case the public land manager is Council. Council has consented to the lodgement of the application.

As Council is the Land Owner, Section 96 of the Planning and Environment Act 1987 also applies.

Clause 67.01 Exemptions from Section 96(1) and 96(2) of the Act

In accordance with Section 6(2) of the Act, the following classes of use and development are exempted from Section 96(1) and 96(2) of the Act:

CLASS 1

Use of land for -

Car park, camping and caravan park, **community facility** (including child care centre, maternal and infant welfare centre, neighbourhood house, place of

assembly and toilet block), dwelling, extractive industry, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

CLASS 2

Development of land for -

A Class 1 use, demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision.

The proposal is for development in relation to a community facility, a use which is a Class 1 nominated exemption subject to the public notice requirement under Clause 67.02. Public notice was given in accordance with Clause 67.02.

Clause 45.03 Environmental Audit Overlay (EAO)

The purpose of the EAO is stated as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

There are no SPPF, LPPF or MSS policies of specific reference or relevance to the proposal. The proposed development is not associated with a 'sensitive use' for the purposes of consideration of use of contaminated land. According to Council records, it is only the area in close proximity to the south western side of the shed, near the old fuel bowser, that is contaminated by petroleum hydrocarbon within the soil, at levels above the EPA guidelines. Apart from this area, the soil tests undertaken in 1988 indicate that the sample results meet all relevant Health and EPA Guidelines.

Clause 45.03-1 Requirement

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

The Men's Shed is not considered a 'sensitive use' for the purposes of consideration of use of contaminated land therefore a certificate of environmental audit or environmental auditor statement is not required.

Clause 65.01 – Decision Guidelines

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.

Any listed matters previously dealt with in this report are not repeated in detail and should be taken as read. Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

The matters set out in Section 60 of the Act:

(a) The Towong Planning Scheme

This report addresses the relevant requirements under the Towong Planning Scheme.

(b) The objectives of planning in Victoria

This proposal is in accordance with the planning scheme provisions and Planning Law is considered consistent with the objective of provision of fair orderly, economic and sustainable use of land and other relevant objectives as set out in S4 of the Planning and Environment Act 1987.

(c) All objections and other submissions which have been received and which have not been withdrawn

The application has received one objection which is considered in this report.

(d) Any decision and comments of a referral authority which it has received

Section 55 referral - Goulburn Murray Water has no objection to the proposal
Section 52 notification – Environmental Protection Authority provided comment recommending that Council should assure itself that the land is suitable for the approved use based on an assessment of the soil contamination.

(e) The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies:

There are no SPPF or LPPF policies of specific reference or relevance to the proposal.

The purpose of and any matter required to be considered by the zone, overlay or other provision:

- Public Use Zone (6) – A primary purpose of the Public Use Zone is to recognise public land use for public utility and community services and facilities and the

proposal is for buildings and works associated with what is intended to be a community facility.

- Environmental Audit Overlay – Sensitive uses are considered to be residential use, child care centre, pre-school centre or primary school. A place of assembly is not considered a sensitive use. According to Council records, it is the area in close proximity to the south western side of the shed, near the old fuel bowser, that contains soils contaminated by petroleum hydrocarbon, at levels above the EPA guidelines. Apart from this area, the soil tests undertaken in 1988 indicate that the sample results met all relevant Health and EPA Guidelines.

- *The orderly planning of the area:*
The subject land is surrounded by an area of Township Zone that has largely been developed for low density residential and rural living lots. Approval to use the land of the disused Council depot for the purpose of a place of assembly (Men's Shed) was given on the 6 June 2012. The further development proposed on the site is three small sheds and an open sided 'lean to' next to the existing shed. Considering the relatively large lot size and the location of the proposed buildings with generous boundary setbacks, this is not considered overdevelopment of the site and is in accordance with the orderly planning of the area. Despite this, given the presence of the underground distillate tank near the south-western corner of the existing building it would not be appropriate to erect an awning over this tank. Accordingly, approval of planning application 2012/089 should not include approval to build this structure.

- *The effect on the amenity of the area:*
The effect on the amenity of the area is primarily related to the already approved use.

- *The proximity of the land to any public land:*
The subject land is owned by Council and is therefore public land.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality:*
The development is unlikely to degrade the land, contribute to salinity or reduce water quality, except perhaps during the construction phase. Care must be taken so that the contaminated soil is not disturbed, and it is reiterated that given the presence of the underground distillate tank near the south-western corner of the existing building it would not be appropriate to erect a structure over this tank.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site:*

Stormwater discharged from the development can be managed to the satisfaction of Council's Technical Services Department.

- *The extent and character of native vegetation and the likelihood of its destruction:*

The land has previously been cleared and developed. No native vegetation is proposed to be removed or destroyed.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate:*

No native vegetation is to be removed. A vegetation landscape screen immediately behind the sheds can be planted to limit the visual impact from the neighbouring dwelling.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

There are no overlays over the land indicating a fire or flood hazard, erosion control measures can be implemented during the construction phase.

CONSIDERATION OF OBJECTION

One written objection has been received and is attached as Appendix 8.

The following officer comments are provided in response to the main themes outlined in the objection.

Conditions of Planning Permit 2012/015 are not being complied with.

The points raised in relation to potential breaches of the conditions relating to Planning Permit 2012/015 are being dealt with separately and cannot be considered in relation to the current permit application.

The further development of the site will impact the amenity of the area through:

- *Noise emissions*
Noise emissions primarily relate to the use of the land, not the development (apart from the construction phase). The use of the land has already been approved by Planning Permit 2012/015 which sets conditions in relation to the hours of use and noise emissions.
- *Visual impact*
The materials and colours used can be conditioned to limit the visual impact. Visual amenity impacts could be ameliorated by landscape screening.
- *Potential health hazard for nearby residents.*
The proposed development of the land for three small sheds is unlikely to create a health hazard for nearby residents. However, conditions can be imposed in relation to dust and sediment control during the construction phase.

The proposed location of the car park relating to Planning Permit 2012/015 is too close to the objector's property boundary and too far from the Sirl Street entrance.

- Issues relating to the carpark will need to be dealt with under the secondary consent mechanism within Planning Permit 2012/015 and are not a consideration for this application.

The proposed location of a community garden is sited downhill from an area of potentially contaminated soil.

- Although planning permission is not required for gardening, Council as the public land manager will seek to ensure that there is no health risk to participants stemming from the contaminated soil on the site. As the community garden does not require planning approval, it is best dealt with via the Memorandum of Understanding.

Drainage problems.

- Council's Technical Services Department is satisfied with the proposed location of site drainage and requires a planning permit condition ensuring storm water is discharged to a legal point of discharge to the satisfaction of the Responsible Authority.

CONCLUSION:

The application for development of the former Council Depot site and shed has been assessed and recommendations in this report have been based on:

- Appropriate Planning Law;
- Provisions of the Towong Planning Scheme;
- The submissions made by the applicant in support of the proposal;
- The submission made in objection to the proposal; and
- A site inspection.

Council's Manager Planning is satisfied that the substantive requirements of the SPPF and LPPF, MSS, the requirements of the Public Use Zone 6 – Local Government, Particular and General Provisions and the Decision Guidelines of Clause 65 of the Towong Planning Scheme are met and the report presents a considered review of the relevant issues and recommendations. Given the presence of the underground distillate tank near the south-western corner of the existing building it would not be appropriate to erect an awning over this tank. Approval of planning application 2012/089 should not include approval to build this structure.

**CR WORTMANN
CR JOYCE**

THAT COUNCIL HAVING CAUSED NOTICE OF PLANNING APPLICATION NO. 2012/089 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 RELEVANT PROVISIONS OF THE TOWONG PLANNING SCHEME IN RESPECT TO THE LAND KNOWN AND DESCRIBED AS LOT 2 LP63042 (BEING 6 SURL STREET, BETHANGA), FOR BUILDINGS AND WORKS (THREE SHEDS) ASSOCIATED WITH A PLACE OF ASSEMBLY (MEN'S SHED), SUBJECT TO THE FOLLOWING CONDITIONS:

ENDORSED PLANS

- 1. THE PROPOSAL IS TO BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED PLANS AND INFORMATION ACCOMPANYING THE APPLICATION. CHANGES TO THESE PLANS ARE MARKED IN RED AND EXCLUDE THE AWNING ON THE SOUTHERN SIDE OF THE EXISTING**

BUILDING. THESE PLANS AND DETAILS ARE NOT TO BE ALTERED EXCEPT WITH THE PRIOR WRITTEN CONSENT OF COUNCIL.

PLANS TO BE PROVIDED

- 2. BUILDING ELEVATION PLANS AND CLADDING MATERIAL DETAILS ARE TO BE PROVIDED AND APPROVED BY THE RESPONSIBLE AUTHORITY PRIOR TO DEVELOPMENT COMMENCING.**

ROOFING AND CLADDING

- 3. THE ROOF AND CLADDING COLOUR OR COLOURS OF THE EXTENSION MUST BE NON-REFLECTIVE IE NOT A "ZINCALUME" TYPE MATERIAL. NEUTRAL "EARTH" COLOURS ARE TO BE USED IE "GREENS", "REDS", "GREYS" OR "BROWNS".**

SEDIMENT CONTROL

- 4. CONSTRUCTION WORKS MUST FOLLOW SEDIMENT CONTROL PRINCIPLES OUTLINED IN THE DOCUMENT *CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL* (EPA 1991).**

STORMWATER

- 5. STORMWATER FROM THE APPROVED DEVELOPMENT MUST BE HARVESTED OR DIVERTED TO A LEGAL POINT OF DISCHARGE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

SITE MANAGEMENT

- 6. THE SITE MUST BE MANAGED DURING THE CONSTRUCTION PERIOD TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY IN RELATION TO:**
 - EROSION AND SEDIMENT.**
 - DUST.**
 - RUN-OFF.**
 - LITTER, CONCRETE AND OTHER CONSTRUCTION WASTES.**
 - CHEMICAL CONTAMINATION.**
 - VEGETATION AND NATURAL FEATURES PLANNED FOR RETENTION.**

CONTAMINATED SOIL

- 7. NO BUILDING SHALL BE ERECTED OR WORKS UNDERTAKEN ON THE AREA OF CONTAMINATED SOIL LOCATED WITHIN CLOSE PROXIMITY TO THE SOUTH WESTERN SIDE OF THE EXISTING SHED NEAR THE PREVIOUS FUEL BOWSER AND DISTILLATE TANK.**

VEGETATION SCREEN

- 8. A VEGETATION LANDSCAPING SCREEN MUST BE PLANTED IN THE AREA IMMEDIATELY BEHIND THE PROPOSED SHEDS. THE LANDSCAPING MUST BE LOCATED AND MAINTAINED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. MAINTENANCE IS TO INCLUDE REPLACING ANY DEAD PLANTS, FOR THE LIFE OF THE APPROVED USE. THE SELECTED SPECIES MUST INCLUDE ADVANCED TREES AND REACH A MATURE HEIGHT WHICH EFFECTIVELY SCREENS THE DEVELOPMENT FROM AND LIMITS THE VISUAL IMPACT TO THE NEIGHBORING DWELLING TO THE WEST OF THE SUBJECT LAND.**

REMOVAL OF SHEDS AT CESSATION OF USE

- 9. THE SHEDS ARE TO BE REMOVED AND THE SITE LEFT IN A NEAT AND TIDY CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY IF THE USE APPROVED BY PLANNING PERMIT 2012/015 CEASES.**

PERMIT EXPIRY

- 10. THIS PERMIT WILL EXPIRE IF THE DEVELOPMENT IS NOT COMPLETED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.**

COUNCIL MAY EXTEND THE PERIOD REFERRED TO IF A REQUEST IS MADE IN WRITING BEFORE THE PERIOD EXPIRES OR WITHIN THREE MONTHS OF THE DATE OF EXPIRATION.

CARRIED

**CR WORTMANN
CR JOYCE**

THAT COUNCIL WRITE A LETTER TO THE OBJECTOR.

CARRIED

13 Our community's wellbeing

No reports.

14 Economic and tourism development

No reports.

15 Councillor reports

15.1 Municipal Association of Victoria (MAV) Rural Land Use Planning Forum (Cr Fraser)

Date	15 March 2013
Details About the Activity	<p>I attended this meeting at the Windsor Hotel, about 70 Councillors and Planners were present. There were several speakers the two most interesting subjects being Regional Growth Plans and Bushfire Prone Mapping.</p> <p>The former did nothing to increase my confidence in the need for another level of control although the data collected is useful. I spoke about my reservations about adopting the Regional Growth Plan at the Hume Group at Wangaratta the previous week and I know there are a number of Councillors who share my concerns. The plan has not been adequately explained to Councillors and we are expected to adopt it.</p> <p>In relation to the Bushfire overlay I spoke about our entire Shire being under the overlay although many valleys had not been burnt since white settlement. It was reassuring to hear from the speaker that we could negotiate on some areas.</p> <p>I still don't know how much value there is in these forums. They are information only and not decision making forums.</p>

15.2 Hume Region Local Government Network (HRLGN) (Cr Fraser)

Date	7 March 2013
Details About the Activity	<p>The HRLGN was held in Wangaratta and was attended by Mayors and CEO's. The CEO of the MAV, Rob Spence, was present. We discussed the MAV future strategy. Speakers from DCPD were also present.</p> <p>Part of the discussion with the MAV related to constitutional recognition, it seems a lost cause but may go ahead if the Federal Govt decides to proceed. The issue of the regional growth plan was also discussed with no great joy.</p>

15.3 Citizenship Ceremony, Tallangatta (Cr Fraser)

Date	8 March 2013
Details About the Activity	I took part in a citizenship ceremony with the help of Council staff. It was very quiet as the participants were anxious to become Australians with as little fuss as possible.

15.4 Mighty Mitta Muster (Cr Fraser)

Date	10 March 2013
Details About the Activity	I attended the Mitta Muster with Crs Wortmann and Scales, a very successful, profitable and enjoyable day. The community was delighted with Council's contribution and the State Govt \$500,000 to achieve \$1,000,000 with the local contribution. Dr Scott Giltrap publicly thanked Penny and Dave and privately commented on their ability to solve problems rather than put them in the too hard basket. I am grateful to Penny for her support on the day and to all the staff for the work they put in.

15.5 Water Treatment Plant Corryong (Cr Fraser)

Verbal report

Mr D Barry left the Council Chamber at 10.47 am
Mr D Barry returned at 10.50 am

15.6 Murray Darling Association - Tumbarumba (Cr Wortmann)

Date	15 March 2013																																																		
Details About the Activity	<p>1. ATTENDANCE</p> <p>1.1 Present</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Mr Daryl Jacob OAM</td> <td style="width: 50%;">Chair, Region 1</td> </tr> <tr> <td>Cr Stuart Herriot</td> <td>Greater Hume Shire Council</td> </tr> <tr> <td>Cr Tony Quinn</td> <td>Greater Hume Shire Council</td> </tr> <tr> <td>Cr Fiona Schirmer</td> <td>Corowa Shire Council</td> </tr> <tr> <td>Mr Bill McDonald OAM</td> <td>Mullengandra, NSW</td> </tr> <tr> <td>Cr David Wortmann</td> <td>Towong Shire Council</td> </tr> <tr> <td>Mr Geoff Lucas</td> <td>Member Wooragee</td> </tr> <tr> <td>Cr Don Chambers</td> <td>Indigo Shire Council</td> </tr> <tr> <td>Mr Bede Mecham</td> <td>Life Member, Wagga</td> </tr> <tr> <td>Cr David Thurley</td> <td>Albury City Council</td> </tr> <tr> <td>Mr Rob Angus</td> <td>Albury City Council</td> </tr> <tr> <td>Cr George Martin</td> <td>Tumbarumba Shire Council</td> </tr> <tr> <td>Mr Brad Ferris</td> <td>Albury City</td> </tr> <tr> <td>Mr Adrian Wells</td> <td>MDA, Albury</td> </tr> <tr> <td>Ms Dianna Gibbs</td> <td>Murray-Darling Basin</td> </tr> <tr> <td>Authority Board</td> <td></td> </tr> <tr> <td>Ms Kaye Whitehead</td> <td>Tumbarumba Shire Council</td> </tr> <tr> <td>Cr Ian Chaffey</td> <td>Mayor, Tumbarumba Shire Council</td> </tr> </table> <p>2. APOLOGIES</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Mr Arch McLeish</td> <td style="width: 50%;">Member Albury</td> </tr> <tr> <td>Cr Peter Day</td> <td>Urana Shire Council</td> </tr> <tr> <td>Mr Greg Aplin MP</td> <td>Member for Albury</td> </tr> <tr> <td>Mr Bill Tilley MP</td> <td>Member for Benambra</td> </tr> <tr> <td>Mr Bill Gorman</td> <td>Life Member, Mulwala</td> </tr> <tr> <td>Ms Leanne Wheaton</td> <td>MDFRC, Wodonga</td> </tr> <tr> <td>Ms Susan Ley MP</td> <td>Member for Farrer</td> </tr> </table> <p>3. WELCOME</p> <p>Cr Ian Chaffey, Mayor of Tumbarumba Shire Council, welcomed the delegates and made the following comments:</p>	Mr Daryl Jacob OAM	Chair, Region 1	Cr Stuart Herriot	Greater Hume Shire Council	Cr Tony Quinn	Greater Hume Shire Council	Cr Fiona Schirmer	Corowa Shire Council	Mr Bill McDonald OAM	Mullengandra, NSW	Cr David Wortmann	Towong Shire Council	Mr Geoff Lucas	Member Wooragee	Cr Don Chambers	Indigo Shire Council	Mr Bede Mecham	Life Member, Wagga	Cr David Thurley	Albury City Council	Mr Rob Angus	Albury City Council	Cr George Martin	Tumbarumba Shire Council	Mr Brad Ferris	Albury City	Mr Adrian Wells	MDA, Albury	Ms Dianna Gibbs	Murray-Darling Basin	Authority Board		Ms Kaye Whitehead	Tumbarumba Shire Council	Cr Ian Chaffey	Mayor, Tumbarumba Shire Council	Mr Arch McLeish	Member Albury	Cr Peter Day	Urana Shire Council	Mr Greg Aplin MP	Member for Albury	Mr Bill Tilley MP	Member for Benambra	Mr Bill Gorman	Life Member, Mulwala	Ms Leanne Wheaton	MDFRC, Wodonga	Ms Susan Ley MP	Member for Farrer
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- The original occupiers of this land adapted to the environment – we still don't seem to get the concept!
- We build on floodplains and fire-prone land and have a fascination with fighting fires in areas where they should be allowed to burn.
- If we are really committed to addressing the land and water degradation we have caused, we would have an environmental levy to reverse the damage that a lot of talk (but no 'hard yards'), continues to do.
- The Basin Plan has not addressed the transmission of water in open channels and ditches, something they did in the days of the Egyptian pharaohs!
- There are still large evaporation losses in large bodies of water like the Menindee Lakes.
- We still don't use water where we get the most 'bang for the buck' - closer to its source.
- Why do we still send water 2500kms to Adelaide – how much water does Adelaide capture and store for itself?
- Why are Asian countries buying up Australia's prime agricultural land – ever tried buying land in Japan?
- What is wrong with leasing (rather than selling) land to overseas businesses or countries?
- Where does our food come from and what are we eating – antibiotics?

Mr Daryl Jacob OAM, Chair of Region 1, also welcomed delegates to the meeting to the meeting. His remarks included:

- acknowledgement of the recent deaths of two young DSE firefighters from the Towong Shire while fighting the Mt Hotham/Harrietteville fire,
- recent MDA Board teleconference to discuss improved marketing and promotion for the Association,
- one of the driest summers on record across the Region,
- major concern is the restructure of NSW CMAs.

6. ARCH McLEISH OAM

Congratulations to Arch McLeish of Albury who received an OAM in this year's Australia Day honours for services to the community. The citation includes his contribution to the Murray Darling Association.

11. GUEST – Changes to CMAs in NSW

The CMAs in NSW are undergoing some significant changes. By January 2014, they will be called Local Land Services and will incorporate Department of Primary Industry, CMA, Livestock Health Pest Authority activities and emergency services activities. Ms Juliet Cullen of the Murray CMA, advised the meeting of these changes and their likely impacts on programs, staffing and services to rural communities, farmers, Local Government, Landcare and natural resource management.

13. GENERAL BUSINESS

Cr Don Chambers, National Chair of the Keep Australia Beautiful movement, gave a short briefing on the KAB organisation and its activities to encourage reducing litter and pollution of waterways. His comments included:

- education for behavioral change is the key to litter reduction,
- McDonalds and Coca Cola customers are the largest litterers in Australia,
- there are mixed results with container deposit legislation,
- NT brought n container deposit legislation (against advice of KAB) and it pushed up the cost of living,
- health department regulations have made recycling of drink bottles almost impossible,
- a pre-disposal fee is a better option,
- have to educate young people above 15 years,
- sadly, the new cigarette plain labels have removed the recycling litter logo,
- Commonwealth Government is still discussing (since 2001) 10 proposals to improve litter reduction,
- Local Government has a leadership role,
- KAB would be happy to work with the MDA on litter and pollution, particularly where they affect waterways.

15.7 Timber Towns AGM (Cr Gadd)

Date	8 March 2013
Details About the Activity	<p>The cornerstone of activities Timber Towns Victoria undertook in the past year surrounds the topic of timber-impacted roads. This issue is addressed by Timber Towns Victoria with the ongoing maintenance and update of the Timber Industry Road Evaluation Study (TIRES) report. This important document has successfully gained much-needed funding for regional Victoria for many years, through a straight-forward and rational approach to recognising and ranking timber-impacted roads currently active from across the state by taking into consideration many factors, and applying this formula in the same method across all regions in the state. I am proud to announce that a new era in the TIRES report has begun in the last year, with Timber Towns Victoria to auspice annual updates of the TIRES document on behalf Timber Town Victoria members.</p> <p>The most recent review saw the core of the TIRES document, the spread sheets containing all timber-impacted road information from across the regions updated, with the following costs recognised:</p> <ul style="list-style-type: none"> • Central Victoria to the value greater than \$15 million • The Gippsland region to the value greater than \$36 million • The North – East region of Victoria to the value greater than \$24 million • The South-West region of Victoria to the value greater than \$29 million <p>These figures calculate to an approximate amount of \$105 million which adds to the current local government road infrastructure gap, as a result the transportation of the timber heading to market. State funding is required to maintain the quality of the roads for efficiency of the industry, and the safety of all road users. Timber Towns Victoria welcomed the recognition of this issue in the last budget, with \$1 million dollars put toward timber impacted roads. The need is far greater however, and we hope to see this issue recognised to a greater extent in the coming State budget.</p> <p>Both Hon Gary Blackwood MP and Joe Helper MP spoke to the group on the topic of the new group: Parliamentarians in support of the forest and wood products industry. A bipartisan group.</p>

	<p>Office Bearers</p> <p>Cr Jan Vonarx was elected President Cr Bill Harrington was elected Vice President Steve Kozlowski was elected Treasurer.</p>
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**CR JOYCE
CR SCALES**

THAT THE COUNCILLOR REPORTS BE NOTED.

CARRIED

16 Urgent business

Nil.

17 Committee minutes

No reports.

18 Occupational health and safety

18.1 OHS Committee (06/04/0212-DCCS)

Minutes of the meeting held on 7 March 2013 are attached at Appendix 9 for information.

**CR GADD
CR JOYCE**

THAT THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MINUTES BE NOTED.

CARRIED

19 Council policies

The following policies are attached at Appendix 10 for review. Councillors are requested to provide feedback on these policies to the Responsible Officer by 7 May 2013.

- Kinder Cluster - Acceptance and refusal of Authorisation (MCS)
- Kinder Cluster - Administration of first aid (MCS)
- Kinder Cluster - Child safe environment (MCS)
- Kinder Cluster - Dealing with infectious diseases (MCS)
- Kinder Cluster - Dealing with medical conditions (MCS)
- Kinder Cluster - Diabetes (MCS)
- Kinder Cluster - Emergency and evacuation (MCS)
- Kinder Cluster - Excursions and service events (MCS)
- Kinder Cluster - Incident, Injury, trauma and illness (MCS)
- Kinder Cluster - Interactions with children (MCS)
- Kinder Cluster - Nutrition and Active play (MCS)
- Kinder Cluster - Occupational health and safety (MCS)
- Kinder Cluster - Sun Protection (MCS)
- Kinder Cluster - Water Safety(MCS)
- Disabled Access Funding (DTS)
- Discrimination, Workplace Sexual Harassment (DCCS)
- Occupational Health and Safety (DCCS)
- Temporary Road Closure (DTS)

20 Sealing of documents

No reports.

21 Confidential

In accordance with S77(2) information is 'confidential information' if:

(a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or

(b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or

(c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

In accordance with Section 89(2) and 89(3) of the Local Government Act 1989,

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

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

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting

No reports.

There being no further business the meeting closed at 11.06 am.

Cr Mary Fraser OAM 7 May 2013