

**LODDON SHIRE COUNCIL**

Notice of an Ordinary Meeting of the Loddon Shire Council to be held in the Council Chambers, Serpentine, on Monday 28 May 2012 at 3.30pm.

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**1. APOLOGIES**

Nil

**2. PREVIOUS MINUTES**

**2.1 CONFIRMATION OF MINUTES**

**SUMMARY**

Approval of the Forum Minutes of 23 April 2012.

Approval of Ordinary Minutes of 23 April 2012.

Approval of the Forum Minutes of 18 May 2012.

Author: John McLinden - Chief Executive Officer

File No: 02/01/001

Attachment: Nil

**RECOMMENDATION**

*That the:*

- 1. minutes of the Council Forum of 23 April 2012 be confirmed*
- 2. minutes of the Ordinary Council Meeting of 23 April 2012 be confirmed*
- 3. minutes of the Council Forum of 18 May 2012 be confirmed.*

**2.2 REVIEW OF ACTION SHEET**

**SUMMARY**

Approval of Action Sheet.

Author: John McLinden - Chief Executive Officer

File No: 02/01/001

Attachment: 2.2 Action Sheet

**RECOMMENDATION**

*That the Action Sheet be received and noted.*

### 3. INWARDS CORRESPONDENCE

#### SUMMARY

Author: John McLinden - Chief Executive Officer  
File No:  
Attachment: Copies of inwards correspondence

#### RECOMMENDATION

*That the Inwards Correspondence be received and noted.*

<b>Date</b>	<b>Signatory</b>	<b>Subject</b>
12/4/12	Peter Walsh MLA, Minister for Water	Goulburn-Murray Irrigation District update
10/5/12	Peter Walsh MLA, Minister for Water	Constitutional Recognition of Local Government



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#### **4. COUNCILLORS' REPORTS**

##### **4.1 MAYORAL REPORT**

###### **SUMMARY**

Approval of the Mayoral Report.

Author: John McLinden – Chief Executive Officer  
File No: 02/01/001  
Attachment: Nil

###### **RECOMMENDATION**

*That the Mayoral Report be received and noted.*

##### **4.2 COUNCILLORS' REPORT**

###### **SUMMARY**

Approval of Councillors' Reports

Author: John McLinden – Chief Executive Officer  
File No: 02/01/001  
Attachment: Nil

###### **RECOMMENDATION**

*That the Councillors' Reports be received and noted.*



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## 5. CHIEF EXECUTIVE OFFICER'S REPORT

### 5.1 DOCUMENTS FOR SIGNING AND SEALING

#### SUMMARY

This report provides Council with a list of documents signed and sealed during the month.

Author: John McLinden - Chief Executive Officer  
File No: 02/01/001  
Attachment: Nil

#### RECOMMENDATION

*That:*

- 1. the 'Document for Signing and Sealing' report be received and noted*
- 2. Council endorse the use of the seal on the documents listed*

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### BACKGROUND

N/A

#### ISSUES/DISCUSSION

Deed between Loddon Shire Council and Global Contracting Pty Ltd for Contract 224, Flood Damage Road Rehabilitation Program

Section 173 Agreement between Loddon Shire Council and Vince Pino for Lot 1 on TP 392352N being the land contained in Certificate of Title Volume 6967 Folio 394

Transfer of land Volume 11340 Folio 727, Treloar Street Serpentine, between Loddon Shire Council and Scotts Agencies Pty Ltd

## 5.2 NORTH CENTRAL TRADE TRAINING CENTRE

### **SUMMARY**

This report seeks approval to appoint a representative to the School Councils School Community Reference Group for the North Central Trade Training Centre.

Author: John McLinden - Chief Executive Officer

File No:

Attachment: Nil

### **RECOMMENDATION**

*That Council appoint Mrs Christine Coombes, Economic Development Officer, to be Council's representative on the School Councils School Community Reference Group for the North-central Trade Training Centre:*

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **BACKGROUND**

In December 2011 the North Central Trade Training Centre was announced and has received in-principle funding of \$6.99 million for Round 4 of the Trade Training Centre In-schools Program. This was a significant announcement and gives this region great hope of the establishment of a comprehensive trade training centre providing students with the skills necessary to get real jobs needed by our local economies.

The North Central Trade Training Centre will involve:

- the construction of a commercial kitchen
- hairdressing facilities
- allied health facilities
- an agricultural facility
- automotive workshop facilities
- a construction workshop and engineering workshop.

The Trade Training Centre will deliver qualifications in aged care, agriculture, allied health, automotive, building and construction, engineering, hairdressing and hospitality—skills which are in great demand in all businesses within our local economy.

### **ISSUES/DISCUSSION**

Mr Kelvin Baird, Principal of the Charlton College has written to Council inviting representation on the School Councils School Community Reference Group (SCSCRG). The purpose of this group is to oversee the establishment and operation of the North Central Trade Training Centre and the cluster's operations generally.



The composition of the SCSCRG was recommended to include members of the Cluster Management Committee and other stakeholders. The Cluster Management Committee comprises seven school principals being Charlton College, Boort District School, Donald High School, St Arnaud Secondary College, Pyramid Hill P-10 College, Wedderburn P-12 College and Wycheproof P-12 College, a representative from the Grampians and Loddon Mallee region and the Executive Officer of the North Central LLEN. Other stakeholders are to include seven school council presidents and representatives from industry, further education and local government.

The success of the North Central Trade Training Centre is important to this municipality and falls within the operations of the Economy and Community Directorate. It is suggested that Council should appoint Mrs Christine Coombes, Economic Development Officer, to be Council's representative on the School Councils School Community Reference Group for the North Central Trade Training Centre.

### 5.3 ANZAC DAY 2015

#### **SUMMARY**

This report seeks Council approval to prepare for the centenary of Anzac Day in 2015.

Author: John McLinden - Chief Executive Officer

File No:

Attachment: Letter from Operation Pilgrimage Group

#### **RECOMMENDATION**

*That Council convene a meeting of RSL Clubs, Legacy and historical societies to discuss the formation of an Anzac day Centenary organising committee for the Loddon Shire.*

#### **PREVIOUS COUNCIL DISCUSSION**

Nil

#### **BACKGROUND**

Council has received correspondence from Operation Pilgrimage which proposes to commemorate and honour the sacrifice of Australian military personnel in the three years leading up to the centenary of Anzac Day, which is 25 April 2015. Operation Pilgrimage Group has assembled a tour which comprises portraits, citations and a biography of each of the 138 Victoria Cross recipients.

From the initial correspondence, it is not clear when this pilgrimage will be travelling through this part of Victoria.

#### **ISSUES/DISCUSSION**

Operation pilgrimage is requesting Council support in the form of financial sponsorship of any amount through the provision of a suitable venue for display of the exhibition, through physical support from the Council for the duration of the visit within Council's boundaries, and for Council to allocate a Council officer to act as exhibition liaison between Operation Pilgrimage and the many community groups in this district.

The Wedderburn and Mysia areas have a strong connection to the Victoria Cross medal. As is well known, Albert Jacka and Albert Borella of Wedderburn and Mysia respectively were both winners of the Victoria Cross in World War I.

A visit by this travelling exhibition will provide a great opportunity to highlight the service and sacrifice of people from this part of Victoria in winning the freedoms that every Australian enjoys today.

As the centenary of Anzac Day approaches there may be a number of activities planned across the municipality to honour the sacrifice of those who have gone before us. Council may wish to give consideration to the establishment of an Anzac Day Centenary Committee which could coordinate a number of activities including support for Operation Pilgrimage to mark the passing of the 100th anniversary of Anzac Day.

## 5.4 SMALL TOWNS POLICY

### **SUMMARY**

This report seeks Council adoption of a Small Towns Policy.

Author: John McLinden - Chief Executive Officer

File No:

Attachment: Small Towns Policy

### **RECOMMENDATION**

*That Council adopt the Small Towns Policy.*

### **PREVIOUS COUNCIL DISCUSSION**

Council considered the draft Small Towns Policy at the April Council Forum.

### **BACKGROUND**

Council has recognised that recent demographic trends suggest that future population growth in this municipality will be dependent upon the creation of vibrant small towns and the support of rural living opportunities, particularly in the south of the Shire.

In response to this continuing trend, Council has developed a Small Towns Policy which sets out the support and the strategies by which Council will ensure that towns in the Loddon Shire are supported in appropriate ways so that each town may meet its full potential.

### **ISSUES/DISCUSSION**

The attached policy provides a clear statement of Council's support for small communities and the level of support and the engagement Council will provide in assisting each community to reach its full potential. This policy is presented for adoption.



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## 5.5 LODDON SHIRE COUNCIL 2011 FLOOD RECOVERY EVALUATION

### **SUMMARY**

The report provides Council with an evaluation of the effectiveness of the Flood Recovery Committee and the flood recovery activities delivered across the Loddon Shire.

The report makes recommendations to the Shire in preparation for a future event.

Author: Brian Hinneberg, Flood Recovery Manager

File No:

Attachment: 2011 Flood Recovery Evaluation

### **RECOMMENDATION**

*That Council:*

1. *accepts the flood recovery evaluation report*
2. *adopts the recommendations.*

### **PREVIOUS COUNCIL DISCUSSION**

October and November 2011 – Flood recovery income from grants and donations.

January 2012 – Conclusion of the Loddon Flood Recovery Committee.

### **BACKGROUND**

The Regional Emergency Management Committee, facilitated by Department of Human Services has developed an evaluation framework document to assist Council to evaluate the recovery efforts.

Loddon Shire Council undertook two surveys (internal and agencies) and one facilitated consultation session on 29 February 2012 in Serpentine. Department of Human Services assisted to arrange the data collection methods and participated in the documentation of the findings.

The Loddon Shire Council 2011 Flood Recovery Evaluation report forms the final part of the response to the 2011 February Flooding Event.

The evaluation report covers the recovery activities undertaken by agencies, departments and individuals within the Loddon region since the flood of 2011.

Each section of the report addresses three questions:

1. What went well?
2. What did not go well?
3. What lessons can we draw for the future?

## **ISSUES/DISCUSSION**

The report makes recommendations arising from recovery activities post the 2011 flood event.

### **Recommendations**

1. Preparation and planning needs to be developed and practiced on a regular basis, at least annually for the wider organisation, more regularly for managers and deputies.
2. Develop and deliver community awareness programs for all hazards i.e. Fire-safe and Flood-safe programs.
3. Get recovery manager on the ground earlier.
4. Training of recovery centre staff and deputies to be conducted on a regular basis (x2 yearly).
5. Develop relief and recovery centre training and procedure manual.
6. Keep relief and recovery centre training and procedure manual up to date with information and relevant contact details.
7. Develop LSC "Critical Incident Management Team" to direct the organisation, should also include possible deputies or "acting" staff to cover absence or for events with a duration of greater than one shift.
8. Develop and implement Loddon Business Continuity Plan.
9. Identify acting staff or surge capacity to back-fill position according to Loddon Shire Business Continuity Plan.
10. Develop protocols for recalling staff from leave, postponement of leave during times of crisis to help with recovery efforts.
11. That the Loddon Emergency Management Plan Part 5 Response Arrangement, Section 5.4 Town Protection Plans (Fire), incorporate a Town Protection Plan (Flood) or Town Protection Plans for all hazards.

## 5.6 LOCAL GOVERNMENT INSPECTORATE AUDIT – PROGRESS REPORT

### **SUMMARY**

Author: John McLinden - Chief Executive Officer  
File No:  
Attachment: LGI Compliance Loddon Council Action Plan Progress Report

### **RECOMMENDATION**

*That Council receive and note the Local Government Inspectorate Audit – Progress Report.*

### **PREVIOUS COUNCIL DISCUSSION**

December 2011 – In-camera: Local Government Investigations and Compliance Inspectorate – Compliance Audit.

February 2012 – Local Government Inspectorate Audit progress report.

### **BACKGROUND**

The Local Government Investigations and Compliance Inspectorate undertook a compliance audit at the Loddon Shire from 5 to 9 September 2011. The final report was received by Loddon Shire on 28 November and contained a number of recommended actions.

### **ISSUES/DISCUSSION**

In order to ensure that Council meets its obligations to the Inspectorate, a quarterly reporting regime has been established so that Council may measure progress against the required actions to achieve full compliance with the audit. This report is the second of those progress reports.

The attached schedule provides progress to date.



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## **6. DIRECTOR CORPORATE SERVICES' REPORTS**

### **6.1 FINANCE REPORT FOR THE PERIOD ENDING 30 APRIL 2012**

#### **SUMMARY**

This report provides Council with financial information for the period ending 30 April 2012.

Author: James Rendell - Manager Financial Services  
File No: 05/04/001  
Attachment: 6.1

#### **RECOMMENDATION**

*That Council:*

- 1. Receives and notes the Finance Report for the period ending 30 April 2012*
- 2. Approves budget revisions included in the report for internal reporting purposes only.*

#### **PREVIOUS COUNCIL DISCUSSION**

Council is provided with Finance Reports on a monthly basis.

#### **BACKGROUND**

The Finance Report for the period ended 30 April 2012 includes standard monthly information about budget variations, cash, investments, interest, debtors, and creditors, and provides a comparison of year-to-date budget to year-to-date actual results.

#### **ISSUES/DISCUSSION**

Nil



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## 6.2 FEES AND CHARGES FOR THE YEAR 1 JULY 2012 TO 30 JUNE 2013

### **SUMMARY**

This report seeks Council's approval of the Fees and Charges for the Year 1 July 2012 to 30 June 2013.

Author: Duncan Campbell, Financial Accountant  
File No: 07/01/006  
Attachment: 6.2

### **RECOMMENDATION**

*That:*

1. *Council approves Fees and Charges for the Year 1 July 2012 to 30 June 2013*
2. *Fees and Charges are implemented from 1 July 2012 for items not subject to a notice period, and at the end of the notice period for those items subject to the same*
3. *Where fees and charges are subject to legislation, any changes become effective immediately, subject to approval by Director Corporate Services or Chief Executive Officer, and amendment to the Fees and Charges for the Year 1 July 2012 to 30 June 2013.*

### **PREVIOUS COUNCIL DISCUSSION**

A draft schedule was submitted for scrutiny by Councillors at the Council Forum held on 23 April 2012.

### **BACKGROUND**

Each year as part of the budget process a Fees and Charges Schedule is prepared and submitted for approval by Council.

Generally the new schedule takes effect from the start of the financial year; however, included in the schedule are residential accommodation charges which require a minimum notification period to the tenant of 60 days. Notification will be forwarded to tenants as soon as practicable after approval by Council.

### **ISSUES/DISCUSSION**

This year's schedule shows a general increase of 3.1% on the previous schedule. The calculated figures are rounded to convenient amounts. The 3.1% increase is the CPI increase for Melbourne as advised in the data supplied by the Australian Bureau of Statistics for the year December 2011 on December 2012.

In addition to discretionary charges, various charges are levied on the basis of legislated changes. Those items are notified progressively through the year, via the Government Gazette, and direct advice from Victorian Government Departments, and will be incorporated into the published schedule as required.

Fees and Charges for the Year 1 July 2012 to 30 June 2013 has been included as Attachment 6.2.



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### **6.3 SECTION 86 COMMITTEE OF MANAGEMENT AMENDED INSTRUMENT OF DELEGATION – KORONG VALE MECHANICIS HALL**

#### **SUMMARY**

This report seeks Council's approval of an amended Instrument of Delegation for Korong Vale Mechanics Hall Committee of Management.

Author: Jude Holt, Director Corporate Services  
File No: 02/01/026  
Attachment: 6.3

#### **RECOMMENDATION**

*That Council approves the amended Instrument of Delegation for Korong Vale Mechanics Hall Committee of Management.*

#### **PREVIOUS COUNCIL DISCUSSION**

Council approved amended Instruments of Delegation for the Boort Aerodrome Committee of Management and Boort Memorial Hall Committee of Management at the Ordinary Meeting of Council held on 23 April 2012.

#### **BACKGROUND**

The Instrument of Delegation for the Korong Vale Mechanics Hall Committee of Management is presented to Council for approval.

The delegation has been amended to the format that Council approved at the Ordinary Meeting held on 23 April 2012.

The Instrument of Delegation is provided as Attachment 6.3.

#### **ISSUES/DISCUSSION**

Nil



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## **7. DIRECTOR OPERATIONS' REPORTS**

### **7.1 PLANNING APPLICATIONS CURRENTLY BEING PROCESSED**

#### **SUMMARY**

Attachment 7.1 provides Council with a full list of planning applications currently under consideration and those planning permits issued between 1 and 31 March 2012.

Author: Tyson Sutton – Manager Planning and Local Laws  
File No: 02/01/001  
Attachment: 7.1 Planning Applications

#### **RECOMMENDATION**

*That 'Planning Applications Currently Being Processed' report be received and noted.*

#### **PREVIOUS COUNCIL DISCUSSION**

Nil

#### **BACKGROUND**

Nil

#### **ISSUES/DISCUSSION**

Nil



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## 7.2 ROAD NETWORK DEFECT RECTIFICATION COMPLIANCE SUMMARY REPORT

### SUMMARY

Report provides a summary of Council's compliance against its Road Management Plan for the period 1<sup>st</sup> January 2012 to 31<sup>st</sup> March 2012, being the third Quarter of the 2011/2012 Financial Year.

Author: Daniel Lloyd – Acting Manager Works  
 File No: 14/01/022  
 Attachment(s): Nil

### RECOMMENDATION

*That Council receive and note the road network defect rectification compliance summary report.*

### PREVIOUS COUNCIL DISCUSSION

At its ordinary meeting held on 27 February 2012, Council were presented with a report summarising road network defect rectification compliance against requirements specified within the Loddon Shire Road Management Plan (RMP).

This report identified a number of outstanding defects. The tables below show progress in completion of these outstanding defects as at 9<sup>th</sup> May 2012:

**Table 1 – Quarter 1**

Date Range: 1 July 2011 to 30 Sep 2011		
Report Date		Patrol Areas
8 February 2012	9 May 2012	
Number Not Completed	Number Not Completed	
1	0	Boort
3	3	Newbridge
2	1	Pyramid Hill
0	0	Wedderburn

**Table 2 – Quarter 2**

Date Range: 1 Oct 2011 to 31 Dec 2011		
Report Date		Patrol Areas
8 February 2012	9 May 2012	
Number Not Completed	Number Not Completed	
0	0	Boort
20	18	Newbridge
16	16	Pyramid Hill
1	1	Wedderburn

Defects still requiring completion are programed for rectification and are being maintained as safe, ether by signage or temporary repair.

### BACKGROUND

This report provides Council with evidence of the Loddon Shire's performance against requirements specified within the Loddon Shire Road Management Plan.

### ISSUES/DISCUSSION

The above tables indicate there has been little improvement in the resolution of outstanding defects from previous quarters. Whilst staff monitor and maintain these defects as safe it has been requested and is expected that concerted effort will be made to resolve as many of these outstanding items as possible over the next 3 months.

The following Defect Compliance Summary Report outlines Councils compliance against requirements specified within the Road Management Plan for the most recent quarter. The report indicates compliance by percentage for each of Councils Road Patrol Areas.

### Defect Compliance Summary Report

Report Date: 9 May 2012

#### Table 3 – Quarter 3

Date Range: 1 January 2012 to 31 March 2012

Number of Works Actions	Number Completed By Due Date	Number Completed After Due Date	Number Not Completed	Compliance %	Patrol Areas
7	7	0	0	100.0%	Boort
90	77	12	1	85.6%	Newbridge
170	152	15	3	89.4%	Pyramid hill
57	54	3	0	94.7%	Wedderburn

#### DEFINITIONS

Number of Works Actions - Within the date range, count the defects that were due/identified for action

Number Completed by Due Date - From those defects in Column A to be rectified, how many were rectified by the due date

Number Completed After Due Date - From those defects in Column A to be rectified, how many were rectified outside the due date

Number Not Completed - Column A - Column B - Column C

Compliance % - Column B Divided by Column A

District - Grouped By The AssetAsyst District

Compliance for the 3<sup>rd</sup> Quarter of 2011/2012 is below the target of 100% of the defects repaired by due date. It is noted however that very few defects remain outstanding despite some being completed beyond the specified due date.

As previously reported to Council compliance with the Loddon Shire Road Management Plan over the past 18 months has been made difficult due to an increased number of defects being observed, requirements for ongoing defect prioritisation, availability of resources and demand in the Flood Restoration Program.

A major focus of the Works department for the next quarter is to eliminate all defects that are outstanding and complete current or new defects before the specified due date.

### 7.3 TOBACCO TEST PURCHASING PROGRAM UPDATE 2011/2012

#### **SUMMARY**

Report provides Council with an update on the Tobacco Test Purchasing activities for the 2011/2012 Financial Year as well as a summary of the observed results.

Author: Elizabeth M Garlick - Manager Environmental Health  
File No: 12/02/001  
Attachment: Nil

#### **RECOMMENDATION**

*That Council receive and note the 2011/2012 Tobacco Test Purchasing Program report.*

#### **PREVIOUS COUNCIL DISCUSSION**

In June 2010 Council resolved to accept a funding offer from the Municipal Association of Victoria (MAV) to participate within the 2010 to 2012 Tobacco Test Purchasing program.

During its ordinary meeting held on 27<sup>th</sup> April 2011 a update report for the first year of the two year test purchasing program was presented to Council.

#### **BACKGROUND**

Loddon Shire Council signs an annual funding agreement with the MAV which provides approximately \$3,000 to cover the cost of Tobacco Education Activities undertaken by Council's Manager Environmental Health.

Further to this arrangement, in June 2010 Council resolved to accept an additional offer of funding (\$12,000 approx) to participate within the 2010-2012 MAV Tobacco Test Purchasing Program.

In the 2010/2011 financial year the Tobacco Test Purchasing Program was established. This Program resulted in two sales from 22 premises attended.

#### **ISSUES/DISCUSSION**

The Tobacco Test Purchasing Program was conducted in the same manner as that of the 2010/2011 program. The Test Purchasing was conducted on three days over the year, with the first two days being in the September/October 2011 school holidays and the third day falling in the April 2012 holidays.

The Test Purchasing was conducted by the Manager Environmental Health with the assistance of Test Purchasing Assistants less than 18 years and who resided within the municipality.

In total, 24 premises were entered by the Test Purchasing Assistants over the three days attempting to purchase cigarettes so as to determine whether the premises and its staff would comply with the requirements of the *Tobacco Act 1987*.

Of these, two separate premises sold cigarettes to the underage Test Purchase Assistants during the April school holidays. Neither premises had sold cigarettes to minors in the past.

Due to the sales being first offences for both premises, an official warning notice was issued to the proprietors of the offending premises, as well as the staff member responsible for selling the cigarettes to the minors.

The notice issued focused on educating the proprietors and staff of their obligations under the *Tobacco Act 1987*.

In both cases, the staff member responsible for selling the cigarettes gave their reason for selling as being "I thought they [Test Purchase Assistants] were over 18". At the time of the sales proof of age or identification was not requested.

The two premises that sold cigarettes to minors in the 2010/2011 Test Purchasing Program were also re-tested, with neither re-offending.

Premises that sell tobacco products will continue to be inspected for compliance with the *Tobacco Act 1987*, which will include an educational component regarding the sale of tobacco products to minors.

## 7.4 ROADS TO RECOVERY REFERENCE EXPENDITURE EXEMPTION

### **SUMMARY**

Report provides Council with notification that the Federal Government has approved an exemption from reference expenditure requirements under the 2009-2014 Roads to Recovery Program during the 2010/11 financial year.

Author: Ian McLauchlan – Director Operations  
File No: 14/01/001  
Attachment(s): Letter Dated 24 April 2012 – Roads to Recovery

### **RECOMMENDATION**

*That Council receive and note the advice from Department of Infrastructure and Transport exempting Loddon Shire Council from the conditions set out in Part 3 of the current Roads to Recovery funding conditions in respect of Council's own source expenditure for 2010/11.*

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **BACKGROUND**

Loddon Shire Council receives funding towards the maintenance and renewal of local roads via the Federal Governments Roads to Recovery (R2R) Program. This funding program does however require that Council maintain a consistent level of own source expenditure towards the maintenance and renewal of its local roads.

In the administration of the 2009-2014 R2R program it is expected that Council will maintain an average annual own source expenditure of \$1,589,968. In addition to this own source expenditure, the 2009-2014 R2R program provides for approximately \$1.62 Million each year over 5 years for road infrastructure and maintenance works.

### **ISSUES/DISCUSSION**

Between September 2010 and January 2011 the Loddon Shire experienced three separate flood events with the most recent and most significant occurring on the 14 January 2011. Each of these flood events caused widespread damage across the Shire, in particular to the road and drainage network.

These events severely impacted upon Councils ability to complete both routine maintenance and programmed capital works due to access limitations, poor pavement conditions and resource depletion due to demands for emergency response works.

Accordingly, a large portion of Councils 2010-2011 capital works program was deferred resulting in an observed shortfall in Council's own source expenditure as per the R2R funding

guidelines. Council's own source expenditure in 2010/11 was \$1,466,715, approximately \$120,000 short of the required target.

Incomplete projects from the 2010/11 financial year have however been carried over into the 2011/12 works program with the vast majority now complete. Further, a large proportion of capital projects contained within the 2011/12 capital works program have also been completed.

This combined with the current level of local road maintenance works has resulted in Loddon Shire having already made up the required own source expenditure over a 2 year average.

In determining compliance with regard to own source expenditure, an allowance is provided within the R2R guidelines in that Council may take either a two or three year average to account for fluctuations in funding allocations or difficulties in completing capital works programs due to unforeseen circumstances, such as the recent floods.

Unfortunately, despite taking into consideration the previous two years expenditure (i.e. 2008/09 = \$1,483,085 and 2009/10 = \$1,555,520), required own source expenditure during 2010/11 was still not achieved.

Therefore in order to satisfy Council's obligations with respect to the R2R funding agreement an exemption from the requirement to achieve own source expenditure in any given year must be sought and may be granted providing that any observed shortfall is subsequently made up for during the following year and that sufficient grounds exist to satisfy the funding body, being the Department of Infrastructure and Transport, that an exemption is warranted.

Accordingly a request for exemption along with substantiating financial statements indicating that Loddon Shire has already made up the observed funding shortfall as part of its 2011/12 works program was provided to the Department on 27 January 2012. Own source expenditure during 2011/12 was approximately \$1.9 Million as at 27 January 2012.

Following consideration of the reasons outlined within this submission for the observed shortfall and demonstration that Loddon Shire's average reference expenditure over the current 2 year period being 2010/11 and 2011/12 complies with the funding guidelines, the department subsequently granted an exemption on 24 April 2012 (see attached letter).

With the granting of this exemption it is expected that Loddon Shire will now be eligible for further payments under the 2009-2014 R2R program during this and future financial years.

## 7.5 2012-13 ANNUAL INFRASTRUCTURE WORKS PROGRAM

### **SUMMARY**

This report presents the proposed 2012/2013 Annual Infrastructure Works Program for Council review and adoption.

Author: David Fry – Manager Infrastructure  
File No: 15/01/001  
Attachments: 2012-2013 Annual Infrastructure Program

### **RECOMMENDATION**

*That Council adopts the proposed 2012/2013 Annual Infrastructure Works Program.*

### **PREVIOUS COUNCIL DISCUSSION**

During the previous Council forum a preliminary draft of the proposed 2012-13 Capital Works Program was presented for consideration and discussion. Discussions around the proposed program identified a desire for consideration to be given for more amenity and township street improvement works within the urban areas of the Shire.

Accordingly the program structure and sub-program allocations have been revisited based upon observed network demand, revised funding availability and existing asset condition distributions.

### **BACKGROUND**

The 2012/2013 infrastructure works program has been developed in accordance with the following financial requirements:

- Expenditure of Federal Government “Roads to Recovery” (R2R) funding of \$1.822m for 2012/2013 by 30<sup>th</sup> June 2013
- Expenditure of Council funds totalling a minimum of \$2.248m on road related infrastructure fulfilling R2R program requirements.
- Expenditure of Grants Commission funds tied to local roads totalling \$3.122m
- Expenditure of State Government funding tied to local roads totalling \$1m
- Expenditure of a \$352,000 grant from Regional Development Victoria (RDV) under the Local Roads to Markets Program (Tied to the upgrade of Bridgewater Raywood Road – Years 2 & 3 of a 3 year project).

Detailed project listings within the proposed 2012/2013 infrastructure program may be seen within attachment 1.

### **ISSUES/DISCUSSION**

Following initial discussions with Council, officers identified a significant error in the budget available for use on the Capital Works Program in that the \$1 Million Country Roads funding

allocation have been duplicated in the expected income calculations. Accordingly the available funding for capital works was reduced by \$1 Million.

The reduction in the available budget along with the desire to revisit funding allocations between program components based upon current asset conditions and observed demand throughout the networks has resulted in a number of changes to the program as tabled during April.

The most significant change to the program presented at the April forum is a reduction in scale of proposed Local Gravel Re-sheets. In all other areas, except for the Amenity and Township Street Improvement sub-programs, there has been a more minor reduction in budget.

Adoption of this program will allow Council to undertake the following:

- **Local Gravel Road Resheets**

In accordance with Council's Road Asset Management Plan (RAMP) annual effort towards gravel resheeting on unsealed collector and access roads is expected to achieve rehabilitation of 3.33% of the network by area. This maintenance effort is based upon an expected asset life of 30 years.

Funding of \$1,195,000 within the 12/13 program will achieve rehabilitation of 3.03% or 41.6km of the RGA and RGC networks and will address all high and medium priority projects as well as some low priority projects. The proposed effort in gravel resheeting is below the optimum target effort but given the significant effort in gravel resheeting under the flood program and current asset condition distribution, is seen as appropriate.

- **Local Road Shoulder Resheets**

As per Council's RAMP annual effort towards gravel shoulder resheeting on sealed roads is expected to achieve rehabilitation of 3.33% of the network by area. This maintenance effort is again based upon an expected asset life of 30 years.

Funding of \$250,000 within the 12/13 program will achieve resheeting of approximately 1.16% or 23.70km of the shoulder network on sealed roads. All high and medium priority projects will be completed.

An effort below the target specified within the RAMP for this program category is considered appropriate given the limited number of outstanding shoulder resheet projects and funding demands across other program categories.

- **Reseals**

The reseal list for 2012/2013 has been prepared using 2010 Moloney condition reports, modified to exclude previously completed works and roads with less than 50 vehicles per day. Reseal works for those segments identified as having less than 50 Average Daily Traffic (ADT) volumes have been deferred from the 12/13 reseal program pending further investigation as per requirements specified within section 8.2.1 of Council's RAMP (see attachment 2 for deferred project listing).

Based upon the 18 year reseal interval specified within Council's RAMP approximately 5.56% of the sealed road network is expected to require treatment annually. The 2012/2013 budget allocation of \$542,000 will achieve resealing of approximately 2.57% or 23.69km of the sealed network. This effort is well below the optimum target effort but is seen as



appropriate as it addresses all the projects that fall within the appropriate condition rating requiring treatment.

- **Local Road Construction**

A total budget of \$1,755,500 has been distributed between the three sub-groups comprising the Local Road Construction program namely asset preservation, safety and amenity.

Funding priority has been given to asset preservation works on roads which have been identified as requiring significant historical maintenance effort as well as poor condition ratings confirmed via Moloney's inspections and subsequent field validation.

Councillors will note that in the list of asset preservation projects there are 3 sections of the Bridgewater Raywood Road that score higher than some of the projects proposed for this year. It is felt that with the already significant effort on other sections of the same road further works will significantly disadvantage the local residents and road users.

**Asset Preservation:**

A total of \$1,332,000 has been allocated towards 6 projects within the LRC asset preservation program namely:

1. Lyndhurst Street
2. Bridgewater Raywood Road x 2
3. Pyramid Yarraberb Road
4. Borung Hurstwood Road
5. Old St Arnaud Road

*Bridgewater Raywood Road:*

In addition to Council funds through R2R, additional funding for this project has been received via RDV's Local Roads to Market Program. This project is stage 2&3 of the current Roads to Market Funding and will be carried out at the same time as carry over works from the 2011/2012 program.

*Lyndhurst Street:*

This project is at the intersection of Lilly Street. It carries significant volumes of truck traffic to the flour mill. The intersection has been deteriorating badly and an Asphalt overlay is seen as the most appropriate treatment for this problem.

*Old StArnaud Road:*

This section of the Old StArnaud Road is the last remaining unsealed section. The proposed treatment for this road is to utilise the existing pavement and apply a top up layer prior to sealing. This is the same treatment used recently on the other unsealed section of this Road. With the current volume of traffic the existing pavement is deteriorating rapidly and if works are not done soon the project costs will increase due to the need to import additional pavement material.

*Borong Hurstwood Road:*

This section of the Borong Hurstwood Road is displaying significant failures as well as increased roughness. After rains, this section holds large sections of static water which is both dangerous to traffic as well as damaging to the pavement, causing further failures.

*Pyramid Yarraberb Road:*

This section of the Pyramid Yarraberb Road is the most in need of treatment of all the projects. It is displaying significant failures that are continuing to grow in size. This section adjoins a section currently under rehabilitation as part of the 2011/2012 Capital Works Program.

**Safety:**

The Safety Program includes jobs that under Asset Preservation assessment criteria may not be eligible for inclusion into the Works Program, but have safety issues that heighten their importance. The 4 projects in this year's Safety program all display a need for treatment related to safety rather than asset preservation.

*Wedderburn Buckrabanyule Road:*

A drop off in excess of 3 meters exists on both sides of this significant concrete structure and requires protection by guard rail. The section of road is a narrow seal and passing Vehicles come in close proximity to the edge of the structure.

*Loddon River Road:*

This project is the sealing of a short section of the Loddon River Road through an S bend to help prevent run off into trees and drains.

*Malone Street, Boort and Hospital Street, Wedderburn:*

Both of these projects relate to pedestrian and vehicular movements around Drop off and pick up points at the P12 Colleges in both towns. The works include the separation of pedestrians and vehicles, as well as the better delineation of traffic movements.

**Amenity:**

Like the Safety Program, The Amenity Program deals with projects that would not normally be considered under Asset Preservation assessment criteria. This type of project relates to the overall amenity of an area, and includes projects like dust suppression, parking issues and other visual amenity issues.

The majority of projects in this program relate to dust suppression in the dry, and sloppy pavement conditions in the wet.

*Waitchie Street, Camp Lane and Camp Street:*

Dust suppression

*Serpentine Office/Toilet car park and Boort Hall / BRIC car park:*

Dust suppression and poor pavement

*King Street Boort:*

Parking

*Donaldson Park Entrance:*

Visual amenity, car parking and traffic delineation

*Playfair Street:*

Visual amenity and pavement roughness

- **Township Street Improvements**

The type of work carried out in the Township Street Improvement Program includes footpath and kerb & channel installation and improvement works as well as projects that add to the amenity of the town.

\$630,000 worth of Township Street Improvement works have been identified for delivery during 2012/13.

The breakdown of the proposed Township Street Improvement program is as follows:

- Footpaths (4 projects)
- Kerb & Channel (5 projects)
- Combined Footpath and Kerb & Channel (1)

The majority of the proposed 12/13 Township Street Improvement allocation is aimed at addressing high priority kerb & channel and footpath renewal projects. There is however a number of new footpath and kerb & channel projects proposed. The footpath works are targeted to provide improved pedestrian access along strategic routes (that are well worn) and in most cases will address previous community requests. The new kerb & channel works are proposed to address drainage maintenance issues and vehicular parking and pedestrian movement issues.

- **Bridges & Culverts**

The 2012/2013 bridge & culverts program continues a focus towards addressing outstanding capital refurbishment tasks identified within level 2 bridge inspections as well as development of detailed engineering solutions for bridge replacement or refurbishment works required as part of maintaining the local road network.

All high priority capital refurbishment works identified within the Level 2 bridge inspection reports have been included within the rolling program for consideration.

Proposed work on bridges and culverts during 2012/2013 will require funding in the amount of \$267,000 and deliver 7 high priority projects from the rolling program.

- **Urban Drainage**

The 2012/2013 urban drainage program provides for the delivery of a number of high priority projects identified within the Pyramid Hill, Wedderburn and Boort townships.

A total of \$300,000 has been allocated for 5 urban drainage projects.



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## 7.6 RESULTS OF YORKSHIRE ROAD TRAFFIC COUNT

### **SUMMARY**

Report provides Council with a summary of findings from recent traffic counts completed on Yorkshire Road and Boyds Road, Newbridge.

Author: Ian McLauchlan – Director Operations  
File No: 14/01/001  
Attachment(s): Yorkshire Road and Boyds Road Traffic Count Summary

### **RECOMMENDATION**

*That Council:*

- 1. Receive and note the traffic count data obtained for Yorkshire Road and Boyds Road, Newbridge.*
- 2. Instruct staff to continue monitoring for potential external funding sources to facilitate sealing Yorkshire Road.*

### **PREVIOUS COUNCIL DISCUSSION**

During its ordinary meeting in July 2010 Council requested that consideration be given to the preparation of a funding application under Regional Development Victoria's (RDV) Roads to Market (RTM) Program, for the sealing the western portion of Yorkshire road between the Bridgewater Maldon Road and the Scato Plus Composting Facility. In response to this request it was reported to Council that RDV had advised that the RTM program was no longer being continued.

In September 2011 Council requested that staff investigate alternative funding sources which may be available to upgrade Yorkshire Road to a sealed surface. As yet no other funding sources have been identified however Council's Economic Development Directorate continues to liaise with RDV with respect to potential grants for this project.

During its ordinary meeting In January 2012 Council considered a report identifying specific transport or road infrastructure conditions included within the planning permit issued for the mushroom composting facility located on Yorkshire Road, Newbridge (Action No. 2.2 24/10/11).

Following consideration of the above report Council requested that detailed traffic surveys be taken along Yorkshire road and this information be reported back to Council.

### **BACKGROUND**

Yorkshire Road is approximately 17.4km in length and extends between the Bridgewater Maldon Road and the Calder Hwy. This road currently services 5 rural residential properties and 1 major rural industry being the Scato Plus Composting facility.

The road category standards for Yorkshire Road include approximately 7km section of Rural Gravel Access, 6km section of Rural Gravel Collector and a 4.4km section of sealed road.

As requested by Council, during the period between February and April 2012, a series of traffic surveys were conducted at strategic locations along Yorkshire Road and Boyds Road in an attempt to ascertain the average daily volume of traffic, the nature or class of these vehicles and specifically the number of vehicle movements associated with the Scato Plus Operation or the nearby Hazeldene’s facility.

**ISSUES/DISCUSSION**

Traffic counts were taken along both Yorkshire Road and Boyds Road at locations shown within the attached map for the periods indicated below:

Location No.	Road	Location	Period
1	Yorkshire Road	150m west of Boyds Road	22 February to 13 March
2	Yorkshire Road	400m east of Bridgewater Maldon Road	22 February to 13 March
3	Boyds Road	500m south of Yorkshire Road	24 March to 8 April
4	Boyds Road	1km north of the Wimmera Hwy	24 March to 8 April

Data obtained during the above traffic surveys has been summarised below:

Location No.	Survey Duration (Days)	Total Vehicle Movements (including Unclassified vehicles)	Peak 5 Day Average Vehicle Movements (VPD)	Peak 7 Day Average Vehicle Movement (VPD)	Daily Average % Commercial Vehicles (CV's)	Total No of CV's
1	20	1203	58.0	52.9	19.1	166
2	20	1610	82.3	66.1	51.5	601
3	15	227	18.2	14.4	16.7	33
4	15	820	63.2	57.7	19.7	141

Section 6.1.1 of Council’s Road Management Plan (RAMP) states that extension of the rural sealed road network will not generally be undertaken. However, when Annual Average Daily Traffic exceeds 100 vehicles per day a road may be considered for construction and sealing, subject to a detailed evaluation of the project including an analysis of current and future maintenance/renewal costs, other available routes and available funding.

Based upon the recent traffic surveys it would appear that the number of vehicle movements along the Yorkshire Road east of Boyds Road is well below the specified trigger for potential pavement upgrade i.e. sealing. Similarly, traffic volumes along Boyds itself are also observed to be well below the trigger for sealing.

It would appear that the majority of traffic accessing the Scato Plus facility utilises the section of Yorkshire road between the Bridgewater Maldon Road and the entrance to this facility. This

view has been formed on the basis that the section of road in question appears to have a substantially higher average traffic count than other sections of Yorkshire Road heading east.

Despite a higher traffic count and significantly higher CV percentage, triggers for sealing this section of Yorkshire Road under the RAMP are still not being met. It is however noted that if funding for sealing works could be obtained externally to Council, that the section of Yorkshire Road between the Bridgewater Maldon Road and the Scato Plus Composting facility would most likely be recommended as the highest priority component of this road.

Accordingly projects involving the sealing of any section of Yorkshire road are not currently considered eligible for inclusion within the Annual Infrastructure Program. In the event that a significant portion of funding for such projects may be obtained externally (other than Roads to Recovery Funding), it is possible that sealing works may be recommended in the future.

Council staff will continue to monitor notifications from relevant state and federal government programs with respect to potential road improvement grants and also continue to liaise with RDV to ascertain the future of the RTM program or other available funding streams which could assist in the delivery of this project.



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## 7.7 VULNERABLE PEOPLE IN EMERGENCIES PROGRAM

### **SUMMARY**

Report provides Council with notification of additional funding provided by the State Government to assist in the identification, registration and co-ordination of vulnerable people within the community during emergency events.

Author: Ian McLauchlan – Director Operations  
File No: 11/01/001  
Attachment(s): Nil

### **RECOMMENDATION**

*That Council receive and note the report regarding allocation of an additional \$10,000 funding for Loddon Shire under the Vulnerable People in Emergencies Program.*

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **BACKGROUND**

Following the Bush Fire Royal Commission recommendations released in early 2011, funding was allocated to facilitate creation of 25 Emergency Management (Fire) Coordinator positions throughout rural and regional Victoria. The primary function of these roles was to assist local government in the implementation of the Victorian Bushfire Royal Commission Recommendations.

Loddon Shire Council in partnership with the Central Goldfields Shire Council was offered \$100,000 funding under the Municipal Fire and Emergency Management Resourcing Program to resource a joint Emergency Management Coordinator for this purpose. Initially this funding was for a 12 month period however following a review in December 2011 an additional allocation of \$200,000 was provided to extend the term of this resource for a further 2 years (i.e. until June 2014).

In addition to funding provided under the Municipal Fire and Emergency Management Resourcing Program, as part of the State Governments 2012-13 budget a further funding allocation across the state of \$8.3 Million was announced for the establishment of a Vulnerable People in Emergencies Program.

This new program will support the registration of vulnerable people within communities who would be at risk in an emergency event. The program will be delivered in conjunction with the Red Cross and Department Human Services who will provide support to councils in identifying and registering the most vulnerable people in the State.

With respect to Loddon Shire and Central Goldfields Shire, an additional allocation of \$20,000 will be provided increasing total funding for the combined Emergency Management Resourcing and the Vulnerable People in Emergencies Programs to \$120,000.

### **ISSUES/DISCUSSION**

As per the previous funding provided under the Emergency Management Resourcing program it is expected that the additional funding for the Vulnerable People in Emergencies Program will be shared equally between Loddon Shire and Central Goldfields Shire.

Accordingly it is expected that \$10,000 will be made available to Council's Health and Community Care department to assist in the preparation of a detailed vulnerable persons/facilities register for the Shire.

Part 3 of the Emergency Management Manual Victoria identifies Victoria Police as the agency responsible for facilitating evacuations, however their function in this respect is dependent on Local Government Authorities having:

- within their Municipal Emergency Management Plans, identified and documented facilities where vulnerable persons are likely to be situated
- a list of those services/agencies that will be aware of vulnerable persons within the community.

These lists, including after-hours contact details, will need to be provided to Victoria Police upon compilation or updating to ensure Victoria Police has the best available information in the event an evacuation becomes necessary.

Investigations are underway as to the possibility of developing an additional module to accommodate this register within the recently purchased Municipal Emergency Coordination Centre software which aims to provide an IT system for council use in incident management, replacing the paper-based MECC system during an emergency.

Provision of an electronic register may also allow other responsible agencies to upload real-time information with respect to vulnerable people/facilities thus improving the accuracy and reliability of this important information for emergency response agencies.

It is anticipated that the formal program agreement will be issued to Loddon Shire shortly. At this time it is unclear as to whether this additional funding will continue into the 2013-2014 financial year.

## 7.8 EXEMPTION FOR ROAD MANAGERS TO UNDERTAKE VEGETATION REMOVAL FOR BUSFIRE PURPOSES

### SUMMARY

A new exemption for road managers under the Victorian Planning Provisions was introduced in November 2011 providing for the removal of native vegetation for bushfire risk mitigation purposes. This report provides Council with a summary of this exemption as well as the status of Loddon Shire Councils acceptance of the terms contained within the associated agreement with Department Sustainability & Environment.

Author: Ian McLauchlan – Director Operations  
File No: 11/01/001  
Attachment: Correspondence from Department Sustainability & Environment  
Agreement with DSE regarding vegetation removal exemption

### RECOMMENDATION

*That Council receive and note the summary report regarding the recent introduction of exemptions under the Victorian Planning Provisions for road managers with respect to removal of native vegetation for bushfire risk mitigation purposes.*

### PREVIOUS COUNCIL DISCUSSION

Nil

### BACKGROUND

In response to recommendations made by the Victorian Bushfires Royal Commission an exemption was prepared under clause 52.17-6 of the Victoria Planning Provisions for road managers to remove native vegetation along roadsides without the requirement to obtain a planning permit.

Ultimately the intent of the exemption and associated agreement with DSE is to avoid the requirement to obtain a planning permit for the removal, destruction or lopping of vegetation to the minimum extent necessary should any of the following apply:

- The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the Road Management Act 2004) in accordance with the written agreement of the Secretary to the Department of Sustainability and Environment (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

The first version of this agreement was presented to Loddon Shire early in 2011. Upon consideration of its contents Loddon Shire identified that the requirements being put forward by DSE were unreasonable and unworkable and as such refused to sign the agreement. In short the original agreement effectively resulted in no change to the process or requirements for

obtaining DSE approval for proposed vegetation removal works other than separating this process from the existing planning permit structure. Further, no exemption from the the requirement to provide associated offsets for removed vegetation was provided meaning that such offsets would still be required at Council's cost.

Many other Council's also refused to sign the agreement (as per advice received from the Municipal Association of Victoria). In response DSE embarked upon a more consultative process in an attempt to develop an agreement structure which would be acceptable for all parties.

In February 2012 the Department Sustainability & Environment again wrote to Council offering the opportunity to enter into a revised agreement to access the new Roadside Works for Bushfire Purposes Exemption under the Victorian Planning Provisions.

The exemption in question provides for a broad range of fire mitigation treatments to be undertaken on roadsides to reduce threats to life and property from bushfires. As mentioned above the exemption is subject to an agreement to ensure that supporting documentation is provided by road managers.

The new agreement has been developed collaboratively through the Local Government Native Vegetation Reference Group. The group included representatives from local government, the Country Fire Authority (CFA), the Municipal Association of Victoria (MAV), VicRoads, the Department of Planning and Community Development (DPCD) and the Department of Sustainability and Environment (DSE).

In developing the agreement the group was guided by the following principles:

- Any new agreement should be simple and clear and enable road managers to undertake vegetation treatments on roadsides to reduce bushfire risk.
- State-wide consistency, in the risk assessment methodology used to assess bushfire risk by all road managers is preferable.
- The link between the risk assessment, determination of appropriate treatments and subsequent works should be transparent. This should be noted in a relevant plan which is part of an existing integrated approach to emergency management.
- Significant environmental impacts should remain part of the planning permit process to ensure that standard impact assessment is applied.

There are two key documents to support the use of the exemption by road managers. DSE has developed a guide to assist councils and VicRoads to understand how to implement this new exemption. In addition, Terramatrix Pty Ltd has developed the Road Bushfire Risk Assessment Guideline to assist road managers to undertake the risk assessment process.

The exemption incorporates a risk based approach that will ensure that native vegetation is removed in areas that pose the greatest bushfire risk to the community. Under the exemption, road managers will be required to:

- Undertake a roadside bushfire risk assessment using an agreed process, focusing on priority roads.
- Identify appropriate vegetation treatments for priority roads and record the results of this in a plan.

The roadside risk assessment process is based on the CFA Roadside Fire Management Guidelines. The guidelines have four relevant objectives including;

1. Prevent or reduce the risk of fires on roadsides
2. Reduce the risk of spread of fire from the road reserve
3. Manage safety of road users
4. Provide control lines.

The risk assessment process provides a systematic approach to decision making that incorporates defined standards and will achieve state-wide consistency for all road managers. Once the risk assessment process has been completed, road managers can then decide on what treatments will be implemented to reduce the risk of bushfire.

There are a range of factors that can influence the treatment selection at a particular site including cost/benefit of each treatment, amenity, the expected fire behaviour beyond the road reserve or environmental values present. The Road Bushfire Risk Assessment Guideline will describe in detail the process for selecting a treatment and includes a Road Bushfire Treatment Selection tool.

### **ISSUES/DISCUSSION**

As stated within the attached letter from DSE, the new exemption is intended to enable road managers to more effectively meet obligations with respect to bushfire risk reduction. When first presented to Council the original DSE agreement was considered unworkable and unreasonable.

The new agreement presented by DSE in February 2012 is considered to be much more realistic in terms of the process and requirements to facilitate vegetation removal. Loddon Shire is however yet to sign this new agreement pending the outcome of recent workshops being conducted by DSE to review and finalise the proposed risk assessment methodology and identify priority roads within the Shire.

Following finalisation of the risk assessment methodology it is expected that register of priority roads within Loddon Shire will be prepared through existing fire management planning processes. An assessment of these roads will then be required and a register of proposed works prepared for inclusion within Council's Municipal Fire Management Plan.

Whilst the agreement with DSE may be entered into at this time, it is considered prudent that this action be deferred until a register of priority roads is prepared. This will allow Council to better understand the implications and likely resource requirements to comply with the agreement whilst meeting obligations under relevant emergency management legislation.



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## 8. DIRECTOR ECONOMY AND COMMUNITY REPORTS

### 8.1 PROPOSED DJA DJA WURRUNG PEOPLES SETTLEMENT

#### SUMMARY

Four Native title claims were made by traditional owners, the Dja Dja Wurrung People, between 1999 and 2000. A significant proportion of the Loddon Shire is included within the claim area and a settlement agreement is currently being negotiated between the State government and the traditional owners.

Author: Bryan McEwan – Director Economy and Community  
File No: 13/09/001  
Attachment: 1: Map of proposed Dja Dja Wurrung recognition and settlement area (RSA)  
2: Gunaikurnai Native Title Agreement FAQs

#### RECOMMENDATION

*That Council:*

1. *Receive and note the Dja Dja Wurrung Peoples Settlement report*
2. *Write to the relevant authority with an invitation to brief Council on the project's progress.*

#### PREVIOUS COUNCIL DISCUSSION

Council had previously requested further information on the Dja Dja Wurrung Native title claim.

#### BACKGROUND

Native title is the recognition in Australian law that some Indigenous people continue to hold rights to their lands and waters, derived from traditional laws and customs.

Aboriginal groups can apply to have Native Title rights recognised by the Federal Court, under the *Commonwealth Native Title Act 1993*.

In Victoria, native title has been found to exist on four occasions. The difficulty of achieving legal recognition of native title led to the Victoria state government to facilitate the development of an alternative system for recognising rights of Aboriginal traditional owners.

The **Victorian Traditional Owner Settlement Act 2010** allows the government to make agreements with Aboriginal traditional owner groups to recognise their relationship to land, and provide for certain rights on Crown land and other benefits.

The Director Economy and Community has met with officers from the Department of Justice (DoJ) and the Department of Sustainability and Environment (DSE) to discuss the native title claim by the traditional owners, as it relates to Loddon Shire. The intent of the meeting was to discuss:

1. the negotiation timeframes and milestones for the proposed settlement of the Dja Dja Wurrung native title claims as they relate to Loddon Shire region;
2. the content of native title settlements within the *Traditional Owner Settlement Act 2010*;
3. the proposed Local Government Engagement Strategy that will be developed as part of the proposed settlement and the role Loddon Shire will play in the development as part of this process;
4. management arrangements within designated crown land reserves between Dja Dja Wurrung and Loddon Shire under the proposed native title claim;
5. economic development opportunities and the regional economy; and
6. the impact of current native title legal framework for access to waterways for adjoining freehold land-owners.

The attached map indicates the approximate area for which the Dja Dja Wurrung People would be recognised by the Victorian State as the exclusive Traditional Owners. The map also indicates that a significant proportion of the Loddon Shire is covered under the Dja Dja Wurrung claim.

The Dja Dja Wurrung's initial claim with the National Native Title Tribunal was lodged in July 2000.

### **ISSUES/DISCUSSION**

The meeting with DoJ and DSE, while useful and constructive, the terms of the settlement are still being negotiated.

In terms of the Loddon Shire and the the proposed settlement, it was indicated that:

- Boundaries will be agreed with neighbouring Traditional Owner Groups before the Dja Dja Wurrung settlement can be finalised.
- The claims (once settled) would be binding with agreement that there would be no further native title claims.
- It is intended that the negotiated settlement of the claims be finalised by the end of 2012.
- Agreed areas of Crown land would be jointly managed with the Dja Dja Wurrung.
- Existing uses of Crown land reserves (for example, boating, timber harvesting, tourism etc.) will be recognised and protected.

Importantly, in finalising the agreement, further discussion will be required to clarify Council's ongoing relationship with the Dja Dja Wurrung.



The proposed Recognition and Settlement Agreement will include a commitment by the state and the Dja Dja Wurrung to develop a 'Local Government Engagement Strategy' that would include (but would not be limited to) the following:

1. recognition of the Dja Dja Wurrung as the Traditional Owners of the areas within the municipality;
2. fostering of ongoing consultation with Dja Dja Wurrung as the Traditional Owners;
3. inclusion of the Dja Dja Wurrung as the Traditional Owner representative on Local Government-convened committees;
4. provision for protection of cultural heritage, in accordance with the *Aboriginal Heritage Act 2006*;
5. education of the broader community about Dja Dja Wurrung customs, language and spirituality;
6. obtaining support for the development of cultural awareness strategies and projects (such as local histories, language preservation projects, monuments);
7. promotion of greater use of Dja Dja Wurrung names in place names where the local government is the naming authority; and
8. assistance with rezoning and other planning related applications.

It is proposed that a briefing to Council be organised as soon as practicable to enable a greater understanding of the proposed settlement (including the Local Government Engagement Strategy), how council can be more actively involved in the decision-making process and the ongoing relationship with the Dja Dja Wurrung.

Further information on what may be included in a successful agreement is included within the attachment 'Gunaikurnai Native Title Agreement FAQs', which outline key elements of the 2010 settlement of the Gunaikurnai claims.



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9. **GENERAL BUSINESS**

10. **CONFIDENTIAL ITEMS**

**Closing of Meeting to the Public**

**RECOMMENDATION**

*That the meeting be closed to the public.*

11. **NEXT MEETING**

The next Ordinary Meeting of Council will be held on Monday 25 June 2012 at Serpentine commencing at 3.30pm.