

LODDON SHIRE COUNCIL

Notice of an Ordinary Meeting of the Loddon Shire Council to be held in the Senior Citizens building, Pyramid Hill on Monday 25 February 2013 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 29 January 2013.
Approval of Ordinary Minutes of 29 January 2013

Author: John McLinden - Chief Executive Officer

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council confirm:

1. *the minutes of the Council Forum of 29 January 2013*
2. *the minutes of the Ordinary Council Meeting of 29 January 2013*

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 Council receive and note the Action Sheet.

3. INWARDS CORRESPONDENCE

Nil

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 Council receive and note the Mayoral Report.

4.2 COUNCILLORS' REPORT

SUMMARY

Approval of Councillors' Reports.

Author: John McLinden – Chief Executive Officer

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council receive and note the Councillors' Report.

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 Council:

- 1. receive and note the 'Document for Signing and Sealing' report*
- 2. endorse the use of the seal on the documents listed*

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

N/A

ISSUES/DISCUSSION

Instrument of Delegation for Bridgewater on Loddon Memorial Hall Committee of Management

Contract 261 Cleaning Services – Loddon Shire Parks and Gardens Facilities, between Loddon Shire Council and Wayne Cleaning Systems Pty Ltd

Contract 228 Construction of New Sports Pavilion at the Newbridge Recreation Reserve between Loddon Shire Council and Gerard K House Pty Ltd (June 2012)

**5.2 VICTORIAN ELECTORAL COMMISSION ELECTION REPORT LODDON SHIRE COUNCIL
GENERAL ELECTIONS 2012**

SUMMARY

Type summary of report here in one or two sentences.

Author: John McLinden, Chief Executive Officer

File No: 01/02/001

Attachment: Election report Loddon Shire Council General Elections 2012

RECOMMENDATION

That Council receive and note the Victorian Electoral Commission's election report for Loddon Shire Council General Elections 2012.

PREVIOUS COUNCIL DISCUSSION

Nil.

BACKGROUND

Clause 14 of schedule 3 of the Local Government Act 1989 requires that the returning officer must prepare a report to the Chief Executive Officer on the conduct of the election within a period of three months after the election day. It further requires that this report include a certified record of the number of ballot papers and declarations printed, issued, used, spoiled and returned and requires that the Chief Executive Officer ensures that this report is submitted to the earliest possible Council Meeting.

ISSUES/DISCUSSION

The deadline for submission of the report for the 2012 general election was 26 January 2013. I am pleased to advise that the report was received in the Loddon Shire offices on 24 January 2013.

As the agenda for the January Council Meeting had already been distributed, the CEO has referred this report to the February Council Meeting for Council's consideration.

The attached report provides a comprehensive and detailed description of the conduct and outcome of the Loddon Shire Council 2012 general election. It provides information on the candidates that nominated for each election and a full report on the votes polled and the results of each election. The report deals with administrative matters such as storage of election material, refund of nominations and non-voter follow-up issues. The report provides information on the number of informal votes, which is a pleasingly low percentage, and provides information on the voter turnout which sits at around 76 to 77%.

It is pleasing to note that the report confirms that there were no complaints about the electoral process lodged with the returning officer during the conduct of the 2012 general election for the Loddon Shire Council.

COSTS/BENEFITS

Nil.

RISK ANALYSIS

Nil.

CONSULTATION AND ENGAGEMENT

Nil.

5.3 LOCAL GOVERNMENT INSPECTORATE ACTION PLAN REVIEW

SUMMARY

The Local Government Inspectorate has provided Council with a review of actions to address findings of its audit conducted in September 2011.

Author: John McLinden, Chief Executive Officer

File No: 02/04/001

Attachment: Local Government Investigations and Compliance Inspectorate Loddon Shire Council – Action Plan Review

RECOMMENDATION

That Council receives and notes the report detailing the findings of the action plan review conducted by the Local Government Investigations and Compliance Inspectorate on 4 December 2012.

PREVIOUS COUNCIL DISCUSSION

Nil.

BACKGROUND

The Local Government Inspectorate conducted a routine audit for the operations of the Loddon Shire from 5 - 9 September 2011. That audit recommended a number of improvement actions in administrative processes of the municipality. Council has been provided with a quarterly update on the progress against compliance with each of the recommendations from the Inspectorate's audit report.

ISSUES/DISCUSSION

The Inspectorate again visited Loddon Shire on 4 December 2012 for a follow-up review. The Inspectorate notes in its correspondence resulting from that follow-up review that overall it was a very positive experience. It was demonstrated that much work had been undertaken since the initial visit. As you will note there is minimal remedial work to be undertaken, however there is an expectation that Council will continue the momentum that has been created to ensure that both Council staff members and councillors remain aware of their responsibilities and the importance of complying with the Local Government Act 1989.

Of the seven testing items audited, five were found to require no further action. In relation to special committees, the Inspectorate noted that "the inspectorate will review the council spreadsheet towards the end of June 2013 to see if further improvements have been made to section 86 committees – to facilitate compliance with the Local Government Act 1989" and in relation to councillor and mayoral allowances, the Inspectorate noted "that the inspectorate will review the mayoral and councillor allowances once the item is reviewed in February 2013".

Council has been kept regularly informed of progress in updating and bringing into compliance with the Local Government Act the delegations for section 86 committees, that is, special committees of Council. Council is aware that there is a large volume of work required in respect of these matters and that work is progressing at an acceptable rate. It is expected that the Local Government Inspectorate will be satisfied with the progress that Council has made and will continue to make when it revisits in June 2013.

With respect to councillor and mayoral allowances it is noted that Council considered a review of the councillor and mayoral allowances at its January 2013 Council meeting, and at the time of this meeting the review is out for public consultation and will be brought the March meeting for consideration of any submissions and finalisation of the review.

In summary, all matters contained within the Local Government Inspectorate audit report and action plan review are in hand.

COSTS/BENEFITS

Nil.

RISK ANALYSIS

Nil.

CONSULTATION AND ENGAGEMENT

Nil.

5.4 ANNUAL LEAVE CHIEF EXECUTIVE OFFICER

SUMMARY

Report requests annual leave for the Chief Executive Officer.

Author: John McLinden, Chief Executive Officer

File No:

Attachment: Nil

RECOMMENDATION

That Council grant the Chief Executive Officer annual leave from Tuesday 2 April 2013 to Friday 12 April 2013 inclusive.

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

Nil

ISSUES/DISCUSSION

The Chief Executive Officer wishes to apply for annual leave to be taken from Tuesday 2 April 2013 to Friday 12 April 2013 inclusive.

It is proposed that Mr Bryan McEwan, Director Economy and Community, be appointed as Acting Chief Executive Officer during the Chief Executive Officer's absence.

COSTS/BENEFITS

Nil

RISK ANALYSIS

Nil

CONSULTATION AND ENGAGEMENT

Nil

6. DIRECTOR CORPORATE SERVICES' REPORTS

6.1 FINANCE REPORT FOR THE PERIOD ENDING 31 JANUARY 2013

SUMMARY

This report provides Council with financial information for the period ending 31 January 2013.

Author: James Rendell - Manager Financial Services

File No: 8/06/001

Attachment: 6.1

RECOMMENDATION

That Council:

1. *Receives and notes the "Finance Report for the period ending 31 January 2013"*
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 31 January 2013 includes standard monthly information about budget variations, cash, investments, interest, debtors and creditors, and provides a comparison of year-to-date actual results to year-to-date budget (by dollars and percentage) and total revised budget (by percentage).

The information is provided in the format provided in the 2012/2013 Budget, and includes operating results, capital expenditure and funding sources. It also provides a focus report.

ISSUES/DISCUSSION

Nil

COSTS/BENEFITS

The benefit to Council and the community is that accurate and regular financial reporting is being disclosed and the approved budget is being monitored on a constant basis.

Provision of financial reports on at least a quarterly basis is a requirement of the Local Government Act.

RISK ANALYSIS

Council's management of projects against budget at officer level, and the provision of regular and accurate finance reports to Council minimises the risk of Council not delivering projects within the approved budget.

Council's practice of revising budgets as changes become known provides current information about the expected results for the financial year, and assists in forward planning for future budgets.

CONSULTATION AND ENGAGEMENT

There has been considerable consultation internally with respective managers in understanding their budget responsibilities and keeping within budgetary constraints.

External engagement with the community was undertaken during the submission period of the budget, and regular reporting provides a mechanism of monitoring the financial outcomes of Council against that expectation.

6.2 FEBRUARY 2013 AUDIT COMMITTEE MEETING

SUMMARY

This report provides Council with an overview of the Audit Committee meeting held in February 2013.

Author: Jude Holt – Director Corporate Services

File No: 06/02/003

Attachment: 6.2a Audit Report - Review of IT Network Security
6.2 b Annual report to Council on the committee's activities for the year
6.2c 2012 Better practice results from Victorian Auditor-General's Office

RECOMMENDATION

That Council

1. *receives and note the:*
 - a. *February 2013 Audit Committee Meeting Report*
 - b. *Annual report to Council on the committee's activities for the year*
 - c. *2012 Better practice results from the Victorian Auditor-General's Office*
2. *endorses the performance improvement recommendations documented in the Audit Report – Review of IT Network Security.*

PREVIOUS COUNCIL DISCUSSION

Council was provided with a summary of the November 2012 Audit Committee Meeting at the Ordinary Meeting held on 10 December 2012.

BACKGROUND

The Audit Committee was created under Section 139 of the Local Government Act 1989, which states that "Council must establish an audit committee".

The committee is made up of four independent community members, and Cr Gavan Holt, as Council's representative. Council's Chief Executive Officer and Director Corporate Services attend the meetings in an advisory capacity.

The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for:

- The enhancement of the credibility and objectivity of internal and external financial reporting
- Effective management of financial and other risks and the protection of Council assets
- Compliance with laws and regulations as well as use of best practice guidelines
- The effectiveness of the internal audit function
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council
- Facilitating the organisation's ethical development
- Maintaining a reliable system of internal controls.

In order to provide a structured approach and ensure that the committee addresses each of its responsibilities, an annual calendar of actions and an internal audit review program are established each year, and these guide the activities of the committee.

ISSUES/DISCUSSION

The main focus of the 14 February 2013 Audit Committee meeting was presentation of the:

- Audit review of IT Network Security

- Annual report to Council summarising the activities of the committee during the year
- The conflict of interest guide for members of Council committees
- 2012 better practice results from Victorian Auditor-General's Office.

Other items on the agenda included:

- The following standing items:
 1. Fraud Report
 2. Major Lawsuits
 3. Monthly Finance Report
 4. Risk Management Report
- An overview of the activities of the Community Services Department by Council's Acting Director Community & Wellbeing
- Provision of the annual performance survey which will be completed by committee members and returned to the next meeting for discussion
- An overview of the Outstanding Action List which shows that Council currently has 24 outstanding actions to be completed, with 4 added to the list from the Review of Reliance on Grants and 2 added to the list from the Management Letter for the year ended 30 June 2012.

The next audit review will be section 86 committees, and the results will be provided to the committee at the May 2013 meeting.

COSTS/BENEFITS

There are costs associated with the audit committee and internal audit function.

However, in most cases, actions resulting from audit reviews do not bear any new costs as they are undertaken by current staff.

The benefits that the internal audit function provides Council are:

- Business improvement relating to the audit review areas
- Standard policy and procedure documents which are developed through the action list
- Improvement in knowledge management that will assist with succession planning over time
- A reduction in risk in areas relating to audit reviews.

RISK ANALYSIS

The internal audit program has been created and is annually updated on a risk basis, ensuring that Council's program addresses the areas of highest risk or greatest concern to audit committee members and Council officers.

CONSULTATION AND ENGAGEMENT

Nil

6.3 GENERAL VALUATION OF RATEABLE LAND 2014 REPORT

SUMMARY

Under Section 6(1) of the Valuation of Land Act 1960, a rating authority is required to give notice of a resolution to undertake a general valuation of rateable land. This report seeks a resolution from Council to satisfy the legislative requirement.

Author: Jude Holt, Director Corporate Services

File No: 09/01/001

Attachment: 6.3 Notice of Resolution under Section 6(1)

RECOMMENDATION

That:

1. *Council resolves to cause a general valuation to be made of all rateable land in the Loddon Shire as at the prescribed date of 1 January 2014*
2. *The Chief Executive Officer be authorised to notify the Valuer-General Victoria and other interested rating authorities in the prescribed form, as per Schedule 1 in the Valuation of land (General and Supplementary Valuation) Regulations 2003.*

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

Section 6(1) of the Valuation of Land Act 1960 states:

“A rating authority proposing to make a general valuation of rateable land shall give to the Valuer-General and to every other rating authority interested in the valuation of land within its area not less than one month’s notice of its resolution to cause such a general valuation to be made”.

Further, Section 5 of the Valuation of Land (General and Supplementary Valuations) Regulations 2003 states:

“A notice of resolution to cause a general valuation to be made under Section 6(1) of the Act must be made in the form of Form 1 in Schedule 1.”

A draft copy of Schedule 1 is included as Attachment 6.3.

ISSUES/DISCUSSION

Nil

COSTS/BENEFITS

There are no costs associated with the resolution to undertake a general valuation. The costs will occur when the revaluation process commences.

RISK ANALYSIS

It is a legislative requirement to resolve to undertake a general valuation. Council is eliminating the risk of not complying with the Act by accepting this report.

CONSULTATION AND ENGAGEMENT

The authorities listed on Schedule 1 will be notified of Council’s resolution as soon as possible.

**6.4 SECTION 86 COMMITTEES OF MANAGEMENT AMENDED INSTRUMENTS OF DELEGATION –
BOORT TOURISM COMMITTEE OF MANAGEMENT,
DINGEE PROGRESS ASSOCIATION COMMITTEE OF MANAGEMENT AND
LODDON SOUTHERN TOURISM AND DEVELOPMENT COMMITTEE OF MANAGEMENT**

SUMMARY

This report seeks Council's approval of amended Instruments of Delegation for Boort Tourism, Dingee Progress Association and Loddon Southern Tourism and Development Committees of Management.

Author: Jude Holt, Director Corporate Services

File No: 02/01/012, 02/01/017, 02/01/029

Attachment: 6.2a Boort Tourism Committee of Management Instrument of Delegation
6.2b Dingee Progress Association Committee of Management Instrument of Delegation
6.2c Loddon Southern Tourism and Development Committee of Management Instrument of Delegation

RECOMMENDATION

That Council approves the amended Instruments of Delegation for:

1. *Boort Tourism Committee of Management*
2. *Dingee Progress Association Committee of Management*
3. *Loddon Southern Tourism and Development Committee of Management.*

PREVIOUS COUNCIL DISCUSSION

Council has been progressively approving amended Instruments of Delegation as they are returned by committees.

BACKGROUND

A review of Section 86 committees' Instruments of Delegation within 12 months of a general election is required under Section 86(6) of the Local Government Act 1989.

Council had not reviewed committee delegations for some time, and late in 2010 a review commenced. After the flood event of January 2011 the project was put on hold, and recommenced in January 2012. Since then 17 reviews have been started, with another 21 still to commence.

ISSUES/DISCUSSION

The Instruments of Delegation for the Boort Tourism, Dingee Progress Association and Loddon Southern Tourism and Development Committees of Management are presented to Council for approval.

The delegations have been amended to the format that Council approved at the Ordinary Meeting held on 23 April 2012, and the further amendment of Clause 3.3 (representatives shall be nominated, not appointed) at the Ordinary Meeting held on 23 July 2012.

The Instruments of Delegation are provided as Attachments 6.2a, 6.2b and 6.2c.

COSTS/BENEFITS

There are a number of benefits of this project including:

- Standardisation of committee Instruments of Delegation, which will be easier to administer during future reviews
- Inclusion of the committee's reporting requirements to ensure that all legislative requirements are met
- Increased compliance with the Local Government Act 1989

- An increased understanding of Section 86 of the Act for officers and Councillors.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

The project of updating every Section 86 committee delegation will be followed by a project to prepare a governance manual for use by committees which will guide them in their activities and provide information about their responsibilities.

This will not only support committees better, but ensure that they understand their legislative responsibilities and Council requirements.

CONSULTATION AND ENGAGEMENT

Every committee was advised that their delegation would be updated as part of an overall Council review of Section 86 committee delegations.

Each committee is consulted and communicated with as part of the individual review process.

**6.5 SECTION 86 COMMITTEES OF MANAGEMENT COMMITTEE MEMBERSHIP -
DINGEE PROGRESS ASSOCIATION COMMITTEE OF MANAGEMENT**

SUMMARY

This report seeks Council's appointment of members to the Dingee Progress Association Section 86 committees of management.

Author: Jude Holt, Director Corporate Services

File No: 02/01/017

Attachment: Nil

RECOMMENDATION

That Council appoints members to the Dingee Progress Association Section 86 committee of management, effective immediately, as per the names provided in this report.

PREVIOUS COUNCIL DISCUSSION

Council has been progressively approving committee membership of Section 86 committees of management as they are provided.

BACKGROUND

Council has been progressively approving amended Instruments of Delegation for Section 86 committees of management.

Included in the amended delegations is Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- *President, who shall be Chairperson of the Committee*
- *Secretary*
- *Treasurer.*

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

As contact has been made with committees, a form has been issued to them asking them to provide their current committee members' names and contact details.

Where delegations have organisation representatives (not community representatives), the names and details of the groups being represented are provided in the list.

ISSUES/DISCUSSION

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

Dingee Progress Association Committee of Management is a community based committee, which has a preferred representation of at least 6 community members. The following list of nominated representatives exceeds the minimum requirement:

Dingee Progress Association Committee of Management
Robert Plant (President)
John Gledhill (Vice President)
Wendy McCormick (Secretary)
Pamela Plant (Treasurer)
Julie Beck
Lindsay Falls
Lorna Falls
Margaret Gledhill
Jean Hellsten
Kevin Jackman
John Martin
Sharon Martin
Charlie Matarazzo
Frances Monsborough
Peter Monsborough
Melissa Munro
Barbara Pratt
Keith Pratt
Daniel Straub
Lauren Straub
Frank Winzar

COSTS/BENEFITS

The benefit of this project is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Council has been advising committees in writing of the requirement to provide the list of committee members nominated at their Annual General Meeting, which requires Council approval.

**6.6 SECTION 86 COMMITTEES OF MANAGEMENT COMMITTEE MEMBERSHIP -
BRIDGEWATER ON LODDON PROGRESS ASSOCIATION COMMITTEE OF MANAGEMENT**

SUMMARY

This report seeks Council's appointment of members to the Bridgewater on Loddon Progress Association Section 86 committee of management.

Author: Jude Holt, Director Corporate Services

File No: 02/01/014

Attachment: Nil

RECOMMENDATION

That Council appoints members to the Bridgewater on Loddon Progress Association Section 86 committee of management, effective immediately, as per the names provided in this report.

PREVIOUS COUNCIL DISCUSSION

Council has been progressively approving committee membership of Section 86 committees of management as they are provided.

BACKGROUND

Council has been progressively approving amended Instruments of Delegation for Section 86 committees of management.

Included in the amended delegations is Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- *President, who shall be Chairperson of the Committee*
- *Secretary*
- *Treasurer.*

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

As contact has been made with committees, a form has been issued to them asking them to provide their current committee members' names and contact details.

Where delegations have organisation representatives (not community representatives), the names and details of the groups being represented are provided in the list.

ISSUES/DISCUSSION

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

Bridgewater on Loddon Progress Association Committee of Management is a community based committee, which has a preferred representation of at least 6 community members. The following list of nominated representatives exceeds the minimum requirement:

Bridgewater on Loddon Progress Association Committee of Management
Graham Morse (President)
Dave Edwards (Vice President)
Shannon Brown (Secretary)
Jenny Hosking (Assistant Secretary)
Kathryn Bowen (Treasurer)
Cecily Thomas (Assistant Treasurer)
David Hanna
Fred Shea
Glen Mangan
Anne Wilson
Keith Harris
Leigh Hanna
Lola Saunders
Peter Mitchell
Rae Broadbent
Robert Scholes
Roberta Foster
Steve Brown
Steve Kerek
Sue Harris
Suzette du-Mmett
Jim Lawson

COSTS/BENEFITS

The benefit of this project is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Council has been advising committees in writing of the requirement to provide the list of committee members nominated at their Annual General Meeting, which requires Council approval.

7. DIRECTOR OPERATIONS' REPORTS

7.1 PLANNING APPLICATIONS CURRENTLY BEING PROCESSED

SUMMARY

Provides Council with an update on Planning applications currently under consideration and a register of planning permits issued between 10 January 2013 and 8 February 2013.

Author: Tyson Sutton – Manager Planning & Local Laws

File No: 02/01/001

Attachment: 7.1(a) List of Active Planning Applications
7.1(b) List of Applications Approved under Delegation

RECOMMENDATION

That Council receives and notes 'Planning Applications Currently Being Processed' report.

PREVIOUS COUNCIL DISCUSSION

Council is provided with a monthly report identifying the status of planning applications currently under consideration or those permits which have been issued within the preceding month.

BACKGROUND

The Loddon Shire's Planning Scheme sets out Council's objectives for the Shire with regard to land use and development via the Municipal Strategic Statement and Local Policies, and specifies which uses and developments require planning approval via zones and overlays.

As the responsible Authority it is Loddon Shire Council's duty to administer and enforce its planning scheme.

ISSUES/DISCUSSION

Attachments 7.1(a) and 7.1(b) provides Council with a full list of planning applications currently under consideration and those planning permits issued between 10 January 2013 and 8 February 2013.

COSTS/BENEFITS

Nil

RISK ANALYSIS

Failure to process planning applications in a timely manner or undertake rigorous assessment of development or works proposals is considered to pose the following risks:

- Barrier to development and associated economic growth within the Shire
- Proliferation of incompatible land use development
- Council's reputation as a regulatory authority
- Infrastructure, service provision or regulatory and enforcement pressures
- Protection of zones to accommodate intended activities or reduction of surrounding property amenity

CONSULTATION AND ENGAGEMENT

Consultation and engagement with planning permit applicants is routinely conducted at the required periods throughout the assessment and permit approval process.

7.2 ROAD NETWORK DEFECT RECTIFICATION COMPLIANCE SUMMARY REPORT

SUMMARY

Provides a summary of Loddon Shires compliance against its Road Management Plan for the period 1 October 2012 to 31 December 2012, being the second Quarter of the 2012/2013 Financial Year.

Author: Steven Phillips – Manager Works

File No: 14/01/022

Attachment: Nil

RECOMMENDATION

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

PREVIOUS COUNCIL DISCUSSION

At its ordinary meeting held on 26 November 2012, Council was presented with a report summarising road network defect rectification compliance against requirements specified within the Loddon Shire Road Management Plan (RMP).

BACKGROUND

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

ISSUES/DISCUSSION

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: 5 February 2013

Table 1 – Quarter 2

Date Range: 1 October 2012 to 31 December 2012

Number of Works Actions	Number Completed By Due Date	Number Completed After Due Date	Number Not Completed	Compliance %	District
7	7	0	0	100.0%	Boort
54	51	3	0	94.4%	Newbridge
72	61	11	0	84.7%	Pyramid Hill
73	71	2	0	97.3%	Wedderburn

DEFINITIONS

Number of Works Actions - Within the date range, count the defects that were due 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

During the 2nd Quarter of 2012/2013, 94 % of all date imposed defects were completed before their due date. This is below the target of 100% of date imposed defects repaired by due date. It is noted however that all defects have now been completed and there are no outstanding date imposed defects.

As previously reported to Council compliance with the Loddon Shire Road Management Plan over the past 20 months has been made difficult due to, availability of resources and demand in the Flood Restoration Program leading to requirements for ongoing defect prioritisation.

COSTS/BENEFITS

Nil

RISK ANALYSIS

Repairing 100% of all date imposed defects before their due date limits Council's liability for any claims made against Council. We have received no claims for damage for this quarter as a result of defects on Council's road network.

An action plan has been put in place that includes the following:

- Ongoing processes where each District's outstanding defects are reviewed and prioritised for completion.
- If the defect is unable to be completed then it is inspected and made safe until it can be completed.

CONSULTATION AND ENGAGEMENT

Nil

7.3 PLANNING APPLICATION 4821 - EXPANSION OF A PIGGERY

SUMMARY

Recommends approval of an application for the expansion of an existing piggery in the Yarrawalla area. The application has received one objection.

Author: Tyson Sutton – Manager Planning and Local Laws

File No: 13/02/004

Attachment: Objection
Recommended Permit Conditions

RECOMMENDATION

That Council approves planning permit application 4821 subject to the attached conditions.

PREVIOUS COUNCIL DISCUSSION

This matter has not previously been discussed with Council

BACKGROUND

This planning permit application is being presented to Council for determination as an objection to the proposal has been received.

ISSUES/DISCUSSION

Proposal

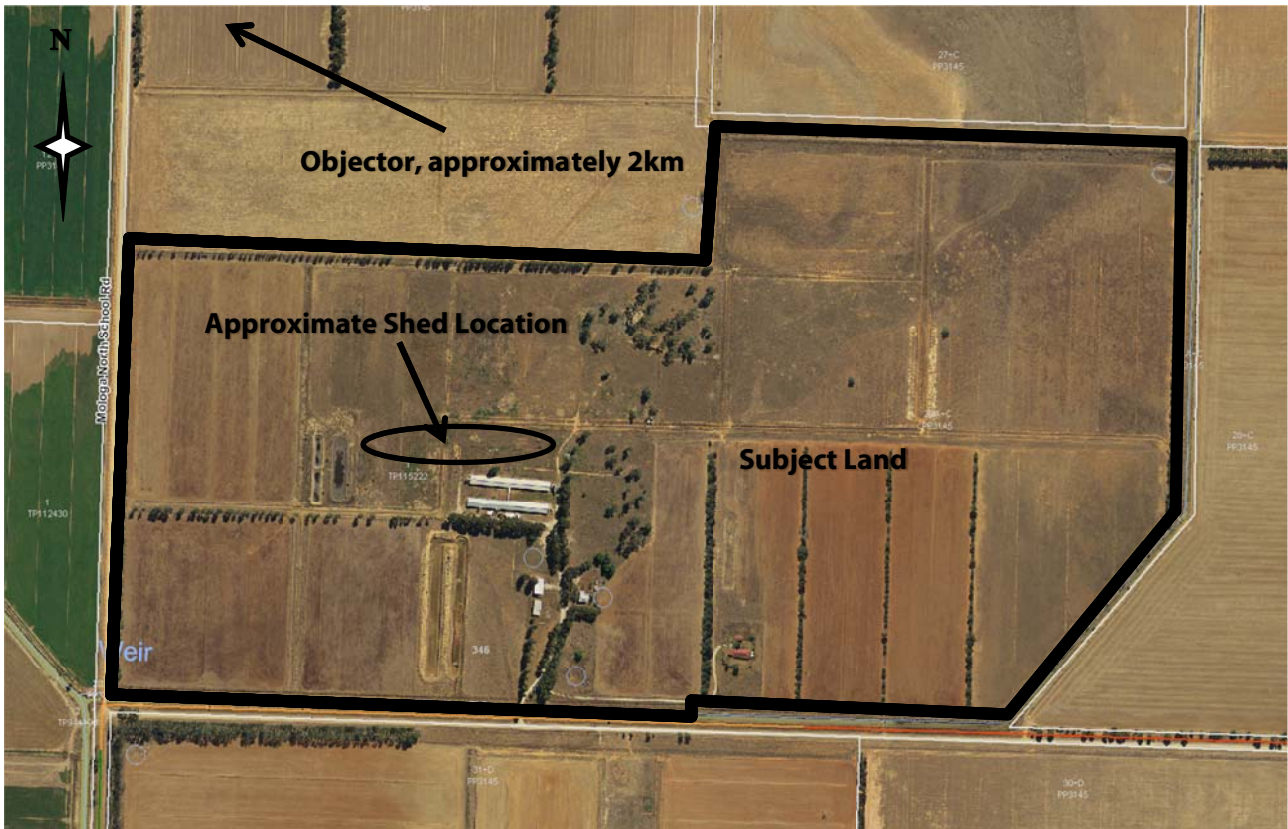
The application seeks approval for the expansion of an existing piggery. The proposal includes the construction of two additional pig sheds and an increase in maximum pig numbers from 3000 animals to 4950. The proposed sheds are each 1246 square metres in area (89 metres x 14 metres). In order to support the increase in pig numbers the applicant proposes upgrades to the effluent systems including covering the primary anaerobic lagoon.

A concurrent application (application 4839) seeks approval to add a feed mixing shed to the site.

Subject site & locality

The subject land is located at 346 Martins Road, Yarrawalla. It is occupied by a mixed farm enterprise pursuing cereal and livestock production in addition to the piggery. The subject land a broadly "L" shaped property and is approximately 95 hectares in area. It is largely flat and has been developed for irrigation being laid out in bays generally running north/south. A seasonal watercourse/drainage line dissects the property. Development on the site consists of two pig sheds, numerous storage sheds and a dwelling. The watercourse separates the dwelling from other development on the site. Access to the piggery is from Martins Road via a tree lined driveway. The piggery is screened from Martins Road by planted vegetation.

The land is bound by Mologa North School Road to the west and Martins Road to the south. Surrounding land is used and developed for agriculture.



Public Notification

Notice of the application was undertaken and one objection was received. The grounds of objection are summarised as follows:

- Traffic on Shays Road
- Odour

Referrals

The application was not required to be referred to any external authority.

Assessment

The zoning of the land and any relevant overlay provisions

The subject land is contained within the Farming Zone of the Loddon Planning Scheme and is affected by the Floodway Overlay and the Land Subject to Inundation Overlay. As the proposed development is not located within the area affected by the overlays, the Land Subject to Inundation Overlay and Floodway Overlay are not a consideration in the assessment of this application.

The proposed development requires planning approval under the provisions of the Farming Zone for buildings and works associated with a piggery. A Piggery is defined as "intensive animal husbandry" by the Loddon Planning Scheme, that is:

Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures.

“Intensive animal husbandry” is a discretionary use (Section 2 use) in the Farming Zone. In accordance with the provisions of the zone planning approval is required for buildings and works associated with a discretionary use.

The Farming Zone requires the consideration of a number of decision guidelines relating to agriculture, the environment, design and siting as well as general issues. The first consideration is the compliance of the proposal with the State Planning Policy Framework and Local Planning Policy Framework of the Loddon Planning Scheme.

The policy guidelines for “Sustainable agricultural land use” contained at Clause 14.01-2 of the Loddon Planning Scheme requires planning to consider the Code of Practice: Piggeries (Health Commission of Victoria and Department of Food and Agriculture, 1992), in assessing proposals for use and development of piggeries. The code of practice is an incorporated document within the Loddon Planning Scheme and therefore part of the scheme.

The Code of Practice - Piggeries specifies minimal standards that apply to new piggeries or where there are substantial modifications to existing piggeries. This Code of Practice is designed to assist municipal councils, pig producers and planning authorities in the proper establishment and operation of new piggeries or where there are major modifications to existing piggeries. It is in the interest of the producer, the pig industry and the general community that piggeries are established and managed efficiently, with minimal environmental impact and disturbance to the local area.

The Code of Practice – Piggeries addresses general requirements for establishing piggeries, piggery classifications, buffer zones, building design requirements, operating requirements and disposal of effluent. An assessment of the proposal has identified that the proposal is in compliance with the Code of Practice – Piggeries and is consistent with the purpose and decisions guidelines of the Farming Zone.

Objections

Notice of the application was given to neighbouring property owners and occupiers. The notice resulted in 1 objection. The issues raised by the objections are addressed as follows:

- Traffic on Shays Road

The proposed increase in pig numbers will generate additional heavy vehicle movements for feed deliveries and for the transport of stock to and from the property. The applicant advises that they anticipate an additional two feed trucks and one stock truck each week to service the increased pig numbers. This is made up of six truck movements per week. This is not considered to be a significant increase in traffic movements on the local road network.

- Odour

Odour concerns are extremely common with any piggery operation and are generally related to the management of effluent on the site. The subject land has an existing series of lagoons for effluent treatment. It is proposed to cover the primary treatment lagoon. This will allow gases generated by the effluent treatment process to be utilised in the operation of the piggery with the benefit of reduced odour emissions from the site. It is anticipated that the proposed effluent treatment system upgrades will result in reduced odour emissions from the site.

COSTS/BENEFITS

N/A

RISK ANALYSIS

Failure to undertake rigorous assessment of planning applications is considered to pose the following risks:

- Barrier to development and associated economic growth within the Shire
- Proliferation of incompatible land use development
- Council's reputation as a regulatory authority
- Infrastructure, service provision or regulatory and enforcement pressures
- Protection of zones to accommodate intended activities or reduction of surrounding property amenity

CONSULTATION AND ENGAGEMENT

Consultation and engagement with planning permit applicants is routinely conducted at the required periods throughout the assessment process.

7.4 PLANNING PERMIT APPLICATION 4829 - EXTRACTIVE INDUSTRY

SUMMARY

Recommends approval of an application for establishment of a gravel and sand extraction operation near Logan. The application has received two objections

Author: Tyson Sutton – Manager Planning and Local Laws

File No: 13/02/004

Attachment: Endorsed Work Plan
Work Plan Conditions
Objections
Recommended Permit conditions

RECOMMENDATION

That Council approve planning application 4829 for establishment of a gravel and sand extraction operation subject to the attached recommended conditions:

PREVIOUS COUNCIL DISCUSSION

This matter has not previously been discussed with Council. Cr Holt, as the Ward Councillor attended a site meeting on 22 January with the applicants and one objector. The Manager Planning & Local Laws was also in attendance.

BACKGROUND

This planning permit application is being presented to Council for determination as two objections to the proposal have been received.

ISSUES/DISCUSSION

Proposal

A planning permit application for “extraction of gravel materials” has been received by the Responsible Authority. The Loddon Planning Scheme identifies the proposed use as “Earth and energy resources industry” which is defined as follows:

Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.

The applicant proposes to reopen a former extractive industry site known as “Peacock’s Pit”. The operation of the quarry is to involve the use of a bulldozer to stockpile materials and an excavator or front end loader to load trucks for the transport of materials. The applicant has identified that they may use a screening process to grade materials. A detailed explanation of the proposed methodology is provided in the attached endorsed workplan. No blasting has been proposed.

Subject site & locality

The subject land is crown land managed by the Department of Sustainability and Environment. The site is situated on the Logan Emu Road, Logan approximately 1 kilometre to the south of the Wimmera Highway. Extractive industry and mining operations have previously been conducted on the site. It features significant areas of disturbance from past activities.

Access to the site is available from the Emu Logan Road to the west and via Whitney Road to the northeast. The application identifies the Emu Logan Road as the main access to be used in the operation of the extractive industry. This road is categorised as a Rural Gravel Collector in Council’s road hierarchy. Whitney Road is categorised as Rural Gravel Access and Rural Gravel Minor.

Surrounding land is predominantly used for agricultural purposes featuring a mixture of cropping and grazing pursuits. There are 5 dwellings located within 2 kilometres of the subject land, the closest being located on the adjacent allotment to the west.

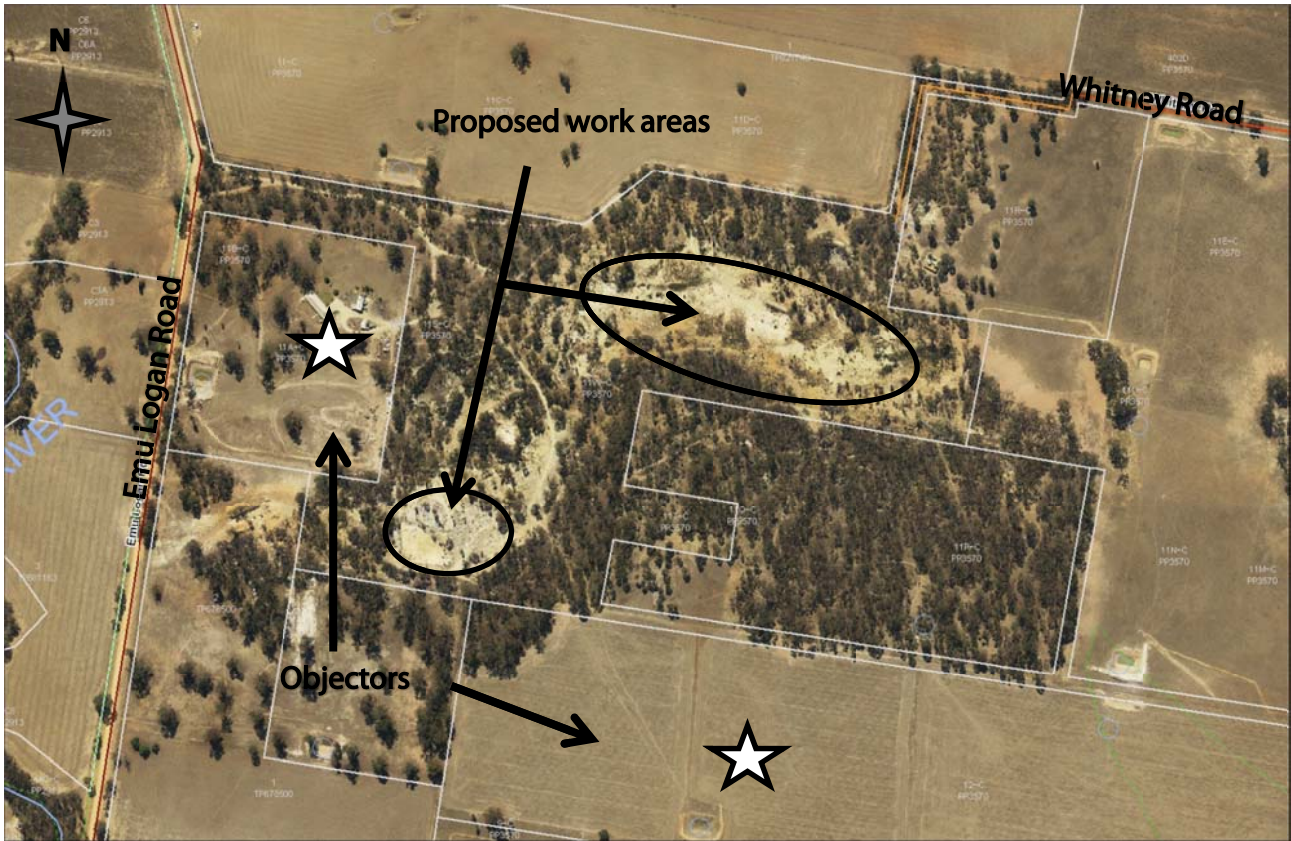


Image 1. Subject land showing proposed work areas and location of objectors' properties.

Public Notification

Notice of the application was undertaken and two objections were received. The grounds of objection are summarised as follows:

- Loss of access to adjoining property
- Loss of enjoyment of property
- Noise impacts
- Dust impacts
- Loss of vegetation
- Devaluation of land.

Referrals

An application for an extractive industry is not required to be referred. The referrals that would normally be made under the Planning and Environment Act 1987 are undertaken as part of the Department of Primary Industries' assessment of the draft Work Authority.

Assessment

The zoning of the land and any relevant overlay provisions

"Earth and energy resources industry" is an as of right use in all of the zones contained within the Loddon Planning Scheme. This use is governed by Clause 52.08 Earth and Energy Resources Industry. The purpose of the Clause is as follows:

- To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.
- To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.
- To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

It is only the first dot point in the lists of purposes that is really relevant to the consideration of this application. That is, will the proposed "Earth and energy resources industry" result in acceptable environmental outcomes? To guide this assessment, the Loddon Planning Scheme contains a number of generic decision guidelines. These are relevant to all planning permit applications and address issues such as planning policy (both State and Local), amenity impacts and environmental impacts.

The proposal is consistent with the purpose of the Earth and Energy Resources Industry provision of the Loddon Planning Scheme. It is consistent with the relevant planning policy (Clause 14.03, Resource Exploration and Extraction) which has the following objective:

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

The proposal will not result in any significant environmental impacts given the sites history of disturbance. The impact on existing native vegetation has been considered by the Department of Sustainability and Environment who have consented to the proposal through the assessment process under the Mineral Resources (Sustainable Development) Act 1990.

Amenity impacts arising from the proposal are anticipated to derive from noise and dust generated by plant on the site. These issues are discussed later in this report in relation to the grounds of objection.

Objections

The application for a planning permit received two objections. The grounds of objection are addressed as follows:

- Loss of access to adjoining property

The subject land is utilised by an adjoining landowner for access to their property which is otherwise landlocked in practical terms. The applicants have agreed to continue to allow access through the site to the adjoining landowner.

- Loss of enjoyment of property

The objector's contention that they will lose the enjoyment of their property hinges on the assumption of privacy and a certain level of amenity. The potential amenity impacts (noise and dust) are addressed elsewhere in this report.

In this instance the concept of privacy is considered to relate more to the relative isolation of the objector's property rather than any restriction to observation of the site. The proposal would result in additional traffic and people present in the area therefore reducing the perception of privacy/isolation.

The work sites identified in the application are removed from the adjacent dwelling and are screened by established vegetation and the existing topography of the site. While the occupants of the adjacent dwelling will be aware of the extractive operations they will not be visually intrusive.

- Noise impacts

Noise impacts from the proposed extractive industry will arise from the operation of plant and the transport of material offsite. While a degree of noise is unavoidable given the nature of the proposed

operation there are actions that can be taken to minimise offsite impacts. This includes limits to work hours, sound suppression of plant, siting of fixed plant and management of haulage routes.

At the site meeting held on 22 January 2013 the applicant suggested that Whitney Road be used as the main haulage route to minimise the impact of vehicle movements on the adjacent resident. While this would reduce the impact on the adjacent resident it would increase the impact of the operation on Council's road infrastructure.

Whitney Road changes in status along its length. It is categorised as Rural Gravel Minor where it adjoins the subject land and Rural Gravel Access closer to the Wimmera Highway. It is a lower order road than the Emu Logan Road which is categorised as Rural Collector. As such the Emu Logan Road would be better able to carry the anticipated traffic loads. Therefore the amenity of the adjacent resident must be balanced against the impact on Council infrastructure. In response to this issue it has been past practice to require the proponent to enter into an agreement for the maintenance of roads impacted by their activities. This can be addressed with planning permit conditions.

- Dust impacts

An extractive industry is an inherently dusty activity. Therefore, it is important that appropriate management processes are in place to manage the generation of dust in order to minimise its impact on adjacent landholders. To this end the applicant proposes to have a water truck available at all times to suppress dust on access roads and operational areas. This measure combined with the available buffers and vegetation is considered to be a satisfactory response to potential dust issues.

- Loss of vegetation

The removal of native vegetation is exempt from the need for planning approval where it is to be removed, destroyed or lopped to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. Therefore the Responsible Authority is not required to assess the native vegetation removal that may occur as a result of the proposal.

Native vegetation removal conducted under the provisions of an approved work authority is assessed by the Department of Sustainability and Environment as part of the approvals under the Mineral Resources (Sustainable Development) Act 1990.

- Devaluation of land.

The impact on property values is not a valid planning consideration unless sound evidence is presented as to how the grant of a permit would result in changes to the value of land. No evidence to demonstrate this claim has been submitted.

COSTS/BENEFITS

N/A

RISK ANALYSIS

Failure to undertake rigorous assessment of planning applications is considered to pose the following risks:

- Barrier to development and associated economic growth within the Shire
- Proliferation of incompatible land use development
- Council's reputation as a regulatory authority
- Infrastructure, service provision or regulatory and enforcement pressures
- Protection of zones to accommodate intended activities or reduction of surrounding property amenity

CONSULTATION AND ENGAGEMENT

Consultation and engagement with planning permit applicants is routinely conducted at the required periods throughout the assessment process.

As discussed above a meeting was conducted between one of the objectors, the applicants, local ward Councillor and Council staff. A number of options to address the concerns of the objector were discussed, however no consensus was reached. Accordingly, both objections still stand.

7.5 COMMUNITY ACCESS AND INCLUSION PLAN 2013 - 2015

SUMMARY

Seeks Council adoption of the Community Access and Inclusion Plan 2013 – 2015.

Author: Jolie Middleton, Rural Access Officer

File No: 12/12/004

Attachment: Community Access and Inclusion Plan 2013-2015

RECOMMENDATION

That Council adopt the Community Access and Inclusion Plan 2013 – 2015

PREVIOUS COUNCIL DISCUSSION

The draft Community Access and Inclusion Plan 2013 – 2015 was presented to Council at the Council Forum held on 29 January 2013.

BACKGROUND

Section 38 of the Victorian Disability Act 2006 sets a legislative requirement for all Local Governments to have a Disability Action Plan (Community Access and Inclusion Plan).

The Community Access and Inclusion Plan 2007 – 2011 has come to the end of its term and therefore the draft Community Access and Inclusion Plan 2013 - 2015 has been developed in accordance with legislative requirements and to support the Loddon Shire Council to continue to gain momentum in building a community that is exemplified by its willingness to work towards universal access and social inclusion for all.

ISSUES/DISCUSSION

Experiences of people with a disability demonstrate that it is not just disability that makes life difficult. It is the barriers that society imposes because of disability – barriers that are physical and technical, and barriers that come from attitudes. The Community Access and Inclusion Plan 2013 - 2015 is Loddon Shire Council's commitment to continue to reduce the barriers experienced by people with a disability.

The plan evaluates the access and equity issues with regard to council policies and programs and focuses on developing practical and realistic strategies that work to create opportunities for people with a disability to participate more fully in civic life.

The plan considers the issues of disability access within the context of universal access and social inclusion. This emphasis not only addresses the issues experienced by approximately 1400 (18% of population) residents in Loddon Shire who are reported to have a disability, but also has the capacity to deliver "flow on" benefits to other groups within the community, namely:

- Ageing community members;
- Parents with young children;
- Injured residents who find themselves with a short-term disability that limits their mobility or changes their access needs;
- Community members who may have episodes of chronic ill health; and,
- People from culturally diverse backgrounds.

COSTS/BENEFITS

There are twenty one proposed actions outlined within this plan. Seventeen will be completed using existing resources and therefore will not require additional funding. The remaining four actions may incur additional expenditure and therefore have potential implications for Loddon Shire Council's budget. This cost can be offset in a number of ways:

- A defined annual amount be allocated by Council (for example \$50,000) to assist in the updating of community buildings and facilities (see actions 1.1 & 1.2).
- It may be possible to apply for internal and external grants to contribute towards the costs associated with projects identified within actions 1.1 and 1.3.
- Council staff through the Rural Access Program will continue to work in partnerships with other agencies who may also contribute towards the costs.

RISK ANALYSIS

The Federal Disability Discrimination Act (DDA) 1992 provides uniform protection against unfair or unfavourable treatment of people with disability by making it unlawful to discriminate on the grounds of disability. The draft Community Access and Inclusion Plan 2013 – 2015 is a means to ensure Loddon Shire Council is being proactive in reducing the risks of discrimination.

See *Risk Analysis*, page 1 and 2 of the Community Access and Inclusion Plan 2013 – 2015, for a detailed outline of the risks associated with not implementing a Community Access and Inclusion Plan.

CONSULTATION AND ENGAGEMENT

The project was undertaken within existing resources by the Rural Access Officer. The plan was developed in close consultation with community and internal staff.

7.6 PLANNING PERMIT APPLICATION 4828 – DEVELOPMENT OF BRIDGEWATER CARAVAN PARK

SUMMARY

Report recommends approval of a planning permit application for the reconstruction of the Bridgewater Public Caravan park. The application received four objections.

Author: Tyson Sutton – Manager Planning & Local Laws

File No: 13/02/004

Attachment: Site Plan, Objections, Recommended Conditions

RECOMMENDATION

That Council approve the application for a planning permit to redevelop the Bridgewater Caravan Park subject to the attached conditions.

PREVIOUS COUNCIL DISCUSSION

This matter has not previously been discussed by Council.

BACKGROUND

The Bridgewater Public Caravan Park suffered extensive damage during the January 2011 floods and consequently requires reconstruction/replacement of many facilities for the park to function. The proponent has taken the opportunity to redevelop the park to modern standards as part of the reconstruction process.

This application is being presented to Council as four objections have been received.

ISSUES/DISCUSSION

Proposal

The applicant proposes to redevelop a caravan park on the subject land. The park is to be built to contemporary standards and in line with industry best practice. The proposed development includes:

- internal roads
- new amenities block
- managers residence (including park office)
- site services (e.g. power, water and sewerage) to most sites
- conversion of an existing storage shed to a camp kitchen
- ensuite units
- barbeque facilities
- conversion of existing tennis pavilion to a multi-function room
- swimming pool, playground and jumping pillow
- cabin sites
- provision of one onsite cabin
- Native Vegetation Removal.

The layout of the proposed development is shown in the attached plans.

Subject site & locality

The subject land is an irregularly shaped allotment on the eastern bank of the Loddon River at the southern end of the Bridgewater Township. It occupies approximately six hectares. Access is available

from Camp Street to the north and Peppercorn Lane to the south. River access from the land is available from two boat ramps. Pedestrian access is available from the north via a walking track along the river

The land forms part of the riverbank with a natural terracing running the length of the property. A shallow billabong, separated from the river, is located to the south of the land. Riparian vegetation is located throughout the site. Vegetation predominantly consists of Red Gum which is accompanied by a mix of exotic and indigenous aesthetic plantings.

Public Notification

Notice of the application was undertaken and four objections were received. The grounds of objection are summarised as follows:

- Dust from unsealed section of Sugar Gum Drive generated by traffic accessing the caravan park
- Insufficient access to the park and boat ramp facilities
- Insufficient car and trailer parking for river users
- Internal one way roads are too narrow to allow car and boat trailer to be reversed onto caravan sites
- No appropriate access to the accessible platform
- No public amenities for park visitors and the general public
- Insufficient visitor parking

Referrals

The application was referred in accordance with the Loddon Planning Scheme to the following:

- Country Fire Authority
- Goulburn Murray Water
- North Central Catchment Management Authority
- Department of Sustainability and Environment

No objections were received subject to specified conditions.

Assessment

The zoning of the land and any relevant overlay provisions

The application proposes the development of a "Camping and Caravan park" on the subject land. Pursuant to the Loddon Planning Scheme "Camping and Caravan park" is defined as:

Land used to allow accommodation in caravans, cabins, tents, or the like.

The subject land is contained within the Farming Zone and the Public Conservation and Resource Zone of the Loddon Planning Scheme and is affected by the Land Subject to Inundation Overlay and Floodway Overlay. The division of the zoning runs the length of the land. The area closest to the Loddon River is within the Public Conservation and Resource Zone with the higher ground away from the river being in the Farming Zone.

Planning approval is required under the provisions of the Land Subject to Inundation Overlay, Floodway Overlay, Clause 52.17 (Native Vegetation) and Clause 63 (Existing Uses) of the Loddon Planning Scheme. In accordance with the provisions of the Farming Zone the use, and consequently the development of land for a "Camping and caravan park" is prohibited. "Camping and Caravan park" is an as of right use under the provisions of the Public Conservation and Resource Zone. The ability of the Responsible Authority to consider this application is to a large extent reliant on the sites "Existing Use Right" as a caravan park.

Both the Land Subject to Inundation Overlay and the Floodway Overlay affect the subject land and trigger planning approval for buildings and works. The overlays are roughly aligned with the north/south embankment running the length of the site. The two overlays represent different degrees of flood risk. The Floodway Overlay signifies the main stream channel and primary flow path for floodwaters. This signifies a higher degree of flood depth, velocity and frequency than the Land Subject to Inundation Overlay.

The potential impact of flooding on the site was clearly demonstrated by the damage to the caravan park sustained during the January 2011 floods. The layout of the proposed development has been designed to reduce the risk from flooding. The majority of development is located within the Land Subject to Inundation Overlay

Consultation with the North Central Catchment Management Authority as the floodplain management authority has been undertaken. The North Central Catchment Management Authority offer no objection to the proposed development.

Existing use rights

An existing use right is established in relation to use of land under the Loddon Planning Scheme if proof of continuous use for 15 years is established. This requirement is considered to be satisfied. The Planning Scheme identifies that if at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works. While this appears to suggest that the site must now be used in conformity with the scheme it is evident that the damage sustained by the caravan park was not sufficient to prevent the continuation of the use. This is clearly demonstrated by the operation of the park as a camp ground over the summer periods since the damage was incurred.

The existing use rights provisions of the Loddon Planning Scheme require approval for any buildings and works relating to a discretionary or prohibited use under a zone. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.

Native Vegetation

The application proposes the removal of 12 native trees. Trees requiring planning approval are predominantly Red Gum and Yellow Box.

Proposals for native vegetation removal are required to address a three step approach being avoid removal, minimise removal and offset removal. The redevelopment of the site does not allow for the complete avoidance of native vegetation. As much as is possible the design has worked with the constraints imposed by the vegetation to minimise the need for its removal. The Department of Sustainability and Environment have required the inclusion of offset conditions on any permit to issue.

Objections

The application for a planning permit received four objections. The grounds of objection are addressed as follows:

- Dust from unsealed section of Sugar Gum Drive generated by traffic accessing the caravan park

The unsealed section of Sugar Gum Drive does not form part of the primary access route to the caravan park. It is considered unlikely that park patrons will frequently use this section of the road in significant numbers as it does not link to local facilities or services.

- Park Street is of an insufficient standard to cater for the traffic generated by the caravan park.

Park Street between Sugar Gum Drive and the caravan park entrance has a single lane sealed section with gravel shoulders. The concern of the objectors relate to the narrowness of the seal and hazards created by passing traffic in this area. Discussions with Council's Director Operations indicate that this section Park Street may be included for upgrade in a future works program.

- Insufficient access to the park and boat ramp facilities

Access through the park to boat launching facilities will be readily available to members of the public as has historically been the case. Entrance to the caravan park is to be controlled by boom gates. Upon payment of ramp fees anyone wishing to launch a boat will be given access through the park.

- Insufficient car and trailer parking for members of the public (day visitors).

The plans submitted in support of the application show five boat parking spaces in the vicinity of the boat ramp. The use of land within the area covered by the Public Conservation and Resource Zone is not subject to planning approval. This area includes all of the foreshore area and the boat launching facilities and associated parking facilities. Therefore this issue is not relevant to the consideration of the planning permit application.

- Internal one way roads are too narrow to allow car and boat trailer to be reversed onto caravan sites

The internal roadways have all been designed to allow a caravan to be reversed onto the designated sites. Therefore they should be capable of accommodating the reversing movement associated with a boat trailer. All van sites have been designed to have sufficient space to accommodate a caravan with annex, car and a boat trailer.

- No appropriate access to the accessible platform

A concrete footpath is identified to provide access from the caravan park to this area of the foreshore. However the accessible ski platform is located within the Public Conservation and Resource Zone and is not subject to this application

- No public amenities for park visitors and the general public.

The park has been designed to operate as a caravan park and contains the amenities necessary for it to function as such. All residents and their visitors will have access to the onsite amenities. The caravan park is a distinct land use that interacts with the adjacent foreshore area but is not a part of it. The adjacent foreshore area is a public space and its use is outside of the scope of this application.

- Insufficient visitor parking

Although the Loddon Planning Scheme does not contain any requirement for the provision of visitor parking in association with a camping and caravan park an area has been identified at the front entrance to the park. It is not intended that visitors will have free vehicular access throughout the park. This will allow for more effective management of the site.

COSTS/BENEFITS

N/A

RISK ANALYSIS

Failure to undertake rigorous assessment of planning applications is considered to pose the following risks:

- Barrier to development and associated economic growth within the Shire
- Proliferation of incompatible land use development
- Council's reputation as a regulatory authority
- Infrastructure, service provision or regulatory and enforcement pressures
- Protection of zones to accommodate intended activities or reduction of surrounding property amenity

CONSULTATION AND ENGAGEMENT

Consultation and engagement with planning permit applicants is routinely conducted at the required periods throughout the assessment process.

8. DIRECTOR ECONOMY AND COMMUNITY REPORTS

8.2 WEDDERBURN STREETScape FUNDING OPTIONS

SUMMARY

A funding model is proposed to complete the Wedderburn Streetscape project. Funding sources include state and Australian governments and from Council funds.

Author: Bryan McEwan, Director Economy and Community

File No: 13/09/015

Attachment: Nil

RECOMMENDATION

That Council receive and note the 'Wedderburn Streetscape Funding Options' report.

PREVIOUS COUNCIL DISCUSSION

Council has previously heard discussion relating to the Wedderburn Streetscape project at the

- March 2011 council meeting (report)
- April 2012 council forum (agenda item)
- August 2012 council meeting (report)

The August council meeting report also recommended that council officers return to council with a funding model to enable the project to proceed.

BACKGROUND

The Council Action Sheet notes that a progress report on the Wedderburn Streetscape Project will be submitted to Council at the February meeting.

ISSUES/DISCUSSION

To enable the completion of major community projects, three main sources of funds are typically considered:

- Council funds (typically the strategic fund, accumulation of community planning ward allocations)
- State government (for example 'Putting Locals First')
- Australian Government (for example, the Regional Development Australia Fund)

Other funding sources that could be considered would include philanthropic, private partnership, donation to the community (for example, through community banks) or through external loans.

For significant projects, it is not reasonably practicable for councils to fund out of existing budgets, so external sources are a crucial part of enabling these large projects to become a reality.

For the Wedderburn Streetscape project, two scenarios are considered (and in order of preference):

- Single Stage project
- Extended project (project completed in stages, over a longer period)

The total cost of the Wedderburn Streetscape project is \$2.2M, inclusive of an allowance for underground power and a revision of original cost estimate.

Single Stage project

Funding from three sources is proposed:

Council:

- Cumulative Community Planning, Ward allocations (Currently \$160,000 for Wedderburn)
- Strategic Fund (\$500,000 allocated annually for larger, strategic projects)

State government:

- Local Government Infrastructure Programme (\$1,854,870 allocated to Loddon Shire Council to build new infrastructure or renew assets across the Shire)
- Putting Locals First (maximum \$500,000 per project)

Australian Government:

- Submission under the Regional Development Fund (which allows for applications of between \$500,000 and \$15 million)

An Expression of Interest (EOI) was submitted under Round 4 of the Regional Development Australia Fund through a consortium of councils, consisting of Central Goldfields (lead council), Northern Grampians (applicant), Pyrenees and Loddon.

The focus of the EOI was on the region's Goldfields Heritage and in particular, the project focussed on enhancing the appearance of the 'Villages of the Goldfields' and building their tourism potential.

The focus of the EOI for Loddon was on three streetscape projects:

- Wedderburn – Centred on High Street (Calder highway) and Chapel Street
- Inglewood – Centred on Brooke Street (Calder Highway) and Verdon Streets
- Bridgewater – Centred on Main Street (Calder Highway), Park and Lyndhurst Streets

The total cost of the Loddon component was estimated to be \$6.6M, consisting of:

- Council contribution: \$ 360,000 (\$160,000 community planning contribution, \$200,000 strategic fund allocation)
- Local Government Infrastructure Fund: \$1M
- Putting Locals First grants: \$1.5M (consisting of \$500,000 for each of the three streetscape projects)
- RDAF grant being sought: \$3,740,000

Total cost of the project (all shires): \$11,685,000.

All EOIs were assessed (Grampians Region RDA Committee) and a shortlist of projects were announced on 13 February 2013 and unfortunately, this project was not successful.

Future rounds of the Regional Development Australia Fund have not been announced, however a possible Round 5 will be aimed at supporting "... strategic projects in the regions of Australia." (Foreword to the *Round Four* guidelines –Simon Crean, Minister for Regional Australia, Regional Development and Local Government, October 2012)

Multi-stage project (Wedderburn)

This scenario assumes that streetscape redevelopments are on a 'township by township' basis and projects are staged to take full advantage of external funding.

For this purpose, the Wedderburn project could be split into two stages:

- Town centre (Jacka Park) improvements
- Town entries, Chapel Street and High Street Improvements

The cost of the Wedderburn Streetscape project is estimated to be \$2.2m which also includes a preliminary cost estimate for underground power of \$600,000.

As the original project did not include underground power, it is not considered here.

Funding sources proposed:

- Community Planning: \$160,000
- Strategic Fund: \$500,000 (single allocation)
- Putting Locals First (Victorian government): \$500,000 maximum grant (two applications)

The inclusion of underground power would further extend the project and may not be eligible for external funding.

The 2012/13 strategic fund has already been allocated to the Inglewood Town Hall project. The Wedderburn Streetscape project would require funding under the 2013/14 allocation.

Further funding

Other funding sources are being investigated (possible further rounds of RDAF) or assessed as they become available.

While Round Five of the Regional Development Australia Fund is yet to be announced, recent communication from the Australian Government are supportive of growing tourism and in particular, growing tourism infrastructure using the Regional Development Australia Fund (Letter to Council from the Hon. Martin Ferguson and the Hon. Simon Crean, January 2013).

While the Australian government fully understands the contribution of the tourism industry to the Australian economy and is supportive of initiatives which enhance regional experiences for visitors, (including tourism infrastructure projects) the RDAF application process is very competitive and there is no degree of surety in receiving funding.

In the short term, it is proposed that council officers continue investigation of a potential RDAF Round Five for the Wedderburn Streetscape project and (depending on the nature of the funding round) proceed with a similar cooperative EOI as submitted under Round Four.

Should funding under a future round of RDAF not be realised, the Wedderburn Streetscape project should proceed as a 'Multi-stage' project.

COSTS/BENEFITS

Support for township renewal projects assists in local economic development (including tourism) and add to a sense of community pride and wellbeing.

RISK ANALYSIS

Risks associated with securing external funding relate to assessment against eligibility criteria and competition with other regions (state, commonwealth).

The future of the Regional Development Australia Fund is unclear with subsequent rounds yet to be announced.

CONSULTATION AND ENGAGEMENT

A concept plan has been prepared which included extensive community consultation and discussion with council officers. Concept plans were also presented to Council.

9. DIRECTOR COMMUNITY AND WELLBEING REPORTS

9.1 OUTCOME OF QUALITY REVIEW – PYRAMID HILL KINDERGARTEN

SUMMARY

This report is to provide Council with details of the outcome of the National Quality Framework Assessment conducted at Pyramid Hill Preschool

Author: Wendy Gladman – Acting Director Community Wellbeing

File No: .

Attachment: Nil

RECOMMENDATION

That Council receive and note the report detailing the outcomes of the National Quality Framework Assessment conducted at Pyramid Hill Preschool.

PREVIOUS COUNCIL DISCUSSION

A report detailing the introduction of the National Quality Framework assessment process for Early Childhood Education and Care services was provided to the October 2012 Council meeting. In this report it was noted that Pyramid Hill Preschool had received notification of the commencement of the assessment and rating process and was awaiting confirmation of the ensuing site visit. Pyramid Hill is the first of the five services in the Loddon Cluster to undergo assessment and rating.

BACKGROUND

During November 2012, two assessors visited the Pyramid Hill Preschool to undertake the onsite component of the National Quality Framework assessment. The assessors spent two days at the Pyramid Hill Preschool facility (during active preschool program delivery) and also met with Council's Early Years Coordinator who oversees the Loddon Kindergarten Cluster.

ISSUES/DISCUSSION

Correspondence received from the Department Education and Early Childhood Development (DEECD) in January 2013 has provided the final assessment and rating report and the Notice of Rating for the Pyramid Hill preschool service.

The Preschool was assessed against eighteen standards across seven quality areas within the prescribed rating levels:

- Significant Improvement Required
- Working towards National Quality Standard (NQS)
- Meeting National Quality Standard
- Exceeding National Quality Standard

If a service is rated below the National Quality Standard in any quality area, the overall rating will reflect the lowest quality area rating.

Pyramid Hill Preschool has achieved the following ratings:

Quality Area 1	Educational program and practice	Meeting NQS
Quality Area 2	Children's health and safety	Meeting NQS
Quality Area 3	Physical environment	Meeting NQS
Quality Area 4	Staffing arrangements	Meeting NQS

Quality Area 5	Relationships with children	Meeting NQS
Quality Area 6	Collaborative partnerships with families and communities	Meeting NQS
Quality Area 7	Leadership and service management	Meeting NQS
	OVERALL RATING	Meeting NQS

It is of note that within the rating of Meeting NQS in Quality Area 6, the Preschool achieved a rating of Exceeding NQS in Quality area 6.3 'The service collaborates with other organisations and service providers to enhance children's learning and wellbeing'.

Service providers were notified previously that the Notice of Rating must be displayed by the service and will be published on the Australian Children's Education and Care Quality Authority (ACECQA) and My Child websites. Further notification has been received to advise that this information will not be published at this time as the relevant parts of the National Law are not yet in operation. Council will be advised when this requirement needs to be met.

Under the National Law and the National Regulations, Regulatory Authorities may at any time reassess a service or any aspect or element of a service, but with the exception of extraordinary circumstances it is considered likely that the Pyramid Hill Preschool will undergo the next assessment and rating process in the prescribed two year timeframe relevant to the overall rating received.

COSTS/BENEFITS

The Pyramid Hill Preschool and Early Years team now have the opportunity to reflect on the outcomes and findings from the assessment and rating cycle to assist in raising quality and driving continuous improvement at the service.

RISK ANALYSIS

Nil

CONSULTATION AND ENGAGEMENT

Nil

10. GENERAL BUSINESS

11. CONFIDENTIAL ITEMS

Closing of Meeting to the Public

RECOMMENDATION

That the meeting be closed to the public.

NEXT MEETING

The next Ordinary Meeting of Council will be held on 25 March 2013 at Serpentine commencing at 3.30pm.