



**Date:** Tuesday, 28 March 2017  
**Time:** 3pm  
**Location:** Council Chambers, Serpentine

# **MINUTES**

**Ordinary Council Meeting**

**28 March 2017**

**MINUTES OF LODDON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, SERPENTINE  
ON TUESDAY, 28 MARCH 2017 AT 3PM**

**PRESENT:** Cr Neil Beattie (Mayor), Cr Colleen Condliffe, Cr Geoff Curnow, Cr Gavan Holt, Cr Cheryl McKinnon

**IN ATTENDANCE:** Wendy Gladman (Director Community Wellbeing), Lynne Habner (A/Manager Executive & Commercial Services), Ian McLauchlan (Director Operations), Sharon Morrison (Director Corporate Services), Phil Pinyon (Chief Executive Officer)

**1 OPENING PRAYER**

“Almighty God, we humbly beseech thee to bless this Council, direct and prosper its deliberations towards the true welfare of your people of the Shire of Loddon.”

**2 APOLOGIES**

Nil

**3 DECLARATIONS OF CONFLICT OF INTEREST**

Cr Holt noted that, in relation to item 8.8 regarding the Memorandum of Understanding with GWM Water, he has a conflict of interest as he is a customer using the pipeline. In relation to item 8.5 regarding setting of the Fees and Charges Schedule, under s79(c) of the Local Government Act, he indicated that he has reached the conclusion that he is exempt from declaring a conflict of interest.

**4 PREVIOUS MINUTES****4.1 CONFIRMATION OF MINUTES****File Number:** 02/01/001**Author:** Lynne Habner, A/Manager Executive and Commercial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council confirm:

1. The minutes of the Council Briefing of 28 February 2017
2. The minutes of the Ordinary Council Meeting of 28 February 2017
3. The minutes of the Council Forum of 14 March 2017

**REPORT**

Seeking approval of the unconfirmed minutes of the previous meetings.

**RESOLUTION 2017/62**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council confirm:

1. The minutes of the Council Briefing of 28 February 2017
2. The minutes of the Ordinary Council Meeting of 28 February 2017
3. The minutes of the Council Forum of 14 March 2017

**CARRIED**

**5 REVIEW OF ACTION SHEET**

**5.1 REVIEW OF ACTIONS**

**File Number:** 02/01/002

**Author:** Lynne Habner, A/Manager Executive and Commercial Services

**Authoriser:** Phil Pinyon, Chief Executive Officer

**Attachments:** 1. Action sheet

**RECOMMENDATION**

That Council receive and note the action sheet.

**REPORT**

Refer attachment.

**RESOLUTION 2017/63**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council receive and note the action sheet.

**CARRIED**

**6 MAYORAL REPORT****6.1 MAYORAL REPORT**

File Number: 02/01/001

Author: Lynne Habner, A/Manager Executive and Commercial Services

Authoriser: Phil Pinyon, Chief Executive Officer

Attachments: Nil

**RECOMMENDATION**

That Council receive and note the Mayoral Report

**REPORT**

The Mayor will present a report at the meeting.

**Cr Beattie**

<b>Murray Darling Association</b>	
<b>Rail Freight Alliance</b>	
<b>Section 86 Committees:</b> Boort Aerodrome Committee of Management, Boort Development Committee Inc., Boort Memorial Hall Committee of Management, Boort Resource Information Centre Committee Inc., Boort Tourism Committee Inc., Korong Vale Mechanics Hall Committee of Management, Korong Vale Sports Centre Committee of Management, Little Lake Boort Management Committee Inc., Yando Public Hall Committee of Management	
<b>Recreation Strategy Implementation Steering Committee</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
1/3/17	Murray River Group of Councils in Swan Hill – presentation from Murray Darling Association
6/3/17	Community consultation in Bendigo
7/3/17	Bendigo Health Foundation Board meeting
12/3/17	Presented a plaque to Boort Swimming Pool for their 50 year celebration

14/3/17	Council Forum, Wedderburn
19/3/17	Attended Boort Trotting Cup
21/3/17	Bus tour of Loddon Shire
24/3/17	Attended meeting with Boort Development Committee

**RESOLUTION 2017/64**

Moved: Cr Cheryl McKinnon

Seconded: Cr Gavan Holt

That Council receive and note the Mayoral Report

**CARRIED**

UNCONFIRMED

**7 COUNCILLORS' REPORT****7.1 COUNCILLORS' REPORTS**

File Number: 02/01/001

Author: Lynne Habner, A/Manager Executive and Commercial Services

Authoriser: Phil Pinyon, Chief Executive Officer

Attachments: Nil

**RECOMMENDATION**

That Council receive and note the Councillors' reports

**REPORT**

Each Councillor will present a report at the meeting.

**Cr Condliffe**

<b>Calder Highway Improvement Committee</b>
<b>Section 86 Committees:</b> Bridgewater Memorial Hall Committee of Management, Bridgewater on Loddon Development Committee of Management, Campbells Forest Hall Committee of Management, Inglewood Community Sports Centre Committee of Management, Inglewood Riding Club, Inglewood Lions Community Elderly Persons Units Committee of Management, Inglewood Town Hall Committee of Management, Inglewood Reservoir Committee of Management
<b>Australia Day Committee</b>
<b>Loddon Youth Committee</b>
<b>Healthy Minds Network</b>
<b>Other Council activities</b>

DATE	Activity
1/3/17	Meeting Mens Shed Dingee
4/3/17	Lions Youth of the Year final held at Inglewood
6/3/17	Planning Day at Fortuna Village Bendigo
8/3/17	Celebrate International Women's Day held in Inglewood
10/3/17	I spoke at Loddon Murray Community Leadership which was held in Inglewood
14/3/17	Council Forum Wedderburn and Planning Day
16/3/17	Women's Health Loddon Mallee Bendigo
11/3/17	Market Day Bridgewater
14/3/17	Council Forum Wedderburn
14/3/17	Inglewood Resource Centre meeting
14/3/17	Inglewood Town Hall Hub Section 86 meeting – CEO Phil Pinyon and Wendy Gladman attended
17/3/17	Inglewood Lions Club dinner held at Bridgewater
20/3/17	Bendigo Bank Conference held at Creswick
21/3/17	Loddon Shire bus trip
23/3/17	Inglewood Town Hall Hub meeting
21/3/17	Dingee Bush Nursing Centre
22/3/17	CWA Dingee meeting
28/3/17	Council and planning day, Serpentine

### Cr Curnow

#### Loddon Mallee Waste Resource Recovery Group

**Section 86 Committees:** Eddington Community Centre Committee of Management, Kingower Development and Tourism Committee Inc.



### Municipal Emergency Management Plan Committee and Municipal Fire Prevention Committee

#### Other Council activities

DATE	Activity
2/3/17	Met with Tony Bellenger and community members at the Laanecoorie Loddon River Reserve to discuss possible development for the Reserve
3/3/17	LMWRRG Board Meeting held at Castlemaine
6/3/17	Loddon Shire Council Plan Workshop held at Fortuna, Bendigo
7/3/17	Municipal Emergency Management Planning Committee meeting at Serpentine
14/3/17	Loddon Shire Council Forum at Wedderburn
17/3/17	LMWRRG luncheon and launch of funding for waste management projects
21/3/17	Council bus tour of Loddon Shire
28/3/17	Loddon Shire Council meeting at Serpentine

#### Cr Holt

#### Municipal Association of Victoria

**Section 86 Committees:** Donaldson Park Committee of Management, Wedderburn Community Centre Committee of Management, Wedderburn Engine Park Committee of Management, Wedderburn Mechanics Institute Hall Committee of Management, Wedderburn Tourism Inc.

#### Audit Committee

#### Other Council activities

DATE	Activity
2/3/17	Attended Wedderburn Harness Racing Club committee meeting
6/3/17	Attended Council Plan Community Consultation Forum in Bendigo attended by 100 members of the public

10/3/17	Attended Rural Councils Victoria Executive Committee meeting in Melbourne
12/3/17	Attended Wedderburn Detector Jamboree
14/3/17	Attended Council Plan workshop in Wedderburn
14/3/17	Attended Council Forum in Wedderburn
19/3/17	Attended Boort Trotting Club Cup meeting

## Cr McKinnon

### North Central Goldfields Regional Library

**Section 86 Committees:** Dingee Progress Association, East Loddon Community Centre Committee of Management, Mitiamo Municipal Recreation Reserve Committee of Management, Pyramid Hill Memorial Hall Committee of Management, Pyramid Hill Swimming Pool Committee of Management, Serpentine Bowls and Tennis Pavilion and Reserve Committee of Management

### Nature Tourism Advisory Team

### Other Council activities

DATE	Activity
1/3/17	Attended a funding announcement by Minister Hutchins at Gisborne library, which is part of the Goldfields Library Corporation
3/3/17	Attended the mid-year performance review of the Library Corporation's CEO
6/3/17	Took part in the community planning workshop at Fortuna, which seemed to be a most worthwhile and successful event
7/3/17	Terricks Ridge Landcare meeting was held in Pyramid Hill
8/3/17	I met with Phil Pinyon, Ian McLauchlan, Landcare Facilitator James Nelson, and NCCMA's CEO Brad Drust on site at the Seven Months Creek in Pyramid Hill to discuss a solution to ongoing problems with the creek
13/3/17	I had the honour of officially turning on the lights at the Calivil Bowling Club as part of their 60 <sup>th</sup> birthday celebrations. The floodlit greens looked spectacular and the event was well supported, with 5 of the founding members present.
14/3/17	Council Forum and Council planning day

15/3/17	Pyramid Hill Progress Association meeting
16/3/17	I assisted with the induction of the PHC school leaders
20/3/17	Fiesta committee meeting
21/3/17	Staff and Councillors enjoyed a tour around the whole Shire, which was an interesting and enjoyable day
22/3/17	Janiember Park Steering Group meeting and site tour, with works expected to be completed by the end of April
23/3/17	GLC Finance Sub-committee meeting
25/3/17	Met with the Fiesta Sub-committee to look at funding submissions for this years event
27/3/17	Visited St Pats where the students have been learning about local government and had a long list of questions
28/3/17	Council Meeting and Council Plan session

**RESOLUTION 2017/65**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council receive and note the Councillors' reports

**CARRIED**

## 8 DECISION REPORTS

### 8.1 ROAD ASSET MANAGEMENT PLAN

**File Number:** 14/01/020

**Author:** Indivar Dhakal, Assets Engineer

**Authoriser:** Graeme Smith, Design Engineer

**Attachments:**

1. Road Asset Management Plan 2017-2021
2. Financial Projection
3. Improvement Action
4. List of low trafficked sealed pavement

#### RECOMMENDATION

That Council adopt the Road Asset Management Plan 2017-2021.

#### CONFLICT OF INTEREST

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

#### PREVIOUS COUNCIL DISCUSSION

Council resolved to advertise, and seek public comment on, the proposed Road Asset Management Plan (RAMP) during its Ordinary Meeting held on 13 December 2016.

#### BACKGROUND

Council has more than 4700 km of road network broadly classified under a hierarchy of sealed and unsealed roads. To manage the extensive network of road assets, Council adopted its Road Asset Management Plan (RAMP) 2008 with a review period of 4 years.

This plan forms a part of the asset management plan's portfolio that supports Council's asset management policy and asset management strategy, which focus upon achieving sustainable asset management, value for money and supporting the Council in engaging with local communities to find the balance between service levels, risk and cost.

The revised RAMP (as presented) outlines the key elements involved in managing Council's sealed and unsealed roads within the urban and rural areas of the Municipality. It combines management, financial, engineering and technical practices to ensure that the level of service required by user groups is provided at the lowest long term cost to the community, within the limits of any fiscal constraints that may be imposed on, or by Council.

Preparation of the revised RAMP has been delayed from the original 4 year review cycle, however the existing RAMP has continued to be applied since its adoption in 2008. Part of this delay may be attributed to the disruption and shift in focus following the 2011 floods as well as a more recent staff restructure. Following the adoption of the revised RAMP for 2017-2021 it is expected that the 4 year review cycle will be reinstated.

## ISSUES/DISCUSSION

Council has been investing significant amounts of money into its road related assets every year. This asset management plan outlines the connection of the investment of community funds towards road related assets with service outcomes. It also provides a framework for optimal life cycle management of the road assets and an investment model to maintain that life cycle.

Council resolved to advertise the proposed RAMP seeking public comment. The document was put on display at the Shire offices in Wedderburn and Serpentine. A copy was also made accessible on Council's website. The notification was first advertised in the Bendigo Advertiser on 21 January 2017 followed by advertisement in Loddon Times and Gannawarra Times on the same week with repetition the following week. The draft RAMP was on display until 17 February 2017 giving the public 4 weeks from first notification to make any submission and/or comment.

At the conclusion of the exhibition period Council received no submissions or comments regarding the draft RAMP. However, a requirement for some minor amendments to the plan were identified internally and completed in the final version of the document. The initial draft was prepared in 2016 and was expected to be adopted in the same year. Due to unforeseen circumstances, the exhibition and adoption process has been delayed. Accordingly the effective period of the plan has been changed to 2017-2021 which more accurately reflects the date of the adoption of the document.

## COST/BENEFITS

The cost of adopting the proposed RAMP is presented as an attachment (Financial Projections). With the adoption of the attached projections, the renewal gap on Council's road network is envisaged to be reduced and as such the proportion of the roads below intervention level is expected to be maintained.

## RISK ANALYSIS

There is no significant risk associated with the adoption of the proposed RAMP. However, deviation from the proposed financial projections may increase the annual liability on road assets.

## CONSULTATION AND ENGAGEMENT

The document was made available for public display seeking comments and submissions. Council did not receive any submissions from the general public.

During the development of the RAMP extensive consultation occurred internally within the organisation between the Operations and Technical services Departments.

### RESOLUTION 2017/66

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council adopt the Road Asset Management Plan 2017-2021.

**CARRIED**

**8.2 PLANNING APPLICATION 5245- CONSTRUCTION OF A DWELLING AT 29 PARK STREET BRIDGEWATER**

**File Number:** 5245  
**Author:** Alexandra Jefferies, Planning Officer  
**Authoriser:** Glenn Harvey, Manager Development and Compliance  
**Attachments:**

1. **Objection 1**
2. **Objection 2**
3. **Proposed dwelling plans**
4. **Recommended permit conditions**

**RECOMMENDATION**

That Council approve the development of the land for a dwelling subject to the proposed conditions attached.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

Planning application 4988 was submitted on 7 July 2014 for the development of the land for a dwelling. The application received objections from surrounding land owners/occupiers and from North Central Catchment Management Authority (NCCMA). Based on failure to make a decision the applicant referred the matter to VCAT. The tribunal member refused the application and strongly suggested the issues raised by the Land Subject to Inundation Overlay (LSIO) and the Heritage Overlay (HO) be better addressed by the applicant in the future.

Planning application 5179 was lodged on 8 March 2016 for the development of the land for a dwelling. The application was objected to by adjoining land owner/occupiers and by NCCMA. NCCMA considered the proposal to obstruct the flow of flood water across the site would contribute to possible erosion of the river bank and raised concerns that the development extending 8 meters further than the adjacent development would detract from the landscape values of the river that the Bridgewater and wider community enjoy. Council resolved to refuse the application.

**BACKGROUND****Proposal**

Planning application 5245 proposes the development of a dwelling at 29 Park Street Bridgewater. The proposed dwelling contains four bedrooms, an open planned dining/kitchen with walk in pantry/rumpus and family area, two bathrooms, laundry and a 59 m<sup>2</sup> verandah (4.5 metre wide x 13.2 metre long) along the north western side of the dwelling.

The development is currently proposed to be set back 5.885 metres from edge of the proposed verandah to the north western site boundary (Loddon River side)

**Subject site and locality**

The subject site is approximately 670 m<sup>2</sup> in size and currently contains a removable building which has remained on site for many years previous to this application being made.

The site is bound to the north-west by the Loddon River and the north-east by the railway line. Development on adjoining land includes the Bridgewater Pub on the adjoining lot to the south-west and the Bridgewater post Office to the south of Park Street.



### **Loddon Shire Planning Scheme**

#### **32.05 Township Zone**

The subject site is within the Township Zone 32.05, the purpose of which is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - 1.
  - *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
  - 2.
  - *To encourage development that respects the neighbourhood character of the area.*
  - 3.
  - *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
  - 4.
  - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A planning permit is not required to use or develop the land for a dwelling under the Township Zone.

#### **43.01 Heritage Overlay**

The subject site is covered by the Heritage Overlay 43.01 Schedule 12 which relates to Bridgewater's town centre.

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

5.

- *To conserve and enhance heritage places of natural or cultural significance.*

6.

- *To conserve and enhance those elements which contribute to the significance of heritage places.*

7.

- *To ensure that development does not adversely affect the significance of heritage places.*

8.

- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

A planning permit is required to construct a building or carry out works within the Heritage Overlay.

#### **44.04 Land Subject to Inundation Overlay**

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

9.

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*

10.

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

11.

- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*

12.

- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*



13.

- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required to construct a building or construct or carry out works under the LSIO.

## ISSUES/DISCUSSION

### Notice and Referral

Notice of the application was sent to surrounding land owners via mail on 14 December 2017. The application received two objections on 10 January 2017 (Attachment: Objection1) and 19 January 2017 (Attachment: Objection 2). The objections were raised by the owners and current occupiers of the Bridgewater Pub.

The first objection raises the following concerns:

- a) Possible objections from future residents if an extension to the liquor license was to be sought;
- 14.
- b) Noise generated from the hotel will result in complaints creating significant problems for the business in the future.

The second objection raises the following concerns:

- a) The height of the house (1.5 metres) will increase the negative impact of noise generated from live music and other noise generated from the hotel;
- 15.
- b) The impact of noise on the residents if approval for a 1 am liquor license is sought;
- 16.
- c) A 'smoking area' to be established along the fence line will have a negative effect on potential residents;
- 17.
- d) Having a residential dwelling within close proximity to the beer garden may have a negative effect on functions held on site, including competing noise levels during speeches and detracting from the general amenity of the hotels outdoor area;
- 18.
- e) The height of the house will take away from privacy of the hotels patrons;
- 19.
- f) There is a possible privacy concern for the residents of the proposed dwelling in regards to security cameras and lighting that are currently set up in the beer garden.

Many of the issues raised are considered to be civil matters that are outside of planning control.

Possible objections to a 1 am liquor license request cannot be considered. An application must be assessed on its current form and cannot consider potential and possible future land uses.

There is approximately 6 metres between the south western boundary of 29 Park Street and the fence of the adjacent hotel beer garden. The space is used as a storage area by the hotel and does create some separation between the two uses which may alleviate some of the potential amenity issues.

It is also considered that the recommended increase in setback of the dwelling will help to alleviate some of the objector concerns regarding the protection of the riverbank's amenity.

The purpose of the Township Zone is to encourage a mixture of uses within the centre of small towns, potential residents will need to consider the location of the dwelling before purchasing and unfortunately this is beyond the scope of planning controls.

### **Assessment**

The application requires a planning permit to construct a building or construct or carry out works under the Land Subject to Inundation Overlay and the Heritage Overlay Schedule 12.

The application was referred to NCCMA under Section 55 of the Planning and Environment Act. NCCMA gave conditional consent to the proposal requiring: a minimum finished floor level of 138.2 metres AHD, fencing must be of an open style, the area beneath the building be kept clear and a 5.885 metres setback from the north western property boundary.

Phone discussions with NCCMA regarding their change in position between this and previous applications revealed that further flood modelling has been recently completed (via the Bridgewater Flood Study) which indicates a decrease in the flood level for a 1 in 100 year event. Despite this it was advised that an increase in the setback had been advised in both previous application responses and would be supported in principle by NCCMA.

The recommendation to approve the proposal subject to amended plans which show an increase in the setback from the north western boundary to 10 metres (achievable through either deletion of particular elements of the structure e.g. verandah or resizing the total construction footprint) is being required for the following reasons:

- To allow for the further free flow of flood water across the north west of the subject site;  
20.
- To ensure the proposed dwelling respects the values of existing development and maintain the established setback;  
21.
- The riverbank area in Bridgewater is considered to be an important community asset which is enjoyed by local residents and visitors to the area. The increased setback will help to protect the visual and general amenity of this particular section.

The use and development of the land for a dwelling is considered to be appropriate if the design responds to the heritage values and the considerations of the LSIO. The plans submitted by the applicant in each instance have remained largely unchanged, despite Council and tribunal's direction to address the issues mentioned above. When considering the design of a new dwelling within the heritage overlay it is key to avoid the creation of 'mock heritage' through physical aspects of the dwelling, however it is also key to consider the values of those significant buildings surrounding the development. In this case it is considered to be important to maintain the existing setback to respect the heritage values of the Bridgewater Pub and to maintain the visual amenity of this particular section of the Loddon River embankments.

### **COST/BENEFITS**

The Township of Bridgewater is likely to economically benefit from the development of a new residential dwelling.

### **RISK ANALYSIS**

The refusal of this application does pose some risk of an economic loss to Bridgewater through the denial of possible residential infill development within the Township area.

It is also considered that the approval of the application without an increased setback does pose a risk to the visual amenity of this particular section of the Loddon River embankments and the walk way utilised by community members and visitors to the area.

**CONSULTATION AND ENGAGEMENT**

Notice to adjoining landowners was provided in the course of administering this planning permit application.

**RESOLUTION 2017/67**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council approve the development of the land for a dwelling subject to the proposed conditions attached.

**CARRIED**

UNCONFIRMED

**8.3 DEMOLITION OF COUNCIL OWNED BUILDINGS AT DINGEE AND MURPHYS CREEK**

**File Number:** 08/01/004  
**Author:** Indivar Dhakal, Assets Engineer  
**Authoriser:** Graeme Smith, Design Engineer  
**Attachments:** Nil

**RECOMMENDATION**

That Council:

1. Resolve to demolish the Council owned building at 789 Dingee Road, Dingee (Previously known as the caretaker's residence).
2. Resolve to demolish the Council owned building at 3558 Wimmera Highway, Murphys Creek (Murphys Creek Recreation Reserve hall).
3. Consider allocating \$33,000 within the 2017-18 budget to facilitate the required demolition works and as necessary, asbestos removal.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

This subject has not been discussed at any previous Council meetings.

**BACKGROUND**789 Dingee Road, Dingee

This building was handed over to Council from the Government Employee Housing Authority and was used by East Loddon P-12 College as a caretaker's residence. The house has been vacant since the caretaker at the College vacated the property in 2015. In 2016 it was reported to Council officers that unauthorised people were living in the residence which was confirmed by the representatives of the P-12 College and East Loddon Pre-School staff. Upon investigation, Council officers were not able to find anyone in the residence, but did find evidence that the property had been occupied recently without authorisation by Council.

Council officers took necessary steps and secured the property in accordance with the prevailing laws and regulations as advised by solicitors at Beck Legal. A condition inspection identified numerous issues with the structural integrity of the building.

3558 Wimmera Highway, Murphys Creek

This building used to serve as a hall for Murphys Creek Recreation Reserve but has not been used for many years now. Following a desktop investigation, Council officers identified the fact that this building was removed from Council's insurance schedule in the late 1990's.

In December 2016 Council officers were made aware of the fact that a large tree limb had severely damaged the roof of the building. Upon site investigation, it was identified that the building was severely infested by white ants and none of the components of the building were in working condition. Council officers concluded that the building was not safe to enter and as such multiple warning signs are now displayed around the building and the property.

**ISSUES/DISCUSSION**789 Dingee Road, Dingee

A condition inspection of the building revealed multiple issues with the structural integrity of the building. Whilst detailed costings on required rectification works to bring the dwelling back to an acceptable condition have not been determined, initial estimates indicate that the building is effectively beyond economical repair.

The P-12 College has indicated no interest in continuing the agreement with Council to use the residence. Given that this area is not connected to a reticulated town sewerage network, the size of the land restricts further sub-division between the existing three facilities, namely, East Loddon Community Centre, the residence and East Loddon Pre-School, as such prohibiting sale of the property.

The location of the building limits potential rental yield, if Council were to invest in renovating the building. As such, it is proposed to demolish the building in the financial year 2017/18 and incorporate the land to extend the Preschool's open space in subsequent years.

3558 Wimmera Highway, Murphys Creek

Council officers were made aware of a fallen tree limb that damaged the roof of the building. Upon inspection, multiple issues were identified with the building. White ant infestation, worn out building materials and damaged roof structure are a few of many examples. As part of Council's due-diligence, appropriate warning signs have now been displayed to warn anyone trying to enter the premises of its unsafe condition.

Renovation or major restoration of the building is not deemed feasible, as the building has to be completely rebuilt to make it habitable. This facility has not been used in many years and building a new facility is not deemed to comply with the Council Plan and Council's Building Asset Management Plan.

There is a risk of squatters trying to access the property and due to the unsafe conditions of the building, this may create a liability issue for Council. It is thus proposed to demolish the building in the financial year 2017/18 and dispose the land asset in accordance with Council's relevant policy in the subsequent years.

**COST/BENEFITS**

The cost of demolition of the former caretaker's residence is estimated to be in the order of \$20,000. The cost of demolition of the recreation reserve building is estimated to be in the order of \$13,000. The cost of demolition may vary depending on the volume of asbestos requiring disposal.

However, Council is expected to benefit from the proposed demolition in terms of reduced annual liability and operational and maintenance costs.

**RISK ANALYSIS**

There is no significant risk associated with the proposed demolition. However, if the facilities are kept in "as is" condition, there is a risk of illegal occupation of the facilities by squatters. The current condition of the buildings is poor and will raise safety concerns if the facilities are not demolished.

**CONSULTATION AND ENGAGEMENT**789 Dingee Road, Dingee

Council officers have consulted with East Loddon P-12 College who previously rented the facility to be used by the caretaker. The college has shown no interest in renting the property in future.

3558 Wimmera Highway, Murphys Creek

Council officers have consulted with some of the local residents regarding the use of the facility and it is understood that the site has been unused for a significant period. Council officers have also consulted with the Municipal Building Surveyor who has recommended that the building is unsafe and demolition is required.

**RESOLUTION 2017/68**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council:

1. Resolve to demolish the Council owned building at 789 Dingee Road, Dingee (Previously known as the caretaker's residence).
2. Resolve to demolish the Council owned building at 3558 Wimmera Highway, Murphys Creek (Murphys Creek Recreation Reserve hall).
3. Consider allocating \$33,000 within the 2017-18 budget to facilitate the required demolition works and as necessary, asbestos removal.

**CARRIED**

UNCONFIRMED

**8.4 FINANCE REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2017****File Number:** 08/06/001**Author:** Deanne Caserta, Manager Financial Services**Authoriser:** Sharon Morrison, Director Corporate Services**Attachments:** 1. Finance Report 28 February 2017**RECOMMENDATION**

That Council:

1. *receives and notes the 'Finance report for the period ending 28 February 2017'*
2. *approves budget revisions included in the report for internal reporting purposes only*
3. *approves the supplementary valuations of rateable and non-rateable properties in respect of the 2016/17 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2016/17.*

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

Council is provided with Finance Reports on a monthly basis with the exception of when changes to the Council meeting timetable result in the Council meeting occurring before the completion of the end of month finance procedures.

**BACKGROUND**

The Finance Report for the period ended 28 February 2017 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 in the format provided in the 2016/17 Budget, and includes operating results, capital expenditure and funding sources.

This Finance Report also includes supplementary valuations. Each year Council makes a number of additions, subtractions and alterations to the valuations contained in the annual rate book. These changes arise from various sources including:

- splitting of parcels into new rateable assessments
- development of vacant or unproductive land (urban and rural)
- consolidation of separate rateable assessments into one assessment
- re-assessment of property valuations arising from objections to the initial valuation
- additions and cancellations of licences (grazing and water frontages)
- change of use
- covenant on Title
- area amendment
- change of Australian Valuation Property Classification Code (AVPCC)

- supplementary valuation corrections.

## ISSUES/DISCUSSION

Budgeted Surplus - Council's budgeted cash surplus has slightly increased from \$161K to \$162K mainly due to new grants received and slight savings within various projects being captured.

Income Statement (Revenue) - Council's year to date (YTD) operating revenue is at 93% of YTD budget. Just over \$2.5M within the various debtors accounts were raised in February. The main variance is capital grants revenue which is \$1.5M behind YTD budget due to delays in a number of capital projects.

Income Statement (Expenditure) - Council's operating expenditure is at 93% of YTD budget. The main variation is within materials and services which are \$647K behind mainly due to delays in commencing some major projects and the timing of invoices being received. Payments for this month totalled just over \$1.9M, compared to \$1.57M last month.

Capital Works - The revised budget for capital works is \$19.6M and is 26% complete in financial terms (22% at the end of January) for the current financial year. Council is currently working towards measuring % practical completion. Asset types with major variations (10% or \$10K) include furniture and office equipment, land and buildings, road works, urban and road drainage, parks, open space and streetscapes and footpaths with many projects behind expected timing due to a decrease in activity as a result of the recent floods.

Balance Sheet - Council has a \$21.2M cash total with \$3.3M in general accounts. Debtors are nearly \$2.7M which is a decrease of \$6.1M since the last report. Sundry debtors total \$562K with invoices outstanding for 60 or more days relating to community wellbeing debtors and local community groups totalling approximately \$18K.

There were 106 supplementary valuations updated in February. The total rateable CIV at the end of February is now \$1.80B.

An update was also received from Vision Super in regards to the December 2016 VBI which is estimated at 105.4% which is higher than the 100.0% required of the fund.

## COST/BENEFITS

The benefit to Council and the community is that accurate and regular financial reporting is being disclosed, along with an accurate representation of property valuations being reflected in Council's rating system and the distribution of rate notices for the year 2016/17.

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

## RISK ANALYSIS

The provision of regular and accurate finance reports to Council minimises the risk of Council not delivering projects within the approved budget. Council's risk exposure is also increased if the rating system does not reflect the valuation changes associated with supplementary valuations as Council will not be aware of the changes, which can alter the rate revenue in the current year and in future rating years.

## CONSULTATION AND ENGAGEMENT

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

Consultation with ratepayers and authorities that act on behalf of ratepayers occurs when a change to a property is required or occurs by virtue of a sale.

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.



**RESOLUTION 2017/69**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council:

1. receives and notes the 'Finance report for the period ending 28 February 2017'
2. approves budget revisions included in the report for internal reporting purposes only
3. approves the supplementary valuations of rateable and non-rateable properties in respect of the 2016/17 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2016/17.

**CARRIED**

UNCONFIRMED

**8.5 FEES AND CHARGES FOR THE YEAR 1 JULY 2017 TO 30 JUNE 2018**

**File Number:** 07/01/006

**Author:** Deanne Caserta, Manager Financial Services

**Authoriser:** Sharon Morrison, Director Corporate Services

**Attachments:** 1. Draft Fees and Charges for the Year 1 July 2017 to 30 June 2018

**RECOMMENDATION**

That Council:

1. *approves the Fees and Charges for the year 1 July 2017 to 30 June 2018*
2. *implements the Fees and Charges from 1 July for items not subject to a notice period,*
3. *implements the Fees and Charges from the end of the notice period for those items subject to a notice period*
4. *subject to the approval of the Director Corporate Services or Chief Executive Officer, make effective immediately any changes where the fees and charges are altered by legislation, and make amendment to the relevant Fees and Charges for the year 1 July 2017 to 30 June 2018.*

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

A draft schedule was submitted for consideration at the Council Forum held on 14 March 2017.

**BACKGROUND**

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

**ISSUES/DISCUSSION**

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 notice period of 60 days. Notification will be forwarded to tenants as soon as practicable after approval by Council.

The approach to the 2017/18 schedule was to review fees and charges in line with the Long Term Financial Plan (LTFP), which included an indexation of 2.0% to discretionary charges.

**COST/BENEFITS**

The schedule will raise an equitable contribution of revenue towards the cost of service.

**RISK ANALYSIS**

There is a minor risk of avoidance of payment by customers.

**CONSULTATION AND ENGAGEMENT**

The recommendations in the report have been considered in detail by the Management Executive Group and Council.

**RESOLUTION 2017/70**

Moved: Cr Geoff Curnow

Seconded: Cr Gavan Holt

That Council:

1. approves the Fees and Charges for the year 1 July 2017 to 30 June 2018, subject to an amendment to table 3.1.1 to state that the fee for demolition of a building be set at the State Building Levy,
2. implements the Fees and Charges from 1 July for items not subject to a notice period,
3. implements the Fees and Charges from the end of the notice period for those items subject to a notice period,
4. subject to the approval of the Director Corporate Services or Chief Executive Officer, make effective immediately any changes where the fees and charges are altered by legislation, and make amendment to the relevant Fees and Charges for the year 1 July 2017 to 30 June 2018.

**CARRIED**

UNCONFIRMED

**8.6 2015/16 COMMUNITY PLANNING ALLOCATION TO THE KELLY STREET PLAYGROUND PROJECT**

**File Number:** 13/09/005  
**Author:** Wendy Gladman, Director Community Wellbeing  
**Authoriser:** Phil Pinyon, Chief Executive Officer  
**Attachments:** Nil

**RECOMMENDATION**

That Council approve the allocation of \$47,812 from the 2015/16 Terrick community planning unallocated funds to the Kelly Street Park playground project.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

A report was presented to the June 2015 Ordinary Meeting of Council detailing the community planning allocations for the 2015/16 financial year. This report made no recommendation for the allocation of Terrick Ward community plan funding for 2015/16. The Terrick Ward \$50,000 community planning allocation for 2015/16 was held in reserve until further clarity was obtained about the project proposal submitted by the Pyramid Hill community for a playground upgrade.

**BACKGROUND**

The Pyramid Hill Visionary Committee submitted an application to Council for a community planning allocation of \$50,000 from the 2015/16 Terrick Ward community planning funds. The application proposed an upgrade to the facilities at the Lions Park East playground, adjacent to the caravan park and swimming pool in Pyramid Hill.

During the community planning assessment process it was noted that the Lions Park East playground may not have been the preferred location for an upgraded playground facility. At this time Kelly Street Park was also being considered as a possible location.

The recommendation included in the attachment to the June 2015 report stated 'That the Lions Park East project requires further investigation prior to the allocation of funding'.

In October 2015 the Pyramid Hill community through the mechanism of the Pyramid Hill Progress Association identified that the upgraded playground facilities would be best located at Kelly Street Park.

A thorough planning and design process was then undertaken and the community, with assistance from Council, were able to leverage significant external funding from the State and Federal Governments to complete the project.

**ISSUES/DISCUSSION**

It has been ascertained that whilst the further investigation of the preferred location of the upgraded playground facility was undertaken, and planning, sourcing of additional funding and implementation of the project has occurred, due to the wording in the original recommendation the funds intended for the project have remained in the 2015/16 Terrick Community Plan unallocated funds.

**COST/BENEFITS**

The total cost for this project is \$118,875, with \$68,875 sourced from State and Federal Government funding. Community plan funds were accessed previously to assist with the project design phase, resulting in an available balance of \$47,812. The completion of the playground upgrade project will contribute to the revitalisation of the Kelly Street Park precinct.

**RISK ANALYSIS**

With this project nearing completion, the transfer of funds from the Terrick community planning reserve to the Kelly Street Park playground project will provide the funds required to accompany the State and Federal contribution to meet the total project cost.

**CONSULTATION AND ENGAGEMENT**

Consultation with the community through the Pyramid Hill Progress Association occurred in October 2015 to identify the preferred location for the playground upgrade.

**RESOLUTION 2017/71**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That Council approve the allocation of \$47,812 from the 2015/16 Terrick community planning unallocated funds to the Kelly Street Park playground project.

**CARRIED**

**8.7 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS**

**File Number:** 02/04/004  
**Author:** Ian McLauchlan, Director Operations  
**Authoriser:** Phil Pinyon, Chief Executive Officer  
**Attachments:** Nil

**RECOMMENDATION**

That Council endorse the notice of motion to the Australia Local Government Association National General Assembly in June 2017, seeking policy change with respect to the split of federal and state government financial contributions towards the delivery of local flood mitigation infrastructure projects as outlined in this report.

**CONFLICT OF INTEREST**

No staff member involved in the preparation of this report has a conflict of interest with respect to the subject matter or subsequent recommendation.

**PREVIOUS COUNCIL DISCUSSION**

Councillors discussed potential motions to the Australian Local Government Association (ALGA) National General Assembly (NGA) during its forum held on 14 March 2017.

**BACKGROUND**

The ALGA is the national peak advocacy body for local government. ALGA's work includes the establishment of national policy and advocacy on behalf of its members with departments, ministers and other parliamentarians at the Commonwealth level to achieve better outcomes for local councils.

The NGA provides the opportunity for councils to identify matters of national relevance to the sector and to submit notices of motion to seek support for these matters to be considered by ALGA for potential action e.g. advocacy or policy development.

Correspondence was received from the ALGA in February 2017 inviting Council to participate in the NGA scheduled to be held in Canberra from 18 June to 21 June 2017. In addition to the invitation for staff and elected members to attend the NGA, the ALGA called for notices of motion under the theme of 'Building Tomorrow's Communities'.

**ISSUES/DISCUSSION**

Staff and Councillors discussed both attendance at the NGA as well as potential motions which may be put forward for consideration by the ALGA board. From this discussion two potential motions were identified, namely:

- 1) Continued allocation of additional revenue raised through fuel excise adjustment, towards the Federal Government's Roads to Recovery (R2R) program:

In 2014-15 the Federal Government reintroduced biannual indexation to the fuel excise. It was estimated that this would raise additional revenue in the order of \$23 billion over a 10 year period. Of this additional revenue, a nominal amount of \$1.1 billion over two years was specifically earmarked for the Federal Government's R2R program.

No commitment was made however, with respect to increased funding towards the R2R program beyond the initial two year period, despite the excise changes enduring.

Loddon Shire typically receives \$1.6 Million per annum via the R2R program. This funding is vitally important in assisting Council maintain the integrity and sustainability of its local road network.

Following the fuel excise changes, Loddon Shire Council received an additional \$5.2 Million funding from the R2R program over the 2015-16 and 2016-2017 financial years. This additional funding has allowed Council to address the immediate infrastructure renewal gap with respect to local road infrastructure.

With no commitment from the Federal Government that additional money from the fuel excise shall be forthcoming via the R2R program beyond 2016-17, it is expected that Council's annual allocations will revert back to the nominal \$1.6 Million annual allocation effective 2017-2018.

During the forum held on 14 March 2017 it was discussed if a notice of motion should be submitted seeking the continuation of the allocation of additional money from the fuel excise towards the R2R program to support local councils manage and improve the standard of local road infrastructure.

Subsequent to this discussion it has been identified that the ALGA included this issue within their submission to the 2017-18 federal budget. As part of this submission the ALGA called upon all major political parties to commit to the permanent doubling of the Roads to Recovery Funding.

Given that a submission has already been made to the Federal Government and the ALGA's policy position that R2R funding be permanently increased, it is no longer considered necessary that Council raise a motion on this matter at the NGA.

2) *Policy amendment with respect to funding contributions made by state and federal government towards local flood mitigation infrastructure:*

In 2015 the Victorian State Government adopted its floodplain management strategy. A major policy position within this strategy was that the construction of any new flood mitigation infrastructure (e.g. flood levees) would require a local government contribution equivalent to 1/3 of the project cost.

This contribution would be matched by the State Government where a favourable business case could be demonstrated and an application seeking the remaining 1.3 funding from the federal government sought via the National Disaster Resilience Grants (NDRG) program.

Many small rural Councils have limited ability to meet this cost impost and similarly local communities often have no capacity to absorb the costs associated with such projects through special charge schemes (i.e. beneficiary pays principle).

In addition to the initial capital outlay for construction of new flood mitigation infrastructure, the State Government strategy also outlined that once built, responsibility for ongoing maintenance and inspection would vest with local councils.

To create a more equitable funding environment for small rural shires, Council discussed the possibility that the state and federal government would contribute 50% each towards the initial capital outlay for construction of critical flood mitigation infrastructure for rural communities. Such funding would still be obtained via the NDRG and State Government programs and be subject to the presentation of a favourable business case.

Once constructed it was generally accepted that Council would then be responsible for the cost and co-ordination of future inspection, maintenance and renewal works.

In recognition of Council's previous discussion it is therefore being proposed that a motion be put to the ALGA board to the effect that:

"The National General Assembly call on the Australian Government to enter into agreements with relevant state governments whereby funding towards critical flood mitigation infrastructure for rural communities be funded on a 50% cost share basis, with:

1. such funding arrangements being subject to the availability of the Natural Disaster Resilience Grants program funding and the presentation of a favourable business case; and
2. local councils being exempt from having to contribute to the initial capital cost of such works noting their responsibility for the ongoing maintenance and renewal of this infrastructure once constructed."

Motions must be submitted electronically using the online form available on the NGA website. All motions require a nominated contact officer, clear national objective, summary of key arguments in support of the motion and endorsement of Council.

#### **COST/BENEFITS**

A shift in state and federal policy with respect to respective funding contributions towards local flood mitigation infrastructure will potentially have a positive benefit to Council through the avoidance of initial capital contributions towards such projects.

Council will be required to fund the ongoing maintenance and inspection of any flood mitigation infrastructure which it constructs.

Local communities will potentially benefit through more rapid establishment of flood protection systems given the reduced reliance upon financially constrained local councils having to secure local contributions towards flood mitigation projects.

#### **RISK ANALYSIS**

Submitting the notice of motion is not considered to pose any significant risk to Council.

#### **CONSULTATION AND ENGAGEMENT**

Discussions regarding potential notices of motion occurred between Council officers as well as Councillors. No public consultation was undertaken in respect to the proposed motion.

#### **RESOLUTION 2017/72**

Moved: Cr Cheryl McKinnon

Seconded: Cr Gavan Holt

That Council endorse the notice of motion to the Australia Local Government Association National General Assembly in June 2017, seeking policy change with respect to the split of federal and state government financial contributions towards the delivery of local flood mitigation infrastructure projects as outlined in this report.

**CARRIED**



**8.8 MEMORANDUM OF UNDERSTANDING WITH GWM WATER - SOUTH WEST LODDON PIPELINE WATER SUPPLY PROJECT**

**File Number:** 15/08/004

**Author:** Lynne Habner, A/Manager Executive and Commercial Services

**Authoriser:** Phil Pinyon, Chief Executive Officer

**Attachments:** 1. Draft MOU with GWMWater

**RECOMMENDATION**

That Council enter into the Memorandum of Understanding between Loddon Shire Council and Grampians Wimmera Mallee Water Corporation for the South West Loddon Pipeline Water Supply Project subject to the CEO finalising the matters requiring resolution as identified in the draft document attached to this report.

Cr Gavan Holt declared a conflict of interest, due to him being a customer using the Skinners Flat pipeline.

Cr Gavan Holt left the meeting at 4:32 pm.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

Council considered a draft of the Memorandum of Understanding at its March Council Forum.

**BACKGROUND**

The southern area of Loddon Shire is currently not serviced with a stock and domestic or irrigation water supply and is reliant on catchment dams.

In September 2014, Loddon Shire Council made a formal request to GWMWater for an investigation into the feasibility of a piped domestic and stock water supply to the south west area in the Loddon Shire as an extension of the GWMWater rural pipeline network.

A Project Steering Committee and Technical Committee were established to investigate and report on options.

The South West Loddon Rural Water Supply Project (the Project) involves construction of a rural water pipeline to provide a secure water supply for the climate stressed region of south west Loddon in north west Victoria.

The proposed raw (untreated) water pipeline will connect the West Waranga Channel with the Wimmera Mallee Pipeline to service rural farming enterprises and lifestyle properties wishing to connect (i.e. opt-in) over an area of up to 3,000 square kilometres with a reticulated water supply.

The Project will have the capability to service intensive animal industries that it is projected will be attracted to the area due to its location and characteristics. The Project will also provide an alternative raw (untreated) water source to towns currently serviced from the Loddon River (reducing treatment costs during times of poor water quality) and to towns with limited raw water availability for the purposes of enhancing water reliability, recreational and sporting facilities.

**ISSUES/DISCUSSION**

Both parties intend to use this Memorandum of Understanding (MOU) to facilitate the parties working collaboratively and cooperatively to oversee the management and the delivery of the South West Loddon Pipeline Water Supply Project (Project).

The MOU seeks to achieve transparency and openness through the participation of both parties, and this should lead to better outcomes and provide greater confidence to the responsible Ministers, stakeholders and prospective customers.

This MOU is intended to complement, and not duplicate or replace, the responsibilities and roles that are formally designated to each of the parties.

**COST/BENEFITS**

There is no cost associated with entering into the MOU. Any reference to Council providing assistance or support is qualified as being subject to availability of Council resources.

**RISK ANALYSIS**

Amongst other things, this MOU reduces the risk of misunderstanding of roles and responsibilities of the parties that have not been formally delegated under other processes, and provides for a dispute resolution process between the parties. This will assist in avoiding delays during the project if such roles and responsibilities are in doubt.

**CONSULTATION AND ENGAGEMENT**

The draft MOU has been developed by officers from GWM Water and Loddon Shire Council, and was discussed by Councillors at the March Council Forum.

**RESOLUTION 2017/73**

Moved: Cr Geoff Curnow  
Seconded: Cr Cheryl McKinnon

That Council enter into the Memorandum of Understanding between Loddon Shire Council and Grampians Wimmera Mallee Water Corporation for the South West Loddon Pipeline Water Supply Project subject to the CEO finalising the matters requiring resolution as identified.

**CARRIED**

Cr Gavan Holt returned to the meeting at 4:44 pm.

**8.9 PLANNING APPLICATION 5254- YEMAYA FESTIVAL****File Number:** 5254**Author:** Alexandra Jefferies, Planning Officer**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:**

1. Site plan
2. Road design plan
3. Objection covering letter Evans
4. Evans objection
5. C.Rollinson objection
6. B.Rollinson objection
7. Trethowan objection
8. Anderson objection
9. AML email
10. VicPol objection
11. DEDJTR objection

**RECOMMENDATION**

That planning application 5254 be refused on the following grounds:

1. The current proposal is not consistent with the approved Cultural Heritage Management Plan.
2. The proposed use is inconsistent with the purpose of the Farming Zone.
3. The proposal is likely to negatively impact on surrounding agricultural land uses through the spread of noxious weeds, trespassing, traffic and parking issues.
4. Victoria Police have major concerns outstanding with regard to the proposal.
5. There are likely to be unreasonable amenity impacts upon surrounding properties as a result of noise.
6. Adequate documentation and plans have not been provided to satisfy concerns with respect to separation of camping and car parking.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

Two previous planning applications in relation to the 2016 Yemaya festival event were received and subsequently presented to Council for determination.

Planning application 5106, which was the first of the two historical applications received, was refused on 28 January 2016 for the following reasons:

- a) The proposed use was considered to be inconsistent with the purpose of the Farming Zone.

- b) Local infrastructure was insufficient to cater for the proposed use and development.
- c) The proposed use and development would likely result in the spread of a regionally controlled weed.
- d) The proposed use would likely have detrimentally affected the amenity of the area through the generation of noise.
- e) The proposed use would likely have resulted in an adverse environmental effect on the Loddon River.

A further application with slightly amended documentation was received approximately 1 month later. The second application again attracted a number of public objections.

On this occasion the officer recommendation was again to refuse the application based on similar grounds as listed above for permit application 5106. Further, concerns were also identified at this time with respect to the lack of a Cultural Heritage Management Plan prepared for the event as required under the *Aboriginal Heritage Act 2006*.

Following consideration of the application, objections and the officer recommendation Council resolved to grant planning permit 5167 which was subsequently issued on 20 April 2016 for the use of the land for a place of assembly (Yemaya Festival).

The permit contained an extensive list of documentation/plans which were required to be provided to Council prior to the event taking place - only some of this documentation was supplied.

## BACKGROUND

### Proposal

Planning application 5254 was lodged on 9 December 2016; the application proposed the use and development of the land for a place of assembly (Yemaya Festival) which will consist of 5,000 persons attending/working at the 4 day music festival.

Music is proposed to be played during the following hours:

- starting 6pm Friday 21 April 2017 – ending 2am Saturday 22 April 2017 (8 hour period)
- resuming 10am Saturday 22 April 2017 – ending 2am Monday 24 April 2017 (40 hour period)
- resuming 10am Monday 24 April 2017 – Ending 8pm Monday 24 April 2017 (10 hour period).

Gates are proposed to open at **noon on Friday 21 April 2017**, with all patrons to clear the site by **6pm Tuesday 25 April 2017**.

It is proposed that patrons will camp on site for the duration of the event, with no 'pass outs' to be permitted. Camping and cars are proposed to be separated by the construction of 30 cm high soil check banks. This will mean vehicles will reverse into the 'car spaces' created by the check banks. The check banks will be separated by 12 metres of space which patrons can use to park their vehicles. The result will be two rows of cars facing each other with a 40 metre space for camping to be located to rear of the check banks (referrer to site plan for layout). This treatment is intended to

reduce the risk of vehicle movements potentially interacting with the camping areas, which in the past has been linked to significant injury or death at similar events.

The site plan shows a total of 219 camping-car parking spaces and an area set aside for 'visitor vehicles). The Traffic Management Plan states traffic marshals and/or security guards will be dispersed at the main gate, ticketing gate and the camping ground as well as patrolling the general area. The roster nominates that 4 traffic Marshalls will be on site on Friday, until 5 pm Saturday; after this 3 traffic marshals shall be on site until 1 am Saturday, this is reduced to 2 per day for the duration of the Sunday, Monday and Tuesday.

### **Liquor**

Alcohol is proposed to be served within a 700 m<sup>2</sup> bar area, which is to be enclosed by 1.8m high metre fence with one shared entrance/exit point. The limited licence granted by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) restricts the maximum patronage to 200 persons at any one time within this area and requires that 2 security guards be provided within the bar at all times and one security guard outside the premise to monitor those entering/exiting.

### **Security/Crowd Control**

The Security Proposal Document contains a roster which proposes the following number of security personnel:

- Management- 1 x security personal
- Front gate- 1 x security personal
- Main Stage (Back of house) – 1 x Security personal
- Main Stage (front of house) – 1x security personnel
- Rovers- 2 x security personnel
- Bar- 3 x Security personnel
- Perimeter Patrol- 1 x security personnel

The roster proposes that there will be 6 security guards monitoring the event at any one time on each day and that an additional 3 security guards will be located at/within the bar area.

### **Proposed areas/facilities within the event are as follows:**

- Stage 1 (36 metre span)
- Stage 2 (20 metre span)
- A number of 'creative spaces'
- A number of market stalls
- The camping areas
- A bar in which liquor will be served

### **Facilities/ Infrastructure**

- 2 x emergency assembly areas
- 60 x 240 L wheel bins distributed across the site and 4 x 30 m<sup>2</sup> skip bins
- 52 temporary hire toilets will be distributed across the north-east of the camping area and to the south east of the camping area

- Helicopter landing pad
- 1 x 5,000 L water tank, 1 x 10,000 L water tank, 1 x 20,000 L water tank (water from these tanks will be pumped to the general patron drink water stations and to the food stalls for preparation)
- 12 x 1,000 L water tanks will be at various locations on the site for general use
- 1 x ATM
- 1.8 metre high temporary security fence is proposed to enclose the 'main activity area'

(Please refer to attachment: Site plan)

The application proposes a 6 m wide gravel road will be constructed internally to allow for patron car access as well as a separate emergency vehicle access route (attachment: Road Design Plan).

The application includes numerous documents that aim to address issues of safety and emergency management response. These include the following:

- Traffic Management Plan (Version 1.4)
- Infrastructure and amenity summary
- Traffic Management Plan (Version 1.3)
- Event Safety Management System (Version 1.2)
- Fire Management Plan (Version 1.2)
- Tourism & Community Benefits (Version 1.1)
- Approval for a limited liquor licence and red line plan
- Security Services Proposal (prepared by AusWide Security)
- Security Service Specifications (Version 1.0)
- Noxious Weed Management Plan (Version 1.0)
- Noise Management Plan (Version 1.0)
- Event Health Service Proposal (Prepared by St Johns)
- Environmental Management Policy (Version 1.0)

#### Subject site and Locality

The subject land is located to the east of Loddon West Road, Fernihurst. The subject site is approximately 3,223 hectares in area with approximately 1.6 km of frontage (northern boundary) to Majors Line Road. The site is generally flat and clear of vegetation, excluding some scattered trees. The site is bound to the east by the Loddon River and to the south and west by Kinypanial Creek.

The subject site is within the Farming Zone and is covered by the Land Subject to Inundation Overlay. The site is (almost entirely) culturally sensitive.

The site is currently being used for agricultural uses, with land surrounding and adjoining being used in a similar manner. Although the surrounding area is not densely populated there are dwellings located within close proximity to the subject site, the closest being 33 Loddon West Road, located approximately 1.05 km west of the proposed main stage.

*Figure 1: subject site*



### Loddon Shire Planning Scheme

The site is within the **Farming Zone**, the purpose of which is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The proposal is considered to be inconsistent with the purpose of the Farming Zone. The application does not provide for the use of the land for agriculture and does not encourage the retention of land for productive agricultural activities. It is not considered that the activity is based on comprehensive or sustainable land management practices and is considered to have a detrimental effect.

The site is covered by the **Land Subject to Inundation Overlay**, the purpose of which is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

The proposal is considered to be generally consistent with the purpose of the LSIO. The majority of structures used for the event are temporary in nature and the event is of a short duration at a time of low risk of major inundation to the site. North Central Catchment Management does not object to the application, providing conditional consent.

**The following State and Local Planning Policies are considered to be relevant to the application.**

#### 13.02-1 Flood Plain Management

To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodway's.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

#### 13.04-4 Noise abatement

- *To assist the control of noise effects on sensitive land uses*

#### 13.05 Bushfire

- *To assist to strengthen community resilience to bushfire*

#### 14.01-1 Protection of agricultural land

- *To protect productive farmland which is of strategic significance in the local or regional context*

#### 14.01-2 Sustainable agricultural land use

- *To encourage sustainable agricultural land use.*

#### 14.02-1 Catchment planning and management

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment*

#### 14.02-2 Water quality

- *To protect water quality*

#### 15.03-2 Aboriginal cultural heritage

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

### **Local Planning Policy Framework**

#### 21.04-3 Land management environments

- *To protect and enhance the condition of the natural resource base of the Shire to provide for the environmental and economic health of the Shire.*

#### 22.02 Drainage and Flooding

- *To encourage use of drainage works and schemes that manage surface flows and minimise irrigation runoff to assist in the reduction of the salinisation of land.*



- *To promote on-farm drainage re-use for effective nutrient management.*
- *To ensure that drainage works and schemes are consistent with management plans for wetlands, streams and forests.*
- *To ensure levee banks are constructed and maintained to a standard that provides for the appropriate and equitable flow and distribution of floodwaters.*
- *To ensure that downstream impacts of levee banks are appropriately considered and managed.*
- *To recognise the role of public and community-based organisations in the maintenance and development of existing flood protection levee banks.*
- *To encourage the use of rain where it falls, particularly in groundwater recharge areas.*
- *To ensure appropriate land use and development of flood plains.*

#### 22.05 Development in rural areas

- *To protect the natural and physical resources upon which agricultural industries rely*
- *To support the ongoing viability of existing farms. To maintain farmland in productive agricultural use*
- *To promote the development of new and diverse agricultural industries, fulfilling the potential of existing infrastructure*
- *To prevent land use conflicts between sensitive uses and agricultural uses*
- *To ensure that new use and development in the Shire is not prejudicial to agricultural industries or the productive capacity of the land*
- *To encourage the most productive and sustainable uses of water and soil in the Shire*
- *To ensure that development in rural areas does not compromise landscapes of significant value.*
- *To encourage safety from structure fires and bushfires.*

#### **Relevant Particular Provisions**

##### 52.43 Live music and entertainment noise

- *To recognise that live music is an important part of the State's culture and economy*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change*

#### **ISSUES/DISCUSSION**

##### **Notice and referral**

Notice of the application was sent to adjoining land owners on 1 March 2017. The proposal was also advertised in the Loddon Times newspaper the week of 7 March with the advertising period finishing on 21 March 2017.

The application was referred to the following authorities under section 52:

- Victoria Police (VicPol) (objected)
- Ambulance Victoria
- WorkSafe
- Department Economic Development Jobs Transport and Resources (DEDJTR) (objected)
- Country Fire Authority (CFA)
- Department of Environment, Land, Water and Planning (provided conditional consent)
- Environment Protection Authority (EPA) (provided conditional consent).

The application was referred to the following authorities under Section 55:

- North Central Catchment Management Authority (NCCMA) (provided conditional consent).

The application has received seven objections, five being from adjoining land owners (see attachments), VicPol (attachment: VicPol objection) and from Department of Economic Development, Jobs Transport and Resources (Attachment: DEDJTR objection). The objections from adjoining land owners are based upon the following issues:

- The proposal is inconsistent with the purpose of the Farming Zone and will negatively impact on the ability for surrounding farms to undertake agricultural activities due to noise and traffic during the event.
- Trespassing (which is alleged to have occurred last year) will cause unnecessary distress to ewes during lambing and possible death of lambs if separated.
- Concerns that the application does not address the issue of trespassing and it will occur again.
- Pollution from discarded rubbish, cigarette butts and used toilet paper as well as other waste and the possible destruction of the Loddon River frontage and associated fauna.
- The application documents suggest that significant works will be undertaken to prepare the site for the event including the construction of the access road with culverts and the construction of agricultural irrigation (Environmental management plan 3.3) in order to help establish and maintain ground cover to prevent dust. The objector raises the concern of logistically being able to complete these works in the short timeframe remaining and the effect that will be had on the site if these measures are not completed in time.
- A lack of existing infrastructure. Council's local roads facilitating access to this site are of a rural sealed collector and unsealed status. There is concern these roads are inadequate for the 1200-1600 vehicles which are expected to travel to the event and the possible further deterioration of the roads in poor weather.
- The lack of available, and strain upon, local emergency services the event will have including Victorian Police and Ambulance Victoria resources.
- The lack of a named company or organisation within the Fire Management Plan.

- The lack of mobile phone coverage on the subject site during the event.
- There are a number of noxious weeds that are likely to be spread via the earthworks required by various construction, vehicle movements and patron and equipment movement.
- The objectors are also concerned with a lack of any actions being undertaken as set out in the Noxious Weed Management Plan so far on-site to prevent the spread of noxious weeds.
- There is an inconsistency between the red line plan approved by VCGLR ( 35 m x 20 m) and the bar area shown on the site plan (12m x 20 m)
- The lack of detail regarding the proposed 1.8 metre high temporary security fencing to surround the site, specifically who and will provide this equipment and how it will be installed.
- The proposed event will significantly impact nearby dwellings and the residents who live in them, especially during the extended time of music that will continue from Saturday morning through to Monday.
- There has been little community support shown to the application from local businesses that were involved last year.
- The objectors are concerned that Inglewood Lions Club has been nominated within the Tourism and Community Benefits Summary this year, when a letter of withdrawal was provided last year.
- The applicant has had a number of months to submit the planning application and even though ticket sales began in May of 2016, the application was not lodged until December 2016, with a further 2 months delay in the applicant's response to Council's requests for further information. Overall the documentation is misleading and contains inaccurate information.
- Overall the surrounding land holders experience with the previous festival was a negative one, although stated that the organisation was willing to comply with all directions, conditions and instructions, this was not the case.
- Objectors have no confidence in documentation provided by the applicant in support of the event or the applicant intention to comply with identified actions therein.
- Vehicles were left parked in various locations surrounding the area for days leading up to the event and the site including the Loddon River was left with rubbish scattered.

- The use of illicit drugs during the event.
- There have been little improvements from the application documentation that was submitted last year.

The VicPol objection is based on the failure of provision of documentation and plans that address relevant safety concerns. The issues raised are as follows:

- The emergency management plan (EMP) states: *In order to ensure the ongoing development and applicability of proposed responses to emergency situations, consultation will be undertaken with all relevant authorities. Specifically, the following external bodies will be contacted for comment:* of which Victoria Police is one. There has not been any consultation with Victoria Police.
- A lack of information regarding safety personnel's specific qualifications to efficiently lead and manage an emergency event.
- Lack of information around how an emergency evacuation will occur in a safe and prompt manner and again a lack of consultation with Victoria Police.
- An alternative access for emergency services will be provided. In 2016, the roadway across a paddock was not defined or suitably constructed to provide for safe access.
- Lack of information regarding how the helicopter landing pad will be cleared/defined.
- Onsite Vehicle Accident Traffic control is in place for the entire duration of the event. Significant maintenance works will be carried out on all major traffic paths to ensure safe driving conditions. This didn't occur last year nor does it assist with safety of camping sites vs vehicular traffic vs pedestrians.
- There is insufficient security personnel proposed to address an event of this size.
- A lack of EPA approval provided as part of the application.
- The documents provided are vague regarding issues of staff parking being separate from patron camping and how a possible extra 200 vehicles will be managed on site.
- Issues of trespassing was a major issue last year, the site map does not include fencing of the entire site.
- No car movements – there are insufficient controls in delineating the campers from vehicle movements and patrons will only be asked to leave their vehicles stationary until they exit. This doesn't provide any guarantee that there will not be vehicle movements causing risk.

The DEDJTR objection is based upon the issue of noxious weeds and the risk that the event will contribute to the spread of these weeds. An assessment of the site was undertaken on 20 February 2017. The objection states the following:

- Currently Silverleaf Nightshade infestation is at its largest outbreak within the local area.
- The festival has the likelihood of spreading Silverleaf Nightshade (SN) throughout the North Central Catchment Area.
- This weed is particularly difficult to control, with the use of strong/hazardous chemicals being the best method.
- Vehicle hygiene treatment is the only method the applicant could use to reduce the spread of the weed, yet the Noxious Weed Management Plan only states they 'may' be installed.
- Bathurst Burr and Prairie Ground Cherry were also present on the site.

### **Consideration and assessment**

Planning application 5254 presents a number of concerns which include the quality and amount of documentation provided, community and external authority concerns and a lack of a timely assessment process due to the late nature of the submission.

The application documentation provided to the planning department is not considered to contain sufficient detail required to make a fully informed decision. Many of the management plans provided lack specific detail of how situations that involve the safety of patrons will be addressed.

### **Cultural Heritage Management Plan (CHMP)**

CHMP No. 14196 for the Yemaya Festival was approved 11 April 2016. After the festival was held last year a number of staging poles were left on site as a permanent structure. This requires an amendment to the approved CHMP. The applicant was informed that an amendment to the CHMP is required to be submitted to and approved by Dja Dja Wurrung Clans Aboriginal Corporation.

The planning department is yet to be provided with this document. Dja Dja Wurrung previously confirmed that a meeting was to be held on site with the applicant and the land holder on 23 February 2017. No advice as to the outcome of this meeting has been provided by either party.

A copy of an application to amend the previous CHMP has however provided by the applicant as evidence of their intention to work with the Dja Dja Wurrung. Despite the application appearing to have been made no amended CHMP document has been provided in support of the application to date.

Section 52 of the Aboriginal Heritage Act 2006 states that:

- (1) The decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity.
- (3) *The decision maker must not grant a statutory authorisation for the activity if the activity would be inconsistent with the approved cultural heritage management plan.*

If a planning permit were to be issued without confirmation and provision of an approved amendment to the current CHMP Loddon Shire Council risks being in breach of the *Aboriginal Heritage Act 2006*.

Inconsistency with the purpose of the Farming Zone

The application is not considered to be consistent with the purpose of the Farming Zone. The proposal does not provide for the use of the land for agriculture and does not ensure that non-agricultural uses (the proposed event) do not adversely affect the use of the land for agriculture. It is considered that the proposal may also negatively affect the use of the surrounding land for agriculture through the spread of noxious weeds and issues of trespassing as noted during last year's events within the objections above.

Noise management and SEPP No. N- 2 consent

The Noise Management Plan submitted has been referred to the EPA under Section 52 of the Planning and Environment Act who did not object, however suggested that the requirements of the State Environmental Protection Policies (Control of music from a public premise) No. N-2 (SEPP N2) be added as a condition of the permit.

The EPA advised that the applicant has applied for SEPP N2 approval but the outcome is yet to be determined; commenting it is recommended that Council consider this outcome prior to a decision being made.

Considering that the application proposes music to be played for 58 hours in total and that the longest non-stop duration will be approximately 40 hours, SEPP N-2 consent is required for planning officers to make a fully informed decision which has been guided by the EPA.

Fire Management Plan

The Fire Management Plan provided does not contain a company or organisation that will be contracted to be on site. Attachment: 'AML email' details an email in which the Managing Director of AML Risk Management confirmed that the document provided this year is a replica of the document which was provided to the applicant last year. Issues surrounding the use of the document are not of planning concern; however the lack of a qualified consultant or company to endorse the document is of a safety concern.

Camping and car parking

The proposed camping and car parking arrangement still raises concerns. The applicant has earmarked a small section of the site for camping and car parking in response to officer's requests for clarification as to how vehicles and camping sites will be separated. The level of detail provided is extremely limited however as best can be ascertained, the number of car spaces (219) is considered to be lacking considering the event proposes 5,000 patrons attending.

Significant concerns are also raised about how logistically patrons will be able to utilise the check banks as they are intended to be used. The application documentation does not include detailed plans which show vehicle swept paths or how access or egress of vehicles into the camping area will be managed and undertaken.

The applicant has not detailed the number of patrons that are expected to camp but has listed the expected number of vehicle movements to be 1200-1600. The number of traffic marshals is not considered to be sufficient to deal and assist with the volume of cars which will likely be trying to reverse into the spaces created by the earth mounds.

The issue of successfully managing the separation of camping and cars is a significant one. The aim of undertaking and maintaining separation is to ensure that patrons who may be sleeping in tents or utilising the camping grounds are not at risk of being injured or killed by vehicles being operated by other patrons. It is considered that sufficient planning has not been put into place in relation to separation of vehicles and designated camping areas.

### Noxious weed control

The spread of noxious weeds across the property has been highlighted as a concern for surrounding land owners and for DEDJTR. The application does include a management plan to address concerns surrounding the spread of Silver Nightshade. It is not considered that adequate consideration and planning has been put into place to control and manage the issue of noxious weeds and risk of spread.

### Trespassing

Trespassing has been raised as a concern by adjoining land owners. As part of the proposal the application includes the erection of a 1.8 metre high fence around the 'main activity area' (see attachment: site plan). The fence will help to alleviate any unlawful trespassing onto adjoining land; however the application does not contain details surrounding the logistics of installing the fence.

The proposed number of security personnel is not considered to be sufficient to ensure that the boundaries of the site are being continually patrolled and to ensure that trespassing onto adjoining land, including crown land, does not occur.

### Infrastructure and road maintenance

It is considered that Council's local road system is capable of managing the traffic which will be generated by the event.

### Application and assessment time frames

Council officers held a pre-application meeting with the applicant on 5 September 2016. During this meeting the likely key dates, including the date of the March Council meeting were clearly conveyed to the applicant. The events Facebook page indicates that ticket sales began in late April/early May 2016. The application process thus far has involved:

- 5 September 2016 – Council initiated a pre-application meeting with the promotor to raise concerns with regard to the timeframes leading up to the proposed 2017 events as well as deficiencies with respect to previous application documentation and various breaches of previous permit conditions.
- 21 November 2016 - the applicant was informed via email of the application fee and that the application would not be considered/lodged until the fee had been paid.
- 9 December 2016 - the application fee was paid.
- 22 December 2016 - a request for further information was sent to the applicant. Due to the holiday period the applicant was given 90 days to respond to the request making the due (no later than) date for requested information 22 February 2016.
- 15 February 2017 - requested information was supplied by the applicant.
- 21 February 2017 - a number of further information items still remained outstanding. A 'request for further information not satisfactory' letter was sent. The applicant was informed via email that a one week extension with respect to information requested under the RFI was granted.

- 27 February 2017 - the majority of the information requested was supplied by the applicant, although the standard was not considered to be satisfactory. Some documents such as an amended CHMP and SEPP N-2 consent were still not included.
- 1 March 2017 – given pending issues with assessment timeframes it was determined that despite incomplete information having been submitted by the applicant, that the application needed to be advertised and referred in order to give community members the chance to comment/object and to receive timely advice from external authorities.
- 1 to 21 March 2017 – agency referrals were completed along with notice to adjoining landowners as well as broader public notice via advertising in a local newspaper.

It is considered that in order to assess an application of this nature more time is required, not only to allow the planning department to undertake a fair and full assessment, but to allow for statutory timeframes required under the *Planning and Environment Act 1987*.

These timeframes and the public concerns that were raised with Council after last year's event needed to be comprehensively addressed in this year's application. These are all matters that the applicant was made aware of during the meeting held in September 2016. The limited time that has been allocated for the planning process (considering the September meeting and the events proposed date) has placed a strain on the application assessment and has pushed statutory timeframes to the limit.

### **COST/BENEFITS**

The application documents include a Tourism and Community Benefits Summary which details the specific financial benefits which the event is expected to have for local townships and/or individual clubs/groups/local businesses. However, based upon last year's event which proposed similar figures and anecdotal reports of actual benefits derived by some businesses, the actual financial benefit does not appear to be an accurate reflection.

If a permit was to be granted it is considered that the event is likely to be of financial benefit to traders and organisations which choose to be directly involved. Some ancillary financial benefit to the broader Shire may be realised however the quantum and distribution of this benefit is extremely difficult to quantify.

### **RISK ANALYSIS**

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

- barrier to development and associated economic growth within the Shire
- potential approval of inappropriate and incompatible land uses
- risk to Council's reputation as a regulatory authority
- risk to inappropriate pressure on infrastructure and service provisions
- legal or enforcement issues
- loss of protection of surrounding land uses which are accommodated for within a land's zoning.



Whilst officers have completed assessment of the application to the extent possible given the tight timeframes and lack of available quality supporting documentation, numerous areas of ambiguity remain with respect to the proposed event.

Had further time been available for assessment of the application, clarification could have been sought on various operational issues so as to enable improvements, subject to the co-operation of the applicant, to application documentation to facilitate a more thorough and comprehensive assessment of the proposal.

The combination of poor information and constrained assessment timeframes has reinforced officer concerns that inadequate planning and protections are proposed to support the event.

Many of these issues have stemmed from the delayed lodgement of the application. Pressure to meet statutory timeframes has meant that the planning department is unable to impose/discuss changes suggested by external authorities as the responses are being received at the last minute.

A large list of conditional plans or actions to be undertaken before the event can be legally held, is not a recommended option. Doing this creates a possible risk of non-compliance issues that would then lead to possible enforcement and/or legal actions having to be undertaken.

### CONSULTATION AND ENGAGEMENT

- A pre-application meeting was held with the proponent on 5 September 2016.
- A meeting with local police representatives was held on 24 February 2016 to discuss the applications progress.
- Planning officers have had various phone conversations with concerned land holders.
- Public notice and notice to adjoining landowners was issued as part of the assessment process.

### RESOLUTION 2017/74

Moved: Cr Geoff Curnow

Seconded: Cr Cheryl McKinnon

That planning application 5254 be refused on the following grounds:

1. The current proposal is not consistent with the approved Cultural Heritage Management Plan.
2. The proposed use is inconsistent with the purpose of the Farming Zone.
3. The proposal is likely to negatively impact on surrounding agricultural land uses through the spread of noxious weeds, trespassing, traffic and parking issues.
4. Victoria Police have major concerns outstanding with regard to the proposal.
5. There are likely to be unreasonable amenity impacts upon surrounding properties as a result of noise.
6. Adequate documentation and plans have not been provided to satisfy concerns with respect to separation of camping and car parking.

**CARRIED**

**9 INFORMATION REPORTS****9.1 PROGRESS OF COUNCIL PLAN****File Number:** 02/02/003**Author:** Lynne Habner, A/Manager Executive and Commercial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Council Plan progress at March 2017**RECOMMENDATION**

That Council receive and note the report on progress of the Loddon Shire Council Plan 2013-2017.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

At its April 2016 meeting, Council considered progress of actions within the Council Plan and resolved that a review of the Plan was not necessary.

**BACKGROUND**

The Local Government Act requires a council to prepare a four-year council plan by June of the year immediately following a council general election. This is the final year of the current Council Plan 2013-2017, and Council is now undertaking consultation with stakeholders to develop its next four year plan.

It is proposed that this will be the final progress report on the Council Plan 2013-2017.

**ISSUES/DISCUSSION**

Attached to this report is a progress report on achievement of actions required in the Council Plan. Council is currently completing Year 4 of the 4 year plan, where, out of 62 actions, 47 have been completed (including 10 that are ongoing), and 15 are in progress. The following table provides a comparison with the previous report.

Report date	In progress	Complete	Ongoing
April 2016	23	33	6
March 2017	15	47	10

As seen from the progress report, the majority of initiatives have been completed or are well under development. Apart from actions that are long-term and ongoing, there will be work to be completed after the closure of the current Council Plan, including town brand identities, review of community planning, development of a settlement strategy, Wedderburn Streetscape Project, actions relating to drainage and sewer connections, foreshore redevelopment plans, delivery of services to communities and a new Youth Strategy.

**COST/BENEFITS**

There are no costs associated with the recommendation of this report. Costs of individual projects within the plan are included in the Budget for the relevant delivery years.

**RISK ANALYSIS**

There are no risks associated with the recommendation of this report.

There may be some risk to reputation in Council having incomplete actions within the Council Plan, and these may be addressed in the development of the future Council Plan where it is considered that further activity is a priority.

**CONSULTATION AND ENGAGEMENT**

Consultation was undertaken with responsible council officers in the preparation of this report.

**RESOLUTION 2017/75**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council receive and note the report on progress of the Loddon Shire Council Plan 2013-2017.

**CARRIED**

UNCONFIRMED

**10 COMPLIANCE REPORTS****10.1 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAIL-BOORT DEVELOPMENT**

**File Number:** 02/01/008

**Author:** Michelle Hargreaves, Administration Officer

**Authoriser:** Sharon Morrison, Director Corporate Services

**Attachments:** Nil

**RECOMMENDATION**

That Council appoints the persons named in this report as members of the Boort Development Section 86 committee of management, effective immediately.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of committee members for Boort Development Committee of Management in 13 December 2016.

**BACKGROUND**

Current Section 86 committee instruments of delegations include 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.

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, at least 6 community representatives are preferred.

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

**ISSUES/DISCUSSION**

Following the December 2016 meeting, Boort Development was advised of Council's resolution to appoint the person named in the report as members of the Boort Development Section 86. A member of Boort Development contacted Council to advise that the list provided to Council was incomplete. This report provides a full list of the persons to be appointed (members listed in the December 2016 report are noted).

Boort Development is a community based committee with preferred representation requiring at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Barry Barnes	President (appointed in December 2016)
Rod Poxon	Vice President (appointed in December 2016)
Alister McDougall	Secretary/ Treasurer (appointed in December 2016)
Barry Kennedy	Committee Member
Honie Tweedle	Committee Member (appointed in December 2016)
Ian Beattie	Committee Member
Jacquie Verley	Committee Member
Jida Gulpilil	Committee Member (appointed in December 2016)
Jim Nolan	Committee Member
John Nelson	Committee Member (appointed in December 2016)
Kathryn Lanyon	Committee Member (appointed in December 2016)
Ken Loader	Committee Member
Kevin Sutton	Committee Member (appointed in December 2016)
Leah Toose	Committee Member (appointed in December 2016)
Margaret Nelson	Committee Member (appointed in December 2016)
Michelle Ashton	Committee Member
Paul Haw	Committee Member (appointed in December 2016)
Rob Ashton	Committee Member
Steven Lanyon	Committee Member (appointed in December 2016)
Sue Forster	Committee Member (appointed in December 2016)
Troy Perryman	Committee Member

The Council representative for this committee is Neil Beattie.

**COST/BENEFITS**

The benefit of this report 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**

Nil.

**RESOLUTION 2017/76**

Moved: Cr Geoff Curnow

Seconded: Cr Cheryl McKinnon

That Council appoints the persons named in this report as members of the Boort Development Section 86 committee of management, effective immediately, with an amendment to remove the name of Ian Beattie from the list.

**CARRIED**

UNCONFIRMED

**10.2 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS- INGLEWOOD TOWN HALL COMMITTEE OF MANAGEMENT**

**File Number:** 02/01/023  
**Author:** Wendy Gladman, Director Community Wellbeing  
**Authoriser:** Phil Pinyon, Chief Executive Officer  
**Attachments:** Nil

**RECOMMENDATION**

That Council

1. appoint the persons named in this report (section titled Committee of Management) as members of the Inglewood Town Hall Committee of Management, effective immediately
2. approve the amendment to the current delegation as provided in this report (section titled Amendment to Delegation)
3. approve the schedule of fees as provided in this report (section titled Schedule of Fees).

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of members for the Inglewood Town Hall Committee of Management (COM) at the Ordinary Meeting of Council on 22 September 2015.

Council was provided with a discussion paper at the Council Briefing on 28 February 2017. This paper detailed the challenges faced by the existing COM to activate the new space and associated requirements following the recent addition of a hub extension.

**BACKGROUND**

In January 2017 an extension to the Inglewood Town Hall (ITH) was completed. The addition of the hub extension has changed the management and governance framework requirements that previously supported the management of the ITH. Whilst the current Section 86 Committee have been and continue to be committed to the management of the ITH on behalf of Council, they have expressed concern at undertaking the tasks that will be required to ensure strong governance and management practices are in place for the new combined ITH and hub facility.

**ISSUES/DISCUSSION**

Section 86 of the Local Government Act 1989 provides:

- (1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following:
  - (a) Councillors
  - (b) Council Staff
  - (c) other persons
  - (d) any combination of persons referred to in paragraphs (a), (b) and (c).
- (2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.

Cr Condliffe, CEO Phil Pinyon and Director Community Wellbeing Wendy Gladman attended a recent meeting of the current Section 86 Committee. A discussion on the challenges faced by the

committee and the best model for the future, resulted in the COM supporting a report being presented to Council requesting the appointment of an interim Section 86 Committee for a period of twelve months to establish the new governance and management framework.

Cr Condliffe has approached members of the Inglewood and district community to draw together a new Section 86 Committee. The current Inglewood Town Hall Committee of Management Instrument of Delegation (IOD) has a requirement of at least six community representatives to form the Committee of Management. To enable commencement of some of the more urgent tasks, this report seeks Council endorsement of a committee of six that would initially consist of four community members who have agreed to join the new COM with two vacancies. The Committee will then continue to seek additional well credentialed members and return to Council for endorsement to fill the vacancies when this occurs.

It is suggested that Cr Condliffe continue as the Council representative for this Committee, and that Director Community Wellbeing, Wendy Gladman be appointed as a Council Staff member with no voting rights. (clause 3.3 of IOD)

### Instrument of Delegation

Sections of the current IOD will require amendment. The new COM can operate within the current requirements of clauses:

- 4: Powers and duties of all Section 86 Committees
- 5: Objectives and powers and duties specific to this committee
- 6: Duties of Secretary and Treasurer
- 7: Committee Proceedings
- 8: Finance
- 9: Committee reporting requirements

with the exception of:

- 5.2: Setting and collecting fees and charges for hire of the facility.

The Local Government Act 1989 S.86 (4) outlines powers that cannot be delegated to a committee, which includes the ability to declare a rate or charge (S. 86 (4) (b)). A schedule of fees recommended by the COM has been included in this report for approval by Council.

### Amendment to Delegation

This report requests that Council resolve that the following amendment be noted to the current IOD until such time as the review is completed.

Clause 5.2 is to be amended to remove reference to the setting of fees and be changed to:

- Recommend to Council a schedule of fees and charges for hire of the facility and collecting fees and charges as adopted by Council.

### Committee of Management

Community representatives for appointment to the Inglewood Town Hall Committee of Management:

<b>Name</b>	<b>Position</b>
Vacant	President
Brian Rodwell	Vice President
Jean McClymont	Secretary
Pauline Wellman	Treasurer



Robyn Johns	Committee Member
Vacant	Committee Member

The Council representative for this committee is Cr Colleen Condliffe.

The Council staff appointment for this committee is Director Community Wellbeing, Wendy Gladman.

### Schedule of fees

Room	Duration	Community	Private	Business / Government
Hall, Supper room and kitchen	Per event	\$ 200.00	\$ 200.00	\$ 300.00
Bond		\$ 200.00	\$ 200.00	\$ 200.00
Hall only	Per event	\$ 150.00	\$ 150.00	\$ 250.00
Bond		\$ 200.00	\$ 200.00	\$ 200.00
Supper room (including use of kitchen)	Per event	\$ 80.00	\$ 80.00	\$ 180.00
Office space	Per hour		\$ 25.00	\$ 25.00
	1/2 day (up to 5 hours)		\$ 50.00	\$ 50.00
	Full day (5+ hours)		\$ 80.00	\$ 80.00
	Weekly		\$ 350.00	\$ 350.00
	Long term tenancy		By negotiation with COM	
Meeting rooms	Per session - up to 4 hours	\$ 25.00		
	Per hour		\$ 30.00	\$ 30.00
	1/2 day (up to 5 hours)		\$ 60.00	\$ 60.00
	Full day (5+ hours)		\$ 100.00	\$ 100.00
Display space, breakaway area (foyers and landings)	Per event		\$ 25.00	\$ 25.00

### **COST/BENEFITS**

The benefits of establishing a new COM aligned with some support from Loddon Shire Council staff will provide an environment that will support the decision making required to activate the ITH. The establishment of strong governance and management frameworks will contribute significantly to the sustainability of the extended Town Hall facility.

Although there will be some staff time to support the new committee over the next twelve months, this will be contained within existing budgets.

### **RISK ANALYSIS**

The extension of the ITH facility will present a number of challenges during the activation of the space.

- Unknown running costs: running costs associated with the additional floor space and changed use is unknown, and the first twelve months will provide a better indication of true running costs.

- Rental Income: there is a higher reliance on room hire to offset the running costs of the facility. Promotion and marketing will be required to encourage use of the facility, while rental fees will be important when competing against a number of other long standing facilities in the area.
- Governance framework: The establishment of the governance framework will ensure that all parties managing and using the facility are aware of their roles and responsibilities. This may require some change management processes to support this transition to the new framework.
- Committee of Management: a committee of management with all new members may provide an element of risk when making decisions without the benefit of the history of the facility or any precedence set prior. The previous committee have committed to being available to provide information to the new committee as required.

### CONSULTATION AND ENGAGEMENT

A number of meetings prior to the current model development have been conducted with the project reference group and the current Section 86 Committee.

Cr Condliffe, CEO Phil Pinyon and Director Community Wellbeing Wendy Gladman attended a recent meeting of the current Section 86 Committee to discuss the proposed model going forward.

Cr Condliffe has approached members of the Inglewood and district community to draw together a new Section 86 Committee.

### RESOLUTION 2017/77

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council

1. appoint the persons named in this report (section titled Committee of Management) as members of the Inglewood Town Hall Committee of Management, effective immediately
2. approve the amendment to the current delegation as provided in this report (section titled Amendment to Delegation)
3. approve the schedule of fees as provided in this report (section titled Schedule of Fees).

**CARRIED**

11 GENERAL BUSINESS

Nil.

UNCONFIRMED

**12 CONFIDENTIAL ITEMS**

Closing of Meeting to the Public

**RESOLUTION 2017/78**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That the meeting be closed to the public at 4.57pm.

**CARRIED**

**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 89(2) of the Local Government Act 1989:

**12.1 Review of confidential actions**

This matter is considered to be confidential under Section 89(2) - (h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Any other matter which the Council or special committee considers would prejudice the Council or any person.

**12.2 Sale of Council property - Inglewood Industrial Estate**

This matter is considered to be confidential under Section 89(2) - (d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contractual matters.

**RESOLUTION 2017/79**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That the meeting be re-opened to the public at 5.39pm.

**CARRIED**

**South West Loddon Pipeline Project**

Cr Holt advised that GWM Water has circulated information to landowners that have expressed interest in connecting to the pipeline. He noted that his cost to connect to the scheme would be significant, and he is expecting that there may be concerns raised in the community from landowners receiving notifications from GWM Water about connecting to the pipeline.

**Intervention levels for road classifications**

Councillors discussed the poor state of the road to the Terrick Terrick National Park experienced on their bus tour of the Shire. Mr McLauchlan advised that the road had not reached the intervention standard required for maintenance of that classification of road in the Road Management Plan. Intervention standards could be reduced, which would require an increase in resources to increase the frequency of intervention if there was not an offset in service levels elsewhere.

Mr McLauchlan advised the Road Management Plan will be submitted to Council for adoption in the coming months.

**11.1 EXPRESSION OF APPRECIATION****RESOLUTION 2017/80**

Moved: Cr Geoff Curnow

Seconded: Cr Cheryl McKinnon

That Councillors express their appreciation to Ian McLauchlan, Director Operations, for his contribution to Loddon Shire Council during his employment with the organisation and wish him well in his future endeavours.

**CARRIED**

UNCONFIRMED

**NEXT MEETING**

The next Ordinary Meeting of Council will be held on 26 April 2017 at Serpentine commencing at 3pm.

There being no further business the meeting was closed at 5.45pm.

Confirmed this.....day of..... 2017

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**CHAIRPERSON**

UNCONFIRMED