



**Date:** Tuesday, 11 December 2018  
**Time:** 3pm  
**Location:** Council Chambers, Serpentine

# **MINUTES**

## **Ordinary Council Meeting**

**11 December 2018**

**MINUTES OF LODDON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, SERPENTINE  
ON TUESDAY, 11 DECEMBER 2018 AT 3PM**

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

**IN ATTENDANCE:** Wendy Gladman (Director Community Wellbeing), Lynne Habner (Manager Executive and Commercial Services), Sharon Morrison (Director Corporate Services), Phil Pinyon (Chief Executive Officer), Steven Phillips (Director Operations)

**APOLOGY:** Cr Neil Beattie

**1 OPENING PRAYER**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

“The Loddon Shire Council acknowledges the Traditional Custodians of the land on which we are gathered and pays its respects to their Elders both past and present.”

**3 APOLOGIES**

**APOLOGY**

**RESOLUTION 2018/217**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That the apology received from Cr Beattie be accepted and leave of absence granted.

**CARRIED**

**4 DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5 PREVIOUS MINUTES****5.1 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 27 November 2018
2. The minutes of the Ordinary Council Meeting of 27 November 2018

**REPORT**

Seeking approval of the unconfirmed minutes of the previous meetings.

**RESOLUTION 2018/218**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council confirm:

1. The minutes of the Council Briefing of 27 November 2018, subject to an amendment requested by Councillor Curnow
2. The minutes of the Ordinary Council Meeting of 27 November 2018

**CARRIED**

**6 REVIEW OF ACTION SHEET**

**6.1 REVIEW OF ACTIONS**

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

**Author:** Lynne Habner, 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 2018/219**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council receive and note the action sheet.

**CARRIED**

**7 MAYORAL REPORT****7.1 MAYORAL REPORT****File Number:** 02/01/001**Author:** Lynne Habner, 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 McKinnon****North Central Goldfields Regional Library**

**Section 86 Committees:** East Loddon Community Centre 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

**North Central Goldfields Regional Library****Nature Tourism Advisory Team and Nature Tourism Festival Committee****Other Council activities**

<b>DATE</b>	<b>Activity</b>
4/12/18	I attended the NCLLEN Board meeting in Pyramid Hill where we were treated to a Filipino banquet by the UFO
5/12/18	I travelled to Swan Hill for the MRGC dinner also attended by the CEO
6/12/18	MRGC meeting – my last as Chair. Cr Learmonth, Mayor of Gannawarra, will take the Chair from January 2019. In the meantime I have further advocacy work to do with the MinCo meeting in Melbourne this Friday.
7/12/18	Loddon Campaspe Councils met in Maryborough.

7/12/18	Goldfields Library Corporation AGM held in Bendigo, where I was re-elected as Chair for a third term.
10/12/18	Victorian Grants Commission met with Councillors and staff in Wedderburn – an apology from Cr Beattie who was recovering from surgery.
11/12/18	Council Briefing in Serpentine, followed by the final Council meeting for 2018

**RESOLUTION 2018/220**

Moved: Cr Cheryl McKinnon

Seconded: Cr Gavan Holt

That Council receive and note the Mayoral Report

**CARRIED**

**8 COUNCILLORS' REPORT****8.1 COUNCILLORS' REPORTS****File Number:** 02/01/001**Author:** Lynne Habner, 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>
20/11/18: Calder Highway meeting at Brimbank.
<b>Section 86 Committees:</b> Bridgewater on Loddon Development Committee of Management, Campbells Forest Hall Committee of Management, Inglewood Community Sports Centre Committee of Management, Inglewood Community Elderly Persons Units Committee of Management, Inglewood Town Hall Hub Committee of Management, Jones Eucalyptus Distillery Site Committee of Management
4/12/18: Inglewood Lions Units meeting Inglewood. 5/12/18: Meeting Inglewood Town Hall Hub
<b>Australia Day Committee</b>
<b>Central Victorian Greenhouse Alliance</b>
29/11/18: AGM Inglewood
<b>Healthy Minds Network</b>
5/12/18: Healthy Minds Network meeting Marong.
<b>Central Victoria Rural Women's Network</b>
<b>Other Council activities</b>

DATE	Activity
27/11/18	Inglewood and Districts Community Bendigo Bank Meeting
28/11/18	Rural Financial Counselling Advisory meeting Kerang
4/12/18	North Central LL Network Pyramid Hill
6/12/18	Senior Citizens Christmas lunch Serpentine
	East Loddon P12 College graduation
	Meeting Campbells Forest Hall
8/12/18	Bridgewater market
10/12/18	Grants Commission meeting Wedderburn
	Ansett meeting Inglewood
11/12/18	Council meeting Serpentine
5/12/18	Bendigo City Council regarding industrial development. Bendigo City Council has gone to the community with three meetings.

### Cr Curnow

<b>Loddon Mallee Waste Resource Recovery Group</b>	
<b>Section 86 Committees:</b> Kingower Development and Tourism Committee	
<b>Municipal Emergency Management Plan Committee and Municipal Fire Management Plan Committee</b>	
<b>Other Council activities</b>	
DATE	Activity
30/11/18	MAV Emergency Management Committee meeting in Melbourne
5/12/18	Newbridge Hall Committee triennial meeting – election of new committee
7/12/18	LMWRRG Board meeting held in Bendigo



10/12/18	Meeting with members of State Government Grants Commission at Wedderburn office
11/12/18	Loddon Shire December Council meeting at Serpentine

**Cr Holt**

<b>Municipal Association of Victoria</b>	
<b>Rural Councils Victoria Executive</b>	
<b>South West Loddon Pipeline Project Steering Committee</b>	
<b>South West Loddon Pipeline Project Community Consultative Committee</b>	
<b>Section 86 Committees:</b> Donaldson Park Reserve Committee of Management, Wedderburn Community Centre Committee of Management, Wedderburn Engine Park Committee of Management, Wedderburn Mechanics and Literary Institute Hall Committee of Management, Wedderburn Tourism Committee of Management	
<b>Audit Committee</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
27/11/18	Attended the Annual General Meeting of the Wedderburn Redbacks Inc.
28/11/18	Attended meeting of the Wedderburn Development Association
2/12/18	Attended a working bee at the Wedderburn Harness Racing Club in preparation for the January Cup meeting
10/12/18	Attended a meeting of Council and the Victorian Grants Commission.

**RESOLUTION 2018/221**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council receive and note the Councillors' reports

**CARRIED**

## 9 DECISION REPORTS

### 9.1 PLANNING APPLICATION 5376- SOLAR FARM DEVELOPMENT (PRAIRIE)

**File Number:** 22601600

**Author:** Arvish Sharda, Town Planner

**Authoriser:** Glenn Harvey, Manager Development and Compliance

**Attachments:**

1. Proposed site layout
2. Proposed transmission line extension
3. M & D Cunneen objection
4. Pacific Hydro response to objection
5. Applicant objector meeting notes
6. Draft Permit Conditions

#### RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for application number 5376 for the use and development of land as a solar farm, including the following:

- use and development of land for a Renewable energy facility and associated ancillary infrastructure
- use of land for Utility installation
- creation/alteration of access to a Road Zone 1
- construction of buildings and works within the Floodway Overlay, Land Subject to Inundation Overlay and Public Conservation and Resource Zone
- removal of native vegetation.

Subject to the conditions as described in attachment 6 planning permit conditions.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

There has been no previous discussion on this matter.

#### BACKGROUND

##### Application summary

Planning permit application 5376 is for the use and development of land for a renewable energy facility (solar farm), utility installation, associated buildings and works including alteration of access to a Road Zone Category 1 and native vegetation removal. The application was lodged by Pacific Hydro on 29 June 2018.

The application is proposing the development of a 240 MW Solar farm which will produce power to be supplied to the Bendigo - Kerang 220 KV line.

The applicant has included a number of plans and written reports which cover in depth a number of topics.

The proposal includes the following development and works:

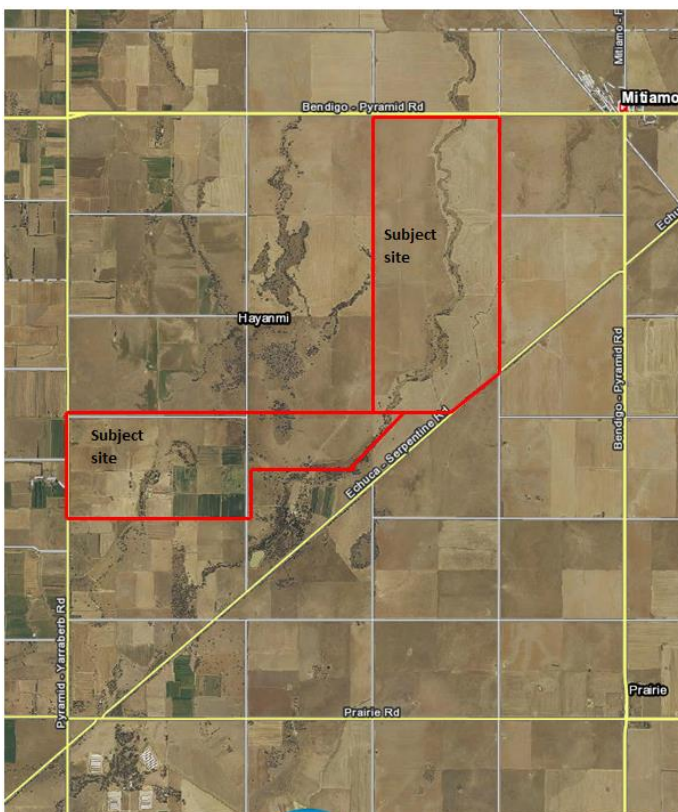
- the installation of approximately 1 million solar photovoltaic (PV) panels
- two x substations
- battery storage area
- transmission line extension (a number of transmission line towers)
- site offices
- the removal of 2.089 ha of native vegetation
- alteration of access to the Bendigo-Pyramid Road and the Echuca Serpentine Road
- a number of creek crossings, at this stage the Planning Permit allows for a maximum of three creek crossings with the locations to be determined in the detailed plans
- perimeter and security fencing

### Subject site

The subject site includes 54 parcels of land and these parcels are held by a single land owner, DG & RE McGauchie. The land owner is not the applicant, the applicant has declared that the land owner has been notified about this application. The core development area (solar panels, substation and other associated buildings and works) is approximately 950 ha (see attachment 1: Proposed site layout) and the transmission line extension will be located on approximately 24 ha (see attachment 2: Proposed transmission line extension).

The subject site is bounded to the north by the Bendigo - Pyramid Road and to the south by the Echuca - Serpentine Road. The transmission line extension will extend in a westerly direction from the south west corner of the site and run parallel to McCraes Road. The transmission line will be located within the freehold land, set back 5 metres to the south of the McCraes Road reserve within a 40 metre wide transmission line easement. A substation is proposed to be located within the freehold land at the western end of the transmission line extension.

*Figure 1: Location of subject site*



The site is within the Farming Zone and the Public Conservation and Resource Zone. The site is covered by the Land Subject to Inundation Overlay, Floodway Overlay and partly covered by the Vegetation Protection Overlay. The site is also partly within an area of Cultural Sensitivity.

The Bullock Creek runs through the centre of the subject site. Two mapped wetlands (number 4725 and 44724) are located within the site boundaries.

The site is currently used for grazing purposes and has access a 4.5 km private irrigation channel that has in the past provided irrigation for part of the site. The site is not currently irrigated.

The site has been subject to historic vegetation clearance for the purposes of agriculture. Some scattered native trees remain within the freehold land with most native vegetation located along the Bullock Creek reserve.

The site is located on a large floodplain. During the 2011 floods the subject site was inundated with floodwaters to a depth of up to 1 metre.

The surrounding land is used for agricultural purposes. There are approximately 12 dwellings within 2 km of the subject site. The subject site is located approximately 2.5 km to the west of the township of Mitiamo.

## ISSUES/DISCUSSION

Planning approval is required for this land use and development under the provisions of the Loddon Planning Scheme. Planning approval for the proposal is triggered under the provisions of the Farming Zone, Public Conservation and Resource Zone and Road Zone 1, Floodway and Land Subject to Inundation Overlay and native vegetation protection controls. The planning approval process enables Council to consider the appropriateness of the proposed land use within the context of:

- planning zones that define the preferred land use
- environmental impacts of the development
- impact on public infrastructure (in particular the road network)
- effect on the amenity of the area (amongst other matters).

### Loddon Planning Scheme

The Loddon Planning Scheme is made up of several components including the State Planning Policy Framework and Local Planning Policy Framework. The relevant components are discussed below.

### State Planning Policy Framework

The State Planning Policy Framework includes policies that seek to:

- protect high quality agricultural land (Clause 14.01-1S)
- promote renewable energy in appropriate locations, in particular at the regional level, the opportunity for solar in Loddon Shire has been identified. (Clause 19.01-2S)
- protect biodiversity and native vegetation (Clause 12.01)
- protect water bodies and river corridors (Clause 12.03)
- maintain flood storage function of the floodplain and protect infrastructure from flood hazard (Clause 13.03).

### *Response*

Although some agricultural land will be lost, the proposal is consistent with State and regional policy that seeks to provide for solar energy development. The site is not considered to be high quality agricultural land due to soil type and flood risk. The proposal has been designed to minimise impact on biodiversity, waterways and the floodplain, through avoiding development on sensitive and significant parts of the property.

### Local Planning Policy Framework

The relevant sections of Local Planning Policy Framework is discussed below.

#### 22.05 Development in Rural Areas

The objectives of 22.05 Development in Rural Areas are listed below.

- 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.

Clause 22.05 Development in Rural Areas specifically references renewable energy facilities as follows:

*“Renewable energy facilities will be supported in Loddon Shire but should not be located on high quality agricultural land, in particular, not on land that is and is likely to remain irrigated (or may be irrigated in the future) due to soil type or access to irrigation infrastructure”.*

#### *Response*

Although the subject property has access to private irrigation infrastructure, it is not part of the modernised system. An agricultural assessment conducted as a part of the permit application has identified that the site is not of high agricultural quality and the soils are not well suited to irrigation.

#### 35.07 Farming Zone

The subject site is within the Farming Zone, its purpose is listed below.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Planning approval is required for the use and development of land for a Renewable energy facility and Utility installation within the Farming Zone.

#### *Response*

Although the application is for a use and development that is not related to agriculture, the proposal is considered to meet the first purpose of the Farming Zone. As identified above, the proposal supports State and regional policy in relation to renewable energy.

The proposal will involve the removal of some of the subject land from agricultural use. Other parts of the site will be used for an agricultural use of lower productivity. The site will no longer be irrigated however it is proposed to reintroduce sheep grazing to manage pasture growth on the property once the development works are complete.

Given the large area of land as well as the condition of this land (cleared and flat) required for a solar farm, such developments will generally need to be located on agricultural land. As such, this impact of the proposal is considered to be unavoidable. Although the subject site has access to some irrigation, it is not considered to be high quality agricultural land. This is due to the soil type and it being subject to flooding.

The proposed use and development will not affect the use of the surrounding land for agriculture.

#### 36.03 Public Conservation & Resource Zone

Part of the subject site (along the Bullock Creek) is within the Public Conservation Resource Zone, its purpose is listed below.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.
- To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.
- To provide for appropriate resource based uses.

#### *Response*

The development proposed within the Public Conservation Resource Zone will consist of perimeter fencing, creek crossings, underground cabling and drainage. Council and the applicant have worked with Department of Environment, Land, Water and Planning (DELWP) to ensure that any environmental impact is minimised through limiting the number of creek crossings and ensuring a sufficient setback from the waterway is maintained.

#### 44.03 Floodway Overlay

The subject site is partly covered by the Floodway Overlay, its purpose is listed below.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and 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.

This Loddon Planning Scheme provision is addressed in conjunction with 44.04 Land Subject to Inundation Overlay below due to the similarity of considerations.

#### 44.04 Land Subject to Inundation Overlay

The subject site is partly covered by the Land Subject to Inundation Overlay, its purpose is listed below.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 flood plain 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.

#### *Response*

Planning approval is required for buildings and works within the Floodway Overlay and Land Subject to Inundation Overlay.

The proposed development is not considered to significantly impact on floodwater flow or be impacted by floodwater flow. Modelling prepared has shown that the layout of the development will allow floodwater to move through the site with minimal impact on levels. The North Central Catchment Management Authority, as the relevant flood plain manager, has not objected to the proposal subject to conditions requiring development to be setback from the Bullock Creek, drainage lines and wetlands, infrastructure and facilities to be 300mm above the 1 in 100 year flood level and land surface levels to be primarily retained across the site to maintain water passage and not affect adjoining land.

#### 52.17 Native Vegetation

The purpose of this clause is listed below.

- To ensure no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*):
  1. Avoid the removal, destruction or lopping of native vegetation that cannot be avoided.
  2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.



Planning approval is required for the removal of native vegetation. Although the property is largely cleared, the development will require the removal of 2.089 ha of native vegetation. The vegetation removal consists of a number of scattered trees and some patches of lignum swampy woodland, plains grasslands and plains woodlands.

*Response*

The applicant has demonstrated that they have sought to minimise vegetation loss and will provide the appropriate offsets to compensate for biodiversity impacts. DELWP have not objected to the proposed removal. The siting of the solar panels is on a part of the property that is predominantly cleared, and the transmission line route has been selected to minimise vegetation impact. The majority of remnant vegetation on the property will not be affected.

52.29 Land Adjacent to a Road Zone Category 1

The purpose of this clause is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

Planning approval is required to create or alter an access to Road Zone 1. An application must be referred to VicRoads as a determining referral authority. Bendigo Pyramid Road is zoned Road Zone 1 and the application proposes a number of access points to this road.

*Response*

VicRoads has provided conditional consent to the application. They have required that there be only one point of access to the Bendigo Pyramid Road. They have also required a Traffic Management Plan that will address the impact of construction vehicles on the broader road network and ensure any damage or safety risk is minimised and damaged is repaired by the applicant.

53.13 Renewable Energy Facility (other than wind energy or geothermal energy facility).

The purpose of this clause is to facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

This clause requires that the responsible authority must consider, as appropriate:

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on the natural environment and natural systems.
- Whether the proposal will require traffic management measures.

*Response*

Following consideration of the above requirements the location is considered to be appropriate with the permit conditions as detailed in attachment 6, Draft Permit Conditions.

Referral authorities

The application has been referred to the following authorities under Section 55 of the Planning and Environment Act (1987):

Agency	Summary of response
North Central Catchment Management Authority (NCCMA) Recommending referral authority	The NCCMA were particularly concerned with minimising impact on the flood plain and issues associated with the proposed crossings of Bullock Creek. They have provided conditional consent including requiring limiting creek

	crossings to three, minimum setbacks from the water bodies, plans demonstrating that flood water flow path can be maintained, minimum floor levels for infrastructure and open style fencing that will not hold up flood water.
VicRoads Determining referral authority	VicRoads were concerned about impact on the road network by vehicles delivering infrastructure to the site. They have provided conditional consent, including requirements for a bond to address road damage.
Department of Environment, Land, Water & Planning (DELWP) Recommending referral authority	DELWP reviewed the impact on native vegetation, birds and the waterway. They have provided conditional consent, including a requirement for a detailed environmental management plan and native vegetation offsets.
AusNet Determining referral authority	AusNet did not object to the application subject to conditions that will avoid impact on their easement.

The application was also sent to Goulburn Murray Water (GMW) under Section 52 of the Act. GMW did not object subject to conditions that will protect their infrastructure and assets, including requirements for setbacks.

#### Public notice

Notice of the application was sent to surrounding land owners, as well as a notice being placed in the Loddon Times on the 14 August 2018, pursuant to Section 52 of the Planning and Environment Act (1987).

Council received 1 objection to the proposal (see attachment 3: M & D Cunneen objection). The objection raised the following concerns:

- past flooding as a result of the subject site being irrigated
- increased flooding impact to the objectors' property as a result of any levelling or filling occurring on the subject site
- the transmission line being constructed within the McCraes Road reserve and the impacts that any closures of the road would have on their access to their property
- increased impacts of flooding as a result of raised pads proposed for the substations and battery storage area
- impacts of noise from the substation and battery storage facilities
- the general amenity impacts of the proposal on the surrounding landscape
- impacts from glare and light reflecting from the panels
- increase in traffic volumes, particularly during the construction phase
- removal of native vegetation.

The objection also raised concern about the lack of sufficient time given to those notified to review the documents at the Council offices. It is noted that the objectors received their notification letter on 16 August 2018. The application was placed on notification until 4 September 2018 which is in accordance with Section 52 of the Planning & Environment Act 1987 (the Act).

An applicant/objector meeting was held on 20 September 2018 to discuss the concerns of the objector. Both the applicant and objectors attended the meeting, along with Council staff. The notes taken by Council's planning officer from this meeting have been attached to this report. (See attachment 5: Applicant objector meeting notes).

The issues raised in the objection are addressed below.

#### *Flooding issues*

The applicant has advised that if no flood mitigation measures are implemented, during a 1 in 100 year or 1% probability flood there is likely to be a 2 - 5 cm increase in flood level on the objector's property. This increase in flood level would be a result of the raised pads required to avoid flooding of the substations.

The applicant has proposed that they will use rock blanketing of the raised pads to allow flood waters to flow through the base of the pad rather than being redirected around the pad.

The site will no longer be irrigated should the proposal proceed eliminating any potential impacts from this activity.

#### *Transmission line within McCraes Road Reserve*

The transmission line extension is not proposed to be constructed within the McCraes Road Reserve. The transmission line extension is proposed to be constructed approximately 5 metres from the boundary of the road reserve within the freehold property.

There may be some temporary closures of McCraes Road if the bridge over the Goulburn Murray Channel requires upgrade, however these works are considered to be temporary and the applicant will need to apply for the appropriate road closure permits from Council and communicate with surrounding land owners regarding to the impact of these works.

#### *Noise impacts*

The applicant has advised that the substation structures on the solar panels will only be audible within close proximity, and will comply with the relevant Environment Protection Act (EPA) guidelines. It is considered that there will be no noise impact at any surrounding dwelling (including the objector's dwelling). The objector's dwelling is approximately 2km from the nearest solar panel.

#### *Adverse visual impact on surrounding landscape*

The property is located within a sparsely developed, primary flat agricultural landscape. The applicant has advised that the height of the PV panels at up to 3.0 - 4.0 metres will mean that the views of the solar farm are likely only at close range where no screening vegetation is present (i.e. along the site's northern boundary). The applicant has submitted a visual impact assessment that concludes that the development can be adequately absorbed by the landscape.

The substation and battery storage area are considered to be consistent with other agricultural building development and therefore not be detrimental to the visual amenity of the area. As recognised by the applicant, the panels will be visible from the property boundary but due to distance to any surrounding dwelling (including the objector's dwelling) and existing vegetation in the landscape visual impact will be limited. The objector's dwelling is approximately 2km from the nearest solar panel, and there is some remnant mature vegetation between their property and the nearest panel.

#### *Glare and reflection*

The applicant has advised that the panels will not result in glare or reflection impacts. This is due to the type of construction material along with the nature of the panels. PV panels are designed to absorb maximum light in order to maximise energy production, and accordingly reflect only a minimal portion of the sunlight that falls on them. Reflective levels associated with PV panels are typically much less than those of other common materials in the landscape including steel, paint and standard glass (such as that found in a car windscreen). Any trim located around the panels is also of a non-reflective nature.

#### *Native vegetation removal*

Although some native vegetation will need to be removed as a part of the development, the applicant has demonstrated to the satisfaction of DELWP that they have sought to minimise this impact through the siting of the proposal. For a project of this size, the amount of vegetation loss is

considered to be small. The applicant will be required to secure the appropriate native vegetation offsets.

#### Cultural Heritage Management Plan

Land along the Bullock Creek is an area of cultural sensitivity, as such a Cultural Heritage Management Plan (CHMP) was required to be prepared to document and manage any impact on Aboriginal cultural heritage. This plan has been approved by the Dja Dja Wurrung Clans Aboriginal Corporation, in accordance with sections 63(1) and 148(d) of the Aboriginal Heritage Act 2006.

#### **COST/BENEFITS**

This proposal is a major development in the north of the Loddon Shire that could deliver significant benefits for the broader community in terms of renewable energy. It will also deliver economic benefits within the local area during the construction phase. It will result in some impact on agricultural land, with the loss of some productivity on the subject site. This site is not considered to be of high agricultural quality due to its soil type and flood risk. There will be some visual impact locally. However no residents will be subject to significant loss of visual amenity at their dwelling due to setbacks and existing remnant vegetation. Environmental impact will be limited to the loss of a small amount of native vegetation that will be offset. Impact on the waterway will be limited through the management of crossings and maintaining setbacks of developments.

#### **RISK ANALYSIS**

If Council is to overturn the officer's recommendation there is a risk of the applicant challenging Council at VCAT for refusal of the application.

Council also faces the risk of objector(s) challenging a notice of decision to approve an application.

#### **CONSULTATION AND ENGAGEMENT**

Consultation and engagement conducted as part of this application has involved:

- Notice and referral of the application to government agencies and stakeholders including facilitating consultation meeting with agencies and stakeholders
- Public notification of the application to 27 surrounding land holders that invited submissions and objections
- An advertisement in the Loddon Times newspaper on the 14 August 2018
- An applicant/objector meeting on 20 September 2018

Full details of this consultation and engagement is addressed in the issues and discussion section of the report as it formed part of the assessment and consideration of the application.

**RESOLUTION 2018/222**

Moved: Cr Gavan Holt

Seconded: Cr Colleen Condliffe

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for application number 5376 for the use and development of land as a solar farm, including the following:

- use and development of land for a Renewable energy facility and associated ancillary infrastructure
- use of land for Utility installation
- creation/alteration of access to a Road Zone 1
- construction of buildings and works within the Floodway Overlay, Land Subject to Inundation Overlay and Public Conservation and Resource Zone
- removal of native vegetation.

Subject to the conditions as described in attachment 6 planning permit conditions.

**CARRIED**

**9.2 NORTHERN VICTORIA CLUSTER - MUNICIPAL HEATWAVE PLAN****File Number:** 11/01/009**Author:** Belinda McKnight, Emergency Management Coordinator**Authoriser:** Wendy Gladman, Director Community Wellbeing**Attachments:** 1. Northern Victorian Emergency Management Cluster Heatwave Plan**RECOMMENDATION**

That Council endorse the Northern Victorian Cluster – Municipal Heatwave Plan as a sub plan of the Municipal Emergency Management Plan, as recommended by the Northern Victorian Integrated Municipal Emergency Management Planning Committee.

**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**

There has been no previous discussion with Council regarding this report. The Northern Victorian Integrated Municipal Emergency Management Plan (Loddon) was endorsed by Council in April 2017.

**BACKGROUND**

The duration, frequency and intensity of heatwaves in the future are projected to rise due to climate change. Indications are that we will be subject to longer, hotter periods of extended heatwave conditions which can have significant impacts on not only health but life. In the 2009 heatwave an estimated 374 deaths occurred, much greater than the 173 deaths arising from the Black Saturday bushfires the following week. In the 2014 heatwave there were 167 excess deaths. The Department Health Human Services defines excess deaths as above what would otherwise be expected and may have been a result of extreme heat.

Planning for the impacts of extreme heat and heatwave has been underway in Victoria for at least ten years. Three key documents outline this process:

- The State Heat Plan 2014 outlines arrangements for an integrated and whole-of-government approach to the emergency management of extreme heat in Victoria.
- The Heat Health Plan for Victoria 2015 outlines a coordinated approach to the prevention, preparation and management of extreme heat in Victoria, with a focus on health and community service providers and local and state government.
- State Extreme Heat Sub-Plan (Edition 2) outlines the Victorian arrangements for the coordinated response to the impacts and consequences of extreme heat events (including heatwaves) on the community, infrastructure, and services.

Each of these plans recognises the role of local government in working with local communities to prepare and plan for, respond to and recover from emergencies.

Management of extreme heat and heatwave straddles a number of local government areas of responsibility including emergency management, home care services, social wellbeing, infrastructure, economic development, sustainability and environment and town planning. A coordinated approach is required to deliver a high level of service to our community in times of heatwave to increase the benefits that the heatwave sub-plan can offer. The heatwave plan

outlines what will be done to assist the community to become more resilient to the effects of heatwaves.

## ISSUES/DISCUSSION

A cluster heatwave plan has been prepared by the Northern Victorian Integrated Municipal Emergency Management Planning Committee and will form a sub-plan of the Integrated Municipal Emergency Management Plan which was endorsed by Council in April 2017.

This plan for heatwave will assist the community to prepare for, respond to and recover from heatwaves and extreme events.

Implementation of this Heat Plan (the Plan) will:

- ensure health information and support is available to our community
- increase the understanding and capacity of our community to respond during heat events
- manage a heat event emergency more effectively
- influence long term changes in behaviour to improve our health and wellbeing.

This will be achieved by:

- undertaking strategies and actions to increase the resilience of our community to extreme heat
- identifying and supporting vulnerable groups in the community and the risks they face during heat events
- developing partnerships with local organisations to better coordinate response to heat events
- promoting a community awareness and education component
- informing employees and community members on the dangers of heat events
- identifying, documenting and assigning tasks to be implemented during a heat event
- establishing governance arrangements to action the plan
- evaluating the ongoing effectiveness of the plan and its implementation.

A range of actions have been identified within the plan. These are suggested actions that councils within the cluster will use to inform their localise actions.

## COST/BENEFITS

It is intended that the bulk of the actions contained within this plan will be undertaken within the current operational budget parameters. Where additional activities, such as community preparedness, require additional resources, external funding will be sought to support these.

## RISK ANALYSIS

If we apply Council's risk assessment criteria, the risk matrix indicates a very high risk associated with extended heat events and heatwaves impacting the health and wellbeing of vulnerable groups within the community.

Risk	Likelihood	Consequence	Rating	Mitigation
Heatwave	Almost Certain	Catastrophic	Very High	Plan

While the risk will remain very high by the very nature of the consequential outcomes; with the increased awareness, and community understanding and preparedness that will be derived through delivery of this plan, it is hoped the impact on the wellbeing of the community will be reduced.

**CONSULTATION AND ENGAGEMENT**

The Heatwave sub plan has been developed by the Integrated Municipal Emergency Management Planning Committee with input from all agencies included on the committee. The sub-plan for Heatwave has been recommended to Loddon Shire Council for endorsement from the Integrated Municipal Emergency Management Planning Committee.

**RESOLUTION 2018/223**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council endorse the Northern Victorian Cluster – Municipal Heatwave Plan as a sub plan of the Municipal Emergency Management Plan, as recommended by the Northern Victorian Integrated Municipal Emergency Management Planning Committee.

**CARRIED**



**9.3 SECTION 173 AGREEMENT SEWER CONNECTION 3616 BRIDGEWATER DUNOLLY ROAD, BRIDGEWATER**

**File Number:** 13/01/003

**Author:** Carolyn Stephenson, Statutory / Strategic Planner

**Authoriser:** Glenn Harvey, Manager Development and Compliance

**Attachments:** Nil

**RECOMMENDATION**

That the following document be executed under the Common Seal of the Council:

“Loddon Shire Council and Coliban Region Water Authority and Mark Andrew Trembath and Lynette Maree Park Agreement Made Pursuant to Section 173 of the Planning and Environment Act 1987 Property: 3616 Bridgewater Dunolly Road, Bridgewater.”

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Nil

**BACKGROUND**

In November 2017, a planning permit was granted for a two lot subdivision at 3616 Bridgewater Dunolly Road, Bridgewater. This property is located on the southern fringe of Bridgewater on the west side of the Loddon River. The land is just beyond the extent of the reticulated sewerage system in Bridgewater. As a condition of supporting the subdivision, Council and Coliban Water required that the land be connected to the sewerage system due to the size of the proposed lots and the proximity to the Loddon River.

**ISSUES/DISCUSSION**

A Section 173 Agreement under the Planning and Environment Act is a legal agreement between the land owner and Council registered on the title. In this case the agreement requires that the land owner and any subsequent land owners connect to the sewerage system, and maintain this connection. The agreement has been reviewed by Beck Legal on behalf of Council.

**COST/BENEFITS**

The cost of preparing and registering the agreement, and the cost of the sewer connection is met by the land owner. The benefit of this agreement is that this development will support the growth of Bridgewater, and effluent will be managed effectively.

**RISK ANALYSIS**

Council must monitor the site, in conjunction with Coliban Water, to ensure that the agreement is complied with.

**CONSULTATION AND ENGAGEMENT**

The land owner supports connection to the sewer as a part of this development.

**RESOLUTION 2018/224**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That the following document be executed under the Common Seal of the Council:

“Loddon Shire Council and Coliban Region Water Authority and Mark Andrew Trembath and Lynette Maree Park Agreement Made Pursuant to Section 173 of the Planning and Environment Act 1987 Property: 3616 Bridgewater Dunolly Road, Bridgewater.”

**CARRIED**

#### 9.4 STOP MENTAL ILLNESS STIGMA CHARTER

**File Number:** 03/01/001

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

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

**Attachments:** 1. Stop Mental Health Stigma Charter and Pledge

#### RECOMMENDATION

That Council:

1. adopt the Stop Mental Illness Stigma Charter and
2. authorise the Chief Executive Officer to sign the Pledge to Stop Mental Illness Stigma.

#### 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 discussion on the Stop Mental Health Stigma Charter was held at the Council Briefing on 27 November 2018.

#### BACKGROUND

The "Stop Mental Illness Stigma" Charter (the Charter) has been developed through a joint project with the Hume and Loddon Mallee Murray, Partners in Recovery (PIR) program, led by Murray Primary Health Network (PHN).

A survey of the community conducted to inform the development of the Council's Municipal Public Health and Wellbeing Plan 2017-2021 told us that 76% of those surveyed said that improving mental health was very important or important to them.

The Council Plan 2017-2021 also commits to actively promoting policies and activities which facilitate community health, harmony and engagement, and building relationships and fostering community engagement

The Loddon Healthy Minds Strategic Plan 2017-2022 adopted by Council 22 May 2018 envisions an inclusive, resilient and stigma free Loddon community with access to appropriate mental health services. Part of its mission is to promote optimal mental health and reduce stigma through awareness, advocacy and education.

#### ISSUES/DISCUSSION

The Charter is about working towards reducing mental illness stigma through a series of commitments which are seen as the major components to address in reducing stigma.

A copy of the Charter is attached and includes seven key commitments:

- We will be informed.
- We will listen.
- We will be mindful of our language.
- We will be inclusive.
- We will challenge the stereotypes.
- We will be supportive.

- We will promote recovery.

Following the adoption of the Charter it is necessary for the Pledge to be signed.

It is proposed that the following actions would then be taken:

- Display the signed Pledge certificate to indicate Council's commitment to implementing the Charter
- Place the Charter on the internet
- Place the Charter and the Stop Mental Illness Stigma documents on the intranet and in staff induction packs
- Consider implementations of "suggestions on how to implement this commitment" outlined in the "Stop Mental Illness Stigma - How to Use the Charter in Your Organisation" booklet produced by Murray PHN
- Monitor the Murray PHN website for updates on the Stop Mental Illness Stigma website
- Send a copy of the signed certificate to Murray PHN, along with Council's logo, so that Council can be listed as an organisation committed to Stop Mental Illness Stigma
- Periodically review how the charter is being implemented in Council
- Share stories with other organisations on how the Charter has been implemented or changed practice in Council
- Encourage other organisations to adopt the Charter

The adoption of this Charter by Council would demonstrate a clear commitment by Council to the vision and mission of Loddon Healthy Minds Network and provides a strong link to fulfilling related commitments in Municipal Public Health and Wellbeing Plan and the Council Plan.

### **COST/BENEFITS**

There are minimal costs associated with the implementation of the recommendation.

### **RISK ANALYSIS**

By adopting the Charter, Council is helping to reduce the risks associated with mental health stigma by: creating a supportive and inclusive environment for all; improving the lives of people who have, or have had an experience of mental illness; and becoming part of a movement that is actively working towards halting the debilitating impact of mental illness stigma in the community.

### **CONSULTATION AND ENGAGEMENT**

The Charter has been co-designed by people who have experienced mental illness and mental health professionals.

#### **RESOLUTION 2018/225**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council:

1. adopt the Stop Mental Illness Stigma Charter and
2. authorise the Chief Executive Officer to sign the Pledge to Stop Mental Illness Stigma.

**CARRIED**

**9.5 MANAGEMENT AGREEMENT FOR 191-121 GODFREY STREET BOORT (KNOWN AS BOORT RESOURCE AND INFORMATION CENTRE)**

**File Number:** 08/04/001

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

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

**Attachments:** Nil

**RECOMMENDATION**

That Council:

1. Not endorse BRIC Inc.'s management agreement counter offer.
2. Agrees to offer the standard management agreement to BRIC Inc.
3. Authorises the CEO to counter sign the management agreement if returned within three months.
4. In the event that the standard management agreement is not signed by BRIC Inc within three months, consider the matter further with a view to putting in place alternative management arrangements.

**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**

In September 2017 Council endorsed a draft management agreement to be offered to incorporated associations managing council assets.

In February 2018, following feedback from various committees, an updated management agreement was endorsed by council and the allocation of responsibilities set out in appendix 2 of the management agreement was confirmed. Appendix 2 recognises Council's commitments in the Building Asset Management Plan (BAMP).

**BACKGROUND**

It is understood that during local government amalgamations in the mid 1990's, there were commitments made by the Commissioners regarding access to and ongoing maintenance of the former Shire of Gordon Council Offices (the building) to offset perceived inequity in the amalgamation of the Shire of Gordon into the Loddon Shire Council.

No written record of this agreement can be found.

At the Council meeting on 28 September 2009, a report noted that Council had an agreement with the Boort Resource and Information Centre (BRIC) for use of the building. The report went on to state that under the agreement, Council's financial commitment at the site included:

- Maintenance of the exterior of the building, grounds and permanent fixtures in the building
- Power costs, up to \$3,000 per annum
- Sewerage charges
- Building and contents insurance

It was resolved that Council enter into a varied agreement with BRIC for the period 1 January 2010 to 31 December 2012 and delete the clause giving Council responsibility for power costs up to \$3,000, and sewerage costs, effective 31 December 2010. The justification for this variation was

based upon: similar arrangements with Council's three other neighbourhood houses/community centres in the Shire at the time (Inglewood, Pyramid Hill and Wedderburn); and providing for conformance with the draft Building Asset Management Plan at the time which stated that "under this plan Committees of Management fully fund operations and maintenance expenditure from their own resources.

An agreement was put in place which reflected the resolution of Council.

The latest version of the management agreement was signed in July 2016 and was due to be reviewed on 31 October 2016.

Over the past two years Council has been working on reviewing and standardising committee of management agreements.

Since September 2017 Council has been in negotiations with BRIC Inc. regarding the management of the building and grounds under the terms of a standardised management agreement. Council offered to continue to maintain the grounds, as a compromise. BRIC Inc. counter-offered by seeking a commitment from Council for the continued maintenance of the building.

### **ISSUES/DISCUSSION**

The background to this report shows a clear intention by Council to transition the management of the building from an informal agreement entered into with the Commissioners to the same terms and conditions as a section 86 committee of management.

Variations to the agreement have been made over time to reflect changes to the BAMP (which help to ensure consistency across all buildings managed on behalf of Council by a committee of management) and changes to the legal status of the committee management (instrument of delegation for a section 86 committee versus a management agreement with an incorporated body).

Section 3C(e) of the Local Government Act 1989 states that one of the objectives of Council is to ensure that services and facilities provided by the Council are accessible and equitable.

The terms and conditions offered by BRIC are inconsistent with the terms and conditions of agreements with committees of management for similar facilities. It is therefore considered that if the offer was accepted, it would result in the inequitable provision of a facility.

Therefore it is recommended that the standard management agreement be offered to BRIC Inc. for acceptance for a limited period. Should the offer not be accepted within this limited period, alternative management arrangements will be considered.

### **COST/BENEFITS**

The benefit of putting in place standard management agreements is transparency and equity in the provision of services and facilities and Council's improved capacity to effectively manage Council assets in a financially sustainable way.

### **RISK ANALYSIS**

There is a risk that BRIC Inc. will refuse to sign the standard management agreement. This risk has been mitigated by proposing alternative management arrangements.

### **CONSULTATION AND ENGAGEMENT**

Council staff have consulted with members of BRIC Inc. and Councillors regarding the content of the Management Agreement, including most recently, a discussion at the November Council Briefing.

**RESOLUTION 2018/226**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council:

1. Not endorse BRIC Inc.'s management agreement counter offer.
2. Agrees to offer the standard management agreement to BRIC Inc.
3. Authorises the CEO to counter sign the management agreement if returned within three months.
4. In the event that the standard management agreement is not signed by BRIC Inc within three months, consider the matter further with a view to putting in place alternative management arrangements.

**CARRIED**

**9.6 DONALDSON PARK WATER BILL****File Number:** 02/01/018**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council request Coliban Water to investigate the accuracy of the water bill invoiced to Council for Donaldson Park as outlined in this report and that on receipt of a response from Coliban Water the matter be again referred to Council for further consideration.

**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 the Council meeting on 27 November 2018 Councillor Holt referred to an issue for the Donaldson Park Committee of Management where it has inadvertently been using potable Coliban Water for its irrigation, in addition to water from the Skinners Flat pipeline, which has incurred a significant unexpected expense.

Cr Holt undertook to ask the Committee of Management to write a letter to Council requesting financial assistance, and asked that Council agree to consider any request from the Donaldson Park Committee of Management for assistance with its unusual Coliban Water bill.

**BACKGROUND**

On 28 November 2018 Council received an email from the Secretary/Treasurer of the Donaldson Park Committee of Management asking that Council assist the Committee by contributing to the cost of the water bill.

Water used to irrigate the recreation grounds at the Donaldson Park facility is accessible from both Coliban Water and Skinners Flat sources.

Skinners Flat is the preferred option, when available, as the charge is \$0.50 per kL compared to that charged by Coliban Water of \$2.2554 per kL.

Water sourced from the Coliban Water supply used at the Donaldson Park facility is invoiced and paid by Loddon Shire Council. The amount is then on-charged to either the Donaldson Park Committee of Management (6 months of the year) or the Wedderburn Redbacks (remaining 6 months of the year).

**ISSUES/DISCUSSION**

Skinners Flat water used by the Donaldson Park facility is sourced from the Skinners Flat Reserve which gathers and stores natural rain run-off from the surrounding area.

In April 2018 a large Skinners Flat meter reading was provided to finance staff for invoicing. This issue was then passed on to the relevant responsible staff member for investigation due to the large difference observed to previous water usage patterns. It was also observed at this meter reading that a new Coliban water meter had been installed.

A large Coliban Water invoice was also received around the same time.

The meter for the Coliban water source had previously been turned off while water has been available from the Skinners Flat Reserve.



Invoices have been raised for these charges to the Donaldson Park Committee of Management and they have requested an investigation be undertaken prior to payment as they believe the costs to be excessive and incorrect.

There are a number of complexities involved in arriving at a solution to this matter. There appears to have been a potential for water used to have been recorded twice – once going into the holding tank (Coliban water) and once going out of the holding tank (Coliban water and Skinners Flat water). In the short term, the control valve for the Coliban water meter has been padlocked to prevent any inappropriate interference. It is now proposed to raise the matter with Coliban Water for investigation and resolution. In the meantime, the requirement for payment by the Donaldson Park Committee of Management of the on-charged water use will be placed on hold.

Ultimately, there may be a need to examine historical water usage patterns to determine fair and equitable payments. This may be part of the investigation process undertaken with Coliban Water.

### **COST/BENEFITS**

The cost associated with the use of water by the Donaldson Park Committee of Management should be fairly attributed. The use of both Coliban Water and Skinners Flat water need to be properly accounted for and effectively managed into the future.

### **RISK ANALYSIS**

The risks associated with a recurrence of similar circumstances in the future have been mitigated by the installation of a padlock on the control valve for the Coliban water meter.

### **CONSULTATION AND ENGAGEMENT**

Previous discussion has occurred at the Council Briefing and Meeting held on 27 November 2018 and there has been communication with the Donaldson Park Committee of Management.

### **RESOLUTION 2018/227**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council request Coliban Water to investigate the accuracy of the water bill invoiced to Council for Donaldson Park as outlined in this report and that on receipt of a response from Coliban Water the matter be again referred to Council for further consideration.

**CARRIED**

**10 INFORMATION REPORTS****10.1 STRATEGIC PLANNING ACTIVITY REPORT****File Number:** 13/01/002**Author:** Carolyn Stephenson, Statutory / Strategic Planner**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Strategic Planning Activity report.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This is the first report for the 2018 – 2019 financial year summarising the strategic planning activities undertaken within the Development and Compliance Department.

**BACKGROUND**

Council undertakes strategic land use planning projects to ensure that its planning scheme is robust, relevant and is consistent with the Council Plan.

This report provides an overview of the current activities of the Strategic Planner. The Strategic Planner's time is divided between statutory planning (10 hours per week) and strategic planning (8 hours per week) activities. It is the strategic planning activities that are the subject of this report.

**ISSUES/DISCUSSION**Current Strategic Planning Projects

Table 1 provides a summary of current strategic planning projects and the activities undertaken as part of these projects during the first quarter of the 2018 – 2019 financial year.

Table 1: Current Strategic Planning Projects

<b>Quarter 1 (1 July 2018 – 30 September 2018)</b>			
<b>Project</b>	<b>Tasks undertaken during the quarter</b>	<b>Future tasks</b>	<b>Estimated project completion</b>
Settlement Strategy	<ul style="list-style-type: none"> <li>Draft report prepared</li> </ul>	<ul style="list-style-type: none"> <li>The report is to be reviewed through the strategic document approval process in preparation for presentation to</li> </ul>	The report will be presented to Council early 2019

		Council.	
Serpentine Industrial Estate – INZ3 Planning Scheme Amendment	<ul style="list-style-type: none"> <li>• Exhibition (July/August)</li> <li>• Preparation and submission of adoption report to Council</li> </ul>	<ul style="list-style-type: none"> <li>• Lodgement with Minister for Planning for approval</li> </ul>	December 2018
Boort Park Housing Development	<ul style="list-style-type: none"> <li>• Draft project brief prepared.</li> </ul>	<ul style="list-style-type: none"> <li>• Seek quotations.</li> </ul>	Step 1, Feasibility assessment completed early 2019
Planning Scheme Review	<ul style="list-style-type: none"> <li>• Audit of planning controls and outcomes.</li> <li>• Review of state, regional and local strategic work.</li> <li>• Discussion with internal and external stakeholders to identify gaps and concerns.</li> <li>• Commencement of report of findings and recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• Community input to be sought.</li> <li>• Preparation &amp; presentation and adoption of report by Council.</li> <li>• Submission of report to Minister for Planning.</li> </ul>	Preparation of Planning Scheme Review Report early 2019. Implementation of recommendations are to be staged over 2019 - 2022.

A number of the projects listed above are tracking behind in their delivery. The main contributing factors to the delay are due to the following. The usual Statutory Planner is on leave and has been replaced with a temporary officer. This has required the Strategic Planner to be more involved in statutory planning tasks while the replacement Statutory Planner becomes familiar with the Loddon Planning Scheme and local area. There has also been a significant planning application for a solar farm that required considerable time commitment by both the Statutory and Strategic Planners further impacting on the Strategic Planner's limited time.

In relation to the preparation of the Planning Scheme Review that was required to be provided to the Department of Environment Land Water and Planning (DELWP) by December 2018, Council has been provided an extension of time to complete the review.

#### Upcoming Strategic Planning Projects

Table 2 outlines future strategic planning projects that have been identified to commence as soon as practicably possible.

*Table 2: Upcoming Strategic Planning Projects*

<b>Future Strategic Planning Projects</b>			
<b>Project</b>	<b>Overview</b>	<b>Key Tasks</b>	<b>Estimated project timeframes</b>
Heritage Framework	Council has allocated \$100,000 in reserve to be used to support restoration of heritage buildings in the municipality. It is proposed that this money be used to provide loans to owners of buildings subject to heritage protection under the planning scheme or State legislation. The loans will be provided to successful applicants to undertake works on their property that would support the protection of the heritage buildings within Loddon Shire.	<ul style="list-style-type: none"> <li>Preparation of guidelines, criteria and process for approval and implementation</li> </ul>	February 2019

## **COST/BENEFITS**

The expenditure for the first quarter of 2018 – 2019 financial year of the strategic planning activities contained within this report is \$5,739.

Benefits derived from investing in strategic planning managed by the Development and Compliance Department include:

- clearly defined directions for land use and development that are underpinned by research and supported by the community
- a relevant and effective planning scheme that provides for economic development, population growth, attractive townships and protection of heritage and the environment.

## **RISK ANALYSIS**

Failure of Council to undertake strategic planning includes:

- outdated planning controls that do not respond to current issues and opportunities
- inappropriate development that compromises the amenity of towns and undermines economic development opportunities
- loss of opportunities for population and residential growth.

## **CONSULTATION AND ENGAGEMENT**

The strategic planning staff member consults with a number of stakeholders on a regular basis including:

- community members and organisations
- government agencies including Department of Environment Land Water & Planning, Department of Economic Development Jobs Transport & Resources, North Central Catchment Management Authority
- other Loddon Shire Council departments
- other municipalities.

**RESOLUTION 2018/228**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council receive and note the Strategic Planning Activity report.

**CARRIED**

**11 COMPLIANCE REPORTS****11.1 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-YANDO PUBLIC HALL**

**File Number:** 02/01/041

**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 Yando Public Hall 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. Some staff members do have an involvement in the subject matter of the report by virtue of their volunteer commitment to the Committee of Management.

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of committee members for Yando Public Hall Committee of Management on 22 August 2017.

**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**

Yando Public Hall 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
Craig Slatter	President
Ash Gawne	Vice President
Roslyn Gawne	Secretary/ Treasurer
Bradley Haw	Committee Member
Paul Haw	Committee Member
Kel Jeffery	Committee Member

The Council representative for this committee is Cr 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 2018/229**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

That Council appoints the persons named in this report as members of the Yando Public Hall Section 86 Committee of Management, effective immediately.

**CARRIED**

**12 GENERAL BUSINESS****URGENT BUSINESS****RESOLUTION 2018/230**

Moved: Cr Gavan Holt  
Seconded: Cr Geoff Curnow

That the following items be treated as urgent business

**CARRIED**

**12.1 FINANCIAL ASSISTANCE GRANTS MINIMUM GRANT****RESOLUTION 2018/231**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

That Council's position regarding supporting the abolition of the minimum grant requirement under the Grants Commission methodology be no longer pursued and that the focus be varied to instead pursue increasing the quantum of the funds provided by the Federal Government under the Financial Assistance Grants Scheme.

**CARRIED**

**12.2 REQUEST FROM WEDDERBURN LIONS CLUB - SUPPORT FOR VISIT TO DROUGHT AFFECTED AREA****RESOLUTION 2018/232**

Moved: Cr Gavan Holt  
Seconded: Cr Colleen Condliffe

That Council provide \$1,000 from the donations fund, to the Wedderburn Lions Club and the Wedderburn Victorian Farmers Federation Branch towards the cost of their goodwill trip to drought affected NSW.

**CARRIED**



**13 CONFIDENTIAL ITEMS****RESOLUTION 2018/233**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

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:

**13.1 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.

**CARRIED**

Closing of Meeting to the Public

**RESOLUTION 2018/234**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

That the meeting be closed to the public at 3.57pm.

**CARRIED****RESOLUTION 2018/235**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

That Council receive and note the action sheet.

**CARRIED****RESOLUTION 2018/236**

Moved: Cr Gavan Holt  
Seconded: Cr Geoff Curnow

That the meeting be re-opened to the public at 4.00pm.

**CARRIED**

**NEXT MEETING**

The next Ordinary Meeting of Council will be held on 22 January 2019 at Serpentine commencing at 3pm.

There being no further business the meeting was closed at 4.01pm.

Confirmed this.....day of..... 2018

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**CHAIRPERSON**