



Date: Tuesday, 28 March 2023
Time: 3.00pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 28 MARCH 2023 AT 3.00PM**

PRESENT: Cr Dan Straub (Mayor), Cr Neil Beattie, Cr Gavan Holt, Cr Linda Jungwirth and Cr Wendy Murphy

IN ATTENDANCE: Lincoln Fitzgerald (Chief Executive Officer), Wendy Gladman (Director Community Wellbeing), Steven Phillips (Director Operations), Amanda Wilson (Director Corporate), Lisa Clue (Manager Governance) and Tracy Hunt (Governance Coordinator)

1 OPENING AFFIRMATION

The Mayor read the Opening Affirmation.

2 ACKNOWLEDGEMENT OF COUNTRY

The CEO read the Acknowledgement of Country.

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Councillor Holt declared a Conflict of Interest in relation to the Draft Fees and Charges 2023/24 however consideration of that matter was not required during the course of the meeting.

5 PREVIOUS MINUTES**5.1 CONFIRMATION OF MINUTES**

File Number: FOL/19/45615
Author: Lisa Clue, Manager Governance
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council confirm the Minutes of the following meetings as previously circulated to Councillors:

1. Council Briefing of 28 February 2023
2. Council Meeting of 28 February 2023
3. Council Forum of 14 March 2023.

REPORT

This report seeks Council confirmation of Minutes from the February 2023 Council Briefing and Council Meeting, and March 2023 Council Forum as previously circulated to Councillors.

RESOLUTION 2023/29

Moved: Cr Linda Jungwirth
Seconded: Cr Wendy Murphy

That Council confirm the Minutes of the following meetings as previously circulated to Councillors:

1. Council Briefing of 28 February 2023
2. Council Meeting of 28 February 2023
3. Council Forum of 14 March 2023.

CARRIED

6 ADVISORY MEETINGS**6.1 RECORD OF ADVISORY MEETINGS****File Number:** 02/01/001**Author:** Lisa Clue, Manager Governance**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council confirm records of the following as detailed within this report :

1. Council Briefing 28 February 2023
2. Council Forum 14 March 2023

Rule 51 of Council's Governance Rules requires a record of Councillor briefings, Councillor forums and advisory committees to be confirmed at scheduled Council meetings, and that the record include:

- a) a record of which Councillors attended the meeting;
- b) a summary of the matters considered in the meeting; and
- c) a record of any conflicts of interest disclosed by Councillors.

This report seeks confirmation of the following meetings and forums, conducted since the last scheduled meeting of Council and detailed within this report:

1. Council Briefing 28 February 2023
2. Council Forum 14 March 2023

Meeting details	Briefing
Date	28 February 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lisa Clue, Manager Governance Tracy Hunt, Governance Coordinator
Items discussed.	<ol style="list-style-type: none"> 1. Annual infrastructure program, amendment to projects and project allocations 2. Contract 556 - Flood Restoration Works Panel 3. Wedderburn Caravan Park cabins 4. MAV Election 5. Fraud Awareness Training 6. VNI West Project 7. Australian Council of Local Government 8. Municipal Building Surveyor leave and recruitment
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

Meeting details	Forum
Date	14 March 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lisa Clue, Manager Governance Glenn Harvey, Manager Development and Compliance; Darcy Jackson, Junior Statutory Planning Officer; Carolyn Stephenson, Senior Strategic Planner; David Price, Local Laws/Planning Compliance Officer; and Fiona Turnbull, Administration Officer (for Item 1 below) David Stretch, Manager Tourism and Economic Development (for Item 2 below) Christine Coombes, Executive and Commercial Services Officer (for Item 3 below)
Items discussed.	1. Introducing Development and Compliance Team 2. Tourism and Economic Development priorities 3. Wedderburn and Bridgewater Caravan Park leasing 4. VNI West options assessment 5. Moira Shire Commission of Inquiry
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

RESOLUTION 2023/30

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council confirm records of the following as detailed within this report :

1. Council Briefing 28 February 2023
2. Council Forum 14 March 2023

CARRIED

7 REVIEW OF ACTION SHEET**7.1 REVIEW OF ACTIONS****File Number:** 02/01/002**Author:** Lisa Clue, Manager Governance**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Council resolutions acted upon since the February 2023 Council Meeting**RECOMMENDATION**

That Council receive and note resolutions acted upon since the February 2023 Council meeting as attached to this report.

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.

REPORT

A document containing the status of actions from Council meeting resolutions is attached to this report.

There were no outstanding actions from Council meeting resolutions prior to February 2023.

All actions from February 2023 Council meeting resolutions have been completed.

RESOLUTION 2023/31**Moved:** Cr Wendy Murphy**Seconded:** Cr Gavan Holt

That Council receive and note resolutions acted upon since the February 2023 Council meeting as attached to this report.

CARRIED

8 MAYORAL REPORT**8.1 MAYORAL REPORT****File Number:** 02/01/001**Author:** Lisa Clue, Manager Governance**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Mayoral Report.

REPORT

Cr Straub spoke of the events that he has attended in the Loddon Shire over the last month including:

02/03/2023 - Murray River Group of Councils meeting, Echuca

09/03/2023 - Municipal Flood Recovery Committee meeting, Serpentine

15/03/2023 - ABC Live Broadcast - *Love Where You Live*, Dingee

21/03/2023 - East Loddon P12 – Donation Ceremony

23/02/2033 - AEMO – VNI West Project Information Session, Wedderburn

24/03/2023 - North Central Goldfields Regional Library Board Meeting

26/03/2023 - Kamarooka Historical Day

RESOLUTION 2023/32

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council receive and note the Mayoral Report.

CARRIED

9 COUNCILLORS' REPORT**9.1 COUNCILLORS' REPORTS****File Number:** 02/01/001**Author:** Lisa Clue, Manager Governance**Authoriser:** Lincoln Fitzgerald, 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 Jungwirth

Council Activities	
Date	Activity
03/03/2023	Flood Recovery Community Dinner with Rob Gordon, Boort
06/03/2023	Meeting with a member of Council staff
14/03/2023	Council Forum, Wedderburn
16/03/2023	Regional Zero Emissions Forum, Castlemaine
16/03/2023	Loddon Plains Landcare Network, Inglewood
17/03/2023	Information Sharing Meeting with CEO
23/03/2023	AEMO – VNI West Information Session, Wedderburn
23/03/2023	Tarnagulla Parks Committee Meeting

Cr Holt

Council Activities	
Date	Activity
05/03/2023	Boort Trotting Club Cup Day
12/03/2023	Wedderburn Detector Jamboree, Hard hill Tourist Reserve, Wedderburn
14/03/2023	Council Forum, Wedderburn
23/03/2023	AEMO – VNI West Information Session, Wedderburn

Cr Beattie

Council Activities	
Date	Activity
03/03/2023	Flood Recovery Community Dinner with Rob Gordon, Boort
05/03/2023	Boort Trotting Club Cup Day
06/03/2023	Boundary Bend Olives Site Inspection
06/03/2023	Boort Tourism Development Meeting
09/03/2023	Municipal Flood Recovery Committee Meeting, Serpentine
14/03/2023	Council Forum, Wedderburn
26/03/2023	North Central Football League Season Opening

Cr Murphy

Calder Highway Improvement Committee	
Scheduled meeting was postponed	
Section 65 Community Asset Committees:	
Apology - Campbells Forest Hall meeting	
05/03/2023 - Inglewood Community Sports Centre meeting	
18/03/2023 - Inglewood Town Hall Hub event – BABBA	
18 – 19/03/2023 - Inglewood Town Hall Hub event - Antique Fair	
Council Activities	
Date	Activity
03/03/2023	Flood Recovery Community Dinner with Rob Gordon, Boort
09/03/2023	Municipal Flood Recovery Committee Meeting, Serpentine
14/03/2023	Council Forum, Wedderburn
18/03/2023	Upper Loddon Cricket Association Grand Final
23/03/2023	AEMO – VNI West Information Session, Wedderburn
25-26/03/2023	Water Ski Victoria State Titles, Bridgewater

Cr Murphy (continued)

27/03/2023	Correspondence received from local individuals and groups regarding spread of <i>Gazania linearis</i> . Correspondence was discussed and considered by Councillors at a Briefing earlier today and a response will be provided to the author.
Council Activities	
Date	Activity
	Rural Councils Victoria - Alternate Sources of Income for Local Government (online session)
	MAV - Sorting out the Problem of Contaminated Curb-Side Recycling (online session)
	Central Victorian Goldfields World Heritage Bid and Master Plan Update (online session)

Cr Straub noted a letter of appreciation of the Loddon Shire Council Staff received from the President of the Pyramid Hill Progress Association in regards to the Pyramid Hill Summit Track repairs and passed this appreciation on to Loddon staff.

RESOLUTION 2023/33

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS**10.1 AUDIT AND RISK COMMITTEE REMUNERATION REPORT****File Number:** FOL/20/612**Author:** Deanne Caserta, Manager Financial Services**Authoriser:** Amanda Wilson, Director Corporate**Attachments:** Nil**RECOMMENDATION**

That Council:

1. increases the quarterly remuneration paid to independent members of the Audit and Risk Committee to \$545.00, effective the quarter commencing 1 May 2023
2. maintains payment of an extra quarter remuneration to the Chair during a one year term
3. maintains a travel reimbursement for independent members of the Audit and Risk Committee, paid at the rate that Councillors are reimbursed for travel.

CONFLICT OF INTEREST

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

BACKGROUND

Loddon Shire Council established an Audit & Risk Committee (ARC) pursuant to Section 53 of the Local Government Act 2020 (the Act). The ARC supports Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements. It acts in this capacity by monitoring, reviewing, endorsing and advising on matters as set out in the ARC Charter.

Remuneration is paid to each Independent Committee Member under Section 53(6) of the Local Government Act 2020. Councillor Audit and Risk members are not remunerated for their time on the ARC.

Council was provided with an ARC remuneration report at the Council Meeting held on 26 April 2022, where Council resolved as follows:

1.	<i>increases the quarterly remuneration paid to independent members of the Audit Committee to \$505, effective the quarter commencing 1 May 2022</i>
2.	<i>maintain payment of an extra quarter remuneration to the Chair during a one year term</i>
3.	<i>maintain a travel reimbursement for independent members of the Audit Committee, paid at the rate that Councillors are reimbursed for travel.</i>

ISSUES/DISCUSSION

The Consumer Price Index for *All Groups – Melbourne for December Quarter to December Quarter* seasonally adjusted is used annually to determine increases to ARC members' remuneration. The indexation was sourced from the Australian Bureau of Statistics for December 2021 to December 2022, and the increase is 7.8%.

Application of 7.8% to the ARC's current remuneration of \$505.00 per quarter calculates to \$544.39 per quarter. This report recommends that this amount be rounded up to \$545.00 per quarter.

Last year's report confirmed Council's commitment of an extra quarterly payment to the Chair during a one-year term. This payment recognises the additional responsibility held by the Chair. It also confirmed a travel reimbursement to be paid to independent members at the same rate as the Councillors' travel reimbursement.

This report recommends that the travel reimbursement and extra payment for the Chair be maintained.

COST/BENEFITS

There is a small financial cost to Council resulting from this report that can be accommodated within Council's budget.

RISK ANALYSIS

Council increases the likelihood of recruiting and retaining skilled ARC members by ensuring that remuneration is reviewed on a regular basis.

CONSULTATION AND ENGAGEMENT

Nil

RESOLUTION 2023/34

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council:

1. increases the quarterly remuneration paid to independent members of the Audit and Risk Committee to \$545.00, effective the quarter commencing 1 May 2023
2. maintains payment of an extra quarter remuneration to the Chair during a one year term
3. maintains a travel reimbursement for independent members of the Audit and Risk Committee, paid at the rate that Councillors are reimbursed for travel.

CARRIED

10.2 BRIDGEWATER AND WEDDERBURN CARAVAN PARK LEASING

File Number: FOL/22/2071
Author: Christine Coombes, Executive Services Officer
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council authorise the Chief Executive Officer to undertake all necessary administrative actions required to execute the leases for the Bridgewater and Wedderburn Caravan Parks.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At the March 2023 Council Forum, Councillors were briefed on the lease process and milestone dates.

At the February 2022 Council Forum, Councillors discussed the leasing options for the Bridgewater and Wedderburn Caravan Parks (the Parks), with consultants Innoviv.

BACKGROUND

Loddon Shire Council finalised purchase of the Bridgewater and Wedderburn Caravan Parks in 2022. Council also has caravan parks at Pyramid Hill and Boort with variable land tenure.

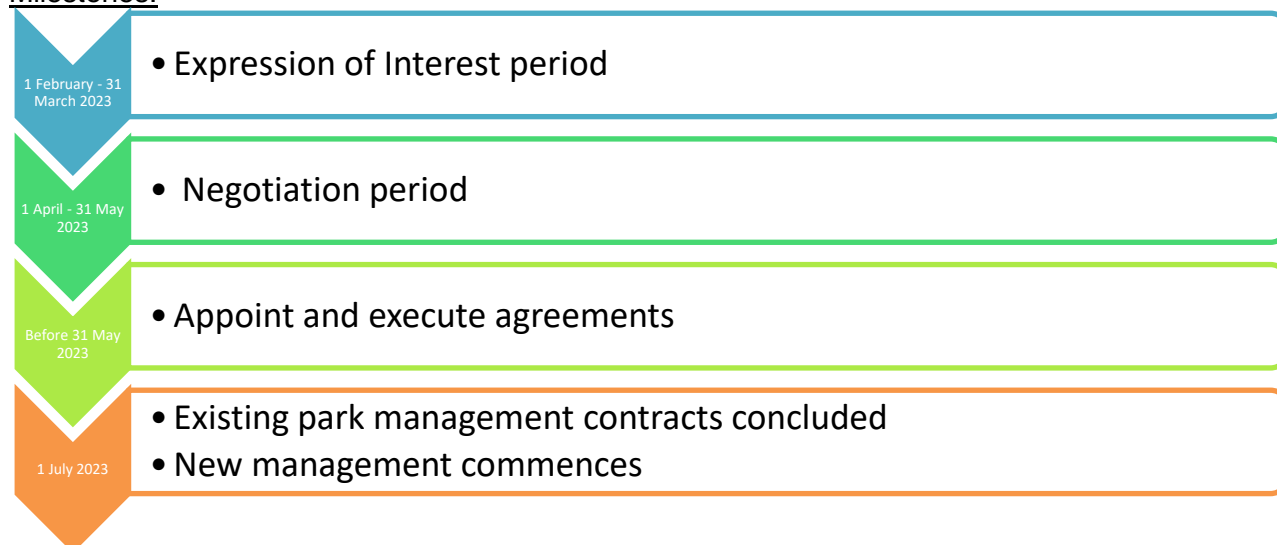
Caravan Parks provide economic benefit to the Loddon community through the provision of affordable and well located tourist accommodation. The visitors to these parks support the hospitality businesses and enjoy many of the tourism attractions on offer across the municipality. Given this economic benefit to the community, Council continues to see value in these assets but acknowledges that other people or businesses may be better equipped to deliver a commercial caravan park service.

ISSUES/DISCUSSION

On 1 February 2023 Expression of Interest (EoI) to lease the Parks, opened on Councils eprocure, software tender system. An EoI can be submitted for one or both Parks. Those expressing interest are able to request further information or ask questions through the eprocure software system and responses are available to everyone who is registered.

The EoI closing date is 31 March 2023 following which time an evaluation will be undertaken by relevant staff with expert support from Innoviv.

Appointment of lessees is proposed to be made on or before 1 May 2023. This will allow the Park management transitions to occur as seamlessly as possible. Current management contracts conclude 30 June 2023.

Milestones:

To ensure milestone dates are achieved in support of a seamless transition process it is requested that Council delegate authority to the Chief Executive Officer allowing him to undertake all necessary administrative actions to execute the leases.

COST/BENEFITS

Costs incurred to-date have included consultant fees for the preparation and drafting of leases, legal advice and engagement of a real estate agent. Further legal fees may be incurred as documents are finalised.

RISK ANALYSIS

If one or both Parks do not receive adequate expressions of interest, the lease EoI will need to be reviewed and either put back to the market or alternative arrangements could be made. Existing management contracts are short term and are not guaranteed to be extended by the operator which creates a business continuity risk to Council.

Council is currently in the process of replacing 3 cabins at Wedderburn Caravan Park. These cabins are proposed to be completed by 30 June with landscaping and a new shed to follow. There is a risk of some overlap between these works and the transition to a new operator.

CONSULTATION AND ENGAGEMENT

Council contractors who currently manage each of the Parks were informed of the listing of the EoI on eprocure and the proposed timing for the commencement of the leases. The Parks currently have management contracts in place until 30 June 2023.

Advertising is being undertaken in local newspapers to ensure the local community are aware of the opportunity.

RESOLUTION 2023/35

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council authorise the Chief Executive Officer to undertake all necessary administrative actions required to execute the leases for the Bridgewater and Wedderburn Caravan Parks.

CARRIED

10.3 PA 5711 - USE AND DEVELOPMENT OF A DWELLING AT LOT 1 NEWBRIDGE ROAD, NEWBRIDGE - LODGEMENT OF AMENDED PLANS

File Number:

Author: Louise Johnston, Statutory Planning Coordinator

Authoriser: Glenn Harvey, Manager Development and Compliance

Attachments:

1. Amended Plans
2. Statement of Changes
3. Refusal to Grant Planning Permit: 5711

RECOMMENDATION

That Council acknowledge receipt of amended plans in respect to VCAT application P1246/2022, PA5711 for the use and development of a dwelling and new road access into a Transport Road Zone 2 at Lot 1, Newbridge Road, Newbridge and advise the Tribunal as follows:

- (a) Council will continue to rely on the grounds as stated in the Notice of Refusal to Grant Planning Permit 5711 already filed with the Tribunal.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The planning application was considered by Council at its meeting on the 26th July, 2022 where Council resolved to issue a Notice of Decision to Refuse to grant a planning permit for the use and development of a dwelling and new access into a TRZ at Lot 1 Newbridge Road, Newbridge. The Notice of Refusal to Grant Planning Permit can be found in Attachment 3. The decision was based on the following grounds:

1. The proposal is contrary to the State and Local Planning Policy Framework as it relates to the protection of agricultural land.
2. The use and development of a dwelling on a site less than 100 hectares is contrary to the purpose and decision guidelines of the Farming Zone.
3. The proposal would not support and enhance agricultural production and result in fragmentation of productive agricultural land.
4. The use and development of a dwelling on the land is not compatible with the adjoining uses in this area.

The Application is currently with VCAT as the Applicant has sought a review of Council's refusal to grant a planning permit.

BACKGROUND

The planning application was considered by Council at its meeting on the 26th July, 2022, after two objections were received to the application. As above, Council resolved to issue a Notice of Decision to refuse the application based on the above grounds of refusal. The Applicant has applied to VCAT to seek a review of Council's refusal to grant a planning permit. The hearing date has been set down for a two day hearing on the 19th & 20th April, 2023.

The Applicant has advised VCAT and all parties to the Appeal that they wish to amend the application currently being considered at VCAT by substituting amended plans that essentially change the location of the dwelling, sheds and waste water disposal field to within the south western corner of the site, approximately a further 600 metres south from where they were originally proposed. A copy of the amended application and plans are attached to this report.

ISSUES/DISCUSSION

As the application is with VCAT and the Applicant has circulated amended plans, Council needs to consider the amended plans and advise VCAT if their position on the application has changed.

In relation to the amended plans, Council have the following options:

- 1) Continue to rely on the grounds of refusal as included within the Notice of Refusal issued by Council.
- 2) Amend the grounds of refusal, based on the amended plans.
- 3) Object to the request for amendment to the application, explaining the reasons for the objection.

It is the Officers view that the change in the location of the dwelling and associated buildings and works on the land does not address any of Council's grounds of refusal, therefore Council should advise the Tribunal that Council's position on the application does not change as a result of the amended plans and Council will continue to rely on the grounds of refusal as outlined in the Notice of the Refusal to grant a planning permit dated 27th July, 2023.

COST/BENEFITS

There are various costs associated with having a delegated Planning Officer consider an application and make a recommendation as well as with the time of the Councillors to consider this recommendation. The benefits associated with this report is the ability of Council to fulfil its requirement under law and provide the community with a statutory service that delivers well-managed and appropriate development.

RISK ANALYSIS

The risks of Council not fulfilling its statutory obligation under the Act include:

- inappropriate use and development which could endanger life and property
- Council's reputation as a Responsible Authority breaches of the Planning & Environment Act 1987 requiring compliance action.

CONSULTATION AND ENGAGEMENT

Nil

RESOLUTION 2023/36

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council acknowledge receipt of amended plans in respect to VCAT application P1246/2022, PA5711 for the use and development of a dwelling and new road access into a Transport Road Zone 2 at Lot 1, Newbridge Road, Newbridge and advise the Tribunal as follows:

- (a) Council will continue to rely on the grounds as stated in the Notice of Refusal to Grant Planning Permit 5711 already filed with the Tribunal.

CARRIED

10.4 LAND & BUILDING DEVELOPMENT PROJECTS POLICY

File Number:

Author: Renae Colls, Executive Assistant

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. Land & Building Development Projects Policy

RECOMMENDATION

That Council:

1. Adopt the new Land & Building Development Projects Policy as attached to this report.
2. Authorise Council staff to undertake administrative updates throughout the life of the policy.

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 Land & Building Development Projects Policy was presented to the February 2023 Council Forum and March 2023 Council Briefing for discussion.

BACKGROUND

Council has been discussing the relative merits of undertaking housing development in areas which do not have private development growth. This policy aims to define how Council will determine when it undertakes development, what resourcing may be required and what risks exist.

As a result of community feedback, market pressures and Council's objective to grow the population, Council has discussed undertaking a housing development at Ridge Street, Wedderburn.

Because this is a new activity/service for Loddon Shire, staff are seeking a clear and transparent policy direction to define when and how Council will consider these activities/projects.

ISSUES/DISCUSSION

The purpose of this policy is to ensure a clear, consistent and transparent approach to considering the merit and level of resourcing Council may provide to facilitate high quality and strategic housing developments undertaken by Council.

It considers Council's role to support the private market rather than compete, the type of development Council is seeking to undertake, and the process which will be undertaken to ensure a strong community outcome while minimising risk to Council.

In the coming months Council will be asked to make a decision on the Ridge Street housing development proposal being driven by a local development committee. Prior to considering that project, a broader policy position of Council is being sought to ensure any future projects are consistent with an agreed policy.

COST/BENEFITS

This policy aims to provide a clear, consistent and merit based approach to considering Council land development. The policy supports Council's desire for balanced population growth across the municipality by prioritising development where the private market is not driving growth.

If adopted, implementation of this policy will require resources which would be sourced from existing operations and potentially impact upon other Council projects and services. For example a single project could include:

- Market and feasibility analysis
- Community engagement
- Rezoning
- Subdivision
- Obtaining statutory permits and licences
- Preparing specifications for services and infrastructure
- Managing capital works
- Land sales

This policy recommends each proposal is evaluated based on merit rather than an ongoing program of land development. An ongoing development program would require new and additional staff resources.

RISK ANALYSIS

Council's risk appetite statement articulates that you have a high risk appetite for population growth. This policy articulates how Council will consider directly intervening to facilitate population growth where it is otherwise not occurring. The policy also relates to a service not traditionally provided by Council and there is a level of risk for Council to consider.

Social

There is a risk that the community does not see land development as a role of Council and considers any cost incurred by Council as inequitable, or that Council is conflicted as the responsible entity for considering housing applications while also undertaking development. There is a reputational risk that any development by Council which takes an extended period to sell could be seen as a failure rather than part of the objective to have market supply of land for development.

Economic

Refer to resourcing and cost/benefit sections of this report.

Any housing development not considered viable by private investment may be a loss making development and Council as the developer would be required to fund that loss.

Environmental

If undertaking a new housing development, Council has the opportunity to establish it in accordance with modern standards including environmental efficiency. There is a risk that Council is unable to balance the cost of development with the desire for higher environmental outcomes.

CONSULTATION AND ENGAGEMENT

This policy has been developed in consultation with the Manager Tourism & Economic Development and the Director Operations to understand the market conditions, feasibility and due diligence requirements of any development.

RESOLUTION 2023/37

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council:

1. Adopt the new Land & Building Development Projects Policy as attached to this report.
2. Authorise Council staff to undertake administrative updates throughout the life of the policy.

CARRIED

10.5 VNI WEST CONSULTATION REPORT - OPTIONS ASSESSMENT**File Number:****Author:** Lincoln Fitzgerald, Chief Executive Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. VNI West Consultation Report - Options Assessment**RECOMMENDATION**

That Council authorise the Mayor to submit a response to the VNI West Consultation Report on behalf of Loddon Shire Council including but not limited to the following items:

1. Council understands the importance of a reliable energy network to the Victorian and Australian community.
2. Consultation has not met the expectations of our community. We expect people to be meaningfully engaged and informed of issues which may impact upon them.
3. Loddon Shire is within the Murray Renewable Energy Zone (REZ) and seeks the highest capacity transmission to enable additional power generation and therefore value sharing to our community.
4. Loddon Shire Council is opposed to transmission lines crossing multiple areas of our municipality with a preference for consolidation on a single alignment with minimal impact.
5. Council requests AVP provide clear information to land owners about the impact transmission lines will have upon their rights, particularly any limitations on farming operations.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At the Council Forum 8 November 2022 Councillors were provided with information on the need for new transmission lines and an overview of the two options between Dinawan (NSW) and north Ballarat.

At the Council Forum on 14 March 2023 Councillors were provided with an overview of the key issues within the VNI West Consultation Report – Options Assessment (attached). This included a brief overview of the different alignment options, the concerns with consultation in developing additional alignment options and the consultation process.

The Australian Energy Market Operator Victorian Planning (AVP) agreed to meet with Council to provide a more detailed briefing. The briefing will occur between the time of writing this report and the Council meeting, as such some items within this report may have been addressed.

BACKGROUND

The Victoria New South Wales Interconnector (VNI) West is considered essential for the Australian economy to achieve net zero emissions by 2050. The forecast closure of ageing coal-fired generators in Victoria and New South Wales over the coming decades presents a significant challenge to supply reliability.

Council understands the need for a stable, reliable and high functioning electricity transmission network and seeks to ensure the negative impacts of this essential infrastructure is minimised and benefits are maximised within our REZ.

Council is not a decision maker for this project but has the opportunity to provide a submission in response to the attached report before the closing date on 5 April 2023. Specifically AVP and Transgrid are seeking feedback on:

1. The assessment undertaken in the report;
2. The feasibility of Option 5; and
3. Whether the MCA has captured the salient environmental, social and engineering factors including those that sit outside the scope of the RIT-T, but which may impact on the timely development of the project having regard to the terms of the NEVA Order.

Each alignment option proposed in the attached consultation paper will see high voltage power lines transect through Loddon Shire which will have an impact on land use and amenity.

Legislative arrangements under the National Electricity (Victoria) Act 2005 were enacted by the Victorian Government under Ministerial Order on 20 February 2023 to expedite this project (VNI West) along with Western Renewables Link (WRL).

Previously an options assessment was developed by AVP which investigated two alignment options from Dinawan to North Ballarat. These options were to transect either through the Goulburn Valley region or, via Kerang. The preferred option released mid-2022 was via Kerang to North Ballarat.

As a result of a very small number of submissions (26) in response to the via Kerang assessment, five new options have been introduced and a range of new additional assessment criteria introduced. Table 14 of the attached consultation report (page 69) shows the results of the new multi-criteria assessment. Table 15 (page 71) outlines the key differences between the options and how they scored on the multi-criteria assessment.

ISSUES/DISCUSSION

Council is not a decision maker for this project but has the opportunity to provide a submission in response to the attached report to AEMO Victorian Planning (AVP) before the closing date on 5 April 2023.

There are concerns expressed to Council from our community during the consultation period warranting Council to consider advocating on behalf of the community. Some relate to content of the report and others relate to the consultation process.

Consultation

Since the July 2022 release of the original Regulatory Investment Test for Transmission (RIT-T) for the original two options, AVP has been developing and assessing additional alignment options in response to 26 submissions received mid-2022. Release of this additional consultation report was a surprise to many land owners, stakeholders and project proponents who expected a report detailing the proposed alignment through the original preferred corridor rather than release of a further five possible alignments making seven in total.

For the past 6-12 months, Councils across the region have been discussing best methods for AVP to undertake meaningful consultation. This includes engagement with local media, community groups and newsletters, the use of face-to-face engagement, a presence at local events, information on farming practices which are permitted/not-permitted around or under the transmission lines, FAQs, and more. While some of these suggestions have been taken up, most have not but may be in the next stage of project development when the precise alignment is determined. During this consultation period, drop in sessions were not effectively advertised and conducted at times which are not conducive for meaningful engagement. Only one session was provided within Loddon Shire, however AVP added an additional session to assist with better promotion and provide opportunity for more people to be informed of the project.

Capacity for the region to benefit from generation capacity

Loddon Shire located within the Murray River Renewable Energy Zone (REZ). Renewable energy zones are areas in our state with the greatest potential for renewable energy, such as wind, sunshine, rain, tides, waves and geothermal heat. Developing these clean energy resources at scale and in a coordinated way with the batteries and high-voltage wires required to store and transport electricity will support the next-generation power grid.

AVP's new preferred option (Option 5) offers the lowest (+3,410 MW) indicative improvement to REZ transmission limits of all seven options assessed, while option 3A has the highest improvement (+6,490 MW) at almost double the capacity improvement. A large part of AVP's rationale to preference the lowest improvement option is the ability of Option 5 to transmit power from the wind farms in western Victoria into NSW. Therefore, the ability to transmit from Western Victoria to NSW appears to override increasing generation within the Murray REZ.

With the low improvement in capacity of AVP's preferred option it is important to ask AVP if additional transmission infrastructure will be required to support growth in renewable energy generation within our region (Murray REZ). It is the officer's opinion that Council is unlikely to support multiple alignments of transmission lines across different parts of the municipality. At the time of writing this report Council has not met with AVP representatives to understand the long term requirement for transmission infrastructure.

Land Use Impacts – Social Licence

This issue was identified in the July 2022 Project Assessment Draft Report (PADR) consultation in which section 2.2 outlines:

Several submissions to the PADR raised concerns about the impact of the VNI West (via Kerang) option on local communities, including on the productive capacity of farmland, visual amenity, biodiversity, and on social, cultural and tourism values. These concerns highlight the importance of building 'social licence' for the project, which can be described as the co-existence between transmission infrastructure and community through efforts to mitigate negative impacts and prioritise shared value from the transition in the energy sector.

https://aemo.com.au/-/media/files/electricity/nem/planning_and_forecasting/victorian_transmission/vni-west-rit-t/vni-west-padr-submissions.pdf?la=en

In response to this the February 2023 Consultation Report has added social and environmental impacts as part of the non-statutory multi-criteria assessment. This assessment allocates 10% weighting to social licence as specified in the criteria. Additionally, for VNI West and the Ministerial Order, the assessment overtly prioritises *social, environmental and engineering factors can be taken into account in assessing which options are more likely to facilitate and expedite the development, delivery, construction and energisation of VNI West* (p. 59). In effect this assessment gives higher scores to alignments which expedite the project being delivered to the detriment of net economic benefits and capacity.

The regions where this alignment corridor passes through are predominantly farmland. A number of questions have been asked regarding the activities or limitations on activities both under these transmission lines and within the easements. Many of these questions will be answered at the next stage of planning for AVP. Examples of questions being asked include:

- Can I farm under the transmission lines or within the easement?
- Will GPS work on my equipment?
- How is biosecurity managed with entry to my farm?
- Will there be limitations on aerial spraying?
- Will there be limitations on farm machinery heights?
- Will there be limitations on entry to property and vehicle movements?

Whilst we acknowledge that these questions will be answered at the next stage, there are many examples of transmission lines across Victoria and an opportunity has been missed by not proactively answering these questions.

Undergrounding Transmission Lines

In the VNI West PADR Submissions summary (a summary of feedback provided to the original report July 2022) it is clearly articulated that undergrounding of this infrastructure is not realistic. Section 2.2.1:

...AVP and Transgrid do not consider undergrounding VNI West is a realistic option. In exceptional circumstances, short sections of undergrounding may be considered as part of the ultimate route design, having considered all technical, environmental, social and cultural constraints, together with stakeholder and community feedback. However, AVP and Transgrid do not expect any such sections to be material in length...

https://aemo.com.au/-/media/files/electricity/nem/planning_and_forecasting/victorian_transmission/vni-west-rit-t/vni-west-padr-submissions.pdf?la=en

The HumeLink Undergrounding Study outlined in the attached consultation report (page 95) showed the cost of undergrounding to be at least three times the cost of the project and would take a further five years. Given the cost / benefit of undergrounding this infrastructure it appears that this is an unlikely outcome. Once a detailed alignment is known, Council should consider advocating for undergrounding of sections where impacts need to be minimised for social, cultural or environmental reasons. AVP acknowledges this as a potential design response outcome in the report.

COST/BENEFITS

Impacted Landowner

On 23 February 2023 the Victorian Government announced new landholder payments for properties that host transmission infrastructure. These payments will be made to landholders of new transmission easements at a standard rate of \$8,000 per year per kilometre of transmission hosted for 25 years (\$200,000 for 25 years per kilometre). New South Wales provides the same amount over 20 years.

The Technical Paper - Agricultural Impact Assessment (page v) for project EnergyConnect (NSW) outlines the gross value of agricultural product in that region was \$733 per hectare for broad acre cropping (<https://www.transgrid.com.au/media/45cfjz3x/technical-paper-4-agricultural-land.pdf>). This paper provides a good example of the impact on Loddon Shire farming if the refined alignment impacts on operational productivity of broad acre cropping. The costs outlined in the same paper outline the much greater impact on horticultural activities and the lower impact on grazing land.

Loddon Shire Council

Loddon Shire falls within the designated Renewable Energy Zone (REZ) meaning that the government is encouraging investment in renewable energy generation within our municipality. The development of solar farms attract short term jobs for capital construction and a number of ongoing operational roles to maintain the facility. These jobs can have flow on benefits to the Loddon Shire community.

There is a risk that if additional solar farms are not possible as a result of low capacity within the transmission network, there will be no benefit share for the Loddon community as a result of the transmission infrastructure.

The Project

Cost estimates of different alignments vary between \$3,254,000,000 (Option 1 - 220kV) and \$3,873,000,000 (Option 2). The preferred Option 5 is costed at \$3,282,000,000 and the second preferred option, Option 3A is \$3,685,000,000. Additionally, the transmission capacity between each option varies significantly with Option 3A providing the highest additional capacity and benefit of supply.

RISK ANALYSIS

This project is part of the national network of transmission lines connecting each of the National Energy Market regions. VNI West has been announced as a transmission line of national significance. Loddon Shire Council has no decision making powers for the project and very limited influence over the outcome. Given that this project is being driven by the commonwealth and state governments, there is a risk that Loddon residents do not feel that their views are being reflected.

The report notes that the preferred option does not pass close to Bendigo and therefore does not allow augmentation as demand continues to grow. The report notes that this will be monitored over the next 10 years to determine when and how Bendigo can be connected. On face value this appears to be a risk of duplication and therefore cost.

Transmission lines and alternate energy sources are critical to the security and reliability of power in Victoria with the closure of coal fired generation over the coming decade. While transmission lines are a difficult prospect for any community they are critical to ensure reliable power is available. There is a risk of political sensitivities around the overriding the best outcomes for the broader Victorian community.

CONSULTATION AND ENGAGEMENT

This is a government project as part of the national network being facilitated by AVP and Transgrid (the NSW equivalent). 12 community drop in sessions and 3 webinars have been offered over the period 5-25 March 2023.

Written submissions are due on or before 5 April 2023 via email to VNIWestRITT@aemo.com.au

Once a preferred alignment(s) is identified, further consultation and detailed investigations will be undertaken as part of a comprehensive project development process.

RESOLUTION 2023/38

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council authorise the Mayor to submit a response to the VNI West Consultation Report on behalf of Loddon Shire Council including but not limited to the following items:

1. Council understands the importance of a reliable energy network to the Victorian and Australian community.
2. Consultation has not met the expectations of our community. We expect people to be meaningfully engaged and informed of issues which may impact upon them.
3. Loddon Shire is within the Murray Renewable Energy Zone (REZ) and seeks the highest capacity transmission to enable additional power generation and therefore value sharing to our community.
4. Loddon Shire Council is opposed to transmission lines crossing multiple areas of our municipality with a preference for consolidation on a single alignment with minimal impact.
5. Council requests AVP provide clear information to land owners about the impact transmission lines will have upon their rights, particularly any limitations on farming operations.

CARRIED

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS

12.1 MINUTES OF AUDIT AND RISK COMMITTEE MEETING

File Number:**Author:** Amanda Wilson, Director Corporate**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Audit and Risk Committee Meeting Minutes 13 February 2023

RECOMMENDATION

That Council receives and notes the Minutes of the Audit and Risk Committee meeting held 13 February 2023 as attached to the Agenda report.

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 the minutes of each Audit and Risk Committee meeting, this most recently occurred in December 2022.

BACKGROUND

This report is provided in accordance with the Local Government Act 2020 (the Act) and the Audit and Risk Committee Charter.

Section 9 of the Charter states:

a) *Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.*

ISSUES/DISCUSSION

The Audit and Risk Committee agenda for the meeting held 13 February 2023 included the following items:

Decision Reports

- Appointment of Chair for 2023/24
- Review of internal audit plan
- Internal audit report: review of data governance
- Draft internal audit plan: review of procurement and contract management
- Audit actions progress report
- VAGO Report on Fraud Control over Local Government Grants – action plan progress
- Review of the Procurement Policy v12

Information Reports

- Recent reports and publications – Local Government
- Review and approval of external audit strategy memorandum
- Review to ensure that management responses to any external audit findings are appropriate and timely

- Report on Councillor expenses
- Quarterly review of financial reports and performance statement
- Communication of Council's Employee Code of Conduct to employees and contractors and compliance monitoring
- Review of program in place to test compliance with systems and controls
- Briefing on any significant compliance matters
- Review of business continuity framework and testing regime
- Review of key policies
- Fraud prevention systems and controls review
- Update on matters referred by Councillor representative

The meeting was attended by all Independent Members, the Councillor representative, the Chief Executive Officer, Director Corporate, Manager Governance, other relevant Officers and representatives from HLB Mann Judd and RSD Audit.

As noted in the Minutes, Jarrah O'Shea advised the Audit and Risk Committee that due to work commitments, he will not be seeking a further term and as such, the February 2023 meeting was his final meeting. The Chair and CEO acknowledged Mr O'Shea's contribution to the Committee and his input into meeting discussions over the past four years.

COST/BENEFITS

There are no financial resource requirements from this report.

There are costs associated with the Audit and Risk Committee and internal audit function, however, in most cases actions resulting from audit reviews do not bear any new costs as they are undertaken by existing staff.

The benefits that the internal audit function provides Council are:

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

RISK ANALYSIS

The Audit and Risk Committee oversees all risks related to the organisation. There is significant risk management value for Council by having independent people providing oversight and expertise for Loddon Shire Council's audit and risk functions.

CONSULTATION AND ENGAGEMENT

Nil

RESOLUTION 2023/39

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council receives and notes the Minutes of the Audit and Risk Committee meeting held 13 February 2023 as attached to the Agenda report.

CARRIED

13 URGENT BUSINESS

Nil

14 CONFIDENTIAL ITEMS**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(1) and 66(2)(a) of the Local Government Act 2020:

14.1 Major Recreation Reserve Floodlighting Upgrade - Mitiamo and Calivil

This matter is considered to be confidential under Section 3(1)(a) and (g(ii)) 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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to Section 66 of the Local Government Act 2020, if released, the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council and/or disadvantage a private business.

14.2 C553 - Footpath Construction 2022-2023

This matter is considered to be confidential under Section 3(1)(g(ii)) 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 private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

RESOLUTION 2023/40

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That the meeting be closed to the public in accordance with Section 66 of the Local Government Act 2020 while Council considers the confidential reports listed below:

14.1 Major Recreation Reserve Floodlighting Upgrade - Mitiamo and Calivil

14.2 C553 – Footpath Construction 2022-2023.

CARRIED

14.1 Major Recreation Reserve Floodlighting Upgrade - Mitiamo and Calivil

RESOLUTION 2023/41

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council

1. Award the contract for the construction of new floodlighting to the ovals at the Mitiamo and Calivil Recreation Reserves to DeAraugo & Lea Electrical Contractors for \$446,800.00; and
2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the floodlighting upgrade project.

CARRIED

14.2 C553 - Footpath Construction 2022-2023

RESOLUTION 2023/42

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council

1. Award Contract 553 – Footpath Construction 2022-2023 to Maine Civil.
2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the contract documents.
3. Authorise an increase in budget of \$111,579 for the projects associated with Contract 553 to be funded from reallocation of funding and underspend from existing capital works projects, and to be allocated against the projects as per the table in this report.

CARRIED

NEXT MEETING

The next Meeting of Council will be held on 26 April 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 4:26PM.

Confirmed this.....day of..... 2023

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CHAIRPERSON