

LODDON SHIRE COUNCIL

Notice of an Ordinary Meeting of the Loddon Shire Council to be held in the Council Chambers, Serpentine on Tuesday 22 March 2016 at 3pm.

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1. APOLOGIES

Nil

2. PREVIOUS MINUTES

2.1 CONFIRMATION OF MINUTES

SUMMARY

Seeking approval of the unconfirmed minutes of the previous Council Forum and Meetings.

Author: John McLinden - Chief Executive Officer

Council Plan ref: Core business 8: Compliance

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council confirm:

1. *the minutes of the Council Briefing of 23 February 2016*
2. *the minutes of the Ordinary Council Meeting of 23 February 2016*
3. *The minutes of the Council Forum of 8 March 2016*

2.2 REVIEW OF ACTION SHEET

SUMMARY

Approval of Action Sheet.

Author: John McLinden - Chief Executive Officer

Council Plan ref: Core business 8: Compliance

File No: 02/01/001

Attachment: 2.2 Action Sheet

RECOMMENDATION

That Council receive and note the Action Sheet.

3. COUNCILLORS' REPORTS

3.1 MAYORAL REPORT

SUMMARY

Approval of the Mayoral Report.

Author: John McLinden, Chief Executive Officer

Council Plan ref: Core business 1: Leadership

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council receive and note the Mayoral Report.

3.2 COUNCILLORS' REPORT

SUMMARY

Approval of Councillors' Reports.

Author: John McLinden, Chief Executive Officer

Council Plan ref: Core business 1: Leadership

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council receive and note the Councillors' Report.

4. DECISION REPORTS

4.1 PYRAMID HILL NEIGHBOURHOOD HOUSE REQUEST FOR FUNDING

SUMMARY

Seeking Council financial assistance for the relocation of the Pyramid Hill Neighbourhood House.

Author	Lynne Habner, Executive Assistant
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	16/04/004
Attachment:	Letter from Pyramid Hill Neighbourhood House

RECOMMENDATION

That Council fund up to \$20,000 of the Pyramid Hill Neighbourhood House relocation expenses from the Donations budget.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council was advised of the request at its Council Briefing in February 2016.

BACKGROUND

The Pyramid Hill Neighbourhood House is moving to different premises owned by the Department of Health and Human Services. The Department is changing four derelict accommodation units into a new facility for the Neighbourhood House.

There are certain costs associated with the move that will need to be borne by the Neighbourhood House.

ISSUES/DISCUSSION

The Pyramid Hill Neighbourhood House has written to Council requesting financial assistance to cover the costs associated with its move to new premises.

Given that Council assists other Neighbourhood Houses within Loddon with accommodation support by way of Council facilities, Council may wish to consider providing assistance to the Pyramid Hill Neighbourhood House.

COSTS/BENEFITS

If Council were to provide assistance to the Neighbourhood House, funding would be made available from the Donations budget. The total amount of funding requested is up to \$20,000.

RISK ANALYSIS

The review of the Building Asset Management Plan should address Council's level of support for organisations such as neighbourhood houses and historical societies. Financial and reputational risks could arise if support is not equitably provided to similar organisations across the shire.

CONSULTATION AND ENGAGEMENT

Nil.

4.2 SOUTH WEST LODDON WATER SUPPLY PROJECT CUSTOMER CONSULTATIVE COMMITTEE

SUMMARY

Seeking Council approval for additional membership on the South West Loddon Water Supply Project Customer Consultative Committee.

Author	Lynne Habner, Executive Assistant
Council Plan ref:	Core business 3: Planning for future needs
File no:	15/08/001
Attachment:	nil

RECOMMENDATION

That Council appoint Mr Ian Gould, a representative of the Victorian Farmers Federation, to the South West Loddon Water Supply Project Customer Consultative Committee.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

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[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

In February 2016, Council appointed twelve nominees to the consultative committee.

BACKGROUND

Loddon Shire Council, in partnership with Grampians Wimmera Mallee Water, Goulburn Murray Murray Water and Coliban Water are investigating the potential for the establishment of a piped domestic and stock water supply to the township of Wedderburn and the rural areas in the south west of the Loddon Shire.

ISSUES/DISCUSSION

A nomination form had been submitted within the required timeframe for the February 2016 Council decision, but it was inadvertently left out of the group of nominations that was submitted to Council for appointment to the committee.

Council is asked to consider adding Mr Ian Gould, a representative of the Victorian Farmers Federation, to the South West Loddon Water Supply Project Customer Consultative Committee.

COSTS/BENEFITS

Nil.

RISK ANALYSIS

Nil.

CONSULTATION AND ENGAGEMENT

Nil.

4.3 FINANCE REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2016.

SUMMARY

This report provides Council with financial information for the period ending 29 February 2016.

Author	Deanne Caserta, Manager Financial Services
Council Plan ref:	Strategic enabler: Sound financial management protocols
File no:	08/06/001
Attachment:	Finance Report for Period Ending 29 February 2016

RECOMMENDATION

That Council:

1. *receives and notes the 'Finance report for the period ending 29 February 2016'*
2. *approves budget revisions included in the report for internal reporting purposes only*
3. *approves the supplementary valuations of rateable and non-rateable properties in respect of the 2015/16 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2015/16.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

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PREVIOUS COUNCIL DISCUSSION

Council is provided with Finance Reports on a monthly basis.

BACKGROUND

The Finance Report for the period ended 29 February 2016 includes standard monthly information about budget variations, cash, investments, interest, debtors and creditors, and provides a comparison of year-to-date actual results to year-to-date budget (by dollars and percentage) and total revised budget (by percentage).

The information is in the format provided in the 2015/16 Budget, and includes operating results, capital expenditure and funding sources.

This Finance Report also includes supplementary valuations. Each year Council makes a number of additions, subtractions and alterations to the valuations contained in the annual rate book.

These changes arise from various sources including:

- splitting of parcels into new rateable assessments
- development of vacant or unproductive land (urban and rural)
- consolidation of separate rateable assessments into one assessment
- re-assessment of property valuations arising from objections to the initial valuation

- additions and cancellations of licences (grazing and water frontages)
- change of use
- covenant on Title
- area amendment
- change of Australian Valuation Property Classification Code (AVPCC)
- supplementary valuation corrections.

ISSUES/DISCUSSION

Nil.

COSTS/BENEFITS

The benefit to Council and the community is that accurate and regular financial reporting is being disclosed, along with an accurate representation of property valuations being reflected in Council's rating system and the distribution of rate notices for the year 2015/16.

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

RISK ANALYSIS

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

CONSULTATION AND ENGAGEMENT

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

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

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

4.4 AUDIT COMMITTEE REMUNERATION 2016-2017 REPORT

SUMMARY

This report seeks Council's approval to increase the remuneration paid to independent members of Council's Audit Committee

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic enabler: Effective and efficient operating systems and procedures
File no:	06/02/003
Attachment:	Nil

RECOMMENDATION

That Council:

1. *increases the quarterly remuneration paid to independent members of the Audit Committee to \$445, effective the quarter commencing 1 May 2016*
2. *retains payment of an extra quarter remuneration to the Chair during a one year term*
3. *retains a travel reimbursement for independent members of the Audit Committee, paid at the rate that Councillors are reimbursed for travel.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
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[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council was provided with an Audit Committee Remuneration Report at the Ordinary Meeting held on 28 April 2015, where Council resolved to:

1. *increases the quarterly remuneration paid to independent members of the Audit Committee to \$435, effective the quarter commencing 1 May 2015*
2. *retain payment of an extra quarter remuneration to the Chair during a one year term*
3. *retain a travel reimbursement for independent members of the Audit Committee, paid at the rate that Councillors are reimbursed for travel.*

BACKGROUND

The Consumer Price Index for All Groups – Melbourne for December is used as the guide for increases to Audit Committee remuneration annually. The indexation has been sourced from the Australian Bureau of Statistics and is 1.88%.

Application of 1.88% to the Audit Committee's current remuneration of \$435 per quarter calculates to \$443.18 per quarter. This report recommends that this amount be rounded to \$445 per quarter.

ISSUES/DISCUSSION

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 retained.

COSTS/BENEFITS

There is a small financial cost to Council resulting from this report.

RISK ANALYSIS

Council increases the likelihood of recruiting and retaining quality Audit Committee members by ensuring that remuneration is increased on a regular basis.

CONSULTATION AND ENGAGEMENT

Nil

4.5 ADOPTION OF RATEABLE PROPERTIES WITH ENVIRONMENT COVENANTS POLICY

SUMMARY

This report seeks Council’s approval of the Rateable Properties with Environment Covenants Policy v1.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Core business 1: Leadership
File no:	14/01/026
Attachment:	Rateable Properties with Environment Covenants Policy v1

RECOMMENDATION

That Council adopts the Rateable Properties with Environment Covenants Policy v1.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

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[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

At the Ordinary Meeting of Council held on 15 December 2015 Council was provided with a report regarding a petition from Mt Korong Eco-Watch Association Inc. seeking rate rebates, waivers or reductions for properties with environment covenants.

BACKGROUND

Over many years Council has had requests from individual property owners about the potential for rate reductions for properties with environment covenants, and they have been advised that Council does not currently have a policy in place for treatment of rates for these properties. Each time the offer has been made to ratepayers to forward their property details to the valuer for a supplementary valuation to determine whether the covenant impacts the value of their land.

At the Ordinary Meeting of Council held on 15 December 2015, in response to the petition received, Council resolved:

“That Council develops a policy for treatment of Trust for Nature Covenant properties that states that Council will not provide rates rebates, reductions or waivers for covenanted properties, but will provide upon request a supplementary valuation to assess whether the covenant has impacted the valuation of a property.”

The draft policy as presented has been developed in response to the resolution.

ISSUES/DISCUSSION

Nil

COSTS/BENEFITS

There may be some reduction in rates income in the first year should properties be revalued down as a result of the environment covenant being placed on the property.

In subsequent years there is no loss of total income; however, other ratepayers would take on the burden of the rebates applied to covenant properties.

RISK ANALYSIS

There may be some reputational risk to Council as it may be perceived by property owners that Council does not support environmental pursuits due to the adoption of the policy.

CONSULTATION AND ENGAGEMENT

During development of the Council report presented at 15 December 2015, Council rates networks were contacted in relation to their treatment of Trust for Nature Covenant properties.

4.6 ADOPTION OF ELECTION PERIOD POLICY

SUMMARY

This report seeks Council's approval of the Election Period Policy v1.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Core business 1: Leadership
File no:	14/01/026
Attachment:	Election Period Policy v1

RECOMMENDATION

That Council adopts the Election Period Policy v1.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
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[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

At the Council Forum held on 8 March 2016 Council was provided with a draft Election Period Policy for consideration.

BACKGROUND

The Election Period Policy has been developed in response to Section 93B (1) of the Local Government Act 1989 (the Act) which states that "a Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election."

By adopting this policy Council can communicate its commitment to ensuring that the community is aware of how it will conduct business openly and objectively immediately prior to an election.

It will also ensure that Council elections are not compromised by inappropriate electioneering by existing councillors, and safeguard the authority of the incoming Council.

In developing the policy reference has been made to Local Government Victoria's "Reforms arising from the Local Government Amendment (Improved Governance) Act 2015, A guide for Councils", which contains information about what Council's policy should include.

ISSUES/DISCUSSION

For the 2016 election, and application of this policy, the election period is midnight Tuesday 20 September 2016 to 6.00pm Saturday 22 October 2016, and Election Day is 22 October 2016.

In accordance with the Act, Councillors will be provided with a copy of the policy upon its adoption, and the relevant staff will be consulted about their role in ensuring that the policy is applied during the election period.

COSTS/BENEFITS

Adoption of the policy ensures that Council is adhering to legislative requirements, and provides confidence to the community that Council will act appropriately and impartially in the lead up to the 2016 election.

RISK ANALYSIS

Adoption and adherence to the policy should provide protection to Council's reputation in the lead up to the 2016 election.

CONSULTATION AND ENGAGEMENT

Nil

4.7 FEBRUARY 2016 AUDIT COMMITTEE MEETING

SUMMARY

This report provides Council with an overview of the Audit Committee meeting held on 18 February 2016.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic enabler: Effective and efficient operating systems and procedures
File no:	06/02/003
Attachment:	Performance Report July to December 2015 Strategic Risk Report

RECOMMENDATION

That Council:

1. *endorses the performance improvement recommendations in the Review of Disaster Recovery Plan*
2. *receives and notes the Performance Report July to December 2015*
3. *receives and notes the Strategic Risk Report.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
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PREVIOUS COUNCIL DISCUSSION

Council was provided with a summary of the November 2015 Audit Committee Meeting at the Ordinary Meeting held on 15 December 2015.

BACKGROUND

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

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

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

- the enhancement of the credibility and objectivity of internal and external financial reporting
- effective management of financial and other risks and the protection of Council assets
- compliance with laws and regulations as well as use of best practice guidelines
- the effectiveness of the internal audit function

- the provision of an effective means of communication between the external auditor, internal audit, management and the Council
- facilitating the organisation's ethical development
- maintaining a reliable system of internal controls.

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

ISSUES/DISCUSSION

The agenda for the February 2016 meeting included the following:

Audit report – Disaster recovery plan

Council's internal auditor, Gary Benbow of HLB Mann Judd, presented the report on the review of the disaster recovery plan.

This audit was undertaken on a consultancy and audit basis, whereby Council developed a draft plan, and the draft plan was then reviewed by the internal auditor. The recommendations from the audit report will be embedded into the plan before it is approved.

The report raised seven actions to ensure that Council's information technology environment is protected in a business interruption event. Two of the actions are rated high risk, four are medium risk and one is low risk.

Review of agenda

Annually the committee reviews the agenda to ensure that it is appropriate in meeting the Charter objectives. There were no changes recommended.

Draft audit committee survey

The committee was provided with an overview of the annual survey which will be undertaken online this year for the first time. There were some suggested changes to the format which have been incorporated into the survey. It will be undertaken by the committee members in the lead up to the May meeting where the results will be collated and reported.

Performance reporting framework

The committee was provided with six monthly results of Council's Performance Reporting Framework. The framework includes Loddon specific performance measures (financial and non-financial) and a number of Local Government Performance Reporting Framework (LGPRF) indicators that will be reported every half year.

In adopting the framework, the committee and Council considered that some LGPRF indicators do not add value by reporting at the half year, so these are not included in the results.

The report provided specific commentary on indicators outside tolerances set by Council and/or government.

Long Term Financial Plan

The committee was provided with an overview of the Long Term Financial Plan and the impact that the confirmed rate cap has had on Council's longer term position.

Compliance report

The committee was provided with a report on compliance which covers progress with actions captured in Council's compliance software, customer request management software, and electronic content management software. This report is now a standing item on the agenda.

Review of outstanding action list

The Outstanding Action List showed 51 actions at the commencement of the reporting period. There were five actions added from the review of succession planning and workforce development,

and there were 15 actions completed during the reporting period, leaving 41 actions outstanding at the reporting date.

Of the 41 actions, two are very high risk, 11 are high risk, 26 are medium risk, and two are low risk.

Strategic Risk Report

Under the Local Government Performance Reporting Framework Council must identify strategic risks that may cause barriers to Council achieving its strategic objectives. On a six monthly basis progress in addressing those strategic risks is provided to Council.

Council has now identified nine strategic risks. Of the nine risks, seven have 13 corrective actions assigned to them in order to mitigate or eliminate the risk. There are two risks that are yet to have corrective actions assigned.

Of the 13 corrective actions, one is not started, five are works in progress, and seven are complete.

Of the works in progress items, the Disaster Recovery Plan can now be finalised, the development of a workforce strategy has commenced and should be completed by calendar year end, and Council is currently advocating to government about piped water for dryland areas of the Council.

Other agenda items

Other agenda items, some of which are standard items included:

- risk management report
- a staff presentation by Council's Manager Information
- fraud report
- major lawsuits report
- monthly finance report.

Next review

The next review will be building management. This review will include assessment of:

- compliance with legislation and/or regulations and safety standards
- insurance coverage
- building condition inspections, and maintenance and capital renewal programs
- registers of buildings and whether Council has direct or indirect responsibility and what future liabilities may be to sustain buildings.

It will be presented at the next meeting of the committee which has been scheduled for 19 May 2016.

COSTS/BENEFITS

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

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

The benefits that the internal audit function provides Council are:

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

RISK ANALYSIS

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

CONSULTATION AND ENGAGEMENT

Nil

4.8 NOMINATIONS FOR 2018 VALUATIONS

SUMMARY

This report seeks Council's approval to advise the Valuer-General Victoria that Council will not be seeking nomination under Section 10 and Section 13G of the Valuation of Land Act 1960 for the 2018 revaluation.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Core business 8: Compliance
File no:	09/01/001
Attachment:	Nil

RECOMMENDATION

That Council replies to the Valuer-General Victoria advising that there will be no nomination under Section 10 and Section 13G of the Valuation of Land Act 1960 from Council for the 2018 revaluation.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
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[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

At the Council Forum held on 8 March 2016 Council was advised that the Valuer-General Victoria had written advising that nominations for the 2018 revaluation could be made under Section 10 and Section 13G of the Valuation of Land Act 1960.

BACKGROUND

In accordance with the Valuation Best Practice Guide, Council currently undertakes the revaluation of all properties in the Shire every two years.

Historically this function has been undertaken by councils via in-house staff resources or through a contract valuer. Council has always undertaken the process through a contract valuer.

More recently, the Valuer-General Victoria has encouraged councils to take up the option of having the Valuer-General's office undertake the revaluation process.

In order for this to happen Section 10(3) of the Valuation of Land Act 1960 states that councils must nominate:

- (1) by writing to the Valuer-General
- (2) by 30 June of the even calendar year that immediately precedes the next even calendar year in which a general valuation is to be made.

For the 2018 revaluation, the final date for nomination is 30 June 2016.

ISSUES/DISCUSSION

Council currently undertakes the revaluation process via a contract valuer. LG Valuations Pty. Ltd. (LG) is in the process of delivering the 2016 revaluation.

LG won the tender for the 2016 revaluation, and the contract includes “options at Council's discretion for 2018 & 2020 General Valuation subject to agreement by both parties and contract performance.”

There have been no issues with delivery of the 2016 revaluation, and it appears that all milestones within the Valuation Best Practice Guide will be delivered within the expected timeframes and to the expected standard.

Having a direct and productive relationship with the valuer providing the service for Council, and under a formal contractual relationship, provides Council with control over the process and direct access to the contractor undertaking the service for Council.

This appears to work well for Council, and this report is recommending that Council declines the Valuer-General Victoria's offer of providing a nomination for the 2018 revaluation; therefore, exploring the continuation of the current contractual relationship with LG.

COSTS/BENEFITS

There is no anticipated additional cost by remaining with the contract valuer.

The benefit is that Council can operate directly with the contractor in a formal contractual relationship to deliver the 2018 revaluation.

RISK ANALYSIS

There should be no risk to remaining with the current contractor, unless a mutually agreeable contract fee cannot be negotiated. If that situation occurs Council can undertake a new tender process for the 2018 revaluations.

CONSULTATION AND ENGAGEMENT

Nil

4.9 REVIEW OF DELEGATIONS, APPOINTMENTS AND AUTHORISATIONS

SUMMARY

Council approval is sought for a revised set of delegations and instruments of appointment and authorisation following their review.

Author	Lynne Habner, Executive Assistant
Council Plan ref:	Core business 8: Compliance
File no:	18/01/003
Attachment:	Instrument of delegation to members of Council staff Instruments of appointment and authorisation

RECOMMENDATION

That Council:

- A. *In the exercise of the powers conferred by section 98(1) of the Act and the other legislation referred to in the attached instrument of delegation, resolves that -*
1. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instruments of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.*
 2. *The instruments come into force immediately the common seal of Council is affixed to the instruments.*
 3. *On the coming into force of the instruments all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
 4. *The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
- B. *In the exercise of the powers conferred by section 224 of the Act and the other legislation referred to in the attached instruments of appointment and authorisation, resolves that*
1. *The members of Council staff referred to in the instruments be appointed and authorised as set out in the instruments.*
 2. *The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them.*
 3. *The instruments be sealed.*
- C. *Revokes the following Instruments of Appointment and Authorisation, effective from the date that CEO approves new instruments:*

Date of instrument	authorising	under the following Acts
24/9/12	John Brian McLinden	Local Government Act 1989
25/9/12	Tyson Andrew Sutton – Manager Planning and Local Laws	Planning and Environment Act 1986

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

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Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]
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[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

In September 2015, Council reviewed delegations to members of Council staff.

BACKGROUND

In order for Council officers to effectively and efficiently discharge their duties, specific delegations, authorisations and appointments are required under a variety of Acts.

Council is required to review its delegations within 12 months after a general election in accordance with section 98 (6) of the Local Government Act.

In addition to this statutory requirement, presentation of new or revised delegations has become a more regular process for Council. Due to the ever changing nature of legislation, Council has subscribed to a service by Maddocks legal firm that regularly reviews all applicable delegations, authorisations and appointments.

ISSUES/DISCUSSION

The attached amended delegations have been updated in accordance with most recent advice provided by Maddocks. Several changes have also been made as a result of the organisational restructure, to reflect new position titles and shifts in responsibilities.

A new delegation to the CEO is not required, as the current delegation relates to the person holding the position, acting in or performing the duties of Chief Executive Officer. This enables the acting CEO to automatically assume responsibility for future sub-delegations and authorisations and appointments, in addition to taking on all the functions, powers and duties that are assigned to the CEO.

However, an instrument of Appointment and Authorisation is required for the acting CEO, and the previous CEO's Appointment and Authorisation is required to be revoked.

Advice from Maddocks confirmed that any previous delegations, authorisations and appointments made by the previous CEO will remain in place until they are changed or revoked, and they do not have to be re-appointed by the acting CEO.

COSTS/BENEFITS

Adoption of the recommendation will not have any financial impacts.

RISK ANALYSIS

Adoption of the recommendation will ensure that council staff are able to act on behalf of Council under the various pieces of legislation. If current delegations are not in place, actions of a council officer exercising those powers could be legally challenged.

CONSULTATION AND ENGAGEMENT

Council's CEO and Directors were consulted during the review of delegations.

4.10 PLANNING APPLICATION 5167

SUMMARY

Planning application 5167 seeks approval for the use and development of land for an Arts, Music and Lifestyle Festival. It is recommended that the application be refused.

Author	Ian McLauchlan, Director Operations
Council Plan ref:	Core business 9: Regulation
File no:	13/02/004
Attachment:	Site Plan, Objections

RECOMMENDATION

That Council resolve to refuse planning application 5167 on the following grounds:

4. *The proposed use and development is inconsistent with the purpose of the Farming Zone.*
5. *Local infrastructure is insufficient to cater for the proposed use and development.*
6. *The proposed use and development is likely to result in the spread of a regionally controlled weed.*
7. *The proposed use will detrimentally affect the amenity of the area through the generation of noise.*
8. *The proposed use will result in an adverse environmental impact on the Loddon River*
9. *Council is not satisfied that use will not breach the Aboriginal Heritage Act 2006 as no Cultural Heritage Management Plan has been prepared.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

This application is largely similar to that considered and refused by Council in January, although the applicant has sought to address concerns about weed management on the site along with clarifying tourism and community benefits and minor changes and additions to the emergency, safety, traffic, and noise management plans.

BACKGROUND

Planning application 5167 relates to land located on the Loddon West Road, Fernihurst. It is located to the south of Majors Line Road and west of the Loddon River. The land is located within the Farming Zone and is affected by the Land Subject to Inundation Overlay.

The application seeks approval for the use of land for an arts, lifestyle and music festival (Yemaya Festival). Application documents indicate up to 5000 people could attend the festival from 22nd –

25th April 2016. The application advises that the music will run from 6pm Friday 22nd – 2.00am Saturday 23rd; 10.00am Saturday 23rd – 10.00pm Sunday 24th, 10.00am Monday 25th – 6pm Monday 25th.

Facilities to be brought onto site are:

- Two stages
- Dance floor
- Market stalls
- 52 Toilets
- Water tanks
- Four skips and 60 wheely bins
- Bio diesel generators

No earthworks or road construction on site is proposed.

The applicant has indicated that they will also provide their own staff, or engage suitably qualified contractors, for the provision of fire suppression, first aid, crowd control and traffic management services.

The applicant has included a Risk Management Plan, Emergency Management Plan, Environmental Management Policy, Event Safety Management System, Fire Management Plan, Medical Management Plan, Noise Management Plan and Risk Assessment Matrix as part of the application.

No alcohol will be served at the event.

The proposal is defined as a “Place of assembly” by the Loddon Planning Scheme. Planning approval is required for use and development in accordance with the provisions of the Farming Zone and for buildings and works under the Land Subject to Inundation Overlay.

Notice of the application was given to surrounding landholders via mail, by advertisements in local newspapers and on Council’s website. Notice was also given to Department of Environment, Land, Water and Planning, Department of Economic Development Jobs Training and Resources, Victoria Police, Ambulance Victoria, CFA and a number of internal Council departments. The application was referred to the North Central Catchment Management Authority.

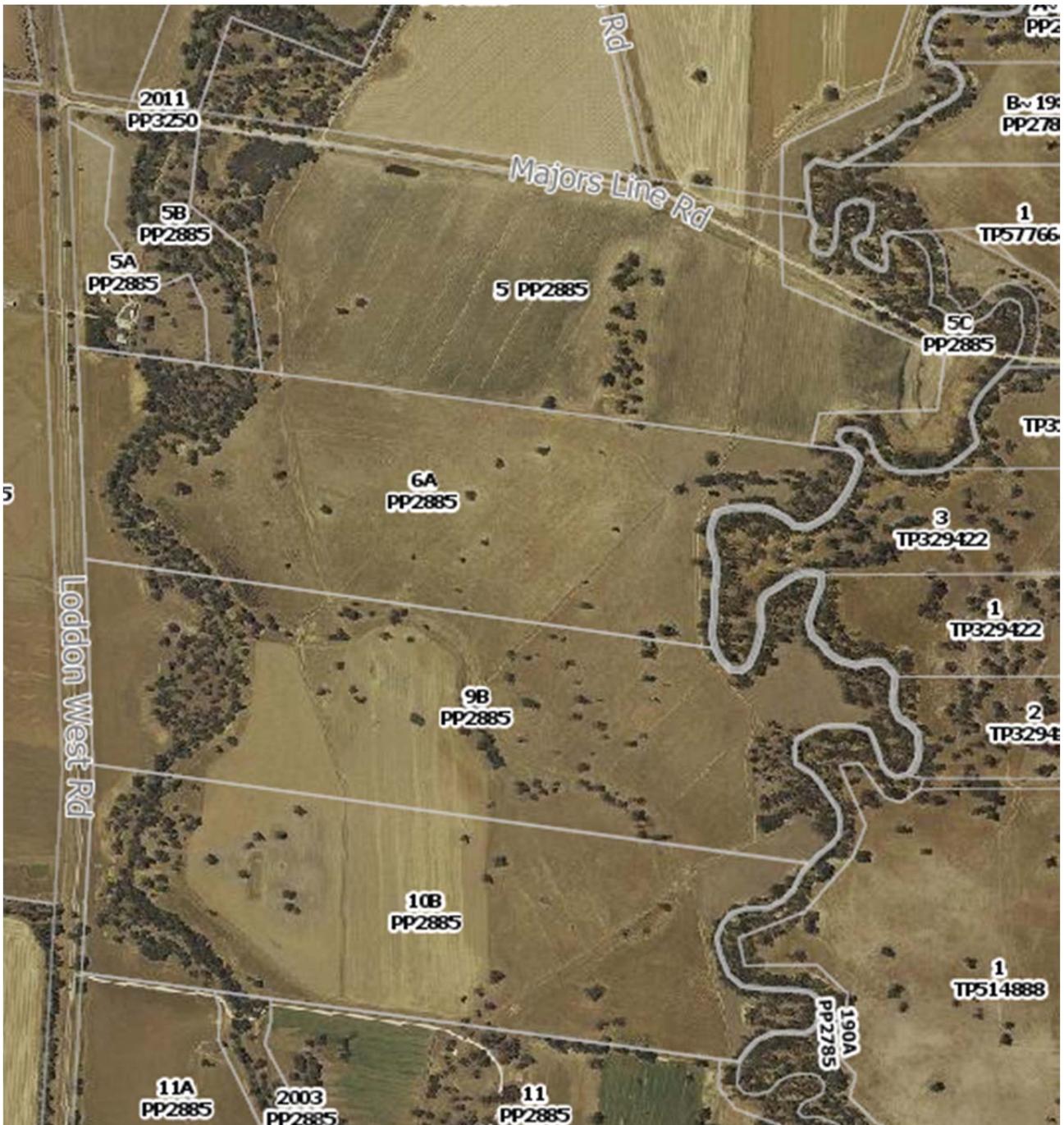
The application has received seven objections from surrounding land owners / occupiers and one letter of support from the Wedderburn Community House.

ISSUES/DISCUSSION

Subject site & locality

The subject land is located on the eastern side of Loddon West Road, Fernihurst and is approximately 3.8 kilometres to the north of Borung-Hurstwood Road. The land is approximately 223.66 hectares in area and is of irregular shape. It is generally flat and is largely cleared of native vegetation. The Loddon River forms the eastern boundary of the land, Majors Line Road makes up the northern boundary. The Kinypanial Creek runs south to north through the property adjacent to the western boundary.

The site also includes areas of Cultural Heritage Sensitivity, associated with the Loddon River and the Kinypanial Creek.



Subject Land

The land is predominantly used for a mixed farming enterprise with the surrounding land being used in a similar fashion.

Public Notification

Notice of the application was given and seven objections were received. The grounds of objection are broadly summarised as follows:

- biosecurity
- fire risk
- antisocial behaviour
- environmental impact
- noise
- dust
- insufficient infrastructure (roads, telecommunications)
- earthworks
- cultural heritage.

The grounds raised in the objections will be addressed later in this report.

Loddon Planning Scheme

The proposal is defined as “Place of Assembly” by the Loddon Planning Scheme. That is:

Land where people congregate for religious or cultural activities, entertainment, or meetings.

The subject land is located within the Farming Zone of the Loddon Planning Scheme. The purpose of the Farming Zone is as follows:

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

The proposal is considered to be inconsistent with the purpose of the zone. It does not provide for the use of the land for agriculture and does not encourage the retention of productive agricultural land. The proposition will not encourage the retention of employment and population and is not based on comprehensive and sustainable land management practices.

The use is discretionary in the Farming Zone and therefore subject to planning approval.

Planning approval is required for buildings and works in accordance with the Land Subject to Inundation Overlay. The purpose of the overlay is as follows:

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

The proposed development associated with the event is considered to be consistent with the purpose of the overlay. Given the temporary nature of structures, its short duration and the low probability of inundation during the event, it is considered to satisfy the guidelines of the Land Subject to Inundation Overlay. The North Central Catchment Management Authority has offered no objection to the application.

The following clauses of the State Planning Policy Framework and Local Planning Policy Framework are considered relevant to the consideration of this application.

- 13.02-1 Floodplain management
 - To assist the protection of:
 - Life, property and community infrastructure from flood hazard.
 - The natural flood carrying capacity of rivers, streams and floodways.
 - The flood storage function of floodplains and waterways.
 - Floodplain areas of environmental significance or of importance to river health.

- 13.04-1 Noise abatement
 - To assist the control of noise effects on sensitive land uses.
- 13.04-2 Air quality
 - To assist the protection and improvement of air quality.
- 13.05 Bushfire
 - To assist to strengthen community resilience to bushfire.
- 14.01-1 Protection of agricultural land
 - To protect productive farmland which is of strategic significance in the local or regional context.
- 14.01-2 Sustainable agricultural land use
 - To encourage sustainable agricultural land use.
- 14.02-1 Catchment planning and management
 - To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.
- 14.02-2 Water quality
 - To protect water quality.
- 15.03-2 Aboriginal cultural heritage
 - To ensure the protection and conservation of places of Aboriginal cultural heritage significance.
 - Planning must consider The Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage.
- 21.04-3 Land Management and Environment
 - To protect and enhance the condition of the natural resource base of the Shire to provide for the environmental and economic health of the Shire.
 - To prevent development within the floodplain that would compromise its flood carrying capacity, threaten water quality and would be compromised by flood activity.
- 22.02 Drainage and Flooding
 - To encourage use of drainage works and schemes that manage surface flows and minimise irrigation runoff to assist in the reduction of the salinisation of land.
 - To promote on-farm drainage re-use for effective nutrient management.
 - To ensure that drainage works and schemes are consistent with management plans for wetlands, streams and forests.
 - To ensure levee banks are constructed and maintained to a standard that provides for the appropriate and equitable flow and distribution of floodwaters.
 - To ensure that down stream impacts of levee banks are appropriately considered and managed.
 - To recognise the role of public and community-based organisations in the maintenance and development of existing flood protection levee banks.
 - To encourage the use of rain where it falls, particularly in groundwater recharge areas.
 - To ensure appropriate land use and development of flood plains.

Assessment

Planning approval for the proposed event is required under the provisions of both the Farming Zone and the Land Subject to Inundation Overlay. While the proposal is considered to be acceptable in terms of the Land Subject to Inundation Overlay it is contrary to the purpose of the zone and will not result in positive planning outcomes.

The decision guidelines of the Farming Zone require the Responsible Authority to consider a number of factors in determining an application. These include:

- general issues
- agricultural issues and the impacts from non-agricultural uses
- dwelling issues
- environmental issues
- design and siting issues

The general issues require consideration of the planning policy frameworks, land capability, sustainable land management, site suitability, compatibility with surrounding land uses, existing infrastructure and existing services. The relevant provisions of the policy frameworks have been identified above. The proposal is considered to be contrary to Clauses 13.04-1, 14.01-1, 14.01-2, 14.02-2 and 21.04-3.

It will not assist the control of noise effects on sensitive land uses, protect productive farmland, encourage sustainable agricultural land use, protect water quality or protect and enhance the condition of the natural resource base of the Shire. It will create excessive noise levels to the detriment of nearby residents and may result in damage to the waterway environment. The proposed use is likely to result in the spread of a regionally controlled weed.

The subject land is serviced by infrastructure that is considered insufficient to cater for the proposed event. Power, water and sewerage are not available to service the proposed use. Anecdotal evidence suggests that mobile phone coverage in the area is marginal and unlikely to cope with the anticipated volumes arising from the proposed event.

Access is provided by the Loddon West Road and Majors Line Road. Loddon West Road is categorised as a Rural Sealed Collector road with a width of 8 metres. Current traffic volumes average 33 vehicles per day. Majors Line Road is classified Rural Gravel Access and has a width of 10 metres. Traffic volumes average 26 vehicles per day.

Local emergency services have limited capacity to support the proposed event. The Shire has a single ambulance based in Inglewood, limited Police presence and relies on a volunteer fire service.

The decision guidelines for Agricultural issues and the impacts from non-agricultural uses require consideration of the relationship between the proposal and agricultural production, impacts on productive capability, impact on adjoining and nearby agricultural pursuits, site capacity and agricultural quality. Given the limited duration of the event it is unlikely to have any significant ongoing effect on the ability of the land to sustain agricultural uses or on agricultural production in the area generally.

Environmental issues to be considered include the impact on natural features and resources, flora and fauna, protection of biodiversity and effluent disposal. Traffic volumes and pedestrian movements into and around the site are likely to result in the destruction of the limited grass coverage creating the opportunity for significant dust generation and may contribute to wind erosion. This impact would continue after the event until such time as grasses were able to re-establish on the site.

Access to the Loddon River by participants will result in a localised increase in river turbidity with an accompanying local impact on in stream habitat values. This impact is considered highly probable if the event is accompanied by hot weather. Effluent disposal is not a significant issue as portable toilet facilities are proposed to be provided with all waste transported from the site. An event of the same name conducted near Heathcote resulted in damage to native vegetation through people not respecting fencing and vehicle and pedestrian movement restrictions and collecting wood for fires.

Given the temporary nature of proposed development on the site, the design and siting issues identified in the Farming Zone are not considered to be significant considerations in the assessment of the proposal with the exception of the location of infrastructure and the need for traffic management measures.

Road infrastructure has been discussed above and is considered to have limited capacity to cater for anticipated vehicle numbers. The proposed event will require substantial traffic management measures to be implemented to safely and efficiently cope with anticipated traffic volumes. Discussions with local members of Victoria Police have identified that they will need to import significant resources to manage traffic.

As identified above, a significant part of the site is deemed to be "culturally sensitive", pursuant to the Aboriginal Heritage Act 2006. A Place of Assembly is considered to be a high risk activity, and should this activity be proposed to occur on land that is culturally sensitive that has not been subject to significant ground disturbance a Cultural Heritage Plan is required.

Although some of this site has been developed for irrigation, areas along the water ways have not been developed and therefore not subject to significant ground disturbance. The plans submitted with the application indicate that the use will occur in these undisturbed sensitive areas. The applicant has advised that he will amend plans to avoid the sensitive areas, however ensuring that the use (in any way) does not extend into these sensitive areas (without an approved CHMP) is a significant risk.

Consideration of grounds of objection

- Biosecurity

The Department of Economic Development, Jobs Transport and Resources have advised that an assessment of the property determined that an infestation of the regionally controlled weed, Silverleaf Nightshade is present on the property. The Department have advised that the festival has a high likelihood of spreading the weed through the north central catchment area and other Victorian catchment areas. The risk of the spread of this weed is exacerbated by the high number of people anticipated to attend the proposed event. DEDJTR do not believe that the measures proposed by the application to manage weeds (physical removal, spraying, vehicle hygiene stations) will be adequate to manage the risk or reasonably implemented.

- Fire risk

Due to the time of year for the proposed event, its location, the features of the site and current climatic conditions it is anticipated that fuel loads on the subject land will be relatively low at the time of the festival. The applicant has advised that there will be a total prohibition on fires within the camping area. Fires are to be provided by the operators near the main performance area and in fire drums at various locations throughout the site. As all fires on the site will be controlled by the operators and will be appropriately contained the risk of the proposal from fire is considered minimal.

- Antisocial behaviour

The behaviour of patrons at the event is unforeseeable but is unlikely to have any significant impact off the site. The applicant has indicated that no pass outs will be available during the event. Therefore people will generally not be able to come and go and will largely be restricted to the site for the duration of the festival.

- Environmental impact

The potential environmental impacts identified in submissions are the impacts on the Loddon River and the spread of Silverleaf Nightshade. These concerns have been addressed in the discussion of the application in relation to the provisions of the Farming Zone.

- Noise

Noise is likely to be a significant issue for surrounding residents, in particular as the event proposing having music running all night on Saturday night. Objectors have also raised concerns about the impact of noise on livestock (in particular ewes and lambs in an adjoining paddock) and on wildlife.

The proposed event is described by the applicant as an arts, music and lifestyle festival. A significant part of the entertainment comprises of a genre of electronic music known as Psytrance. Events of a similar nature have previously been conducted within the Shire (albeit illegally) and have resulted in a detrimental impact on surrounding residents through noise. Music and vibration from these types of events can generally be heard for several kilometres from the site.

A previous event held on the site was reportedly heard up to 10 kilometres away. There are more than 20 dwellings within a 7km radius of the site. There are 10 occupied dwellings within 5km of the site. The applicant has submitted a Noise Management Plan which advises that the applicant has sought to minimise impact through siting and design of the event and has put in place a process to address complaints. This plan has not adequately identified all sensitive properties, and as set out above based on previous experience and based on experience elsewhere the noise will be significant and there will be issues enforcing noise controls.

- Insufficient infrastructure

The potential impacts on local infrastructure have been addressed in the discussion of the application in relation to the provisions of the Farming Zone.

- Earthworks

No earthworks are proposed, other than hand trenching for cabling and awning poles.

- Cultural Sensitivity

This has been addressed above and there is a risk that the event may breach Aboriginal Heritage Act 206.

- Dust

Dust will be generated from road use and use of the land.

Agency Submissions

DELWP have not objected by offered suggested conditions to manage potential impact on adjoining Crown land.

Victoria Police have provided information about issues associated with a festival of the same name conducted near Heathcote last year, including antisocial behaviour, drug use, noise complaints including non compliance with conditions relating to hours of operation, non compliance with traffic management / parking plans, fires lit on site within the camping area and damage to vegetation.

CFA have not objected subject to preparation of fire management plan.

DEDJTR – have objected as they believe that the proposed event has a high likelihood of spreading Silver Nightshade and although the applicant has sought to address previous concerns through an amended application, these measure are not considered adequate or able to be reasonably implemented.

NCCMA – no objection

Ambulance Victoria – have not objected to the proposal however have requested the inclusion of a number of specific conditions should it be determined that permit be issued. These conditions relate to the provision of ambulance services and access to the site.

Summary

This event is likely to lead to a considerable loss of amenity in the area surrounding this site, primarily though noise and traffic. It is not consistent with the purpose of the zone and is on a site with infrastructure unsuited to a large event with a significant number of people.

COSTS/BENEFITS

Nil

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

4.11 PLANNING PERMIT APPLICATION 5156 WEDDERBURN STREETSCAPE IMPROVEMENT

SUMMARY

Application 5156 seeks to undertake streetscape improvement works along High Street, Wedderburn. Planning approval is required given the relevant sections of High Street are subject to the Heritage Overlay. Ten objections to the proposal have been received, including a petition with 54 signatures, requesting that the Soldiers Memorial Park (Jacka Park) fence not be demolished as part of the project. It is recommended that the application be approved subject to amended plans excluding reference for removal of the Soldiers Memorial Park fence.

Author	Carolyn Stephenson, Strategic/Statutory Planner
Council Plan ref:	Core business 9: Regulation
File no:	13/02/004
Attachment:	Development plans, objections, heritage advice

RECOMMENDATION

That Council grant a permit for application No. 5156 subject to a condition that amended plans be submitted for endorsement, excluding references to the removal of the Soldiers Memorial Park fence.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council has not previously discussed this matter from a planning approval perspective, although this project has been subject to extensive community and Council consideration over the past few years.

BACKGROUND

Planning permit application 5156 seeks approval for streetscape works including paving, road works, removal of the Soldiers Memorial Park fence (but retention of gateways), kerb and channel replacement, new footpaths, drainage upgrades, car parking, tree planting and garden beds along High Street, Wedderburn.

Initial planning for the Wedderburn streetscape project commenced in 2010, with concept plans prepared by landscape architects following public consultation. Subsequent to the finalisation of concept/landscaping plans for the project, detailed civil construction designs were developed and also released for public comment (for a 5 week period) in early 2015.

Finalisation of the detailed construction plans then resulted in tenders being sought for the required civil works. Avarad Civil have been appointed as the successful contractor for this project however works may not commence until all statutory approvals have been obtained.

Separate to the civil construction works detailed within the planning permit application, undergrounding of electrical mains, upgrade of electrical services and replacement of street lighting along High Street have also been completed. These works are exempt from the requirement to obtain planning approval.

The planning permit application for the civil works component of this project was advertised from 8 December 2015.

ISSUES/DISCUSSION

The subject land is zoned Township, and is subject to the Heritage Overlay (HO229 – Wedderburn Town Centre). A planning permit is required to undertake these works pursuant to the provisions of the Heritage Overlay.



Figure 1: Extent of works



Figure 2: Extent of Heritage Overlay

Notice of the application was given and ten objections were received. The grounds of objection are broadly summarised as follows:

The key areas of concern with the application arising from notification are:

- removal of Jacka Park Fence
- reduction in the extent of the project (i.e. exclusion of stages 1 & 4)
- removal of parking spaces.

The State Planning Policy Framework

The State Planning Policy Framework exists in planning schemes to inform responsible authorities of the State Governments planning policy on certain matters.

The following clauses are considered relevant to the application:

- 15.01-1 Urban design
 - Objective – To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

- 15.01-5 Cultural identity and neighbourhood character
 - Objective – To recognise and protect cultural identity, neighbourhood character and sense of place
- 15.03-1 Heritage conservation
 - Objective – To ensure the conservation of places of heritage significance

This proposal is consistent with State planning policy as the works aim to improve disability access within the centre of Wedderburn and enhance the amenity of the Township.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS) and local planning policies

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority. The following clauses are considered relevant to the consideration of this application:

- Clause 21.04-1 Community and Settlement
 - Objective – To encourage development of attractive and functional townships.
- Clause 21.04-2 Heritage
 - Objective – To support the protection of significant heritage places and items.
- Clause 22.01 Heritage

This Clause contains the following objectives:

- *To protect and maintain the Shire's local heritage, including Aboriginal and European sites, places and objects.*
- *To ensure that new uses and developments are of a type which is sympathetic to the historic and architectural integrity, character and appearance of the surrounding buildings, works, site or landscape.*
- *To recognise the buildings, works, Aboriginal cultural sites and landscapes, which are of local historical and architectural significance, the role they play and the need to ensure their preservation and maintenance.*

The landscape, roadworks and paving are not considered to compromise the heritage qualities and values of High Street. They will in fact enhance the amenity and functionality of the main commercial precinct.

There are concerns within the community about the heritage values of the fence at the Soldiers Memorial Park (also known as Jacka Park) and these will be addressed later in the report.

Overlay

The land is subject to the Heritage Overlay. The purpose of this overlay is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Clause 43.01-1 of the Heritage Overlay states that a permit is required to; construct a building or construct or carry out works, including: a fence; ... road works and street furniture other than: – traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating, speed humps, pedestrian refuges and splitter islands where the existing footpaths or kerb and channel are not altered.

Demolition of a fence (except where specifically included in the schedule to the Heritage Overlay) is however exempt from notice and review.

The heritage values of High St. Wedderburn relate to a few buildings along it. The street is far from an intact heritage streetscape, with significant buildings interspersed with more modern building forms. The works will not affect any of the significant buildings but will attempt to bring some consistency in form and design along the main street. The improvement in the footpaths and the enhancement of tree planting will significantly improve pedestrian amenity and the overall appearance of the Township, with the aim of encouraging visitors to stop.

Objections

The application received ten objections. The grounds of objection are as follows:

1. Removal of Jacka Park fence as it is considered to be a part of the War Memorial and of heritage significance.

The Wedderburn Soldiers Memorial Park (more commonly known as Jacka Park) includes a set of memorial gates and monument, as well as paving, bandstand and bbq area, with a children's playground and travellers rest to the rear. The Jacka Park Soldiers Memorial is a marble statue of a WW1 soldier and commemorates those from the district who served in WW1.

The Wedderburn RSL has advised that in 1957 the Korong Council decided to erect an ornamental fence around the Wedderburn Memorial Park as it was then known. The Albert Jacka Memorial Committee and the RSL then agreed that the erection of the fence would be an opportunity to perpetuate the memory of Albert Jacka VC MC & Bar and to immortalise the victims of WW2 by the building of the Memorial Gates. The RSL submit that the fence and gates are a package.

The fence and gates are not individually listed in the Heritage Overlay or referenced in the Korong Heritage Study (1991). The gates, with no mention of the fence, are identified on the Victorian Heritage Database.

Objectors to the permit consider the fence to be a part of the memorial, and therefore integral to the park and its significance. There are also concerns for the safety of children using the park should the fence be removed, as well as concerns that without a fence there is a risk that cars could enter the park.

The fence (but not the gates) is proposed to be removed as a part of the streetscape to open the park into the streetscape, but also to enable re-levelling of the footpath to be DDA compliant.

A petition with 54 signatures was received seeking protection of the fence.

2. The streetscape works should be extended beyond the proposed area of works to improve presentation and footpaths, in particular to the north of the main shopping area.

Originally the streetscape works were to extend along much of High Street. however funding and budget constraints have meant that the works are currently limited to the area just south of the Shire Office to the Wedderburn Produce store.

3. Parking to be removed from in front of the Post Office.

These two spaces are to be removed to enhance the safety of the school crossing. They will be replaced with two additional spaces to the north of the Hotel / Post Office driveway. The school crossing cannot be moved closer to Chapel St. as suggested due to road safety regulations.

4. Park bench in front of the Post Office entrance is an OH&S issue.

This park bench can be moved to location that is more suitable.

5. Tree planting will obscure signage at the Post Office.

It is not proposed to plant any trees directly in front of the Post Office.

6. Removal of parking will deter visitors from stopping.

Although some parking is to be removed, it is considered that adequate parking is provided in High St. as well as additional parking in the parking area behind Jacka Park. The enhancement of the streetscape is considered to attract more visitors.

Heritage Advice

Michael Taylor, Council's Heritage Advisor, was asked to comment on the proposed streetscape works, and more specifically the proposal to remove the fence as a part of this project.

The advice is attached. A summary of the key points is:

The granite gates are located at the corner and flanked by a low openwork fence with heavy square pillars which match the appearance and style of the main gates. The side fences incorporate secondary gateways into the park. The gates and fences frame and complement the granite soldier's memorial and the ensemble of items provide an orderly boundary and entry route to the park; as well as making a dignified and respectful setting for the Soldiers Memorial.

The fence and gates share common compositional forms; whilst the gates and memorial are both constructed from granite. This edge treatment pronounces the park as an important civic and public place within Wedderburn's mixed use in the varied main street as noted by the shire of Korong Heritage and Conservation Study (Trevor Budge 1991).

Demolition/Integrity

I believe the proposed demolition of the fence will have high detrimental impact on the appearance, integrity and historic significance of Jacka Park.

Urban Design

The gates, fences, memorial and parkland are an integrated piece of civic design, the removal of the low but strongly composed fencing would dilute the parks boundaries; the path and sequence of approach and entry.

Function, meaning and context

The fences are important supporting element to the memorial gates, they provide a context and setting; and make the gateway a functional point of entry. The fence removal and implementation of a completely permeable boundary would cause the gates to be odd and functionally adrift as they would not have a practical presence as the parks' main entry.

Conclusions

I confirm my Heritage Advice:

- *The Jacka Park Gates, fences, soldier Memorial and parkland are an integrated piece of urban design.*
- *The proposed removal of fences would have a high adverse effect on the integrity, appearance, architectural and historic significance of Jacka Park and is not supported on this basis.*

Assessment

The Wedderburn Streetscape project has been developed over many years, with numerous opportunities for public consultation. The project provides for the enhancement of the appearance of the main street through planting and paving, and improves accessibility through replacing the existing footpath.

While most elements of the proposal should be supported, it is recommended that based on Heritage Advice, the streetscape plans should be amended to remove reference to removing the Soldiers Memorial Park Fence.

COSTS/BENEFITS

Nil

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

Extensive public consultation has been undertaken at various stages during development of the project scope and detailed construction plans. Such consultation occurred prior to the planning permit application being lodged.

Further consultation also occurred with a number of the objectors to ascertain if a compromise position with respect to the removal of the fence could be reached. Despite these efforts an agreed position could not be reached.

5. INFORMATION REPORTS

5.1 INWARDS CORRESPONDENCE

SUMMARY	
Relevant correspondence received by Council since previous meeting.	
Author:	John McLinden - Chief Executive Officer
Council Plan ref:	Strategic enabler: Transparent communication
File No:	various
Attachment:	Copies of inwards correspondence

RECOMMENDATION

That Council receives and notes the Inwards Correspondence.

Date	From	Subject
26/2/16	Hon Natalie Hutchins MP, Minister for Local Government	2016 Local Government Mayoral Advisory Panel
18/2/16	Mayor Troy Pickard, President Australian Local Government Association	2016 National General Assembly of Local Government – Call for motions
7/3/16	Rob Spence, CEO, Municipal Association of Victoria	MAV State Council deadlines May 2016
7/3/16	Victorian Ombudsman	Own motion investigation into transparency of local government decision making
3/3/16	Legislative Council, Environment and Planning Committee	Inquiry into the state government policy to cap local government rates
9/3/16	East Loddon Community Centre	Request for electricity funding

5.2 PROGRESS OF 2016 REVALUATION

SUMMARY

This report informs Council about the 2016 revaluation of land and buildings in the Shire.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Core business 8: Compliance
File no:	09/01/001
Attachment:	Nil

RECOMMENDATION

That Council receives and notes the “Progress of 2016 revaluation” report.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person’s conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

In accordance with Valuation Best Practice, Council undertakes a revaluation of all properties in the Shire every two years. The prescribed date for the next revaluation is 1 January 2016, and that valuation data will be used for the 2016/2017 budget.

Council undertakes its revaluation process via external contractor, LG Valuations Pty. Ltd., and they are currently in the process of revaluing properties in the Shire.

ISSUES/DISCUSSION

Valuation Best Practice outlines milestone dates for the return of information during the revaluation process. This is to ensure that Council has a Valuation Return by the final due date of 29 April, 2016.

The following table outlines the milestone dates for the 2014 revaluation, and progress to date on each of the stages:

Stage	Details	Due Date	Date Lodged with VGV	Date Certified by VGV
Stage 1	Statistical Analysis	27 February 2015	20 April 2015	27 April 2015
Stage 2	Residential & Rural: Preliminary Valuations - Rural	30 October 2015	22 October 2015	1 December 2015

	- Residential	30 October 2015	22 October 2015	3 December 2015
Stage 3A	Specialist Properties	31 August 2015	13 October 2015	5 November 2015
Stage 3B	Commercial & Industrial	29 January 2016	3 February 2016	
Stage 4	Residential & Rural: Final Valuations			
	- Rural	31 March 2016	Not yet due	
	- Residential	31 March 2016	Not yet due	
Stage 5	Valuation Return	29 April 2016	Not yet due	

Stage 1:

Stage 1 includes preparation, planning and statistical analysis of the previous valuation against recent sales. Stage 1 was lodged with the Valuer-General Victoria (VGV) on 20 April 2015, and a 7A Certificate was received on 27 April 2015.

A 7A Certificate is authorisation of the revaluation stage by VGV and states that:

- The required documentation and evidence has been provided
- The work is in accordance with the standards required by VGV for the 2012 General Valuation
- The work is considered satisfactory by VGV

Stage 2:

Stage 2 includes the largest body of work – Rural and Residential properties. This stage is the preliminary work required for those properties, where the majority of inspections and field data verification is completed. A final review of values for these properties occurs in Stage 4.

Due to the size of the data, Stage 2 is normally lodged in two parts – Rural and Residential.

Stage 2 was due on 30 October 2015. Stage 2 was lodged with the VGV on 22 October 2015; certification of Stage 2 Rural was received on 1 December 2015 and certification of Stage 2 Residential was received on 3 December 2015.

Stage 3A:

Stage 3A includes specialist properties that Council has nominated in the contract as being unusual, due to size or nature. It includes chicken farms, olive groves, piggeries, and other commercial properties.

Stage 3A was due on 31 August 2015, and was lodged with VGV on 13 October 2015. Certification of Stage 3A was returned on 5 November 2015.

Stage 3B:

Stage 3B is Commercial and Industrial properties. This stage was due on 29 January 2016, and was lodged on 3 February 2016. Certification has not yet been received.

Stage 4:

Stage 4 is a review of Stage 2 data based on an analysis of subsequent sales. This stage is due on 31 March 2016.

The contract valuer has advised that Stage 4 Residential should be received by mid-March, and Stage 4 Rural will follow around the end of March.

Stage 5:

Stage 5 is the return of the valuation to Council, and includes the valuer's final report. This stage is due on 29 April 2016.

Certification of this stage is critical for Council's budget process, as the new valuation will be used as a basis for raising rates in the first year after return. Council does not usually resolve to advertise the budget until certification has been received, to ensure that the valuation base does not change; however, this is the first year of a new revaluation where the final legislated adoption

date of the budget is 30 June. Council will need to progress the budget process even though Stage 5 will not be returned.

Comments regarding returned results

Every stage that is returned has a summary of the stage and any comments provided by Valuer-General Victoria (VGV) in certifying the stage.

Regarding Stage 2, the VGV is satisfied with the valuer's reports (Rural and Residential are reported separately) stating they are "comprehensive and well structured."

In relation to Stage 2 Rural, the report included a comment that after extreme outliers for sales are removed the tracking graph shows a near stagnant market. There is no specific comment about Stage 2 Residential in the report.

In relation to Stage 3A (specialist properties) there are some with significant increases in valuations in this group due to development across the identified specialist properties. The VGV has stated in the audit summary that although work is considered satisfactory for this group, there are some recommendations in the report for the valuer to follow up on that will be subject to further analysis and more scrutiny during Stage 3B (commercial and industrial) on some of those properties.

COSTS/BENEFITS

The revaluation process has a budgetary allocation each year as the process takes a full two-year period to complete.

Council receives a contribution from the State Revenue Office for the data every second year, which assists in defraying costs associated with the revaluation process.

Council has a reserve specifically for revaluations which assists in evening out the costs over the full two-year period of the revaluation process, as one year has high costs and low income, while the other year has low costs and high income.

RISK ANALYSIS

By undertaking the revaluation process Council is ensuring:

- that it complies with the Valuation of Land Act 1960 requirements
- that valuation data is up to date and relevant so that valuations used for rating purposes are current and accurate.

This reduces the financial and reputational risk that could be experienced by Council if valuations did not reflect current levels, and a large number of ratepayers were successful in objecting to valuations.

CONSULTATION AND ENGAGEMENT

Council advises property owners of the revaluation process in the Mayoral Column.

Information about valuations for rating purposes and how property owners can object to their valuation are included on Council's rates notices.

5.3 BUILDING DEPARTMENT ACTIVITY STATISTICS – PERIOD NOVEMBER 2015 TO JANUARY 2016

SUMMARY

Provides information on the level of building activity within the municipality

Author: Glenn Harvey, Municipal Building Surveyor

Council Plan ref: Core business 8: Compliance

File no: 13/06/001

Attachment: Building Permit Approvals
Occupancy Permits Issued
Certificates of Final Inspection Issued

RECOMMENDATION

That Council receive and note the 'Building Department Activity Statistics Report'.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council is provided with a quarterly report regarding building activity statistics within the Shire.

BACKGROUND

The building department of Loddon Shire provides a range of building advisory and control functions. The role of the Municipal Building Surveyor encompasses the provision of building advice, administration, issuing or review of relevant permits and approvals, advisory and consultancy services as well as performing regulatory administration and enforcement activities.

Capturing and reporting statistics relating to building activity within the Shire also forms part of the Municipal Building Surveyors role. Accordingly this information is provided to Council as an indicator of local development and investment.

ISSUES/DISCUSSION

For the period 1 November 2015 to 31 January 2016 the available statistics (see attached) indicate that there was a \$13 Million decrease in the value of building permits issued, as compared with the previous three (3) months.

This represents a decrease of approximately 86% and is mainly attributed to their being no large developments this quarter.

Table 1 below provides a 12 month rolling summary of building activity within the Shire (combination of permits issued by both municipal and external building surveyors).

Table 1: 12 month summary of building activity

Quarter	Feb- Apr	May - Jul	Aug - Oct	Nov - Jan
No of Permits	39	39	43	33
Value of Works	\$2,130,169	\$6,129,464	\$15,180,536	\$1,978,927

A comparison with the same period in 2014-2015 indicates a slight decrease in the number of building permits issued (54 vs. 33) along with a corresponding \$1.5 Million decrease (approx. 45%) in the value of works.

In addition to above new building approvals, 9 Occupancy Permits and 28 Certificates of Final Inspection were issued during the period.

COSTS/BENEFITS

By providing the activity statistics, Councillors are better informed about the level of building activity in the municipality.

RISK ANALYSIS

Because this report is only providing statistics to Council it is considered that there is no risk involved.

CONSULTATION AND ENGAGEMENT

No internal or external consultation has to occur for this information to be prepared.

6. COMPLIANCE REPORTS

6.1 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY	
This report provides Council with a list of documents signed and sealed during the month.	
Author:	John McLinden - Chief Executive Officer
Council Plan ref:	Core business 8: Compliance
File No:	02/01/001
Attachment:	Nil

RECOMMENDATION

That Council:

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

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

N/A

ISSUES/DISCUSSION

Contract No. 347 Civil construction in Ridge and Yelka Street – Wedderburn. Agreement between Loddon Shire Council and One Stop Civil

Transfer of Land from Loddon Shire Council to John F Wallinger, for sale of 9 Frances Lane, Mitiamo

Contract No. 338 form of agreement for Bridgewater boat ramp replacement, east side boardwalk construction and other associated work, between Loddon Shire Council and Tactile Australia trading as One Stop Civil

Contract 311 for construction of all civil and drainage works for the Wedderburn Streetscape project between Loddon Shire Council and Avard Civil Pty Ltd

Instrument of Delegation for Wedderburn Tourism Committee of Management

Contract of employment for Acting Chief Executive Officer

7. GENERAL BUSINESS

8. CONFIDENTIAL ITEMS

Closing of Meeting to the Public

RECOMMENDATION

That the meeting be closed to the public.

NEXT MEETING

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