



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

# **MINUTES**

**Ordinary Council Meeting**

**28 February 2017**

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

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

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

**1 OPENING PRAYER**

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

**2 APOLOGIES**

Nil

**3 DECLARATIONS OF CONFLICT OF INTEREST**

Cr Gavan Holt declared an indirect interest in relation to item 8.1, due to commercial interests held by his family in Wedderburn.

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

That Council confirm:

1. The minutes of the Council Briefing of 24 January 2017
2. The minutes of the Ordinary Council Meeting of 24 January 2017
3. The minutes of the Council Forum of 1 February 2017
4. The minutes of the Special Council Meeting of 14 February 2017
5. The minutes of the Council Forum of 14 February 2017

**REPORT**

Seeking approval of the unconfirmed minutes of the previous meetings.

**RESOLUTION 2017/33**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council confirm:

1. The minutes of the Council Briefing of 24 January 2017
2. The minutes of the Ordinary Council Meeting of 24 January 2017
3. The minutes of the Council Forum of 1 February 2017
4. The minutes of the Special Council Meeting of 14 February 2017
5. The minutes of the Council Forum of 14 February 2017

**CARRIED**

**5 REVIEW OF ACTION SHEET**

**5.1 REVIEW OF ACTIONS**

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

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

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

**Attachments:** 1. Action sheet

**RECOMMENDATION**

That Council receive and note the action sheet.

**REPORT**

Refer attachment.

**RESOLUTION 2017/34**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council receive and note the action sheet.

**CARRIED**

**6 MAYORAL REPORT****6.1 MAYORAL REPORT****File Number:** 02/01/001**Author:** Lynne Habner, A/Manager Executive and Commercial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Mayoral Report

**REPORT**

The Mayor will present a report at the meeting.

**Cr Beattie**

<b>Murray Darling Association</b>	
<b>Rail Freight Alliance</b>	
<b>Section 86 Committees:</b> Boort Aerodrome Committee of Management, Boort Development Committee Inc., Boort Memorial Hall Committee of Management, Boort Resource Information Centre Committee Inc., Boort Tourism Committee Inc., Korong Vale Mechanics Hall Committee of Management, Korong Vale Sports Centre Committee of Management, Little Lake Boort Management Committee Inc., Yando Public Hall Committee of Management	
<b>Recreation Strategy Implementation Steering Committee</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
25/1/17	Lake Boort Management Committee meeting
26/1/17	Australia Day celebrations Boort
	Citizenship presentation at Pyramid Hill
27/1/17	Boort Trotting Club, Central Vic Championships
1/2/17	Council Forum Wedderburn

7/2/17	GMW Strategic Planning workshop
14/2/17	Council Forum Wedderburn
	Bendigo Health Board meeting
16/2/17	Travelled to Stawell MAV president candidates presentations

**RESOLUTION 2017/35**

Moved: Cr Geoff Curnow

Seconded: Cr Cheryl McKinnon

That Council receive and note the Mayoral Report

**CARRIED**

UNCONFIRMED

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

File Number: 02/01/001

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

Authoriser: Phil Pinyon, Chief Executive Officer

Attachments: Nil

**RECOMMENDATION**

That Council receive and note the Councillors' reports

**REPORT**

Each Councillor will present a report at the meeting.

**Cr Condliffe**

<b>Calder Highway Improvement Committee</b>	
<b>Section 86 Committees:</b> Bridgewater Memorial Hall Committee of Management, Bridgewater on Loddon Development Committee of Management, Campbells Forest Hall Committee of Management, Inglewood Community Sports Centre Committee of Management, Inglewood Riding Club, Inglewood Lions Community Elderly Persons Units Committee of Management, Inglewood Town Hall Committee of Management, Inglewood Reservoir Committee of Management	
2/2/17: Inglewood Riding Club	
14/2/17: Inglewood Hall meeting	
15/2/17: BOLD meeting Bridgewater	
<b>Australia Day Committee</b>	
<b>Loddon Youth Committee</b>	
<b>Healthy Minds Network</b>	
15/2/17: Meeting at East Loddon P12 School	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>

24/1/17	Inglewood and Districts Community Bank meeting
25/1/17	Meeting with the Solar Systems Bridgewater
26/2/17	Australia Day Bridgewater
	Australia Day Inglewood
	Australia Day Salisbury West
1/2/17	Kooyoora Womens Network dinner Serpentine
2/2/17	Loddon Plains Landcare Serpentine
3/2/17	I attended a dinner in Cohuna for the dairy farmers
6/2/17	Inglewood Sports Centre meeting
7/2/17	North Central LLEN meeting Charlton
	Inglewood Hub meeting
8/2/17	Central Victorian Rural Womens Network meeting in Castlemaine
	Meeting with Mitiamo Football Club, re-sponsorship to support the Club
	I attended a dinner in Bridgewater
9/2/17	Meeting Kooyoora Womens Network held in Inglewood
	Meeting for the scholarship for Inglewood and District Community Bank. Two students attending university.
10/2/17	Meeting with Murray Goulburn and Fonterra field officer and Elders regarding the Beef Bull Program
11/2/17	Op Shop Bridgewater
	Attended the Bridgewater Market
14/2/17	Council Forum Wedderburn
14/2/17	Inglewood Hub meeting
16/2/17	Announcement of drought funding for Inglewood Recreation Reserve, Town Hall, Bowling Club and Inglewood Primary School to water the school oval \$123,000
	Planning meeting Inglewood and Bridgewater
17/2/17	Loddon Murray Community Leadership Launch held at Newbridge



20/2/17	Dingee Bush Nursing meeting
22/2/17	CWA Dingee
23/2/17	Tourism and Development meeting Inglewood
24/2/17	East Loddon P12 School Swimming Sports held at Mitiamo Pool
25/2/17	Progressive dinner held in Bridgewater, Inglewood and Newbridge
25/2/17	BBQ Inglewood regarding new fire station, Louise Staley attended
27/2/17	Bridgewater Foreshore planning meeting
28/2/17	Council meeting, Serpentine
28/2/17	Met with the corrections officer at the Inglewood Town Hall

### Cr Curnow

<b>Loddon Mallee Waste Resource Recovery Group</b>	
<b>Section 86 Committees:</b> Eddington Community Centre Committee of Management, Kingower Development and Tourism Committee Inc.	
<b>Municipal Emergency Management Plan Committee and Municipal Fire Prevention Committee</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
26/1/17	Australia Day – Eddington, Newbridge and Arnold
31/1/17	Loddon Shire Flood Recovery meeting, Wedderburn
1/2/17	Special Council Meeting and Forum, Wedderburn
2/2/17	Northern Victoria Emergency Management Cluster Committee meeting, Bendigo
10/2/17	LMWRRG Board Meeting, Bendigo
14/2/17	Loddon Shire Council Forum, Wedderburn

15/2/17	Southern Loddon Tourism Development (Planning) meeting, Tarnagulla
17/2/17	Loddon Murray Community Leadership Program 2017 Launch, Newbridge
21/2/17	Community Planning meeting at Laanecoorie
26/2/17	Centenary Celebration of Rheola Hall
27/2/17	Loddon Mallee Local Government Waste Forum, Swan Hill
28/2/17	Loddon Shire Council meeting, Serpentine

**Cr Holt**

<b>Municipal Association of Victoria</b>	
<p><b>Section 86 Committees:</b> Donaldson Park Committee of Management, Wedderburn Community Centre Committee of Management, Wedderburn Engine Park Committee of Management, Wedderburn Mechanics Institute Hall Committee of Management, Wedderburn Tourism Inc.</p>	
<b>Audit Committee</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
26/1/17	Attended Australia Day service at Wedderburn where among other presentations I had the pleasure of presenting the Wedderburn Ward Community Service Award to Michael Moore, President of the Wedderburn Conservation Network
1/2/17	Attended Council Forum in Wedderburn where we were addressed by David Wolfe, head of the Local Government Investigation and Compliance Inspectorate
4/2/17	Attended meeting in Bridgewater of representatives of the Ripon electorate Labor Party branches. My main reason for attending was to take the opportunity to speak to the Parliamentary Secretary for Regional Development, Danielle Green. My focus was the announced proposal to construct a new police station and police house in Wedderburn.
9/2/17	Attended a committee meeting of the Wedderburn and District Harness Racing Club

10/2/17	Attended Rural Councils Victoria Executive Committee meeting in Melbourne
13/2/17	Attended a Municipal Association of Victoria Strategic Planning meeting in Bendigo. A number of key issues were discussed including continued advocacy regarding government cost shifting, the review of the Local Government Act, The review of the MAV Act and the task of finding a new MAV CEO at year's end.
14/2/17	Attended Council Forum in Wedderburn
16/2/17	Attended Internal Audit Committee meeting in Wedderburn. At this meeting the Committee's Annual Report to be forwarded to Council was presented. The audit report for this meeting focused on Council's management of its privacy responsibilities.
	Attended a forum in Stawell organised by the MAV where candidates in the forthcoming election for President of the MAV were given the opportunity to present. Five candidates presented: Cr David Clark, Pyrenees Shire, Cr Catherine Cumming, Maribyrnong, Cr Mary Laliou, Whittlesea, Cr Dick Goss, Port Phillip, and Carol Ross, Booroondara, who has subsequently been deemed ineligible to stand by the Victoria Supreme Court. Cr Angela Altair, Hobsons Bay did not attend.
22/2/17	Attended a meeting of the Wedderburn Development Association
23/2/17	Attended a meeting of the Wedderburn Branch of the Victorian Farmers Federation where I reported on the progress of the South West Loddon Pipeline. Issues that were extensively discussed were the Kangaroo Pet Food Trial and weeds on roadsides, public land and land owned by absentee landlords.

### Cr McKinnon

<b>North Central Goldfields Regional Library</b>
<b>Section 86 Committees:</b> Dingee Progress Association, East Loddon Community Centre Committee of Management, Mitiamo Municipal Recreation Reserve Committee of Management, Pyramid Hill Memorial Hall Committee of Management, Pyramid Hill Swimming Pool Committee of Management, Serpentine Bowls and Tennis Pavilion and Reserve Committee of Management
<b>Nature Tourism Advisory Team</b>
<b>Other Council activities</b>

DATE	Activity
26/1/17	Attended Australia Day celebrations in Serpentine and Pyramid Hill, with a citizenship ceremony adding to the significance of the day in Pyramid Hill. Both events had great ambassadors, and were well attended.
1/2/17	Council Forum with a presentation by the Chief Municipal Inspector, David Wolfe
7/2/17	NCLLEN Board meeting in Charlton
8/2/17	Attended launch of the Gannawarra/Loddon Health Needs Analysis at Dingee Bush Nursing Centre
	Co-hosted GLC presentation to Bendigo City Council
13/2/17	Fiesta Committee Meeting
	Marketing and Tourism facilitated workshop with good representation from right across Terrick Ward. I look forward to hearing the outcomes and recommendations from the workshops.
14/2/17	Council Forum in Wedderburn
	Memorial Hall Committee meeting
15/2/17	Attended a "Farewell to the Mobile Library" event in Bendigo
21/2/17	EL Lions dinner with Lions Youth Exchange student Caitlyn Hocking as guest speaker
22/2/17	CVGA Board meeting in Kerang
28/2/17	Council meeting

**RESOLUTION 2017/36**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That Council receive and note the Councillors' reports

**CARRIED**

## 8 DECISION REPORTS

### 8.1 PLANNING PERMIT 5260 FOR THE USE AND DEVELOPMENT OF THE LAND FOR A CONVENIENCE RESTAURANT (CAFE/BISTRO) IN THE TOWNSHIP ZONE, WORKS WITHIN THE HERITAGE OVERLAY, BYO LIQUOR LICENSE AND THE WAIVER OF CAR PARKING AND LOADING BAY REQUIREMENTS.

**File Number:** 5260

**Author:** Alexandra Jefferies, Planning Officer

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

**Attachments:**

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4

#### USE RECOMMENDATION

That Council resolve to approve:

1. The use and development of the land for a café/bistro
2. A BYO liquor license for the café/bistro
3. The display of a business identification sign
4. Works within the Heritage Overlay
5. The waiver of car parking requirements
6. The waiver of loading and unloading requirements.

#### 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.

Cr Gavan Holt declared an indirect interest in relation to item 8.1, due to commercial interests held by his family in Wedderburn.

Cr Gavan Holt left the meeting at 3:42 pm.

#### PREVIOUS COUNCIL DISCUSSION

Nil

#### BACKGROUND

##### Proposal

Planning application 5260 proposes the use and development of land located at 46-48 High Street Wedderburn as a café/bistro and seeks approval for a BYO liquor license, the display of an advertising sign and the waiver of car parking and loading bay requirements.

The café will accommodate a maximum of 20 patrons and is proposed to be open 7 days a week from 11 am until 4 pm; the bistro will be open from 5.30 pm to 11pm. Alcohol is proposed to be consumed only within the bistro (see attachment 1 for floor plan) between the hours of 5.30 pm and 11 pm. All alcohol will be under a BYO system, with no bar area proposed.

As part of the development, it is proposed that a business identification sign measuring 0.6m x 1.8m be displayed under the existing verandah.

The building's façade is proposed to be stucco rendered and painted, the bulk of the building will be painted in 'Haymes - Allure Grey' with trimmings painted in 'Haymes - Deep Buff' (see attachment 2 for details).

Under the Loddon Shire Planning Scheme the proposed use is required to provide 6 car parking spaces; the application seeks to waive this requirement on the basis that the existing car parking along High Street is sufficient.

A waiver of parking provisions to facilitate loading and unloading activities is also being sought. Deliveries are likely to occur 2-3 times per week. Delivery trucks/vehicles will utilise the parking bays located directly in front of the premises, if these are unavailable, car parking along the western side of Kerr Street will be used.

### **Subject site and locality**

The subject site is located at 46-48 High Street Wedderburn; the property currently contains an existing retail space which has been vacant for a number of years. The site is considered to be within the 'main retail' area of the Wedderburn Township. Surrounding land uses are a mix of retail/commercial including a supermarket, hardware store Motel and Municipal office.

Figure 1: Subject site



The adjoining buildings are currently used as a Fish and Chip Shop (50 High Street) and a vacant retail space (44 High Street). Land to the west (rear) of the subject site consists of a dwelling, next to which is the ambulance accommodation facility.

### **Loddon Shire Council Planning Scheme**

#### **32.05 Township Zone**

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

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*

- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Approval is required to use and develop the land for a café/bistro as it is a section 2 use under the Planning Scheme which specifies that a permit must be obtained for such use.

#### **43.01 Heritage Overlay**

The subject site is covered by the Heritage Overlay 43.01 Schedule 229 which relates to the 'Main Street' of Wedderburn, the purpose of which is:

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

A planning permit is required to construct or carry out works and display a sign in the Heritage overlay.

#### **52.05 Advertising signs**

The display of advertising signs is controlled by Particular Provision 52.05 of the Loddon Shire Planning Scheme, the purpose of which is:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road*

A planning permit is required to display a business identification sign.

### **52.06 Car parking**

The provision of car parking spaces is controlled by Particular Provision 52.06, the purpose of which is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

A planning permit is required to waive the nominal number of car parks required under the planning scheme from 6 car spaces to 0.

### **52.07 Loading and unloading of vehicles**

The provision of land for the loading and unloading of commercial vehicles is controlled by Particular Provision 52.07, the purpose of which is:

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety*

A planning permit is required to waive the loading bay requirements, if the Responsible Authority is satisfied the alternative meets the purpose listed above.

### **52.27 Licensed Premises**

Planning permit requirements for liquor licenses are governed by Clause 52.27, the purpose of which is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

A planning permit is required to use land to sell or consume liquor.

## **ISSUES/DISCUSSION**

### **Notice and Referral**

Notice of the application was sent to surrounding land owners via mail on the 20 January 2017. The application received one objection (attachment 3) which was received on the 1 February 2017.



The objection raised the following concerns:

- a) that proposed plans for two rear windows located in the proposed office space of the café may cause privacy issues
- b) that the bistro and BYO license being open until 11 pm may contribute to anti-social behaviour and that police response to such behaviour would be limited as the local police station is not manned 24 hours.
- c) that the bistro and BYO license may generate noise which will negatively impact the neighbours sleep patterns and also potentially impact a proposed bakery which may be established within the adjacent property in the future.
- d) approval of a further BYO (alcohol) premises when an established hotel with an existing liquor license already exists.

Officers have reviewed the above grounds for objection against the provisions outlined within the planning scheme and provide the following assessment:

Item a) above is not considered to be related to any specific planning matter and control over the plans for the office windows are therefore more appropriately addressed through subsequent building works approvals. In any event the proposed plans include the removal of one of the existing windows and the provision of glass bricks in the other, the nature of which is typically opaque and therefore will restrict visual access to the rear of the building.

Whilst concern around alcohol related anti-social behaviour is understandable, in the case of application 5206 the risk of these kinds of issues occurring is considered minimal. The application is for a BYO license only; meals are to be consumed with the alcohol.

Liquor is only to be consumed within the bistro section of the premise which is located to the front of the building. The proposal does not include any aspects such as live music or performances; if granted approval, permit conditions would require that the use does not negatively affect the amenity of the area. Unfortunately planning cannot consider possible future uses of surrounding sites as these are not guaranteed. An application must only consider the land uses that are currently occurring; therefor the concerns regarding the impact on the objector's possible future bakery cannot be considered.

#### Assessment

The proposed use and development of the land for a café/bistro with the provision for BYO alcohol consumption is considered to be consistent with the purpose of the Township Zone. The development respects the existing amenity and heritage values of Wedderburn by utilising an existing building, although external changes are proposed these are considered to improve the building's façade. The Township Zone is specifically purposed for a mixture of residential and other uses to occur within a central area of a township. The proposed use is not thought to be of an unreasonable scale or to create an unreasonable impact when considering the context of surrounding land.

Due to the limited nature of alcohol consumption often associated with BYO licenses and the association with the consumption of a meal, it is not considered that the approval of the use would likely result in an adverse amenity effect.

The purpose of the Heritage Overlay is concerned with conserving and enhancing heritage places; currently the subject site is vacant and has been for a number of years. The proposed changes to the façade are considered to be an enhancement to the building. If approved the use and

development is likely to result in the building being maintained to a respectable degree. The proposed colours are considered to be appropriate and sympathetic to the heritage value of Wedderburn's main commercial precinct (High Street).

The advertising sign is considered to be in keeping with the context of Wedderburn's main street, the sign is of a minimal scale and an appropriate nature with similar signs existing along High Street.

The proposed use of a café is required to supply 6 car parking spaces, the application proposes a waiver of this requirement to 0. It is considered that the waiver of the car parking requirement is acceptable when considering the ample amount of spaces which are currently available along High Street and adjacent streets.

The application originally proposed that deliveries would occur from the Kerr Street laneway to the rear of the property or an informal loading bay would be created on the corner on Kerr Street and High Street. A site inspection concluded that these options were not likely to be supported at an officer level due to safety concerns and operational practicality. Discussions with the applicant established that a waiver of the loading and unloading requirements of Clause 52.07 would be sought instead. It is considered that the angled parking along High Street will be adequate for deliveries to the café; most food/drink related premises along High Street accept deliveries in this manner without issue.

If approved, attachment 4 contains a list of proposed permit conditions.

#### **COST/BENEFITS**

The Township of Wedderburn will economically benefit from the investment of a new café/bistro, with the proposal likely to create new employment opportunities.

#### **RISK ANALYSIS**

If the planning permit were to be refused there is a risk of losing the proposed investment and the opportunity for new development in the Wedderburn Township.

#### **CONSULTATION AND ENGAGEMENT**

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

**RESOLUTION 2017/37**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council resolve to approve:

1. The use and development of the land for a café/bistro
2. A BYO liquor license for the café/bistro
3. The display of a business identification sign
4. Works within the Heritage Overlay
5. The waiver of car parking requirements
6. The waiver of loading and unloading requirements.

**CARRIED**

Cr Gavan Holt returned to the meeting at 3:51 pm.

UNCONFIRMED

**8.2 REVIEW OF LOCAL LAW 1**

**File Number:** 04/01/001

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

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

**Attachments:**

1. Draft Local Law No. 1
2. Explanatory document with review of Local Law No. 1

**RECOMMENDATION**

That Council resolve to publish a public notice according to section 223 of the Local Government Act 1989 to seek submissions in respect of the draft Local Law No. 1 Process of Municipal Government (Meetings and Common Seal) until 3 April 2017.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council discussed the revisions to the Local Law No. 1 at its Forum on 1 February 2017.

**BACKGROUND**

Loddon Shire Council Local Law No.1, Process of Municipal Government (Meetings and Common Seal) ceases to operate on 1 March 2017.

Jim Gifford Consulting P/L has been engaged to review the local law in order for it to be considered for adoption by Council.

**ISSUES/DISCUSSION**

Revisions to the Local Law No.1 include several specific changes to reflect best practice in the matters contained within the document, including election of Mayor, meeting preparation, general conduct of meetings, conduct of debate, common seal, and enforcement and penalties.

Closely related matters have been grouped to reduce the overall number of clauses from 106 to 64, clauses that reflect Local Government Act provisions specify the relevant sections of the Act, and provisions that were contrary to the current provisions of the Local Government Act have been amended or replaced.

The attached explanatory document outlines the content of the draft local law.

**COST/BENEFITS**

The cost to Council of renewing Local Law No.1 is related to the engagement of a consultant.

**RISK ANALYSIS**

This process will ensure that Council continues to have a local law concerning the process of municipal government.

**CONSULTATION AND ENGAGEMENT**

Senior staff and councillors have been consulted in the review of this local law.

**RESOLUTION 2017/38**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council resolve to publish a public notice according to section 223 of the Local Government Act 1989 to seek submissions in respect of the draft Local Law No. 1 Process of Municipal Government (Meetings and Common Seal) until 3 April 2017.

**CARRIED**

UNCONFIRMED

### 8.3 REVIEW OF DELEGATIONS

**File Number:** 18/01/003

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

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

**Attachments:** 1. Instrument of delegation to members of Council staff

#### RECOMMENDATION

That Council, 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 Instrument 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 common seal of Council be affixed to the instrument, and the instrument comes into force immediately the common seal is affixed.
3. On the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

#### 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 last considered a review of delegations at its September 2016 meeting.

#### 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.

#### COST/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**

Nil required.

**RESOLUTION 2017/39**

Moved: Cr Cheryl McKinnon

Seconded: Cr Colleen Condliffe

That Council, 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 Instrument 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 common seal of Council be affixed to the instrument, and the instrument comes into force immediately the common seal is affixed.
3. On the coming into force of the instrument all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**CARRIED**

**8.4 LOAD RESTRICTION ON LAKE VIEW STREET, BOORT**

**File Number:** 14/01/001  
**Author:** Indivar Dhakal, Assets Engineer  
**Authoriser:** Graeme Smith, Design Engineer  
**Attachments:** Nil

**RECOMMENDATION**

That Council, pursuant to Section 223 of the Local Government Act 1989, provide public notice of its proposal to introduce a permanent load restriction of 15 tonne Gross Vehicle Mass (GVM) on Lake View St, Boort from Godfrey Street to Barclay Street.

**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**

The issue has not been discussed at any Council meeting or forum but has been discussed informally with the Boort Ward Councillor.

**BACKGROUND**

The section of Lakeview Street between Godfrey Street and Barclay St is classified as a Town Sealed Access (TSA) road. It primarily provides access to residential properties however is routinely used by heavy vehicles as an alternative route to local grain handling and storage facilities.

During the harvest season, high volumes of heavy grain trucks use this section of road to access the silos and bunkers located along Silo Woolshed Rd. The road pavement and seal are not designed to withstand high volumes of heavy vehicles. The majority of the road section was resealed in early 2017. The combination of very hot weather conditions and heavy vehicles had an adverse effect on the new seal and the pavement. With concerns over safety issues, Council temporarily closed the street to heavy vehicles to prevent damage to the wearing course and pavement (local traffic passage was maintained).

The aforementioned section of Lakeview Street is also significant in the context of local tourism. It forms a part of the road that encircles Little Lake Boort. Light vehicles (passenger cars) with boat trailers use this road frequently. The alignment and pavement thickness of this road is not designed for high volumes of heavy vehicles.

Pursuant to section Schedule 11, Section 12(1) of the Local Government Act 1989 (the Act), A Council may prohibit or restrict the use of a road by any motor vehicle of, or over, a certain size or weight. Before exercising this power members of the public must be given the opportunity to make a submission under Section 223 of the Act.

**ISSUES/DISCUSSION**

The section of Lakeview Street at Boort between Godfrey Street and Barclay Street receives high volumes of seasonal grain trucks during the harvest season. At the same time, the road is accessed by light vehicle users for accessing the lake as well. The alignment and the pavement of this road are not designed to withstand high mass axle loads and as such pavement problems have recently been observed, particularly with significant damage to the wearing course on days of high temperature



Following the recent damage, and in accordance with the Road Management Act, Council has temporarily closed the road with local traffic access maintained. However, to prevent any further damage to the sealed surface and pavement, it is recommended that a gross vehicle mass load limit of 15 tonne be placed on Lake View Street. This load limit will allow emergency vehicles (e.g. fire trucks) to continue to access the road without any restriction.

An alternate route for trucks wishing to access the grain bunkers and silos along Silo Woolshed Road also exists, of which the majority utilises the arterial road network. This route is the section of Godfrey Street, west of the intersection with Lakeview Street and subsequent section of Boort-Charlton Road and Barclay Street, all of which are deemed to be more suitable for heavy vehicles.

In addition to preventing further damage to Lakeview Street, the proposed restriction will also reinforce safety of pedestrians, cyclists and light vehicles accessing other streets such as Lakeside Drive and Ring Road.

Local roads and streets are intended to get vehicles to the arterial road and/or highway in the most efficient way. The load limit on Lakeview Street will ensure that heavy vehicles transiting through the area (as opposed to accessing residential properties) preferentially use the arterial road network as far as practicable.

### **COST/BENEFITS**

There is no significant cost associated with the implementation of load restriction. The only associated cost to the Council is the installation of new road signs. For the local farmers and truck drivers, the alternate route is 1 km longer than using Lakeview Street and is considered to be a more efficient and safer route for travel. No significant additional cost will be incurred by the users as well.

Council will benefit from the proposed load limit in terms of reduced maintenance impost of the road. With the existing rate of pavement degradation and surface deterioration, it is more likely that Council will have to make significant capital investment in renewing this asset, if no action is taken.

### **RISK ANALYSIS**

There is no significant risk associated with the proposed load limit. However, if the proposal is not resolved and heavy vehicle access is maintained on Lakeview Street, the risk of pavement and seal surface failure may escalate into the future. Also, the implementation of load limit will see increased safety for local pedestrians, cyclists and light vehicle users accessing the lake and properties on, or in proximity, to Lakeview Street.

### **CONSULTATION AND ENGAGEMENT**

It is being recommended that notice of the proposal to introduce a load limit restriction along Lakeview Street Boort be provided in accordance with Section 223 of the Act. Subsequent public submissions or comments will then be presented to Council for consideration prior to making a final determination with respect to the proposed load restriction.

Officers have also consulted with the Boort Ward Councillor regarding the proposed introduction of a 15 tonne load limit and the associated impacts on the local community and transport industry.

**RESOLUTION 2017/40**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That Council, pursuant to Section 223 of the Local Government Act 1989, provide public notice of its proposal to introduce a permanent load restriction of 15 tonne Gross Vehicle Mass (GVM) on Lake View St, Boort from Godfrey Street to Barclay Street.

**CARRIED**

UNCONFIRMED

**8.5 FINANCE REPORT FOR THE PERIOD ENDING 31 JANUARY 2017****File Number:** 08/06/001**Author:** Deanne Caserta, Manager Financial Services**Authoriser:** Sharon Morrison, Director Corporate Services**Attachments:** 1. Finance Report for Period Ending 31 January 2017**RECOMMENDATION**

That Council:

1. *receives and notes the 'Finance report for the period ending 31 January 2017'*
2. *approves budget revisions included in the report for internal reporting purposes only.*

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

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

**BACKGROUND**

The Finance Report for the period ended 31 January 2017 includes standard monthly information about budget variations, cash, investments, interest, debtors and creditors, and provides a comparison of year-to-date actual results to year-to-date budget (by dollars and percentage) and total revised budget (by percentage).

The information is in the format provided in the 2016/17 Budget, and includes operating results, capital expenditure and funding sources.

**ISSUES/DISCUSSION**

**Budgeted Surplus** - Council's budgeted cash surplus has increased by \$61K from \$101K to \$162K mainly due to a reduction in the income and partial expenditure within the change of scope for the new VicRoads Contract.

**Income Statement (Revenue)** - Council's year to date (YTD) operating revenue is at 98% of YTD budget. Just over \$203K in debtors were raised in January. The main variance is capital grants revenue which is \$268K behind YTD budget due to delays in a number of capital projects.

**Income Statement (Expenditure)** - Council's operating expenditure is at 95% of YTD budget. Labour is behind budget by \$279K due to a delay in some positions commencing. Materials and services are also \$427K behind due to delays in commencing some major projects and the timing of invoices being received. Payments for this month totalled just over \$1.57M, compared to \$2.7M last month.

**Capital Works** - The revised budget for capital works is \$19.6M and is 22% complete in financial terms (19% at the end of December) for the current financial year. Year to date expenditure is behind budget at 73% of what Council expected to spend by this time of the year. Council is currently working towards measuring % practical completion. Asset types with major variations (10% or \$10K) include furniture and office equipment, land and buildings, road works, urban and road drainage and recreation, leisure and community facilities, parks, open space and

streetscapes and footpaths with many projects behind expected timing due to a decrease in activity as a result of the recent floods.

Balance Sheet - Council has a \$14.8M cash total with \$1.9M in general accounts. Debtors are nearly \$8.8M which is a decrease of \$0.9M since the last report. Sundry debtors total \$495K with invoices outstanding for 60 or more days relating to community wellbeing debtors and local community groups totalling approximately \$12K.

There were no supplementary valuations updated in January. The total rateable CIV at the end of January remains at \$1.84B.

### **COST/BENEFITS**

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

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

### **RISK ANALYSIS**

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

### **CONSULTATION AND ENGAGEMENT**

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

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

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

### **RESOLUTION 2017/41**

Moved: Cr Geoff Curnow

Seconded: Cr Cheryl McKinnon

That Council:

1. receives and notes the 'Finance report for the period ending 31 January 2017'
2. approves budget revisions included in the report for internal reporting purposes only.

**CARRIED**

**8.6 KERBSIDE WASTE AND RECYCLING POLICY****File Number:** 18/01/001**Author:** Ian McLauchlan, Director Operations**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Draft Kerbside Waste and Recycling Policy**RECOMMENDATION**

That Council:

1. Endorse the draft Kerbside Waste and Recycling Policy.
2. Publically exhibit the draft Kerbside Waste and Recycling Policy and seek feedback prior to its finalisation at a subsequent Council meeting.

**CONFLICT OF INTEREST**

No Council staff member involved in either the preparation of this report or the attached policy is considered to have a conflict of interest.

**PREVIOUS COUNCIL DISCUSSION**

Councillors were initially presented with the draft Kerbside Waste and Recycling Policy during its forum on 27 September 2016.

**BACKGROUND**

Council currently provides a kerbside waste and recycling service (the Service) to eligible residential properties throughout the Shire. The Service is provided to assist local residential and commercial properties to appropriately manage their waste and recyclable materials.

The Service is intended to provide a flexible, convenient and affordable mechanism to manage on-site waste generation, protect the amenity of our township areas and reduce the potential risk of illegal dumping.

The Service in its current form has been in place for over a decade, however at no time has Council maintained a formal policy with respect to the conditions by which the Service shall be provided.

**ISSUES/DISCUSSION**

Over time a number of operational matters have arisen whereby the lack of a documented policy has contributed to ambiguity and debate with local residents accessing the Service, particularly where non-compliance with respect to service conditions are being observed or modification of standard protocols has been requested (e.g. surrender of a mandatory service).

The Kerbside Waste and Recycling Policy (attachment 1) seeks to provide clarity for both staff and local residents with respect to the level of service which Council shall provide, expectations of users and the application of associated fees.

The policy focuses on matters relating to:

- eligibility for access to the service (both mandatory and discretionary)
- the level of service to be provided (number and types of bins)
- interruption or suspension of services
- application of service charges

- general operational matters (e.g. weight and placement of bins for collection).

The policy is considered to address many of the historical issues requiring clarification raised by staff and residents over the last decade with respect to the Service. Complementing this policy, Council's Waste Management Strategy and Local Law No. 4 – Environment contain further specific information relating to the operation of the Service.

### **COST/BENEFITS**

It is not expected that this policy will have any further financial impact upon Council beyond that which is currently being incurred through the provision and operation of the existing kerbside waste and recycling service.

Establishment of this policy will provide a number of operational benefits, the primary one being greater clarity for both members of the public and customer service staff with respect to service conditions and expectations.

### **RISK ANALYSIS**

It is considered that no additional risk to Council shall be created through this policy. The provision of clear service parameters and expectations may however assist in the reduction of limited reputational or financial risks.

### **CONSULTATION AND ENGAGEMENT**

Development of this draft policy involved consultation with various staff and Councillors. It is considered that broader public consultation is now required prior to finalisation of the policy as it primarily relates to obligations, expectations and parameters for a service provided by Council to its residents.

### **RESOLUTION 2017/42**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

That Council:

1. Endorse the draft Kerbside Waste and Recycling Policy.
2. Publically exhibit the draft Kerbside Waste and Recycling Policy and seek feedback prior to its finalisation at a subsequent Council meeting.

**CARRIED**

**8.7 ADVERTISING THE RESPONSE TO COMMUNITY USE OF LEGAL AND ILLEGAL DRUGS POLICY FOR PUBLIC COMMENT**

**File Number:** 12/01/001

**Author:** Wendy Gladman, Director Community Wellbeing

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

**Attachments:** 1. Response to Community Use of Legal and Illegal Drugs Policy

**RECOMMENDATION**

That Council resolve to advertise the proposed adoption of the Response to Community Use of Legal and Illegal Drugs policy for public comment.

**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**

An information session including a briefing paper and presentation from Inspector Paul Gardiner, Victoria Police was provided to Council at the August 2016 forum.

The draft Response to Community Use of Legal and Illegal Drug policy was presented to the January 2017 Council briefing for consideration.

**BACKGROUND**

An action from the May 2016 Council meeting requested Council staff draft an illicit drug policy for Council consideration.

**ISSUES/DISCUSSION**

In a legislative context, Council has no role to play in the enforcement of illegal drug activity and limited ability to influence legal drug use (alcohol and tobacco).

Council can advocate and facilitate a harm minimisation approach across all Council areas.

Harm minimisation focuses on the harms associate with the drug use, which enables interventions to prevent or reduce those harms, rather than only trying to eliminate drug use.<sup>1</sup>

Harm minimisation is the current drug related policy in Australia governing all drug related laws and responses. There are three components of the harm minimisation policy: harm reduction, demand reduction and supply control.

The concept of harm minimisation rests on the assumption that we cannot stop all people from using licit and illicit substances and that, while people continue to use drugs, some will continue to experience harm.

Harm minimisation includes strategies designed to reduce the harm associated with use, without necessarily reducing use. It involves those strategies (policies and programs) specifically targeted at reducing the harm directly resulting from drug use.

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<sup>1</sup> <http://health.gov.au/internet/publications/publishing.nsf/Content/drugtreat-pubs-front7-wk-toc~drugtreat-pubs-front7-wk-secb~drugtreat-pubs-front7-wk-secb-2~drugtreat-pubs-front7-wk-secb-2-4>

Some examples of harm reduction strategies include: labelling on cigarette packets, needle and syringe exchange programs, safe injecting rooms, peer education programs, methadone maintenance programs, and labelling on alcoholic beverages.

A review of current literature and policy/strategy trends suggested that any Loddon drug policy include a number of key actions.

- Inclusion of legal and illegal drugs, given the significantly higher impact that alcohol and tobacco have on the health and wellbeing of the community.
- That Council has a role in facilitation, advocacy and creation of partnerships which may include:
  - development of partnerships to gain a stronger understanding of the current drug status in Loddon;
  - establishment of a Loddon Drug Action Network;
  - development of a Loddon Drug Action Plan and monitoring of associated outcomes;
  - facilitation of community information and education.
- An alignment of any Loddon Drug Action Plan with other future Council plans and strategies.
- Partnerships with other government or community organisations currently operating in the drug minimisation environment, for example Sports Focus.
- Continue to support Environmental Health initiatives such as the provision of syringe disposal units in all public toilets and the facilitation of the tobacco/smoking awareness campaigns.
- Participate in regional and state networks to ensure current and best practice information available. For example, active participation in the MAV Local Government Alcohol and Other Drugs Issues Forum and being informed about ongoing activity through the State Ice Action Plan.
- Continue to review the legislative environment to ensure that Council is operating to its full legislative and compliance capacity – local laws, planning and environmental health.

### **COST/BENEFITS**

Council participation in the development of partnerships across the legal and illegal drug spectrum provides the opportunity for a stronger collective impact resulting in increased opportunities to influence change and introduce harm minimisation strategies.

The successful implementation and delivery of harm minimisation strategies can result in less civil unrest, lower crime rates and fewer presentations to health services.

Whilst there are no initial costs associated in the development of this report and policy other than staff time, some actions arising from the development of the Municipal Public Health and Wellbeing Plan may require some additional Council resources.

### **RISK ANALYSIS**

The risk of not adopting the approaches identified in this policy include: is that a strong partnership approach to minimisation of drug use would be unlikely to occur, resulting in individual agencies operating independently and having reduced singular impact. Without this policy, there is no guarantee that drugs and alcohol will remain as a key focus of future Municipal Public Health and Wellbeing Plans.



**CONSULTATION AND ENGAGEMENT**

Consultation with other agencies involved in activities related to drug use, supported the development of the draft policy. The policy progressed through an internal review process in accordance with Council's Strategic Document Policy and Procedure Framework. It is now recommended that the policy be placed on exhibition for public comment.

**RESOLUTION 2017/43**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council resolve to advertise the proposed adoption of the Response to Community Use of Legal and Illegal Drugs policy for public comment.

**CARRIED**

UNCONFIRMED

**8.8 EXTENSION OF LEASE - MAWSONS QUARRY PYRAMID HILL**

**File Number:** 08/04/001  
**Author:** Ian McLauchlan, Director Operations  
**Authoriser:** Phil Pinyon, Chief Executive Officer  
**Attachments:** 1. Existing lease agreement  
2. Deed of variation of lease

**RECOMMENDATION**

That Council:

1. Agree to extend the existing lease with E.B. Mawson & Sons Pty Ltd. over Crown Allotment 1B Section A Parish of Terrick Terrick West effective to 30 March 2018 as per the attached deed of variation of lease.
2. Authorise the use of the Council seal for the purposes of executing the deed of variation of lease with Mawson & Sons Pty Ltd for CA 1B Sec A Parish of Terrick Terrick West.

**CONFLICT OF INTEREST**

No officer involved in the preparation of this report or the deed of variation of lease has a conflict of interest.

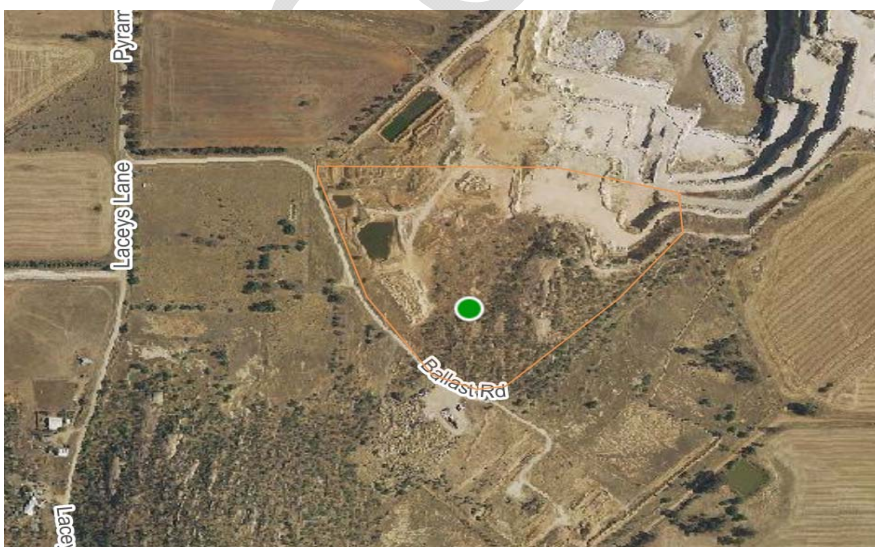
**PREVIOUS COUNCIL DISCUSSION**

Council has not previously discussed this matter.

**BACKGROUND**

In 1986 the former Shire of Gordon entered into a lease agreement with E.B. Mawson & Sons Pty Ltd. (the Company) for the occupation and extraction of quarry products from the parcel of land described as Crown Allotment 1B Section A Parish of Terrick Terrick West.

Figure 1: Subject land



Under the terms of the lease, the Company has been able to take possession of the subject land for the purposes of winning earth, stone, gravel or other materials. This activity has been undertaken in conjunction with the broader quarrying activities by the Company on land directly to the north east under its direct ownership.

Despite a search of Council's records, an original copy of the lease agreement between the Shire of Gordon and the Company has not been located.

A later version of the original lease has been obtained outlining the conditions under which the agreement with the Company was struck. Officers believe that the version of the lease obtained (see Attachment 1) represents a copy of the original agreement with amendments made at sometime around 2006, extending the lease term for a period of 10 years effective 1 April 2007.

In consideration of the new lease term, the lease between the Company and Council is now due to expire 1 April 2017. Accordingly, just prior to Christmas representatives of the Company made contact with Council officers expressing an interest in the extension of the existing lease for a further period of 10 years.

The Company intends to continue their quarrying operation on the adjacent land to the north east of the subject site for the foreseeable future. Whilst the Council owned land forms only a small component of their overall operations in this area, the Company still maintains an interest in winning material from this site as part of their longer term business plan.

### ISSUES/DISCUSSION

Loddon Shire is the current registered owner of the subject site following the inheritance of this asset from the former Shire of Gordon at the time of council amalgamations in 1995. Any contractual or legal agreements with respect to the subject site were also subsequently transferred at this time.

It appears that in or around 2006 a revision of the lease occurred resulting in a new 10 year term being applied from 1 April 2007. The process by which this extension was affected is unclear. Regardless, both the Company and officers have accepted the term of the existing lease as being per the available documentation.

Pursuant to section 190 of the Local Government Act 1993 (Act), Council maintains power to lease any land to any person, providing that such lease is less than 50 years in duration and complies with specified conditions.

Given that the lease is due to expire on 1 April 2017 and that the Company has expressed a desire for the continued occupation of the site, either an extension of the existing lease or creation of a new lease agreement would be required to provide the Company with some certainty as to their future tenure and operations on the land.

At present officers have not identified any specific reason as to why the continued occupation of the site by the Company should not be supported. It is possible that the subject site may be required in the future for the purposes of creating an extension to the Pyramid Hill Landfill site, however it is not envisaged that such a demand will manifest in the short term.

Nevertheless any potential agreement of significant duration with the Company regarding the occupation of this site should include adequate provisions whereby Council may terminate the lease and take back control of the site. Such provisions would be agreed with the company and contain a mutually acceptable notice period.

The Company has indicated a desire to extend the existing lease for a term of approximately 10 years. Under the Act any lease (including extensions of existing lease agreements) of 1 year or more in duration requires that public notice in accordance with Section 223 be undertaken. Consideration must also be given to any submissions received in relation to the proposed lease of the subject land.

Given the timeframe associated with conducting such a process (minimum 3 months) and the pending expiration of the existing lease, it is proposed that a short term extension to the existing lease be provided through a deed of variation of lease (see Attachment 2).

Execution of the deed of variation will maintain the existing lease conditions for a period of just less than 1 year. Under Section 190 of the Act there is no requirement for Council to provide public notice of a lease of such duration.

The short term extension will serve the dual purpose of providing the Company certainty for approximately 12 months regarding their occupation of the site as well as the opportunity for Council officers to negotiate and prepare an entirely new lease agreement.

Officers have identified that it would be preferable to negotiate an entirely new lease agreement as opposed to agree to any long term extension of the existing agreement. This is primarily due to concerns relating to provisions within the existing agreement, specifically:

- royalty rates and annual review process
- site remediation and handover requirements
- site monitoring and reporting arrangements
- grounds and process for termination of lease by either party

In addition to addressing various concerns regarding the conditions outlined within the lease, consideration may also be given to the modification of the lease term. Creation of 30 year lease agreement as opposed to a 10 year period could be achieved by constructing the lease in such a way that provides an initial term of 10 years with the option of 2 subsequent 10 year extensions if mutually agreed between the parties. Such flexibility would reduce the potential administrative issues currently being faced.

### **COST/BENEFITS**

The short term extension of the existing lease as well as preparation of a new longer term lease agreement is not expected to have any significant financial implications for Council. Routine costs shall be incurred by Council with respect to the preparation and administration of the lease agreement.

It is envisaged that a suitable royalty shall be negotiated between the Company and Council with respect to any material which is won from the site. Adequate provisions for a royalty review will also be incorporated into any new agreement. To date Council has derived approximately \$600,000 in income through royalties over the life of the current lease agreement.

### **RISK ANALYSIS**

A number of risks exist with respect to the options of either supporting or refusing any extension of term under the lease for of the Company's occupation of the subject site.

Refusal of the lease extension may have a financial and operational impact upon the Company which in turn may impact upon the local economy. Given that the subject site forms a minor component of the broader Company operations in the area, the likely impact in this regard is however considered to be minor.

The establishment of a new long term lease poses potential risk to Council unless adequate provisions are put in place to enable the termination of the lease, following an appropriate notice period, in the event that the land may become urgently required for Council operations (e.g. extension of Pyramid Hill Landfill).

### **CONSULTATION AND ENGAGEMENT**

Consultation with respect to the short term extension of the existing lease agreement with the Company has been undertaken.

**RESOLUTION 2017/44**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That Council:

1. Agree to extend the existing lease with E.B. Mawson & Sons Pty Ltd. over Crown Allotment 1B Section A Parish of Terrick Terrick West effective to 30 March 2018 as per the attached deed of variation of lease.
2. Authorise the use of the Council seal for the purposes of executing the deed of variation of lease with Mawson & Sons Pty Ltd for CA 1B Sec A Parish of Terrick Terrick West.

**CARRIED**

UNCONFIRMED

**9 INFORMATION REPORTS****9.1 INWARDS CORRESPONDENCE****File Number:** various**Author:** Christine Coombes, Executive and Commercial Services Officer**Authoriser:** Lynne Habner, A/Manager Executive and Commercial Services**Attachments:** 1. Copies of inwards correspondence**RECOMMENDATION**

That Council receives and notes the Inwards Correspondence.

Date	From	Subject
8/2/2017	Senator for the Hon James McGrath Assistant Minister to the Prime Minister	Future funding for Universal Access to Early Childhood Education.
2/2/2017	Office of the Deputy Prime Minister  Minister for Agriculture and Water Resources  Leader of The Nationals	Future funding for Universal Access to Early Childhood Education.
1/2/2017	Damian Drum MP	Future funding for Universal Access to Early Childhood Education.
1/2/2017	Senator the Hon Simon Birmingham	Future funding for Universal Access to Early Childhood Education.

**RESOLUTION 2017/45**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council receives and notes the Inwards Correspondence.

**CARRIED**

**9.2 COMMUNITY CARE COMMON STANDARDS ASSESSMENT****File Number:** 12/12/001**Author:** Paula Yorston, Manager Community Services**Authoriser:** Wendy Gladman, Director Community Wellbeing**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the report detailing the outcomes of the 2016 Community Care Common Standards assessment.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

A report was presented to Council in 2013 following the previous round of assessment. That report advised that for the 2013 Community Care Common Standards (CCCS) assessment, fourteen of the eighteen standards had been met, with four unmet.

**BACKGROUND**

The CCCS aims to raise quality and drive continuous improvement in assessment and service delivery. All services approved under the CCCS are assessed and rated by the Commonwealth.

The CCCS is the key assessment undertaken for services that deliver the Commonwealth Home Support Program and the HACC program for younger people. The CCCS brings together three quality areas (containing eighteen standards) that are important to outcomes for clients receiving services. Assessment against these quality areas forms the basis of an overall rating.

Each standard is assessed and rated as either Met or Not Met.

**ISSUES/DISCUSSION**

Correspondence received from the Australian Aged Care Quality Agency has advised that recent assessment visits to Loddon shire Council aged and disability services have provided the following assessment outcome:

	2013	2016
<b>Standard 1</b>		
<b>Corporate Governance</b>		
1.1 Effective Management	MET	MET
1.2 Regulatory Compliance	MET	MET
1.3 Information Management Systems	MET	MET
1.4 Community Understanding and Engagement	MET	MET
1.5 Continuous Improvement	MET	MET
1.6 Risk Management	MET	MET

1.7 Human Resource Management	NOT MET	MET
1.8 Physical Resources	MET	MET
<b>Standard 2</b> <b>Appropriate Access and Service Delivery</b>		
2.1 Service Access	MET	MET
2.2 Assessment	MET	MET
2.3 Care Plan development and delivery	NOT MET	MET
2.4 Service User Reassessment	MET	MET
2.5 Service User Referral	MET	MET
<b>Standard 3</b> <b>Service User Rights and Responsibilities</b>		
3.1 Information Provision	NOT MET	MET
3.2 Privacy and Confidentiality	MET	MET
3.3 Complaints and service User Feedback	MET	MET
3.4 Advocacy	MET	MET
3.5 Independence	NOT MET	MET

The above list shows a significant improvement in the assessment of services provided, with no standards being listed as Not Met.

Under the CCCS, regulatory authorities may at any time reassess a service, but with the exception of extraordinary circumstances it is considered likely that Loddon Shire Council will undergo the next assessment in 2019.

### **COST/BENEFITS**

This assessment indicates that clients receive a quality program that supports frail, older people and younger people with a disability to remain living in the community while maximising their independence. The work undertaken to satisfy the needs of the assessment visit were undertaken within the existing budget.

### **RISK ANALYSIS**

There are no risks associated with this report.

### **CONSULTATION AND ENGAGEMENT**

No consultation or engagement is required to be undertaken by the service in preparation for accreditation. Service users and staff are interviewed by the assessment team as part of the overall assessment process.



**RESOLUTION 2017/46**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council receive and note the report detailing the outcomes of the 2016 Community Care Common Standards assessment.

**CARRIED**

UNCONFIRMED

**9.3 REPORT ON ELECTION BY RETURNING OFFICER****File Number:** 01/03/002**Author:** Lynne Habner, A/Manager Executive and Commercial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Local Government Elections 2016 Election Report Loddon Shire Council**RECOMMENDATION**

That Council receive and note the Victorian Electoral Commission report on the 2016 Loddon Shire Council general election.

**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**

Nil.

**BACKGROUND**

Schedule 3, cl 14 of the Local Government Act 1989 (Vic) specifies as follows:

**14 Report on election by returning officer**

- (1) The returning officer must prepare a report to the Chief Executive Officer on the conduct of the election within the period of 3 months after election day.
- (2) The report must include a certified record of the number of ballot-papers and declarations printed, issued, used, spoiled and returned.
- (3) The Chief Executive Officer must ensure that the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer.

**ISSUES/DISCUSSION**

On 20 January 2017, the Victorian Electoral Commission provided a report on the 2016 Loddon Shire Council general election. This report is attached.

The report provides details including the election timeline, the voters' roll, advertising and communication, candidates, voting, results, election statistics, complaints, and post-election activities.

**COST/BENEFITS**

No costs are associated with the recommendation in this report.

**RISK ANALYSIS**

By submitting this report to Council, the CEO is ensuring compliance with the Local Government Act 1989.

**CONSULTATION AND ENGAGEMENT**

No consultation was undertaken in the preparation of this report.

**RESOLUTION 2017/47**

Moved: Cr Gavan Holt

Seconded: Cr Colleen Condliffe

That Council receive and note the Victorian Electoral Commission report on the 2016 Loddon Shire Council general election.

**CARRIED**

UNCONFIRMED

#### 9.4 PETITION FOR MOBILE LIBRARY SERVICES

**File Number:** 20/02/001

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

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

**Attachments:** 1. Petition to keep mobile library

#### RECOMMENDATION

That Council:

1. receive and note the petition
2. write to Dianne Cvek supporting the decision by Goldfields Library Corporation and the library agency model that replaces the mobile library.

#### 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.

The CEO and Cr McKinnon are Council-appointed representatives of Loddon Shire on the Goldfields Library Corporation Board. This does not constitute a conflict of interest (*ref. Local Government Victoria Conflict of Interest – A Guide for Council staff, 2011, p13 which states:*

*“However, you do not have a conflicting duty as a result of your position with another organisation if you are the Council’s representative on that organisation, with the Council’s approval, and you receive no remuneration for that position.”*)

#### PREVIOUS COUNCIL DISCUSSION

A petition was sent to Council by Dianne Cvek regarding the closure of mobile library services within Loddon Shire. The petition was presented at the January Council meeting, and laid on the table until the next Council meeting, in accordance with Council’s Local Law No. 1.

Council has been kept informed about the changes to library services, including removal of mobile library services and the replacement with an agency model, at the time that decisions have been made by the Goldfields Library Corporation.

#### BACKGROUND

In 2016, the Goldfields Library Corporation announced that it was planning the introduction of seven ‘bricks and mortar’ library agencies aimed at replacing and increasing the level of service provided by the mobile library truck service.

The decision to move to an agency model was made because consultation with mobile library customers indicated that, although the mobile library was valued, the service stopped for very short periods of time that did not suit many parts of the community and was not able to host programs. Also, library membership in the Shire of Loddon was around 17% (with only 10% of the community using the collection in the last 12 months), which falls well below the state average of 47%, which was an indicator that the model was not working. A significant number of rural library members chose to borrow from libraries located in Bendigo, which indicated that the limited number of hours offered by the mobile library were inadequate.

Under the new model, more rural community members have access to ‘bricks and mortar’ library services for more hours with more services. Customers will have more hours available to browse and loan from the library agency collections; collect and return loans and reservations. Some agencies will also present free programs, with a focus on children’s literacy and digital literacy for adults.

The changes are focussed on providing a wider range of library services to a greater number of people in rural communities.

The hours of service delivered by the mobile library were 15.5 hours per week, averaging approximately 1.5 hours per week per stop. Under the new model, the aim is to have opening hours closer to 24 hours a week.

The Goldfields Library Corporation has released several bulletins providing public information about progress of the change. An extract from the most recent update outlining the Library Agency opening dates, times, locations and hours is provided below for information.

Town	Agency Location	Opening Date and Time	Usual Opening Hours
Wedderburn	Wedderburn Community Centre, 24 Wilson Street, Wedderburn	Wednesday 8 February 2017, 9am-5pm	Tuesday to Thursday 9am-5pm
Boort	Boort Resource and Information Centre, 119-121 Godfrey Street, Boort	Thursday 9 February 2017, 10am-3.30pm	Monday to Friday 10am-3.30pm
Inglewood	Inglewood Community Neighbourhood House, Inglewood Town Hall Hub, 20 Verdon Street, Inglewood	Monday 13 February 2017, 9am-4.30pm	Monday to Thursday 9am-4.30pm
Pyramid Hill	Pyramid Hill Neighbourhood House, Unit 5-8/43 Kelly Street, Pyramid Hill	Already Open	Monday, 10am-2pm Tuesday to Thursday, 10am- 4pm Friday, 10am-12pm
Tarnagulla	Tarnagulla Community Centre, 8 Sandy Creek Lane, Tarnagulla	Thursday 9 February 2017, 1-4pm	Tuesday and Thursday 1pm-4pm
Dingee	Dingee Memorial Hall, Bendigo-Pyramid Road, Dingee	Tuesday 7 February 2017, 9-11am	Tuesday 9-11am Thursday 3.30- 5.30pm

## ISSUES/DISCUSSION

The petition is to keep the mobile library. As the decision to cease mobile library services has been made and implemented, there is no action that can be taken in response to the petition. A response in relation to the petition is proposed to be provided to Dianne Cvek that reinforces the decision and the library services that will replace the mobile library.

## COST/BENEFITS

No costs are associated with this response to the petition.

## RISK ANALYSIS

A risk associated with any response to the petition is continued community opposition to the changes to library services within Loddon Shire.

## CONSULTATION AND ENGAGEMENT

The CEO of the Central Goldfields Library Corporation has been consulted about the petition received.

**RESOLUTION 2017/48**

Moved: Cr Cheryl McKinnon

Seconded: Cr Colleen Condliffe

That Council:

1. receive and note the petition
2. write to Dianne Cvek supporting the decision by Goldfields Library Corporation and the library agency model that replaces the mobile library.

**CARRIED**

UNCONFIRMED

## 10 COMPLIANCE REPORTS

### 10.1 EXEMPTION FOR MEMBERS OF SPECIAL COMMITTEES

**File Number:** 02/01/003

**Author:** Michelle Hargreaves, Administration Officer

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

**Attachments:** Nil

#### RECOMMENDATION

That this report seeks Council's approval to exempt members of special (section 86) committees of Council from the requirement to submit Primary Returns and Ordinary Returns under Section 81(2) and 81(5) of the Local Government Act 1989.

#### CONFLICT OF INTEREST

Nil

#### PREVIOUS COUNCIL DISCUSSION

A report seeking exemption for the members of special (section 86) committees of Council from the requirements of Section 81(2) and 81(5) of the Local Government Act 1989 was accepted by Council at the Ordinary Meeting held on 25 March 2013.

#### BACKGROUND

Under Section 81(2) and 81(5) of the Local Government Act 1989 (the Act) Councillors, nominated officers, and members of special committees must submit Primary Returns (being the first submission) and Ordinary Returns (being subsequent submissions) to the Chief Executive Officer within 40 days after 30 June and 31 December each year. Section 81(6) states:

A Councillor, a member of a special committee or a nominated officer must disclose the following information in the primary return as at the date of the primary return:

- a) the name of any company or other body in which he or she holds any office whether as a director or otherwise;
- b) the name or description of any company or body in which he or she holds a beneficial interest unless the total value of the interest does not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million;
- c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she has any beneficial interest other than by way of security for any debt;
- d) a concise description of any trust in which he or she holds a beneficial interest or of which he or she is a trustee and a member of his or her family holds a beneficial interest;
- e) any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a Councillor, a member of a special committee or nominated officer.

Clause (81)(7) states:

A Councillor, a member of a special committee or a nominated officer must disclose in an ordinary return the following information in relation to the return period:

- a) if he or she has held an office whether as director or otherwise in any company or body, corporate or unincorporated—the name of the company or body;
- b) the name or description of any company or body in which he or she holds or has held a beneficial interest unless the total value of the interest does or did not exceed \$10000 and the total value of issued shares of the company or body exceeds \$10 million;
- c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins that municipal district in which he or she had any beneficial interest other than by way of security for any debt;
- d) a concise description of any trust in which he or she held a beneficial interest or of which he or she is a trustee and a member of his or her family held a beneficial interest;
- e) particulars of any gift of or above the amount or value of the gift disclosure threshold received by him or her, either directly or indirectly, other than a gift received—
  - (i) from a person who is a relative of him or her; or
  - (ii) as hospitality at an event or function he or she attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee;
- f) any other substantial interest whether of a pecuniary nature or not of him or her or of a member of his or her family of which he or she is aware and which he or she considers might appear to raise a material conflict between his or her private interest and his or her public duty as a Councillor, member of a special committee or nominated officer.

## ISSUES/DISCUSSION

This process is currently undertaken for Councillors and nominated officers (senior officers of Council and other members of the Council staff nominated by the Chief Executive Officer), but not for members of special committees.

At the Ordinary Meeting of Council held on 25 March 2013, the Council exempted members of special (section 86) committees from this requirement in accordance with Section 81(2A) of the Act.

The basis of the 2013 exemption was that Council relies on the volunteer effort of the many community members who contribute to the various committees, and that the requirements of the Act would be onerous to those volunteers, and may deter some community members from remaining on committees due to the personal nature of the information that is required to be disclosed in the Primary and Ordinary Returns.

Section 81(2B) of the Act states that Council must review any exemptions in force under Section 2A of the Act within 12 months after a general election. This report recommends that Council continues to exempt all community committee members of special (section 86) committees from the requirements of Section 81(2) and 81(5) of the Act.

## COST/BENEFITS

There are no financial costs associated with the resolution.

## RISK ANALYSIS

This resolution reduces the risk of community committee members resigning from their committees due to the requirement of having to disclose personal information to Council.

## CONSULTATION AND ENGAGEMENT

Nil



**RESOLUTION 2017/49**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council exempt members of special (section 86) committees of Council from the requirement to submit Primary Returns and Ordinary Returns under Section 81(2) and 81(5) of the Local Government Act 1989.

**CARRIED**

UNCONFIRMED

**10.2 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-INGLEWOOD LIONS COMMUNITY ELDERLY PERSONS UNITS**

**File Number:** 02/01/043

**Author:** Michelle Hargreaves, Administration Officer

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

**Attachments:** Nil

**RECOMMENDATION**

That Council appoints the persons named in this report as members of the Inglewood Lions Community Elderly Persons Units, Section 86 committee of management, effective immediately.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council approve the current list of committee members for Inglewood Lions Community Elderly Persons Units on 27 January 2015.

**BACKGROUND**

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

**Members and Office Bearers of the Committee**

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

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

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

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

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

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

**ISSUES/DISCUSSION**

Inglewood Lions Community Elderly Persons Units is an organisation based committee with representatives from each of the stakeholder groups. The following is a list of nominated representatives for the committee which meets the minimum requirement.

<b>Name</b>	<b>Community group</b>
Robert Condliffe(President/Treasurer)	Inglewood Lions Club
Paula Yorston (Secretary)	Loddon Shire Community Wellbeing Department
Mike Parker	Inglewood and Districts Health Service
Frank Stoel	Community Representative
Allan Saunders	Community Representative

The Council representative for this committee is Cr Colleen Condliffe.

**COST/BENEFITS**

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

**RISK ANALYSIS**

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

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

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

**CONSULTATION AND ENGAGEMENT**

Nil

**RESOLUTION 2017/50**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council appoints the persons named in this report as members of the Inglewood Lions Community Elderly Persons Units, Section 86 committee of management, effective immediately.

**CARRIED**

**10.3 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAIL-MITIAMO MUNICIPAL RECREATION RESERVE**

**File Number:** 02/01/030

**Author:** Michelle Hargreaves, Administration Officer

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

**Attachments:** Nil

**RECOMMENDATION**

That Council appoints the persons named in this report as members of the Mitiamo Municipal Recreation Reserve Section 86 committee of management, effective immediately.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of committee members for Mitiamo Municipal Recreation Reserve Committee of Management on 16 December 2014.

**BACKGROUND**

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

**Members and Office Bearers of the Committee**

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

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

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

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

For community based committees, at least 6 community representatives are preferred.

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

**ISSUES/DISCUSSION**

Mitiama Municipal Recreation Reserve is a community based committee with representation requiring at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement.

<b>Name</b>	<b>Position</b>
Trevor Mitchell	President
Wayne Thomas	Vice President
Sue Thomas	Secretary
Peter Meighan	Treasurer
Carolyn Whitfield	Committee Member
Henry Anderson	Committee Member
Ian Anderson	Committee Member
Ian Marlow	Committee Member
John Forbes	Committee Member
Ken Hynes	Committee Member
Nick Marlow	Committee Member

The Council representative for this committee is Cr Cheryl McKinnon.

**COST/BENEFITS**

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

**RISK ANALYSIS**

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

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

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

**CONSULTATION AND ENGAGEMENT**

Nil.

**RESOLUTION 2017/51**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council appoints the persons named in this report as members of the Mitiama Municipal Recreation Reserve Section 86 committee of management, effective immediately.

**CARRIED**

**10.4 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-EAST LODDON COMMUNITY CENTRE****File Number:** 02/01/019**Author:** Michelle Hargreaves, Administration Officer**Authoriser:** Sharon Morrison, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council appoints the persons named in this report as members of the East Loddon Community Centre Section 86 committee of management, effective immediately.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of committee members for East Loddon Community Centre Committee of Management on 24 November 2015.

**BACKGROUND**

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

**Members and Office Bearers of the Committee**

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

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

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

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

For community based committees, at least 6 community representatives are preferred.

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

**ISSUES/DISCUSSION**

East Loddon Community Centre is a community based committee with representation requiring at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Leanne Welsh	President
Mark Phelan	Vice President
Nick Marlow	Secretary
Pam Plant	Treasurer
Alison McKenzie	Committee Member
June Dorman	Committee Member
Rod Biggs	Committee Member

The Council representative for this committee is Cheryl McKinnon

**COST/BENEFITS**

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

**RISK ANALYSIS**

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

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

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

**CONSULTATION AND ENGAGEMENT**

Nil

**RESOLUTION 2017/52**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council appoints the persons named in this report as members of the East Loddon Community Centre Section 86 committee of management, effective immediately.

**CARRIED**

**10.5 REVIEW OF COUNCILLOR ALLOWANCES****File Number:** 02/04/001**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Review of Councillor and Mayoral Allowances 2016**RECOMMENDATION**

That Council:

1. note that no submissions were received in respect of the review of Councillor and Mayoral allowances
2. determine that the Councillor allowance is set at the maximum for Councillors at Category One municipalities, currently \$19,834 per annum
3. determine that the Mayoral allowance is set at the maximum for Mayors at Category One municipalities, currently \$59,257 per annum
4. note that the allowances are payable from the date of this resolution, in accordance with section 74(2) of the Local Government Act.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

At the Council meeting on 13 December 2016 Council resolved to provide in-principle support to the recommendations contained within the attached Review of Councillor and Mayoral Allowances document (the Review) and to advertise the Review and call for submissions in relation to the allowances pursuant to section 223 of the Local Government Act.

**BACKGROUND**

The Local Government Act, at section 74(1) requires that "a Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of six months after a general election or by the next 30 June, whichever it is the later". Section 74(4) provides for a person to make a section 223 submission in respect of the review of allowances.

**ISSUES/DISCUSSION**

The Review recommended that both the Councillor and Mayoral allowances be set at the maximum of the range allowed for Category One municipalities. Currently the maximum of the range for Category One municipalities is:

- Councillors - \$19,834 per annum
- Mayors - \$59,258 per annum

The Review of Councillor and Mayoral Allowances was advertised in the Bendigo Advertiser on Saturday 14 January 2017 and in the Loddon Times on Tuesday 17 January 2017 seeking submissions by 14 February 2017. There were no submissions received.

**RISK ANALYSIS**

The risk of not setting the allowance at the maximum of the range for Category One municipalities is that Councillors and the Mayor will not be adequately recognised for the



considerable commitments they undertake as Councillors and as the Mayor.

### CONSULTATION AND ENGAGEMENT

Consultation in relation to the allowances has been conducted in accordance with Section 223 of the Local Government Act 1989.

Councillors considered the Review at the Councillor Forum on 6 December 2016.

#### RESOLUTION 2017/53

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That Council:

1. note that no submissions were received in respect of the review of Councillor and Mayoral allowances
2. determine that the Councillor allowance is set at the maximum for Councillors at Category One municipalities, currently \$19,834 per annum
3. determine that the Mayoral allowance is set at the maximum for Mayors at Category One municipalities, currently \$59,257 per annum
4. note that the allowances are payable from the date of this resolution, in accordance with section 74(2) of the Local Government Act.

**CARRIED**

**10.6 FEBRUARY 2017 AUDIT COMMITTEE MEETING OVERVIEW****File Number:** 06/02/003**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Phil Pinyon, Chief Executive Officer

- Attachments:**
1. Minutes of November 2016 meeting
  2. Review of the Management of Privacy Responsibilities
  3. Annual Report of Audit Committee for 2016
  4. Performance Reporting Framework Report for July to December 2016
  5. Strategic Internal Audit Plan 2015-2019 (2016-17 focus)
  6. Risk Management Report

**RECOMMENDATION**

That Council:

1. receives and notes the February 2017 Audit Committee Meeting Report
2. endorses the performance improvement recommendations documented in the Review of the Management of Privacy Responsibilities
3. receives and notes the Annual Report of the Audit Committee
4. receives and notes the July 2016 to December 2016 Performance Reporting Framework results
5. receives and notes the Internal Audit Plan
6. receives and notes the Risk Management 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 was provided with a summary of the November 2016 Audit Committee Meeting at the Ordinary Meeting held on 13 December 2016.

**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 2017 meeting included the following:

### Review of the Management of Privacy Responsibilities undertaken in November 2016

Mr Mark Holloway of HLB Mann Judd provided a report on the findings of the Review of the Management of Privacy Responsibilities.

There were 11 risks identified. All were rated as medium risks.

There are 31 improvement actions resulting from the report.

### Annual Report of the Audit Committee

Committee members considered and accepted the Annual Report of the Audit Committee.

The report reflects on the achievements of the Audit Committee during 2016 and sets out the focus for the next 12 months.

### Performance Survey

Committee members considered a draft of the questions for the annual self-assessment of the Audit Committee. The survey will be completed by the committee members during the February to April quarter.

### July 2016 to December 2016 Performance Reporting Framework results

The committee considered the half year results for the Loddon Performance Reporting Framework. This framework includes a combination of Local Government Performance Reporting Framework indicators as well as Loddon Shire specific performance indicators.

The committee was satisfied that the report shows that there are no anomalies.

### Internal Audit Plan

The committee considered the updated Strategic Internal Audit Plan ("the Plan"). The Plan identifies the reviews to be undertaken for the period 2015-2019. Upcoming reviews include:

- Records Management
- Management of Occupational Health and Safety
- Whole-of-Life Costing
- Follow up of prior year internal audit recommendations
- Data Interrogation exercise
- Internal Audit

### Long Term Financial Plan

The Director Corporate Services provided an overview of the Long Term Financial Plan. The committee discussed the forecast, and noted the variability of expenditure and available funding that may impact on the actual results over time.

### Monthly Finance Report for January 2017

The committee noted the report and discussed the significant difference between year to date budget and year to date actuals. It was also noted that the management had recently reviewed the

budget and identified areas where budget revisions would need to be made to identify savings and that expenditure was likely to increase in coming months as key projects near completion.

#### Risk Management Report

The committee considered the report and noted there are 5 high risks outstanding and that recent staff appointments will help to reduce the number of outstanding audit actions.

#### Other agenda items

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

- assessment of agenda format
- staff presentation
- risk management report
- section 86 committee bank accounts
- levels of authority delegations
- list of existing shared services
- VAGO Report “Local Government: 2015-16 Audit Snapshot”
- fraud report
- major lawsuits report

#### Next review

The next internal audit is scheduled to commence 7 March and will review the prior year internal audit recommendations.

#### **COST/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

**RESOLUTION 2017/54**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council:

1. receives and notes the February 2017 Audit Committee Meeting Report
2. endorses the performance improvement recommendations documented in the Review of the Management of Privacy Responsibilities
3. receives and notes the Annual Report of the Audit Committee
4. receives and notes the July 2016 to December 2016 Performance Reporting Framework results
5. receives and notes the Internal Audit Plan
6. receives and notes the Risk Management Report

**CARRIED**

UNCONFIRMED

**11 GENERAL BUSINESS****URGENT BUSINESS****RESOLUTION 2017/55**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That the following item be treated as urgent business

**CARRIED**

**11.1 INTERNAL AUDIT COMMITTEE MEMBERSHIP****RESOLUTION 2017/56**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council support the continuation of Mr Rod Poxon on the Internal Audit Committee after he departs the Shire.

**CARRIED**

**URGENT BUSINESS****RESOLUTION 2017/57**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That the following item be treated as urgent business

**CARRIED**

**11.2 ACCESS TO GRAIN TERMINAL, MITIAMO****RESOLUTION 2017/58**

Moved: Cr Cheryl McKinnon

Seconded: Cr Colleen Condliffe

That Council officers investigate the feasibility of creating an all-weather access loop around the Mitiamo grain terminal, and discuss the matter with GrainCorp.

**CARRIED**

**URGENT BUSINESS**

**RESOLUTION 2017/59**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That the following item be treated as urgent business

**CARRIED**

**11.3 FOOTPATHS IN PYRAMID HILL**

**RESOLUTION 2017/59**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

Council noted concerns raised by Cr Cheryl McKinnon from members of the Pyramid Hill business community about the ongoing unsafe condition of footpaths. Ian McLauchlan undertook to investigate the matter and report to Council.

**CARRIED**

UNCONFIRMED

**12 CONFIDENTIAL ITEMS**

Closing of Meeting to the Public

**RESOLUTION 2017/60**

Moved: Cr Geoff Curnow

Seconded: Cr Gavan Holt

That the meeting be closed to the public at 5.05pm.

**CARRIED**

**RECOMMENDATION**

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

**12.1 Review of confidential actions**

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

**12.2 Disposal of excess Council land**

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

**RESOLUTION 2017/61**

Moved: Cr Colleen Condliffe

Seconded: Cr Cheryl McKinnon

That the meeting be re-opened to the public at 5.19pm.

**CARRIED**



**NEXT MEETING**

The next Ordinary Meeting of Council will be held on 28 March 2017 at Serpentine commencing at 3pm.

There being no further business the meeting was closed at 5.20pm.

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

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**CHAIRPERSON**

UNCONFIRMED