



Notice is given that a Meeting of Council will be held on:

Date: Tuesday, 26 September 2023

Time: 3.00pm

Location: Loddon Shire Council Chambers, Wedderburn

AGENDA

Council Meeting

Order Of Business

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OPENING COMMENT

This meeting is being recorded and audio streamed via the Council website and Facebook.

1 OPENING AFFIRMATION

“We, the Councillors of the Loddon Shire, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance.”

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 APOLOGIES**4 DECLARATIONS OF CONFLICT OF INTEREST**

5 PREVIOUS MINUTES**5.1 CONFIRMATION OF MINUTES**

File Number: FOL/19/45615
Author: Tracy Hunt, Governance Coordinator
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

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

1. Council Briefing of 22 August 2023
2. Council Meeting of 22 August 2023
3. Council Forum of 12 September 2023.

REPORT

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

6 COUNCIL AUSPICED MEETINGS**6.1 RECORD OF COUNCIL AUSPICED MEETINGS**

File Number: 02/01/001
Author: Tracy Hunt, Governance Coordinator
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

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

1. Council Briefing 22 August 2023
2. Council Forum 12 September 2023

Rule 35 of Council's Governance Rules requires a record of meetings conducted under the auspices of Council to be presented to the next available scheduled Council meeting for confirmation that must include:

- a) a record of which Councillors and officers attended the meeting;
- b) a summary of the matters considered in the meeting; and
- c) a record of any conflicts of interest disclosed by Councillors and officers and any Councillors or officers that left the meeting whilst a matter that their conflict of interest related to was being discussed.

Section 3 of the Governance Rules defines meetings conducted under the auspices of Council to mean a meeting of the kind described in section 131(1) of the Local Government Act 2020 and includes a meeting which:

- a) is schedule or planned for the purpose of discussing the business of Council or briefing Councillors;
- b) is attended by a majority of Councillors;
- c) is attended by at least one member of Council staff; and
- d) is not a Council meeting or delegated committee meeting.

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

1. Council Briefing 22 August 2023
2. Council Forum 12 September 2023

Meeting details	Briefing
Date	22 August 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Dan Straub
Staff/ Stakeholder representatives	<ol style="list-style-type: none"> 1. Lincoln Fitzgerald, Chief Executive Officer 2. Wendy Gladman, Director Community Wellbeing 3. Steven Phillips, Director Operations 4. Amanda Wilson, Director Corporate 5. Lisa Clue, Manager Governance 6. Janine Jackson, Manager Organisation Development - Item 1 below 7. Deanne Caserta, Manager Financial Services - Item 2 below 8. Glenn Harvey, Manager Development and Compliance - Item 3 below 9. Darcy Jackson, Statutory Planning Officer - Item 3 below
Item(s) discussed.	<ol style="list-style-type: none"> 1. Workshop - KPIs for CEO Performance Plan 2023/2024 2. 2022/23 End of Financial Year Variation Analysis 3. Planning Application 5892 4. General Business: <ul style="list-style-type: none"> • Voice to Parliament • Road Safety Funding • MAV Conference Program
Conflict of Interest Disclosures – Councillor/ officer making disclosure	Lincoln Fitzgerald, Chief Executive Officer declared a conflict of interest in relation to Agenda item 3.1 but advised, due to the nature of the item being discussed, he is required to remain in the meeting.
Councillor/officer left room	No

Meeting details	Forum
Date	12 September 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Dan Straub
Staff/ Stakeholder representatives	<ol style="list-style-type: none"> 1. Lincoln Fitzgerald, Chief Executive Officer 2. Wendy Gladman, Director Community Wellbeing 3. Steven Phillips, Director Operations 4. Amanda Wilson, Director Corporate 5. Lisa Clue, Manager Governance 6. David Southcombe, Manager Assets and Infrastructure) and the Flood Recovery Team – Item 1 below 7. Deanne Caserta, Manager Financial Services – Item 2 below 8. Paul Scullie, Acting Manager Community Support – Items 3 and 5 below 9. Cindy Stubbs, Stubbs Consulting – Item 3 below 10. Stacey Williamson, Community Support Officer – Items 3 and 5 below 11. Christine Coombes, Executive Services Officer) and Renae Colls, Executive Assistant to the CEO – Items 4 and 6 below 12. Tracy Hunt, Governance Coordinator – Item 8 below 13. Peter Hamilton, Senior Accountant – Item 10 below 14. Janine Jackson, Manager Organisation Development – Item 11 below
Item(s) discussed.	<ol style="list-style-type: none"> 1. Introduction to Flood Recovery Team - Operations 2. Disposal of Council Assets Policy V3 3. Community Support Program Cost-Benefit Analysis - Report of Findings 4. Community Support Funding Programs Update 2022/23 5. Pyramid Hill Caravan Park Review of Operation 6. Proposed Sale of Council Owned Land 7. Pyramid Hill Community Enterprise – Request for Change of Overarching Organisation and Extension of Planning Timeframe 8. Australia Day Celebrations 9. Annual Report for the Year Ending 30 June 2023 10. Disaster Recovery Funding Arrangements Update 11. Chief Executive Officer Annual KPI Setting 12. General Business <ul style="list-style-type: none"> • Local sport finals and championships • Murray River Group of Councils (MRGC) Meeting – Murray Darling Basin Plan • Tarnagulla street works • Meeting with Martha Haylett

Conflict of Interest Disclosures - Councillor/officer making disclosure	Lincoln Fitzgerald, Chief Executive Officer declared a conflict of interest in relation to agenda item 11 above but advised, due to the nature of the item being discussed, he is not required to leave the meeting.
Councillor/officer left room	No

7 REVIEW OF ACTIONS

7.1 REVIEW OF ACTIONS

File Number: 02/01/002
Author: Tracy Hunt, Governance Coordinator
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: 1. Resolutions acted upon since the August 2023 Council Meeting

RECOMMENDATION

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

CONFLICT OF INTEREST

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

REPORT

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

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

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

Council resolutions acted upon since the August 2023 Council Meeting

Meeting	Officer/Director	Section	Subject
Council 22/08/2023	Scullie, Paul Gladman, Wendy	Decision Reports	Growing Regions Program EOI - Pyramid Hill Community Centre - Stages 2 & 3
RESOLUTION 2023/89			
Moved: Cr Wendy Murphy			
Seconded: Cr Gavan Holt			
That Council:			
<ol style="list-style-type: none"> 1. Supports an expression of interest submission to the Growing Regions Program seeking funding support for the development of the Pyramid Hill Community Centre – stages 2 and 3. 2. If the expression of interest is successful at the full 90% of eligible funding, supports a full application to the Growing Regions Program seeking funding for the development of the Pyramid Hill Community Centre – stages 2 and 3. 			
CARRIED			
30 Aug 2023 3:51pm Scullie, Paul - Completion			
Completed by Scullie, Paul (action officer) on 30 August 2023 at 3:51:41 PM - An expression of interest has been submitted to the Growing Regions Program. If the EOI is successful to proceed to the next step, applications for the funding stream will be submitted in November 2023.			

Council resolutions acted upon since the August 2023 Council Meeting

Meeting	Officer/Director	Section	Subject
Council 22/08/2023	Jackson, Darcy Phillips, Steven	Decision Reports	PA5892: Use and development of the land for a dwelling and creation of new access into a Transport Zone 2 at 4194 Bridgewater Maldon Road, Bridgewater
RESOLUTION 2023/90			
Moved: Cr Gavan Holt Seconded: Cr Wendy Murphy			
That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to issue a planning application 5892 for use and development of a dwelling and creation of a new access within Transport Zone 2 subject to the following conditions:			
Amended Plans Required			
1 Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:			
a) Elevations and dimensions of the garage and car port including materials and finishes			
b) A five metre fenced tree buffer around the perimeter of the site planted with indigenous species to the satisfaction of the Responsible Authority			
Layout not altered			
2 The use and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.			
Completion of Tree Planting			
3 Prior to the commencement of the use all tree planting around the property boundaries, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority.			
Materials			
4 All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.			
Drainage			
5 All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.			
Services			
6 The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.			

Council resolutions acted upon since the August 2023 Council Meeting

- 7 The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.
- 8 The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.

Erosion

- 9 Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority.

Department of Transport

- 10 Prior to the commencement of use, the following must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority:
- a) The proposed additional crossover to access the development must be provided and available for use and be:
- i.* In accordance with VicRoads Standard Drawing GD4010 for the largest anticipated design vehicle.
 - ii.* Formed to such levels and drained so that can be used in accordance with the endorsed plans
 - iii.* Treated with an all-weather seal or some other durable surface
- 11 The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Planning Notes

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- For more information regarding working within the road reserve please visit the VicRoads website:

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

Expiry

11. This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

Within six months afterwards if the development has not been started, or the development is complete but the use has not started, or the use has been discontinued for a period of two years.

Within twelve months afterwards if the development started lawfully before the permit expired.

CARRIED**28 Aug 2023 10:35am Jackson, Darcy - Completion**

Completed by Jackson, Darcy (action officer) on 28 August 2023 at 10:35:34 AM - NOD issued - 22/08/2023

Council resolutions acted upon since the August 2023 Council Meeting

Meeting	Officer/Director	Section	Subject
Council 22/08/2023	Clue, Lisa Wilson, Amanda	Decision Reports	Governance Rules Review
RESOLUTION 2023/91			
Moved: Cr Wendy Murphy			
Seconded: Cr Neil Beattie			
That Council:			
<ol style="list-style-type: none"> 1. revoke Governance Rules v2 adopted by Council on 26 July 2022; and 2. adopt Governance Rules v3 as presented and attached to this Agenda report. 			
CARRIED			
31 Aug 2023 9:17am Clue, Lisa - Completion			
Completed by Clue, Lisa (action officer) on 31 August 2023 at 9:17:44 AM - Governance Rules have been registered into LCM and uploaded to Council's website. Necessary administrative changes, including updating templates etc have been made.			

Meeting	Officer/Director	Section	Subject
Council 22/08/2023	Caserta, Deanne Wilson, Amanda	Decision Reports	2022/23 Financial and Performance Statements in Principle Report
RESOLUTION 2023/86			
Moved: Cr Linda Jungwirth			
Seconded: Cr Neil Beattie			
That Council:			
<ol style="list-style-type: none"> 1. Adopts the Financial Statements and Performance Statement for the year ended 30 June 2023 as presented "in principle". 2. Authorises the Chief Executive Officer to make any amendments to the Financial Statements and Performance Statement for the year ended 30 June 2023 that may be requested by RSD Audit of the Victorian Auditor-General. 3. Authorises the Mayor Cr Dan Straub, one other Councillor, and the Chief Executive Officer to certify the audited Financial Statements and Performance Statement for the year ended 30 June 2023. 			
CARRIED			
28 Aug 2023 6:21pm Caserta, Deanne - Completion			
Completed by Caserta, Deanne (action officer) on 28 August 2023 at 6:21:56 PM - For information of Councillors, no further action.			

Council resolutions acted upon since the August 2023 Council Meeting

Meeting	Officer/Director	Section	Subject
Council 22/08/2023	Caserta, Deanne Wilson, Amanda	Decision Reports	2022/23 End of Financial Year Variation Analysis
RESOLUTION 2023/87			
Moved: Cr Gavan Holt			
Seconded: Cr Linda Jungwirth			
That Council receives and notes the '2022/23 End of Financial Year Variation Analysis' Report.			
CARRIED			
28 Aug 2023 6:22pm Caserta, Deanne - Completion			
Completed by Caserta, Deanne (action officer) on 28 August 2023 at 6:22:30 PM - Documents to be signed on approval from VAGO.			

Meeting	Officer/Director	Section	Subject
Council 22/08/2023	Mark, Martin Gladman, Wendy	Decision Reports	New Community Planning Committee - Formal Recognition - Rheola
RESOLUTION 2023/88			
Moved: Cr Linda Jungwirth			
Seconded: Cr Neil Beattie			
That Council formally recognise Rheola Community Planning Inc. as the Community Planning Committee for the Rheola community.			
CARRIED			
30 Aug 2023 4:14pm Mark, Martin - Completion			
Completed by Mark, Martin (action officer) on 30 August 2023 at 4:14:14 PM - Confirmation email sent to Rheola Community Planning Inc. including attached Letter of Recognition as a Loddon Shire Council community planning committee signed by Acting Manager Community Support.			

8 MAYORAL REPORT

8.1 MAYORAL REPORT

File Number: 02/01/001
Author: Tracy Hunt, Governance Coordinator
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council receive and note the Mayoral Report.

REPORT

Mayor Straub will present a verbal report at the meeting.

Loddon Campaspe Councils	
Murray River Group of Councils	
North Central Goldfields Regional Library	
North Central Local Learning and Employment Network	
Rural Councils Victoria	
Section 65 Community Asset Committees:	
East Loddon Community Centre	
Pyramid Hill Memorial Hall	
Other Council activities	
Date	Activity

9 COUNCILLORS' REPORT

9.1 COUNCILLORS' REPORTS

File Number: 02/01/001
Author: Tracy Hunt, Governance Coordinator
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council receive and note the Councillors' reports.

REPORT

Each Councillor will present a verbal report at the meeting.

Cr Beattie

Rail Freight Alliance	
Section 65 Community Asset Committees:	
Boort Aerodrome	
Boort Memorial Hall	
Boort Park	
Korong Vale Mechanics Hall	
Korong Vale Sports Centre	
Little Lake Boort	
Yando Public Hall	
Other Council activities	
Date	Activity

Cr Holt

Municipal Association of Victoria	
Audit and Risk Committee	
Section 65 Community Asset Committees:	
Donaldson Park	
Wedderburn Community Centre	
Wedderburn Engine Park and Market Square Reserve	
Wedderburn Mechanics and Literary Institute Hall	
Hard Hill Tourist Reserve	
Other Council activities	
Date	Activity

Cr Jungwirth

Australia Day Committee	
Central Victorian Greenhouse Alliance	
Municipal Emergency Management Planning Committee	
Other Council activities	
Date	Activity

Cr Murphy

Calder Highway Improvement Committee	
Local Government Women’s Charter	
Healthy Minds Network	
Section 65 Community Asset Committees:	
Campbells Forest Hall	
Inglewood Community Sports Centre	
Inglewood Community Elderly Persons Units	
Inglewood Town Hall Hub	
Other Council activities	
Date	Activity

10 DECISION REPORTS**10.1 PLANNING APPLICATION 5912 - USE AND DEVELOPMENT OF A DWELLING AND SHED AT LOT 1 MARKET STREET, NEWBRIDGE**

File Number:

Author: Louise Johnston, Statutory Planning Coordinator

Authoriser: Glenn Harvey, Manager Development and Compliance

Attachments:

1. Decision Report
2. Proposed Plans

RECOMMENDATION

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to issue a planning application 5912 for use and development of the land for a dwelling and shed subject to the following conditions:

1. Amended Plans Required

Before the use and/or development start(s), amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Finished floor levels of the proposed dwelling as required by condition 4.
- b) A Landscape plan as required by condition 5.

2. Layout

The use and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

3. Materials

All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.

4. North Central Catchment Management Authority

4.1 The finished floor level of the proposed dwelling must be constructed a minimum of 0.3 metres above the 1% AEP flood level of 151.9 metres AHD, i.e., no lower than 152.20 metres AHD.

4.2 The finished floor level of the proposed shed and the garage must be constructed a minimum of 0.15 metres above the 1% AEP flood level of 151.9 metres AHD, i.e., no lower than 152.05 metres AHD.

5. Landscaping/Screening plan

Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and a copy must be provided. The plan must show:

- a) Landscaping, comprising a mixture of trees and shrubs along the northern and western boundaries of the land, outside of the recommended land application area of the waste water system.
- b) Planting schedule of proposed vegetation within the landscape areas as described above.
- c) Management and maintenance regime.

All species selected must be to the satisfaction of the Responsible Authority.

6. Completion of landscaping

Before the *occupation of the development* starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

7. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

8. Drainage

The development, including landscaped and paved areas, must be graded and drained to the satisfaction of the council as the responsible drainage authority so as to prevent the discharge of water from the subject land across any road or onto any adjoining land.

9. Works in a Road Reserve

- a) Prior to commencement of any works on the road reserve the owner/applicant must submit a Works in a Road Reserve application and be issued a permit to occupy the road for minor works.
- b) Any proposed vehicle crossover is to be constructed to the satisfaction and requirements of Council.

10. Environmental Health Officer

- a. The applicant will be required to install an all-waste on-site waste water system. The system must be an Environment Protection Authority approved system installed, operated and maintained in accordance with the Environment Protection Authority's current edition of the Code of Practice – Onsite wastewater management and the Australia New Zealand Standard AS/NZS 1547:2012 – On-site wastewater management.
- b. Prior to any development the applicant will be required to apply for a Permit to Install a Septic Tank in accordance with Part IXB of the Environment Protection Act 1970

11. Department Energy Environment and Climate Action

Access and Encroachment

- 11.1 No access is permitted to the subject land via the Crown land.
- 11.2 Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- 11.3 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land
Wastewater Management
- 11.4 Effluent disposal is to comply with the Code of Practice: Onsite Wastewater Management Publication number 891.34 July 2016 (EPA). Soils, topography and the relationship to the adjoining crown land must be considered when siting the location of the effluent disposal field.

12. Goulburn Murray Water

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

- c) All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
- d) The wastewater disposal area must be located at least: 60m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
- e) The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
- f) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
- g) The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.
- h) Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
- i) The shed must not encroach on the wastewater treatment system or disposal area, or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management. Stormwater run-off from the shed roof must not be directed towards the disposal area.

13. Expiry

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

- Within six months afterwards if the development has not been started, or the development is complete but the use has not started, or the use has been discontinued for a period of two years.
- Within twelve months afterwards if the development started lawfully before the permit expired.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

There have been no previous Council discussions on this matter.

BACKGROUND

The application was lodged on the 19 July, 2023 proposing to use and develop the land for a dwelling and shed at Lot 1 Market Street, Newbridge.

The application was advertised to surrounding landowners, with one objection received.

The application was referred internally to the Councils Public Health Officer and Asset Management Coordinator, with external referrals to North Central Catchment Management Authority & Department of Energy, Environment and Climate Action (Sec 52 referral)

The objection raises issues with loss of view and amenity, a dwelling in the Farming zone and no agricultural use proposed with the application.

Officer recommendation is to issue a notice of decision to grant a planning permit.

ISSUES/DISCUSSION

Under the Planning and Environment Act 1987 (the Act) the Minister of Planning delegates a municipal council power to become the planning authority for any planning scheme in force in its municipal district.

A municipal council is obligated to enforce and administer the relevant Planning Scheme and must use the scheme to determine applications. The Loddon Planning Scheme is the relevant Planning Scheme for Council. An application is referred to Council for determination, which:

- receive one or more objections, and/or
- are to be recommended for refusal by the Planning officer.

Pursuant to Section 52 of the Planning and Environment Act 1987, notices were sent to owners and occupiers of adjoining land as well as a notice on the land. Council has received one objection as the result of the public notification and as such, the matter is being brought to Council for determination. A decision report detailing this application has been prepared and can be found in Attachment 1 and the proposed plans can be found in Attachment 2.

COST/BENEFITS

There are various costs associated with having a delegated Planning officer consider an application and make a recommendation as well as with the time of the Councillors to consider this recommendation.

The benefits associated with this report is the ability of Council to fulfil its requirement under law and provide the community with a statutory service that delivers well-managed and appropriate development.

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

Refer to the decision report for further detail on the application.

LODDON SHIRE COUNCIL

DECISION REPORT 5912: Use and development of a dwelling and shed at Lot 1 Market Street, Newbridge



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SUMMARY

Application Number:	5912
Applicant:	Mark Peters
Subject Land:	Lot 1 Market Street, Newbridge
Owner:	Mark Peters
Zone:	Farming Zone
Overlay(s):	Land Subject to Inundation Overlay (part)
Existing use:	Vacant Land
Proposal:	Use and development of the land for a dwelling and shed

The following dot points provide a summary of the application:

- The application was lodged on the 19th July, 2023 proposing to use and develop the land for a dwelling and shed at Lot 1 Market Street, Newbridge.
- The application was advertised to surrounding landowners, with one objection received.
- The application was also referred internally to the Councils Public Health Officer and Assets Manager, with external referrals to North Central Catchment Management Authority & Department of Energy, Environment and Climate Action (Sec 52 referral)
- The objection raises issues with loss of view and amenity, a dwelling in the Farming zone and no agricultural use proposed with the application.
- Officer recommendation is to issue a notice of decision to grant a planning permit.

1 RECOMMENDATION

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to issue a planning application 5912 for use and development of the land for a dwelling and shed subject to the following conditions:

1. Amended Plans Required

Before the use and/or development start(s), amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Finished floor levels of the proposed dwelling as required by condition 4.
- b) A Landscape plan as required by condition 5.

2. Layout

The use and development as shown on the endorsed plans must not be altered or modified unless otherwise agreed in writing by the Responsible Authority.

3. Materials

All external materials must be non-reflective and finished in natural colours or shades to the satisfaction of the Responsible Authority.

4. North Central Catchment Management Authority

4.1 The finished floor level of the proposed dwelling must be constructed a minimum of 0.3 metres above the 1% AEP flood level of 151.9 metres AHD, i.e., no lower than 152.20 metres AHD.

4.2 The finished floor level of the proposed shed and the garage must be constructed a minimum of 0.15 metres above the 1% AEP flood level of 151.9 metres AHD, i.e., no lower than 152.05 metres AHD.

5. Landscaping/Screening plan

Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and a copy must be provided. The plan must show:

- a) Landscaping, comprising a mixture of trees and shrubs along the northern and western boundaries of the land, outside of the recommended land application area of the waste water system.
- b) Planting schedule of proposed vegetation within the landscape areas as described above.
- c) Management and maintenance regime.

All species selected must be to the satisfaction of the Responsible Authority.

6. Completion of landscaping

Before the *occupation of the development* starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

7. LANDSCAPING MAINTENANCE

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

8. Drainage

The development, including landscaped and paved areas, must be graded and drained to the satisfaction of the council as the responsible drainage authority so as to prevent the discharge of water from the subject land across any road or onto any adjoining land.

9. Works in a Road Reserve

- a) Prior to commencement of any works on the road reserve the owner/applicant must submit a Works in a Road Reserve application and be issued a permit to occupy the road for minor works.
- b) Any proposed vehicle crossover is to be constructed to the satisfaction and requirements of Council.

10. Environmental Health Officer

- a. The applicant will be required to install an all-waste on-site waste water system. The system must be an Environment Protection Authority approved system installed, operated and maintained in accordance with the Environment Protection Authority's current edition of the Code of Practice – Onsite wastewater management and the Australia New Zealand Standard AS/NZS 1547:2012 – On-site wastewater management.
- b. Prior to any development the applicant will be required to apply for a Permit to Install a Septic Tank in accordance with Part IXB of the Environment Protection Act 1970

11. Department Energy Environment and Climate Action

Access and Encroachment

- 11.1 No access is permitted to the subject land via the Crown land.
- 11.2 Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- 11.3 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land
Wastewater Management
- 11.4 Effluent disposal is to comply with the Code of Practice: Onsite Wastewater Management Publication number 891.34 July 2016 (EPA). Soils, topography and the relationship to the adjoining crown land must be considered when siting the location of the effluent disposal field.

12. Goulburn Murray Water

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.

- c) All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
- d) The wastewater disposal area must be located at least: 60m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
- e) The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
- f) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
- g) The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.
- h) Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
- i) The shed must not encroach on the wastewater treatment system or disposal area, or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management. Stormwater run-off from the shed roof must not be directed towards the disposal area.

13. Expiry

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years.

The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

- Within six months afterwards if the development has not been started, or the development is complete but the use has not started, or the use has been discontinued for a period of two years.
- Within twelve months afterwards if the development started lawfully before the permit expired.

2 DISCUSSION

2.1 The Site & Locality

The site is Crown allotment 1, Section 5A, Township of Newbridge, being land located on the corner of Market and Lyons Street, Newbridge. The site has a 61.9-metre frontage to Market Street and 60.6 metre lengths along its north and south boundaries, having a total area of 3,751sqm.

The topography of the site and surrounding area is generally flat. The land is vacant and is generally cleared of vegetation, having a couple scattered trees across the site. The land has an existing informal crossover along its Market Street frontage. The land is located on the western edge of the Newbridge Township, having a dwelling adjoining the site to the north, crown land to the west, dwellings located within the Township zone on the opposite side of Market Street (to the east and south east) and a dwelling on the south side of Lyons Street in the Farming Zone.

The South-West Loddon pipeline is located on the land running parallel to the southern boundary of the land along the Lyons Street frontage. No buildings or works are located within proximity to the pipeline.

There are no easements, restrictions or agreements registered on the titles. There are no waterways over the land.



Image: Aerial photo of subject site

2.2 Site History

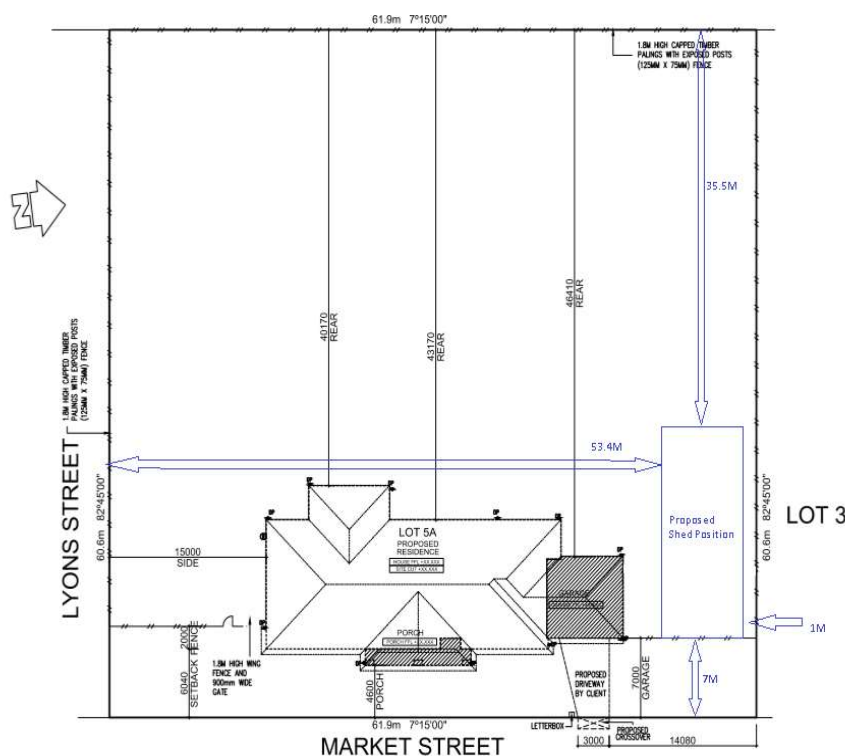
The land was previously owned by the Catholic Church up until the current owners took possession of the land on 24 January, 2023.

2.3 Proposal

The proposal seeks to use and develop a dwelling and shed on the land. The dwelling has a 377.2sqm building footprint, comprising up to seven rooms that could be potential bedrooms (the plans detail four bedrooms), open plan living, dining and kitchen and attached double garage. The dwelling is proposed to be single storey, comprising a traditional design with a gable roof form. Materials and finishes include vinyl cladding and recycled acid wash bricks on the façade with rendered bricks (grey) on the sides and back elevations with a colourbond roof in monument. The shed would be 16.4 metres x 7.6 metres x 2.6 metres finished in colourbond monument.

The dwelling is proposed to have a 5.8 metre setback from Market Street, 12.7metres from the northern boundary, 15 metres from the southern boundary and 40.1 metre at its closest point to the western boundary. The shed is proposed to be have a 1 metre setback from the northern boundary and 7 metres from the Market Street frontage.

No vegetation is required to be removed to accommodate the dwelling and shed on the land.



Site plan

Aboriginal Heritage Act 2006

This Act provides for the protection and management of Victoria’s Aboriginal heritage. It requires that Cultural Heritage Management Plan (CHMP) be prepared for large developments or high impact activities in culturally sensitive landscapes, amongst other matters.

The Aboriginal Heritage Regulations (2018) specify that a CHMP is required for an activity if all or part of the activity area for the activity is an area of cultural heritage sensitivity and all or part of the activity is a high impact activity (Regulation 6), unless exempt under Division 2. Response

The subject site is not located in an area of cultural heritage sensitivity. Under Section 9 of the Aboriginal Heritage Regulations (2018) the development of one dwelling is also an ‘exempt activity’. Therefore, no Cultural Heritage Management Plan is required for the proposal.

2.4 Loddon Planning Scheme

2.4.1 Zone

The subject site is within the Farming Zone. Clause 35.07 of the scheme states that the purpose of the Farming Zone is:

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

- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Under Clause 35.07-1, a permit is required for dwelling on land less than 100 hectares and under Clause 35.07-4:

- Building and works associated with a Section 2 Use.

2.4.2 Overlay

44.04- Land Subject to Inundation Overlay

A Land Subject to Inundation Overlay affects the south-west corner of the site. There is no proposed buildings and works within the overlay, therefore there is no planning permit trigger under this overlay.

2.4.3 Relevant Particular Provisions

52.29- Land Adjacent to the principle road network.

The purpose of this provision includes:

- To ensure appropriate access to identified roads.

A permit is required under Clause 52.29-1 to:

Create or alter access to:

- A road in a Transport Zone 2.

The application does not create or alter access to a road in Transport Road Zone 2, therefore there is no planning permit trigger under this clause.

2.4.4 Permit trigger

Under clause 35.07-1 of the Farming Zone, a permit is required to use land for a dwelling on lots less than 100 hectares.

Under Clause 35.07-4 of the Farming Zone, a permit is required to construct buildings and works associated with a section 2 use (dwelling).

2.4.5 Restrictive Covenant

No restrictive covenants exist on this site.

2.4.6 Planning Policy Framework

The following section considers the relevant sections of the Planning Policy Framework for this application.

Clause 14.01-1 Protection of Agricultural Land

This clause aims to protect productive farmland which is of significance in the local or regional context and also protect unplanned loss of agricultural land due to permanent changes in land use. Strategies include: Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Clause 16.01-3 Rural Residential Development

Planning should manage development in rural areas to protect agriculture and avoid inappropriate rural residential development. Strategies include:

- Discourage development of small lots in rural zones for residential use or other incompatible uses.
- Maintaining an adequate buffer distance between rural residential development and animal production.

2.4.7 Local Planning Policy Framework

The following section gives consideration to be the relevant sections of the Local Planning Policy Framework for this application.

Clause 02-.03-4 – Agriculture

Agricultural production is the major focus of the economy and community in the Shire. The facilitation of innovative, diverse and sustainable agriculture is a central aim of planning in the Shire. Quality agricultural land is a valuable and a non-renewable resource. Its protection and sustainable use is fundamental to the future economic health of the Shire.

Generally large lots are required for agricultural production, especially in the dryland areas. Farms are often made up of a collection of lots, which may be scattered across a district. The protection of quality agricultural land for agriculture rests both with maintenance of it in viable sized lots, deterring non-agricultural land use and the ability to restructure and develop it for agricultural purposes.

Council's strategic directions for agriculture are to:

- Maintain agricultural land in large lots to support the agricultural industry.
- Ensure that land use is matched to soil capability.
- Minimise dwellings in agricultural areas.
- Support excision where it provides for farm consolidation and the excision will not compromise agricultural activities on surrounding land or remove an unreasonable amount of land from agriculture.
- Support the effective restructure and redevelopment of farm holdings to maximise opportunities for diversification and intensification of agricultural land use.
- Discourage non-agricultural land use and development in areas of high quality and productive agricultural potential.

Clause 14.01-1L- Agriculture

This policy applies to applications for use and development in the farming zone. Strategies include:

- Support dwellings that are ancillary to the agricultural use of the land.
- Direct non soil based agricultural activity away from quality agricultural land.
- Support development (including subdivision) in agricultural areas that is directly related to ongoing agricultural use of the land.
- Site buildings and works to avoid or minimise loss of quality agricultural land.

In response to the state and local policies as they relate to agricultural land the following is provided:

- The land is not farmed and given its size and context, has limited potential for agricultural use.
- The use and development of a dwelling on this site is consistent with the existing development adjoining and adjacent to the land.

- The development of a dwelling on the land would not comprise any existing agriculture activity or have the potential to limit the operation or expansion of adjoining and nearby agricultural uses, as none exist.

2.5 Referrals

Table 6: External referrals

Grampians Wimmera Mallee Water (Sec 52)	Conditional consent
North Central Catchment Management Authority (Sec 52)	Conditional consent
DECCA (Sec 52)	Conditional consent.
Goulburn Murray Water (Sec 52)	Conditional consent

Table 7 Internal Referrals

Environmental Health Officer	Conditional consent
Engineering	Conditional consent

2.6 Public Notification

The application is not exempt from the notice requirement. Pursuant to Section 52 of the Planning and Environment Act 1987, the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (including opposite and surrounding) and a notice placed on site, fronting Market Street.

One objection was received in response to the application. The matters raised in the objection are summarised below and with Officers response in italics:

- The proposed development is right on my boundary and would block my view. Currently the view south from my home is across open farmland to the horizon.

In relation to views, relevant case law has provided there are established principles used to guide decision making with applications which include:

- a) *There is no legal right to a view*
- b) *views form part of the existing amenity of a property and their loss is a relevant consideration to take into account;*
- c) *the availability of views must be considered in the light of what constitutes a reasonable sharing of those views;*
- d) *in addressing the concept of "reasonableness", it is relevant to consider*
 - (i) *the importance of the view to be lost within the overall panorama available; and*
 - (ii) *whether those objecting have taken all appropriate steps to optimise development of their own properties.*
 - (e) *added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme.*

The location of the dwelling and shed will have an impact on the views currently available to the adjoining neighbour as the land is not developed. What needs to be considered is the impact of the development proposed in the sharing of these views and whether the impact is reasonable in the context? The adjoining dwelling will still retain views to the south west beyond the proposed development on the land, to the west and to the north. In addition, the land does not have any overlays or specific policy pertaining to the protection of views. Therefore the proposed development is considered reasonable in the current context.

- The proposed development would ruin the amenity of my property. My property is surrounded by open paddocks as it is in a Farming Zone and it is quiet and peaceful.

As the land is currently vacant, any development will have some impact on the amenity of the area. Landscaping buffers along the north boundary will be required to be undertaken if a permit is to issue which would provide additional screening between the two properties. The owners are also proposing a solid 1.8m fence along the northern boundary (no planning permit required for fencing) to ensure privacy and amenity is maintained between the two properties.

- It is a proposal for a residential development on land that is zoned 'Farming'. There is no agricultural plan and no intention to use the land for agricultural purposes as stated in the Application. This is despite the fact that the land is perfectly suited for clean modern small scale farming such as elsewhere in Newbridge.

The Farming Zone allows consideration of a dwelling on land less than 100ha, subject to a planning permit. The land size is 0.3751ha and the application does not include a farm management plan nor does it propose any agricultural activity. Given its size and context as discussed in this report, a farm management plan is not justified.

- There are numerous blocks available in the Township Zone for residential purposes, ie. there is no shortage of land zoned for residential development in Newbridge.

The availability of residential zoned land within the township of Newbridge is not relevant to the assessment of the current application.

- The proposed development has the potential to trigger a proliferation of dwellings as well as Colorbond sheds and fencing on land zoned 'Farming' around Newbridge. This type of development is usually associated with Residential Zones. This would permanently alter the character of the area for the worse.

The development of a dwelling and shed on the subject site would not lead to a proliferation of dwellings and sheds in the Farming Zone as the land surrounding and adjoining the subject site in the Farming Zone are already developed with dwellings and sheds.

- It is a large block of land, yet the proposed development is all on the north side - literally on the boundary of my property. Lot 1 has no neighbours on the south side, regardless the south side is completely unutilised for the proposed development? The stock water pipeline which winds through Lot 1 is there because it is farmland.

The development has been purposely designed to face Market Street and to be setback from the Main Road (Lyons Street) and from the location of the south west loddon pipeline located along the southern boundary of the land. The construction of the pipeline was to drought proof the region and provide a secure water supply for both stock and domestic use. There is no obligation to connect to the pipeline. In addition, the development has been purposely located outside of the land application area required for the proposed waste water system on site.

- There is a natural water course across the paddocks surrounding my property that flows south to north, ie. the water flows from Lot 1 onto my property. When it rains Lot 1 becomes a swamp and the flow of water from Lot 1 onto my property is significant. It is completely inappropriate that the proposed wastewater area is located right on my boundary.

There is no designated waterway on the subject site. Council's Environmental Health Officer has not raised any issues with the location and type of effluent disposal system proposed on

site. Any new waste water system will need an approved waste water permit application before any works proceed.

- The proposed shed is totally inconsiderate due to its scale and close proximity to my home. It is larger than my house and is proposed to be put right on my boundary. It is effectively a 16.4m long x 3.6m high metal wall. In the warmer months, Newbridge is dry and hot with extreme temperatures. The last thing needed is more heat. The proposed shed would radiate excessive heat onto my property. I have one window on the south side of my house and the proposed shed would completely block my view. Why wasn't the shed proposed on the far south side where there are no neighbours?

The shed is proposed to be setback 1 metre from the northern boundary. The requirement for a landscape plan to include landscaping along this property boundary will assist in balancing the built form proposed and vegetation along this boundary, to soften the impact of the shed and reducing its visual bulk. In addition, given the sheds orientation, there would be no impact from overshadowing from the shed. As above, there is no right to a view as such and the location of the dwelling and shed would still enable a reasonable sharing of views between these properties.

- The proposal to build on my boundary concerns me because of noise levels. Newbridge is on a flood plain so noise travels and is amplified. Of particular concern is noise from any works that may take place in the proposed shed. It would disturb my peace and prevent me from enjoying my property because it is in such close proximity to my home.

As above, the shed is proposed with a 1 metre setback from the boundary. The shed would be ancillary to the dwelling on the land. Any noise levels from the shed or dwelling would need to comply with EPA noise levels from residential premises. It is noted that the adjoining dwelling is setback approximately 13 metres from this boundary.

- The reason I bought my property in the first place and enjoy living in my home is because it is on farmland, surrounded by farmland. I wouldn't like to see it spoiled by inappropriate development on my boundary.

As above, the farming zone allows consideration of a dwelling on land less than 100ha. Given the context and location of the land surrounded by dwellings, the proposed development is considered appropriate in this setting.

3 ASSESSMENT

3.1 Planner assessment

Is the proposed dwelling acceptable on the subject land taking into consideration planning policies for the protection of agricultural land in the Planning Scheme?

Does the proposed dwelling meet the purpose and applicable decision guidelines of the FZ in the Loddon Planning Scheme?

It is relevant to consider the purpose and decision guidelines of the Farming Zone (FZ) and the planning policy framework of the Loddon Planning Scheme within the context of the location of the site, its surroundings and the nature of the predominant land uses in the area.

The Farming Zone seeks to provide for the use of land for agriculture and the retention of productive agricultural land. In relation to non-agricultural uses that include dwellings, the FZ seeks to ensure that the use of land for agriculture is not adversely affected.

The decision guidelines of the Farming Zone (Clause 35.07-6) provide useful questions in considering both state and local policy directions regarding the protection of agricultural land including:

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

State Planning Policy at Clause 14.01-1 refers to the protection of agricultural land. The policy seeks to protect productive farmland which is of significance in the local or regional context and also protect unplanned loss of agricultural land due to permanent changes in land use. It seeks to limit new housing development in rural areas by:

- *Directing housing growth into existing settlements.*
- *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*

Clause 35.07-2 applies to the Use of land for a dwelling in the Farming Zone.

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

The dwelling would be able to comply with these requirements.

In response to the policy as outlined above, the application for a dwelling would not conflict with the policy outcomes at this location as:

- The context of the site is on the edge of an area of similarly sized lots, generally developed with dwellings, comprising both Farming zone and Township zone lots
- The development of a dwelling at this location will not lead to a proliferation of dwellings in this precinct as dwellings already exist.
- The dwelling will not result in further fragmentation of productive agricultural land.
- The dwelling would not remove a significant area of the land from agricultural production;
- The dwelling would not have any significant impact on the agricultural activities of adjacent or nearby land nor should it affect the expansion of any adjoining or nearby

agricultural uses given the location of the dwelling on the land and its setbacks to nearby agricultural uses.

- The limited agricultural capability of the land given its location and size.
- The land has no physical abuttal to any active farm land and cannot be consolidated with any adjoining land used for agriculture.

The planning scheme's provisions recognise that not all land in the farming Zone is productive farmland. The discretionary provisions of the Farming Zone enable consideration to be given to proposals for dwellings in the zone. The decision guidelines in the FZ in relation to dwelling issues requires consideration of, among other things, whether the dwelling will result in the loss or fragmentation of productive agricultural land. In this case, the use of the land for a dwelling will not result in the loss of productive agricultural land. The context and location of the lot, being located within a township setting is the main considerations in relation to this application.

The locality of the site comprises the presence of small rural lots with existing dwellings presenting a context within which the proposal for a dwelling is not out of place. Adjoining and adjacent land that is located within the Farming Zone contains an existing dwelling. Land opposite the subject site falls within the Township Zone and the presence of dwellings is the prevailing use and development in this area of Newbridge.

The addition of a new dwelling located in the general vicinity of other nearby dwellings would not result in land use conflict given the presence of these other dwellings and the existing character and nature of this section of Newbridge.

This application has similar characteristics and context to VCAT decision, *Ellis v Macedon* 2017, where a permit was issued on a 2.3ha Farming zone lot based on the context and location of the lot, being close to other rural residential lots and lots within the Township Zone.

In deciding to issue a permit, the Member concluded:

"the context and location of the lot to be the main considerations in relation to this application. The subject site is close to other rural residential lots in the immediate vicinity to the west and north-west and is only separated by Pultney Street from the Township zoned properties to the south. The property has no physical abuttal to any actively farmed land and cannot be incorporated into adjacent land used for farming purposes, due to part of the site being subject to regular flooding.

I consider although the site is not within the town boundary, development of this block for residential purposes and associated revegetation would have economic benefits for the township under the Council policy to endeavour to grow the economic viability of its existing small townships. Given the site-specific features of this land, as discussed above I consider this proposal does not form a precedent for similar applications in the future, and does not have any impact on the adjacent farming activities on the larger lots, and has very limited agricultural capability itself."

Another VCAT decision, *Redl v Wangaratta*, 2011, considered a dwelling in the farming zone on a 5.9ha parcel with no agricultural activity proposed. This application was recommended to be issued based on the land not having any agricultural value or capability and not impacting agricultural activities on nearby land.

In recommending a permit, Senior Member Rickards concluded:

"The proposed dwelling is not intended to be used to support an agricultural activity on the land. Based on the evidence provided by Mr Forbes I conclude that the land has minimal agricultural value and a dwelling on the land will not result in productive agricultural land being removed from production. Nor is the land being fragmented from agricultural production.

The condition of the subject land is at odds with the policies within the planning scheme that seek to protect agricultural land but do not say anything about land that is not usable for agricultural activities

There will be no impact on the abutting property which contains a dwelling and having a similar area to the subject land is used in a similar way with little or no agricultural activity occurring.”

This decision has similar characteristics and context to the current application.

3 CONCLUSION

The Farming Zone allows consideration for the use and development of a dwelling on land less than 100ha. Given the context and location of the subject site, the proposed use and development is consistent with the existing use and development adjoining and adjacent to the land, would not adversely impact any agricultural activities on nearby land and is therefore considered appropriate in this setting.

5 Appendix 1:

5.1 Objection 1

10 August 2023

Louise Johnston
Statutory Planning Coordinator
Loddon Shire Council
41 High St
Wedderburn VIC 3518

Dear Louise

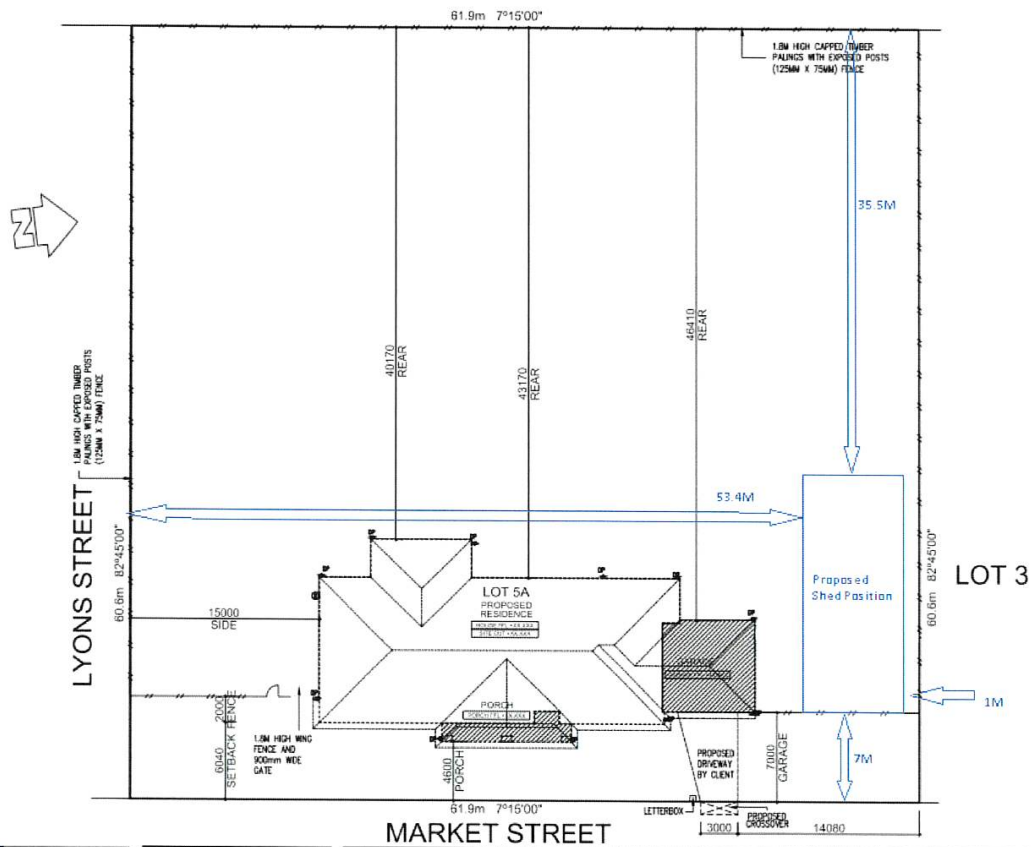
Re: Objection to Planning Application 5912

My property is on the adjoining land north of the proposed development and I lease the grazing land on the west of the proposed development.

I strongly object to this Planning Application because:

1. The proposed development is right on my boundary and would block my view. Currently the view south from my home is across open farmland to the horizon.
 2. The proposed development would ruin the amenity of my property. My property is surrounded by open paddocks as it is in a Farming Zone and it is quiet and peaceful.
 3. It is a proposal for a residential development on land that is zoned 'Farming'. There is no agricultural plan and no intention to use the land for agricultural purposes as stated in the Application. This is despite the fact that the land is perfectly suited for clean modern small scale farming such as elsewhere in Newbridge.
 4. There are numerous blocks available in the Township Zone for residential purposes, ie. there is no shortage of land zoned for residential development in Newbridge.
 5. The proposed development has the potential to trigger a proliferation of dwellings as well as Colorbond sheds and fencing on land zoned 'Farming' around Newbridge. This type of development is usually associated with Residential Zones. This would permanently alter the character of the area for the worse.
 6. It is a large block of land, yet the proposed development is all on the north side - literally on the boundary of my property. Lot 1 has no neighbours on the south side, regardless the south side is completely unutilised for the proposed development? The stock water pipeline which winds through Lot 1 is there because it is farmland.
 7. There is a natural water course across the paddocks surrounding my property that flows south to north, ie. the water flows from Lot 1 onto my property. When it rains Lot 1 becomes a swamp and the flow of water from Lot 1 onto my property is significant. It is completely inappropriate that the proposed wastewater area is located right on my boundary.
 8. The proposed shed is totally inconsiderate due to its scale and close proximity to my home. It is larger than my house and is proposed to be put right on my boundary. It is effectively a 16.4m long x 3.6m high metal wall. In the warmer months, Newbridge is dry and hot with extreme temperatures. The last thing needed is more heat. The proposed shed would radiate excessive heat onto my property. I have one window on the south side of my house and the proposed shed would completely block my view. Why wasn't the shed proposed on the far south side where there are no neighbours?
 9. The proposal to build on my boundary concerns me because of noise levels. Newbridge is on a flood plain so noise travels and is amplified. Of particular concern is noise from any works that may take place in the proposed shed. It would disturb my peace and prevent me from enjoying my property because it is in such close proximity to my home.
- The reason I bought my property in the first place and enjoy living in my home is because it is on farmland, surrounded by farmland. I wouldn't like to see it spoilt by inappropriate development on my boundary.

Yours sincerely



SHERRIDON HOMES
A HIGHER STANDARD

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SHEET TITLE SITE

SCALE: 1:200

SHEET SIZE: A3

SHEET TOTAL: 14

HOUSE TYPE: WOODSIDE 400

PACKAGE: 3000/3000

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CLIENT NAME: Mr Mark Peters & Ms Jasmine Louise Jay Wright

JOB ADDRESS: Lot 5A Market Street NEWBERIDGE 3551

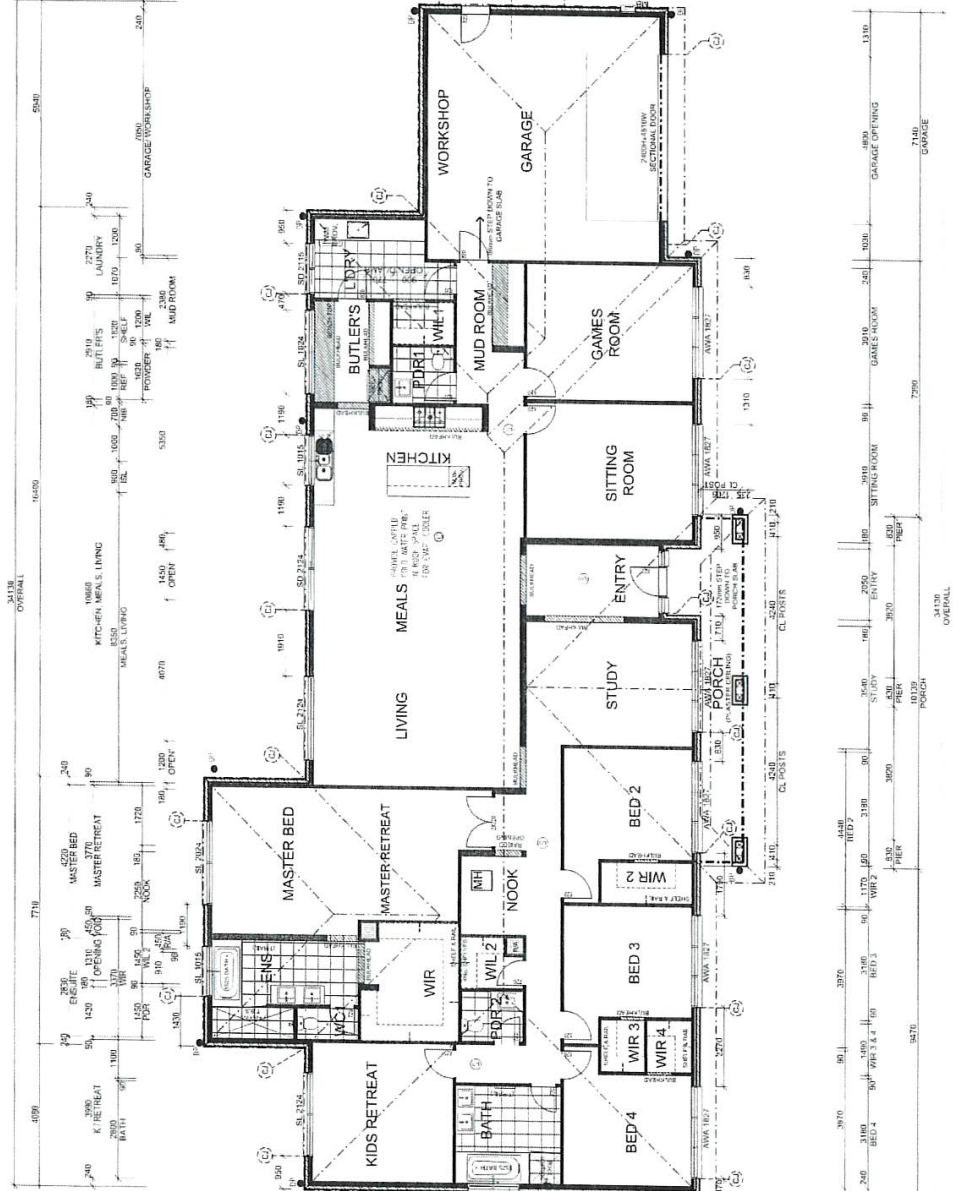
D.R. No:

S.C. No: 31221

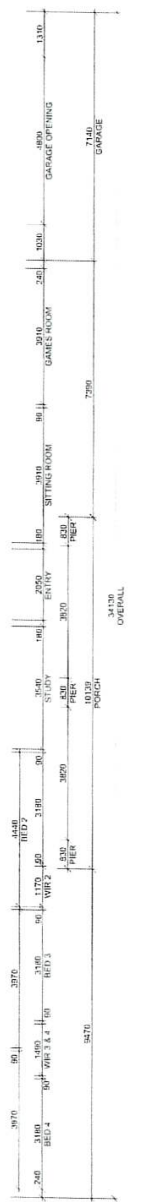
AREA SCHEDULE

GROUND FL:	3087.7m ²	33.23sq
GARAGE:	52.09m ²	5.61sq
PORCH:	16.44m ²	1.77sq
TOTAL:	377.24m ²	40.61sq

- GENERAL NOTES**
- SOLID HATCHED VOID INDICATE THEY CANNOT BE REMOVED, RELOCATED OR ALTERED, FLOOR JOISTS AND TRUSSES TO BE CLEAR OF VOIDS.
 - INDICATES BALUSTRADES TO STAIRS.
 - ALL DIMENSIONS ARE TO STUD FRAME PLASTER AND SKIRTING BOARDS NOT EXCEPTED.
 - ALL WINDOWS AND EXTERNAL DOORS ARE INDICATED AS NOMINAL SIZES REFER TO MANUFACTURERS SCHEDULE FOR ACTUAL SIZES TOUGHEN GLAZING TO ENSURE AND BATHROOM.



- NOTE:**
ALUMINIUM FRAMES FLYSCREENS WITH ALUMINIUM MESH TO ALL OPTABLE WINDOWS
- LEGEND:**
- (S) PROVIDE SHOCK DETECTOR WIRED TO MAINS IN ACCORDANCE WITH AUSTRALIAN STANDARDS
 - (C) CONTROL JOINT IN BRICKS TO BE IN ACCORDANCE WITH AUSTRALIAN STANDARDS
 - (M) - HOT WATER SERVICE
 - (M) - METER BOX
 - (M) - GAS METER



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W sherridonhomes.com.au

homestead

PLEASE READ CAREFULLY
IT IS THE HOMEOWNER'S RESPONSIBILITY TO VERIFY ALL THE DIMENSIONS AND SPECIFICATIONS ARE CORRECT AND TO CONTACT THE ARCHITECT IMMEDIATELY IF ANY DISCREPANCIES ARE NOTICED. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE ARCHITECT'S APPROVAL.

SHEET TITLE: GROUND FLOOR PLAN
SCALE: 1:25
SHEET SIZE: A3
SHEET 02 of 14

HOUSE TYPE: WOODSIDE 4000
FAÇADE: GOULBURN

CLIENT NAME: Mr Mark Peters & Ms-Jeanette Louisa Joy Wright
JOB ADDRESS: Lot 5A Market Street NEWBRIDGE 3551

D.B. No:
B.C. No: 301221

BUSHFIRE TBA

SITE COVERAGE ANALYSIS	
GROUND FLOOR BUILDING AREA	377.24m ²
IMPERMEABLE AREAS	27.30m ²
LOT AREA	3751.00m ²
PERMEABILITY	89.22%
SITE COVERAGE	10.05%
TOTAL GARDEN AREA PROVIDED	3346.46m ²
PERCENTAGE OF PROVIDED GARDEN AREA	89.22%

HEAT PUMP HOT WATER SYSTEM

... PROVIDE: MDEA RS+H/S/90REN3-C HEAT PUMP WATER HEATER WITH CHROMAGEN (SN52-26WHING) GAS BOOSTER IN THE SOLAR HOT WATER SYSTEM. THIS SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH THE PLUMBING REGULATIONS 2018.

DRIVEWAY NOTE:

DRIVEWAY TO BE SUPPLIED & INSTALLED BY THE BUILDER TO DEVELOPERS REQUIREMENTS

LETTER BOX NOTE:

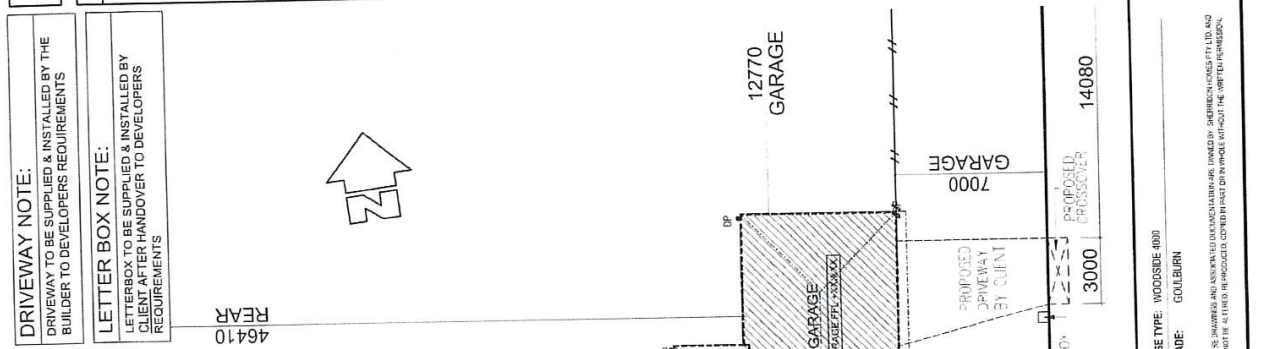
LETTER BOX TO BE SUPPLIED & INSTALLED BY CLIENT AFTER HANDOVER TO DEVELOPERS REQUIREMENTS

REFER TO FINAL DRAINAGE PLANS FOR LOCATIONS OF AGRICULTURAL DRAINS AND SILT PITS

SITE NOTES:

SITE CLASSIFICATION: ...
 CLASS NZ: ...
 AS PER SOIL REPORT PROVIDED BY NUTRA CONSULTING ENGINEERS PTY LTD. FILE NO. 20/2186 DATED: 20/02/2023

... (Additional detailed site notes regarding site conditions, drainage, and construction requirements) ...



REAR 40170
 REAR 43170
 REAR 46110

LOT 5A PROPOSED RESIDENCE
 HOUSE FFL +XX.XXX
 SITE CUT +XX.XXX

15000 SIDE
 6040 SETBACK FENCE (2.0m)

12770 GARAGE
 7000 GARAGE
 14080

61.9m 7°15'00"
 MARKET STREET

1 1m HIGH WHIP FENCE AND SETBACK FENCE (2.0m)

LEGEND:
 JETER BOX, GAS METER, HOT WATER SERVICE, TAP, WATER HYDRANT, SEWER VENTILS, TELESTRAP, STREET LAUMP, WATER VALVE, STREET SIGN, SEWER MANHOLE, ELECTRICITY PIT, STORM WATER PIT, STREET LIGHT

CLIENT NAME: Mr Mark Peters & Ms. Jasmine Louisa Joy Wright
 JOB ADDRESS: 5A Market Street NEWBRIDGE 3551
 D.B. No: 30121
 B.C. No: 30121

HOUSE TYPE: WOODSIDE 6000
 FACADE: GOULBURN

SHEET TITLE: SITE
 SCALE: 1:200
 SHEET SIZE: A3
 SHEET 01 of 14

PLEASE READ CAREFULLY
 THESE PLANS ARE CORRECT AS FOLLOWS: AS PER THE BUILDING CONTRACT WITH SHERRIDON HOMES PTY LTD. THIS IS AN ASSUMPTION THAT IF ANY OTHER CONDITIONS OR REQUIREMENTS TO BE COMPLIED WITH, THEY WILL BE SHOWN ON THESE PLANS. DATE: 22/07/2023

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GENERAL NOTES:

OPENING TO WINDOWS

PROVIDE 1250mm RESTRICTION TO ALL OPENING WINDOWS IN LOCATIONS WHERE THE DIFFERENCE BETWEEN THE FLOOR LEVELS IS GREATER THAN 200mm. THE RESTRICTION SURFACE LEVEL IS GREATER THAN 200mm. IN ACCORDANCE WITH ICA.

ARTICULATION/CONTROL JOINTS

ARTICULATION CONTROL JOINT IN BRICKS TO BE IN ACCORDANCE WITH AS 3700-2019 MASONRY STRUCTURES. OVERLAP THESE DRAWINGS. PROVIDE ARTICULATION CONTROL TO ALL INTERNAL CORNERS

HEAD HEIGHTS

- WINDOW HEADS: TO CEILING FLOOR
- MEASURED AT 250mm FROM FINISHED FLOOR LEVEL
- FLOOR TO HOUSE
- TO UNDERSOLE OF EXTERIOR LAYERS
- ALL WINDOW HEADS INDICATED ARE MINIMUM AND MAY VARY DUE TO VARIANCES IN BRICK SIZES.

ALL EXTERNAL WINDOWS AND DOORS ARE TO BE DESIGNED TO WITHSTAND WIND LOADS IN ACCORDANCE WITH AS 4100. PREVISIONS FOR 30MILLI METRE FASTENING IN ANY EXTERIOR WALLS SHALL BE IN ACCORDANCE WITH AS 2606 WHEREIN GALVANIZING WITHIN 900MM OF THE FLOOR LEVEL SHALL BE TO PROVIDE PROTECTION AGAINST CORROSION. ASSOCIATED SILL PANELS SHALL BE 100MM GALVANIZED SHEET GLASS AND BATHROOM WINDOWS WITHIN 1500 OF SHOWER SHOULD BE 1000mm GALVANIZED SHEET GLASS. VETTING OF THE AREA BEING GLAZED SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE LINE SHALL BE PROVIDED IN WET AREA IN RESIDENTIAL BUILDINGS. EXTERNAL DOORS TO BE FITTED WITH COMPERS AS PER NCC. EXTERNAL DOORS TO BE WEATHER STRIPPED AND ALL GAPS FROM SERVICE PERMITATIONS ETC ARE TO BE SEALED. AS SHOULD INTERNAL DOORS TO GARAGE. R.C.A. REQUIREMENT IS 2.2.2.1. IF APPLICABLE. FOR THE DOORS TO BE FITTED WITH THRESHOLDS WITH A CLEARANCE BETWEEN THE CLOSEST PAN & THE DOOR AREAS IN ACCORDANCE WITH AS1 STANDARD. 3740 WIND LOADS TO BE PROVIDED AS REQUIRED WHERE REQUIRED AND IN ACCORDANCE WITH ICA. P.2-2.5.5.5. ELEVATION MAY BE CHANGED DUE TO TRIGS LAYOUT

INFIELD GARAGE OPENINGS

GARAGE ENTRY DOOR (UNLESS OTHERWISE NOTED)

FRONT ENTRY DOOR (UNLESS OTHERWISE NOTED)

FACE BRICK WINDOW (UNLESS OTHERWISE NOTED)

REAR GARAGE DOOR (UNLESS OTHERWISE NOTED)

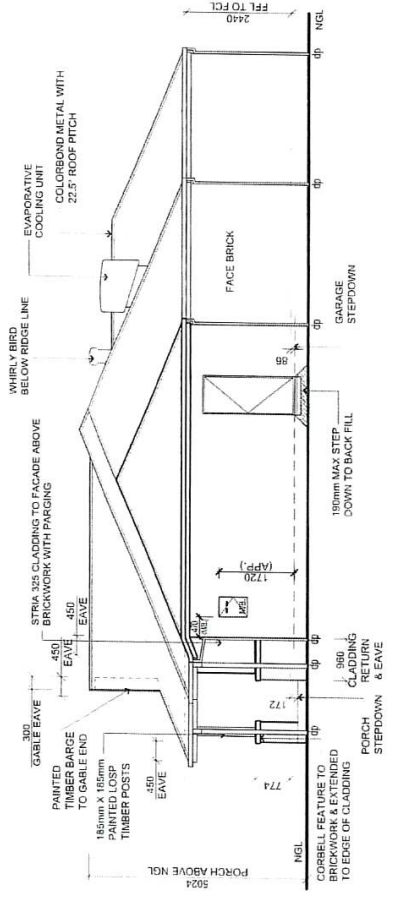
- FACE BRICK WORK
- RENDER COLOUR #1
- RENDER COLOUR #2
- PAINTED FC SHEET
- LIGHTWEIGHT CLADDING (SELECTED)

REAR GARAGE DOOR

- DIMENSIONS RELATIVE TO FFL & FCL REFER TO ACTUAL CLADDING DIMENSIONS NOT FINISHED HEADS.
- BACKFILL TO EXTERNAL DOORS NOT TO BE GREATER THAN 1500MM IN ACCORDANCE WITH NCC 3.5.3.5 THRESHOLDS

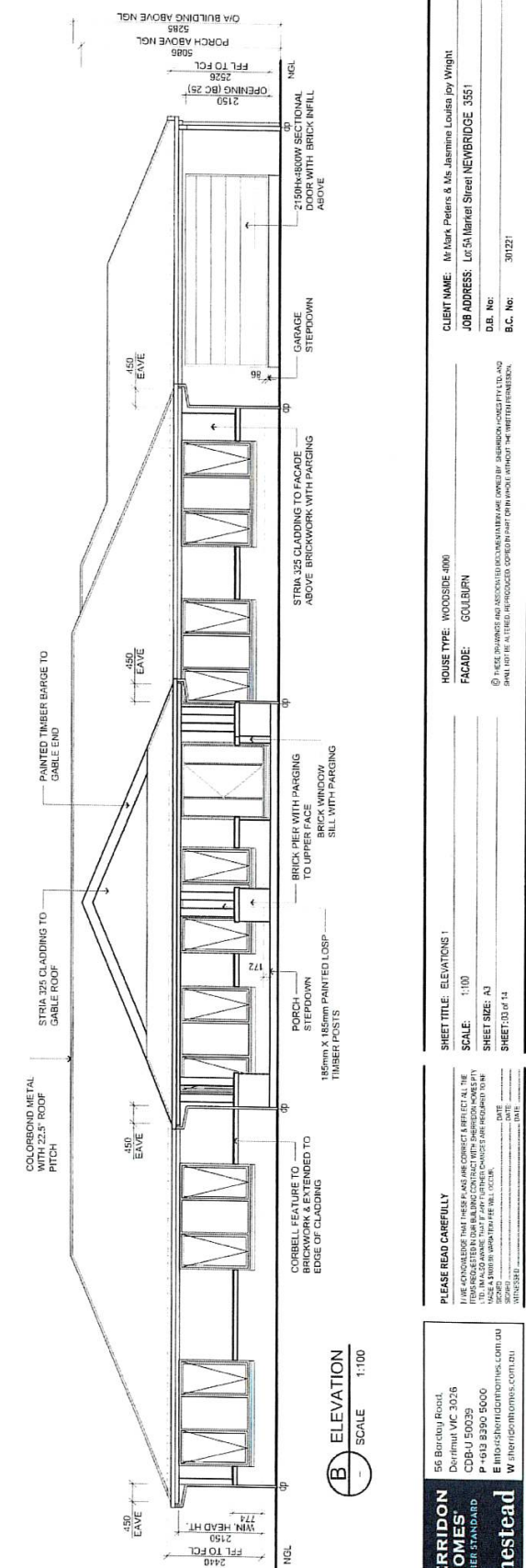
LIGHT / VENTILATION CALCULATION

ROOM	AREA (M ²)	LIGHT (minimum 10%)		VENTILATION (minimum 5%)	
		REQUIRED (M ²)	PROVIDED (M ²)	REQUIRED (M ³)	PROVIDED (M ³)
MASTER	30.58	3.06	4.01	1.53	1.59
BED 2	13.15	1.32	3.68	0.66	2.71
BED 3	12.67	1.27	3.68	0.63	2.71
BED 4	12.67	1.27	3.68	0.63	2.71



A ELEVATION
SCALE 1:100

NOTE:
ALUMINIUM FRAMES, FLYSCREENS WITH ALUMINIUM MESH TO ALL OPENABLE WINDOWS



B ELEVATION
SCALE 1:100

CLIENT NAME: Mr Mark Peters & Ms Jasmine Louisa Joy Wright
JOB ADDRESS: Lot 56 Marisel Street NEWBRIDGE 3551
D.B. NO:
B.C. NO: 301221

HOUSE TYPE: WOODSIDE 4000
FACADE: GOULBURN

SHEET TITLE: ELEVATIONS 1
SCALE: 1:100
SHEET SIZE: A3
SHEET 130 of 14

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GENERAL NOTES:

ALL EXTERNAL WINDOWS AND DOORS ARE TO BE DESIGNED TO BE WEATHER TIGHT AND TO BE PROTECTED FROM IMPACT AND VIBRATION BY MEANS OF AN IMPACT RESISTANT SYSTEM. ALL WINDOWS AND DOORS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM. ALL WINDOWS AND DOORS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM. ALL WINDOWS AND DOORS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.

ARTICULATION/CONTROL JOINTS:

- ARTICULATION/CONTROL JOINTS IN WALLS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.
- ARTICULATION/CONTROL JOINTS IN WALLS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.
- ARTICULATION/CONTROL JOINTS IN WALLS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.

HEAD HEIGHTS:

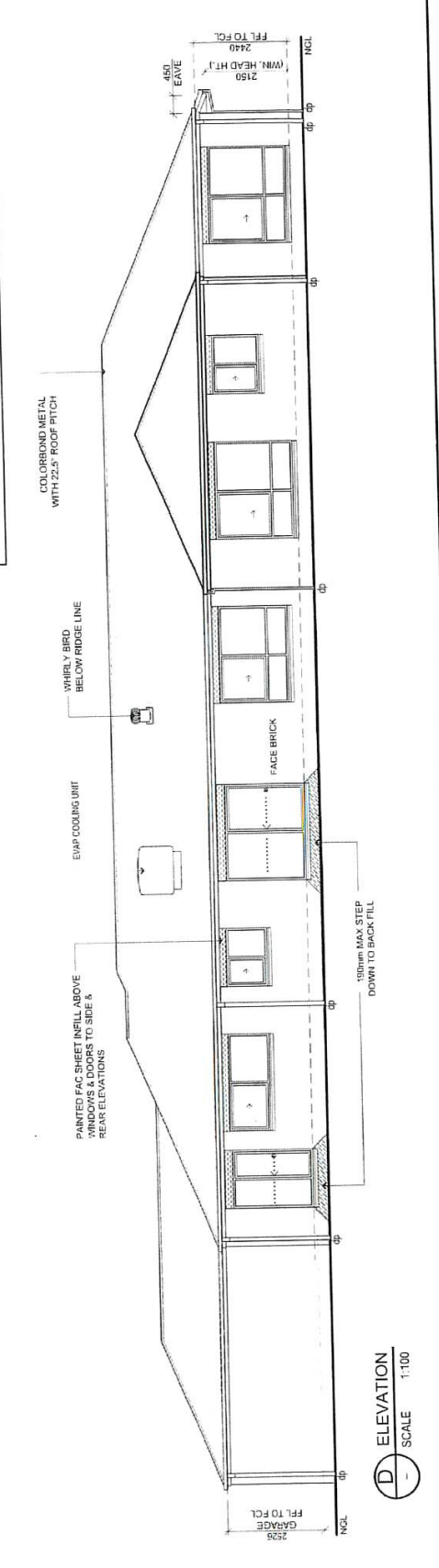
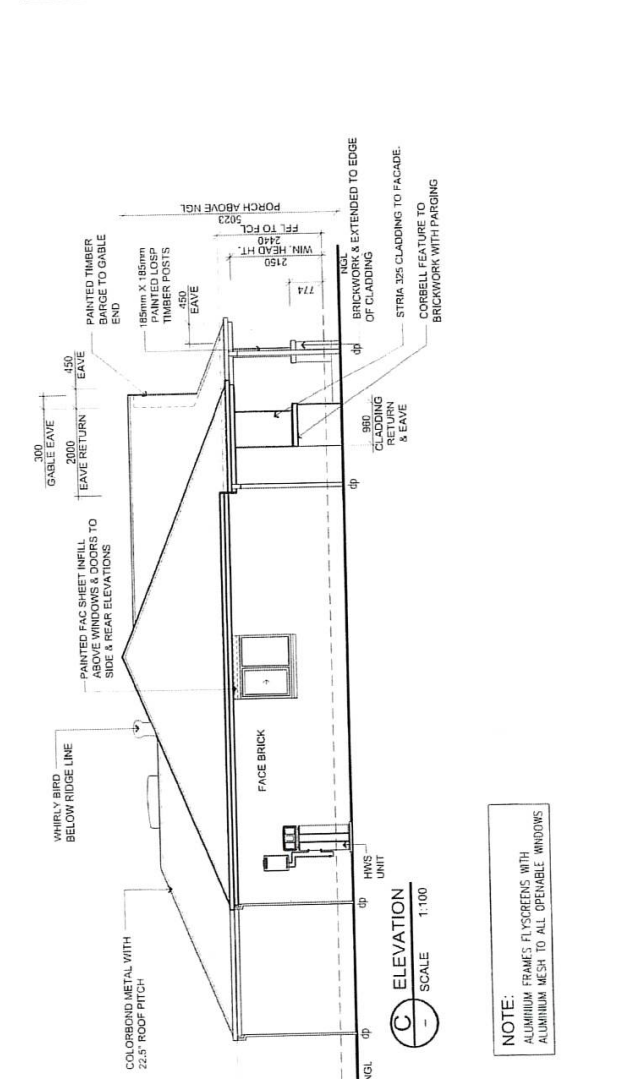
- WINDOW HEAD HEIGHTS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.
- WINDOW HEAD HEIGHTS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.
- WINDOW HEAD HEIGHTS TO BE PROVIDED WITH AN IMPACT RESISTANT SYSTEM.

INFILL ABOVE OPENINGS:

- GARAGE ENTRY DOOR: BRICKWORK (UNLESS OTHERWISE NOTED)
- FRONT ENTRY DOOR: BRICKWORK (UNLESS OTHERWISE NOTED)
- REAR ENTRY DOOR: BRICKWORK (UNLESS OTHERWISE NOTED)
- REAR WINDOW: BRICKWORK (UNLESS OTHERWISE NOTED)
- ALFRESKO DOOR/WINDOW: BRICKWORK (UNLESS OTHERWISE NOTED)
- REAR GARAGE DOOR: BRICKWORK (UNLESS OTHERWISE NOTED)
- PAINTED FC SHEET: PAINTED FC SHEET

MATERIAL FINISH LEGEND:

- FACE BRICK (WORK)
- RENDER COLOUR #1
- RENDER COLOUR #2
- PAINTED FC SHEET
- LIGHTWEIGHT CLADDING (SELECTED)



CLIENT NAME: M. Mark Peters & Ms. Joanne Louisa Joy Wright
JOB ADDRESS: 101 SA. Market Street NEWBRIDGE 3651
D.B. No.:
B.C. No.: 301271

HOUSE TYPE: WOODSIDE 0800
FACADE: GOLFURN


SHEET TITLE: ELEVATIONS 2
SCALE: 1:100
SHEET SIZE: A3
SHEET 03 of 14

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homehead



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trading as RANBUILD

CLADDING		
ITEM	PROFILE (min)	FINISH COLOUR
ROOF	CUSTOM CRB 0.42 BMT	CB IMO
WALLS	TRIMDEK 0.35 BMT	CB IMO
CORNERS	-	CB IMO
BARGE	-	CB IMO
GUTTER	HI-QUAD	CB IMO

0.35bmt=0.40tct; 0.42bmt=0.47tct; 0.48bmt=0.53tct

ACCESSORY SCHEDULE & LEGEND	
QTY	MARK DESCRIPTION
2	RD1 B&D, Firmadoor, R.D., Residential "R1F", 2200 high x 3000 wide Clear Operating CJB
1	L650-13 Larrec Door & Frame Kit, 650/37, Std, 2040 x 820 C/Bond

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

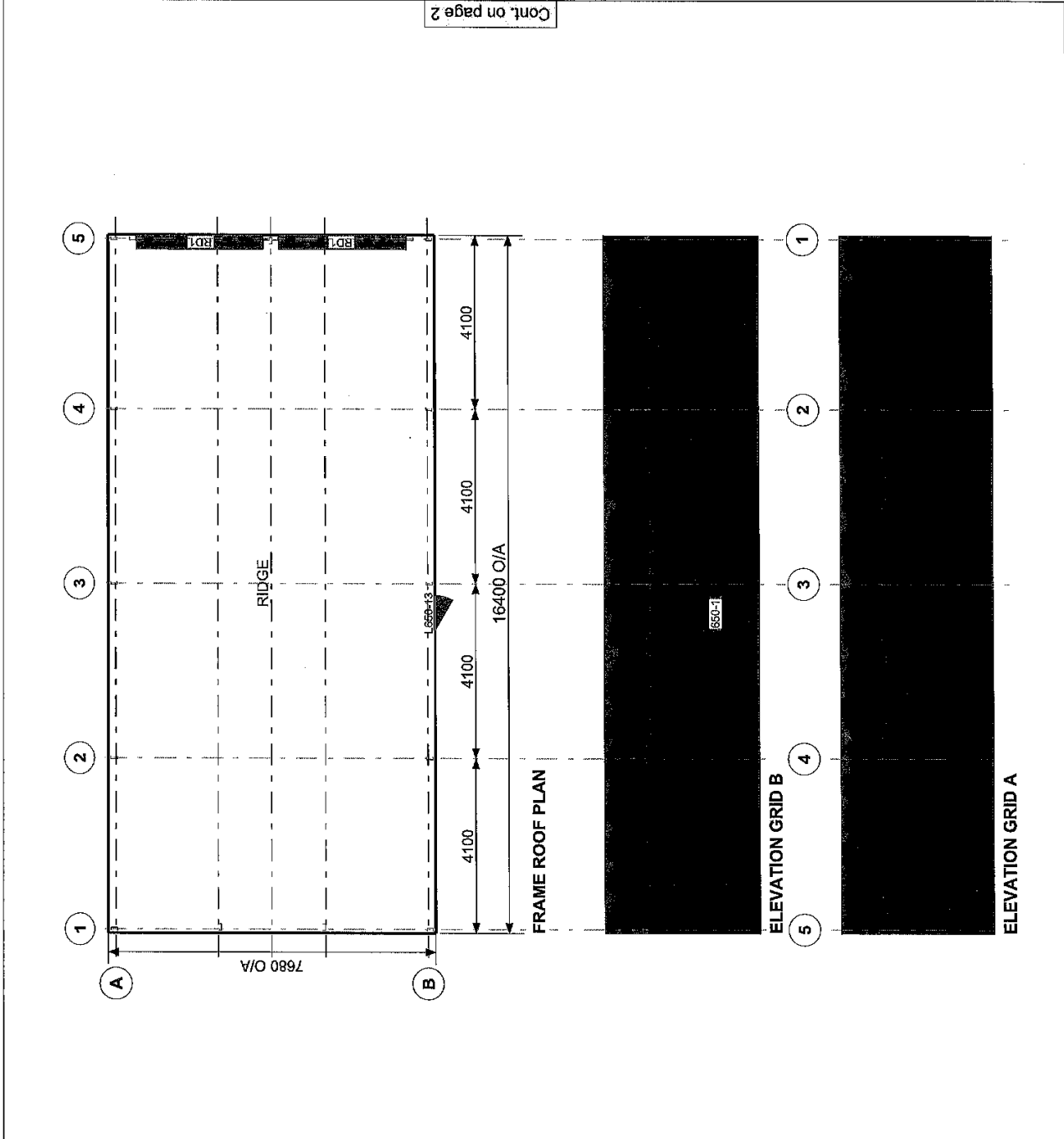
CLIENT
mark peters

SITE
**41 market st
NEWBRIDGE VIC 3551**

BUILDING
**SUNDOWN DELUXE
7680 SPAN x 2600 EAVE x 16400 LONG**

TITLE
GENERAL ARRANGEMENT

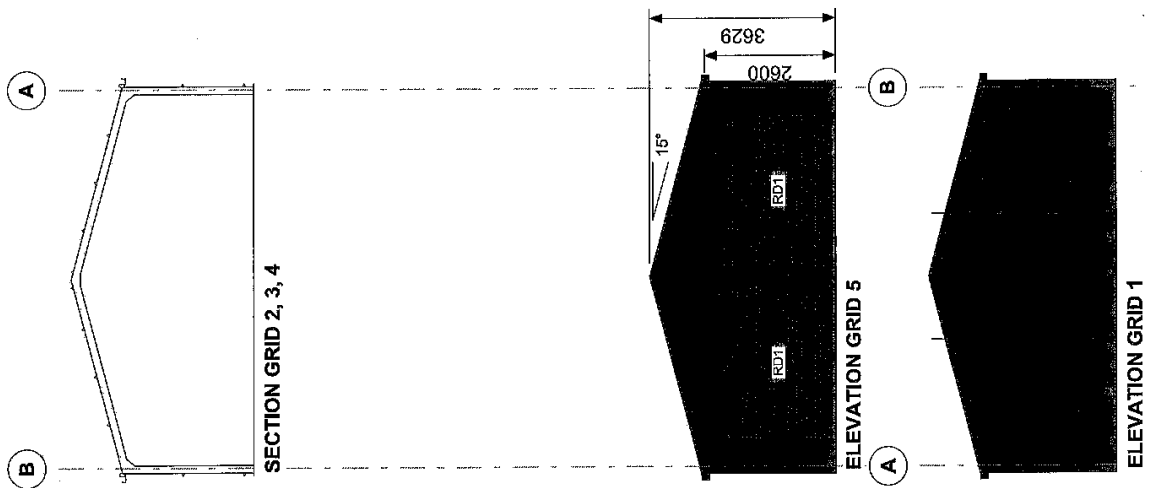
SCALE A4 SHEET 1:125	DRAWING NUMBER BEND03-15197	REV A	PAGE 1/2
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SCALE A4 SHEET 1:125	REV A
DRAWING NUMBER BEND03-15197	PAGE 2/2



Cont. on page 1

10.2 DISPOSAL OF COUNCIL ASSETS POLICY V3

File Number: FOL/19/432511
Author: Deanne Caserta, Manager Financial Services
Authoriser: Amanda Wilson, Director Corporate
Attachments: 1. Disposal of Council Assets v3

RECOMMENDATION

That Council adopts the Disposal of Council Assets Policy v3.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Version two of the Disposal of Council Assets Policy was adopted by Council on 26 April 2022. Council discussed this draft policy at the September Council Forum.

BACKGROUND

The purpose of this Policy is to provide direction to Council staff when disposing of Council assets. This policy applies to any person or persons responsible for the identification of assets that are no longer 'fit for purpose' or excess to the current needs of Council and require disposal or rationalisation.

Effective application of this policy will ensure that any disposal of Council's assets is carried out in a transparent, fair, independent and open manner. All asset sale actions must adhere to the Levels of Authority Delegations.

ISSUES/DISCUSSION

All asset sale actions must adhere to the Levels of Authority Delegations.

Changes to this document include:

- addition of delegated committees into the scope, as the policy also applies to them
- allowance of additional categories to dispose of major and minor equipment to open the options for small information technology items where some income can be achieved
- further clarification to the definitions of land, major equipment and minor equipment.

COST/BENEFITS

There are no direct costs associated with the adoption of this Policy. The benefits provided include clarification and consistency around asset disposal to both internal and external stakeholders. There is also ability to create a small income stream back to Council for assets of value.

RISK ANALYSIS

By providing clear direction as to what, how and when an asset can be disposed, reputational and financial risks have been mitigated.

CONSULTATION AND ENGAGEMENT

This Policy has been reviewed by the management and executive teams prior to Councillors discussing the draft policy at the September Council Forum.

This Policy has also had a Gender Impact Assessment undertaken. The outcome from this assessment was 'no recommendation to change the Policy from a gender lens'.



DISPOSAL OF COUNCIL ASSETS POLICY

DOCUMENT TYPE:	Council policy
DOCUMENT STATUS:	Draft
POLICY OWNER POSITION:	Manager Financial Services
INTERNAL COMMITTEE ENDORSEMENT:	Not applicable
APPROVED BY:	Council
DATE ADOPTED:	Click here to enter date of approval
VERSION NUMBER:	3
REVIEW DATE:	2027
DATE RESCINDED:	Click here to enter a date.
RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Asset Management Policy Asset Management Plan Staff Code of Conduct Councillor Gift Policy
RELATED LEGISLATION:	Local Government Act 2020 Local Government Act 1989 Goods and Services Tax Act 1999
EVIDENCE OF APPROVAL:	

Signed by Chief Executive Officer

FILE LOCATION: K:\FINANCE\Policies\Ready for approval\POL Disposal of Council Assets v3 Council.docx

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Loddon Shire website (Council Policies) or Intranet (Organisational Policies) to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.



DISPOSAL OF COUNCIL ASSETS POLICY

1 PURPOSE

The purpose of this policy is to provide direction to Council staff when disposing of Council assets. Effective application of this policy will ensure that any disposal of Council's assets is carried out in a transparent, fair, independent and open manner.

2 SCOPE

This policy applies to Staff, delegated committee members and contractors for the identification of assets that are no longer 'fit for purpose' or excess to the current needs of Council and require disposal or rationalisation. All asset sale actions must adhere to the Levels of Authority Delegations.

3 POLICY

3.1 Considerations prior to request to dispose of an asset

Before any request to dispose of or rationalise an asset is submitted from the relevant department to the delegated staff member, the relevant officer must ensure that the request is appropriate and must consider (where applicable) the following:

- utilisation of the asset
- usability of the asset
- current market value of the asset
- ongoing cost to maintain the asset to a reasonable standard
- appropriate timing of disposal to maximise return for Council
- duplication of the asset or the service provided by the asset
- if the asset is surplus to the needs of Council
- potential risk of ownership, e.g. contains environmentally sensitive or hazardous material
- impact the disposal of the asset may have on the community
- any cultural or historical significance of the asset
- the remaining useful life of the asset
- compliance with Council's Procurement Policy
- donating or gifting of assets when the asset is no longer fit for Council purposes, or when the financial realisation of the asset is minimal
- risk analysis of the proposed asset disposal or rationalisation
- the asset does not contain confidential documents, software, licencing implications or associated material (e.g. on items such as computers and tablets)
- conflict of interest (that the officers involved in the disposal process have no conflict of interest e.g. membership of relevant committees, receive financial benefits from the use or disposal of the asset)
- internal financial controls and transparent asset management and disposal practices
- consideration of the context of 'gifts' within the Councillor Gift Policy and Staff Code of Conduct.

3.2 Methods of disposal

Council officers will manage, where appropriate, the disposal or rationalisation of the asset in the most cost effective manner, through one of the following methods:



DISPOSAL OF COUNCIL ASSETS POLICY

Disposal method	Rationale	Asset type
Trade-in	Trading in equipment as part of another purchase or plant rationalisation process	Major equipment and minor equipment
Expression of interest	Seeking expressions of interest from buyers	Land, major equipment and minor equipment
Open tender	Openly seeking bids through a tender process	Land, major equipment and minor equipment
Sale or public auction	Land - Upon obtaining a current valuation, procure the services of a real estate agent or auctioneer and advertising for sale or auction through the website, Facebook and local paper. Where appropriate, a newspaper circulating in Victoria, ensuring open and effective competition that maximises returns for Council (following compliance with Council's Procurement Policy and relevant requirements of the Local Government Act 2020) Minor equipment – Public advertising or use of a public auction platform, ensuring open and effective competition	Land, major equipment and minor equipment
Demolish/recycle	Depending on the condition and potential future usability of the asset, the value of the asset may be written off and the asset disposed of if the asset is beyond economical repair	Minor equipment
Charity/gifting	Donation of Council owned assets to a non-profit organisation will be undertaken via a transparent and competitive process administered using the Smarty Grants platform	Minor equipment

Selection of a suitable disposal method will include consideration of:

- the public demand and interest in the asset
- the method most likely to return the highest revenue to Council
- the value of the asset
- whether it is light vehicle or heavy plant and equipment
- the costs of the disposal method compared to the expected returns, and
- compliance with statutory and other obligations.

Councillors and Council officers will not be permitted to purchase assets being disposed of by Council unless the purchase is via an open tender or public auction process.

Charity / gifting of surplus or redundant assets may only be made with the authority of the CEO (fleet and major plant and other items valued over \$10,000) or relevant delegated officer in accordance with the Levels of Authority Delegations (other items valued under \$10,000), and only after exploring all avenues for recouping a fair value for Council or any alternate use within Council.



DISPOSAL OF COUNCIL ASSETS POLICY

Council officers should only consider donations in response to a formal written request. In considering any request, officers should keep in mind the following:

- community groups should receive equitable treatment to avoid possible claims of bias
- the asset manager will investigate to ensure the group is non-profit and that the intended use of the asset is non-commercial (i.e. non-profit)
- where the donation is seen as appropriate but there is a potential claim of bias, the matter should be referred to the director of the department where the asset sits, who will adjudicate the claim or refer the matter to the CEO and
- the charity/community group should facilitate the removal of the asset themselves.

3.3 Due diligence checklist

A check must be carried out to ensure assets do not contain:

- additional items not intended for sale
- confidential documents (records, files, papers)
- documents on Council letterhead which may be used for fraudulent purposes
- hard drives with Council specific software still installed (which could lead to a breach of licences or contain confidential data)
- hazardous materials
- any identifying Council logos or marks that must be removed prior to sale, and
- all spare parts relating to the asset for sale must be included in the advertised 'asset for sale' package.

Upon the sale of an asset, it is the responsibility of the manager of the relevant department where the asset sits to inform the Financial Services Department of the sale to ensure that the financial statements and asset registers are updated to reflect the sale.

Refer to Council Property Transactions and Management Policy for land sales and transfers.

3.4 Consultation

Council must undertake public consultation in respect of its proposed disposals or rationalisation of land in accordance with the Local Government Act 2020.

3.5 Delegations

Authority to dispose of Council owned assets is outlined in Council's Levels of Authority Delegations.

3.6 Buyer's risk

Irrespective of the disposal method applied, all prospective buyers must be advised in writing that the asset is disposed of, with any faults, at the buyer's risk ('as is where is'). Buyers are to rely on their own investigations regarding the condition and function of the asset and Council will not be responsible for any repairs to or maintenance of the asset.

4 COMMUNITY ASSETS

Where a Community Asset Committee or similar group has purchased minor non fixed assets using funds raised by the committee, they may dispose of the asset using the methods outlined in Section 3.2. All excess funds are to be retained by the asset committee / group to be used for future asset purchasing or to assist with maintenance costs. The sale of any asset needs to be discussed, approved and noted in the relevant minutes.



DISPOSAL OF COUNCIL ASSETS POLICY

5 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Asset	A resource with economic value that Council owns or controls with the expectation that it will provide a future benefit. Council assets typically include roads, bridges, footpaths, drains, libraries, town halls and recreational centres, and minor items such as plant, furniture, IT devices and equipment.
Land	Vacant or including buildings.
Major equipment	Items of plant and furniture that are above the capital recognition threshold.
Minor equipment	Minor items of plant, furniture or technology that are under the capital recognition threshold.

6 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

7 REVIEW

The Manager Financial Services will review this policy for any necessary amendments no later than 4 years after adoption of this current version.

10.3 PYRAMID HILL COMMUNITY ENTERPRISE

File Number: FOL/23/1885
Author: Wendy Gladman, Director Community Wellbeing
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council

1. Provide access to the building at 30 Kelly Street, Pyramid Hill to allow the Pyramid Hill Progress Association to undertake assessment and planning as noted in Step 1 in the Issues/Discussion section of this report.
2. Subject to receiving formal notification of intent to progress to the next stage of development from the Pyramid Hill Progress Association, enter into an Options Deed as noted in Step 2 in the Issues/Discussion section of this report.
3. Subject to meeting the requirements of Step 2, Council enter into a formal lease agreement as described in Step 3 in the Issues/Discussion section of this report.
4. Note that items 2 and 3 of this recommendation will be undertaken administratively, with officers returning to Council to discuss the future of the building should these stages not progress in the identified time periods.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Reports have been provided to the 24 August 2021 Council meeting and the 12 September 2023 Council Forum.

BACKGROUND

A report was provided to the 24 August 2021 Council meeting which provided that the building at 30 Kelly Street be available for use by The Mixed Bag @ Pyramid Hill community enterprise. This agreement was to be revisited should the community enterprise not be operational within a 12 month period, or at such time as advised that the building was no longer required for use by the community enterprise.

Unfortunately the proposed community enterprise was not operational within 12 months of that agreement and the Pyramid Hill Progress Association contacted Council to discuss the opportunity to take over the lead role in a potential development of a community enterprise using this same building.

ISSUES/DISCUSSION

The Pyramid Hill Progress Association and The Mixed Bag @ Pyramid Hill have requested Council enter into a new agreement with Pyramid Hill Progress Association (the Association) to allow access to the building to investigate the likelihood of a retail business eventuating from the former Maternal Health building. The investigation will allow the Association to understand the work required for reclassification from an office building to a retail space.

Council has received notification from The Mixed Bag @ Pyramid Hill that they are not seeking to continue with the development of a community enterprise using the building at 30 Kelly Street.

In consultation with The Mixed Bag @ Pyramid Hill, the Pyramid Hill Progress Association has requested a period of 12 months to undertake the necessary planning and have indicated that the intention is to model the future use along the lines proposed in the original The Mixed Bag @ Pyramid Hill business case.

It is proposed that the Pyramid Hill Progress Association be provided access for assessment and planning to 31 December 2024 allowing time for the agreements to be prepared and a reasonable time for the Association to undertake the necessary planning.

Whilst Council has an established position of the development occurring at no cost to Council, it is considered reasonable to provide a period of access to the building for assessment, planning and construction before any formal lease arrangement is established.

To this end the following progress steps are recommended:

Step 1: Council grants Pyramid Hill Progress Association access to the building at 30 Kelly Street up to 31 December 2024 for assessment and planning purposes. During this stage, no construction or modification of the building may occur.

Should the Pyramid Hill Progress Association, following this assessment and planning period, determine to proceed with transition of the building to a retail premise the following steps are proposed:

Step 2: Upon formal notification from the Pyramid Hill Progress Association that they wish to proceed, the parties would enter into an Options Deed, which would provide the Pyramid Hill Progress Association with up to 12 months to modify the building.

During this 12 month period no business or commercial activities can occur from the premise and there would be no rental fee for this period. The Pyramid Hill Progress Association would be required to meet all costs associated with access to the building (such as power and water usage), insurance, renovation and compliance.

Following demonstration that all planning and building compliance has been met within the required timeframe noted in Step 2:

Step 3: Council enters into a formal lease agreement with the Pyramid Hill Progress Association, which would ultimately result in no cost to Council. Following this, the Pyramid Hill Progress Association may commence operating the community enterprise from the premises.

The 24 months indicated in Steps 1 and 2 are maximum periods. Should Pyramid Hill Progress Association contact Council earlier seeking to progress to the next step, the new 12 month period associated with that Step will commence.

If Pyramid Hill Progress Association decides not to progress at any stage, Loddon Shire Council will recommence the process for considering surplus assets.

COST/BENEFITS

The work to gather the information required and present this proposal to Council has been done within existing resources.

Council had previously entered into an agreement with The Mixed Bag @ Pyramid Hill that retention of the 30 Kelly Street building would be required to be at no cost to Council. It is proposed that this position continue for any agreement with a new party. The Pyramid Hill Progress Association has been provided with the known operational costs that would likely be borne by the community enterprise, in addition to any building development costs.

It has been proposed that Council provide a period of access to the building for assessment, planning and construction without cost to the Pyramid Hill Progress Association before any formal lease arrangement is established.

The Pyramid Hill Progress Association are keen to retain the building at 30 Kelly Street and add it to the business offering in town, enhancing the shopping experience in Pyramid Hill and providing an outlet for local producers.

Loddon Shire has a proud history of volunteerism and Council endeavours to support volunteers who deliver services, facilities and programs for our community. While there is an active volunteer base willing to progress this idea, Council has the opportunity to support and promote that enthusiasm.

RISK ANALYSIS

There are a number of risks associated with this report. The building has been surplus to Council's operational requirements for a significant period of time, and has been vacant for many years, which brings a risk of vandalism or dereliction. Retention of this building without purpose for an unreasonable period of time can be further mitigated by establishing timeframes for each of the stages the Pyramid Hill Progress Association will be required to work through, providing reasonable periods of time to undertake the necessary actions whilst allowing Council to return to making a decision on the future of the building should the proposed use of the building not proceed.

Council is currently undertaking significant works in the areas surrounding the building at 30 Kelly Street and the opportunity to redevelop the site as part of the current streetscape works no longer exists.

Volunteer organisations, with changing membership, can also bring changed levels of commitment or understanding of previous agreements, or requirements to meet compliance associated with the future use of the building. Council will need to consider what formal arrangements can be put in place, should the Pyramid Hill Progress Association, following their investigation period, determine that they wish to continue to develop the building into a retail space.

CONSULTATION AND ENGAGEMENT

The Mayor and Director Community Wellbeing have been working with the Pyramid Hill Progress Association to progress this request.

The Mayor and Director Community Wellbeing met with representatives from The Mixed Bag @ Pyramid Hill and the Pyramid Hill Progress Association on 30 May 2023 to discuss this proposal. This has been further supported with numerous phone discussions and emails correspondence with members of the Pyramid Hill Progress Association.

The Mayor and CEO attended the Pyramid Hill Progress Association meeting on 19 July 2023 and discussed the issues, opportunities and challenges of this proposal with the group prior to their resolution.

10.4 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

File Number:

Author: Janine Jackson, Manager Organisation Development

Authoriser: Amanda Wilson, Director Corporate

Attachments: 1. **Chief Executive Officer Key Performance Indicators 2023/24 - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (f) of the *Local Government Act 2020*. It contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; AND personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

(under separate cover)

RECOMMENDATION

That Council endorse the 2023/24 Chief Executive Officer key performance indicators as detailed in the attachment to this report.

CONFLICT OF INTEREST

The Chief Executive Officer (CEO) has a conflict of interest given the key performance indicators (KPIs) relate directly to them.

There are no conflicts of interest for the Council staff member involved in the preparation of this paper, or involved in the subject matter of the paper

PREVIOUS COUNCIL DISCUSSION

The Mayor discussed the proposed KPIs with the CEO on 4 August 2023. All Councillors had the opportunity to provide input and feedback into the proposed KPIs at the Councillors only session at the Forum on 8 August 2023 after which further refinement to the document was undertaken. Councillors had further discussion on the final draft document at the Councillors only forum on 12 August 2023.

BACKGROUND

The CEO Employment and Remuneration Policy v2, in accordance with the Local Government Act 2020, states that the employment cycle of a CEO is a core responsibility of the elected Council.

The role of the Mayor and the elected Councillors is to set KPIs, annually monitor, and appraise the CEO performance against these KPIs and to consider and determine remuneration increases annually.

In accordance with clause 6 of the CEO Employment and Remuneration Policy, Councillors collectively, in consultation with the CEO, identified and agreed on the key performance indicators and the activities that the CEO should work towards achieving over a 12-month period.

At the July 2023 Council meeting Council moved a recommendation to engage an independent consultant to guide the alignment of the 2023/2024 KPI's with the Council plan objectives.

The independent consultant reviewed the final draft with suggestions to strengthen the measures. Councillors considered this advice at the Council forum held 12 August 2023.

ISSUES/DISCUSSION

The KPIs focus on five key reporting areas (KRA's) that align with the Council plan.

The KRA's are:

- A sustainable built and natural environment
- A growing and vibrant community
- A diverse and expanding economy
- A supported and accessible community
- An engaged and high performing team.

Each KRA has a set of KPI's with success measures against them.

Performance monitoring against the set KPIs should occur six months after they are set and again at the time of the CEOs annual review.

A KPI rating scale is included within the performance plan document to guide performance monitoring. The rating scale spans on a numerical basis from 1 to 4 and N/A. The Councillor ratings and subsequent actions are as follows:

Rating 4 - Exceeded expectations – The employee has done better than anticipated or expected.

Rating 3 - Expectations met – The employee is as successful as people think this person should be.

Rating 2 - Partially met expectations – The employee partially meets expectations of core job responsibilities, but improvement is needed in some areas.

Rating 1 - Below expectations - The employee does not meet expectations on most or all core job responsibilities.

N/A - No opportunity to observe – Unable to rate due to lack of visibility of performance of this KPI.

COST/BENEFITS

Costs associated with engaging the independent consultant are within existing operational budget. There are no other direct costs in setting the CEO's KPIs.

The benefits are ensuring clear direction and objectives for the CEO to work toward, compliance with legislation and policy as outlined in the risk analysis.

Setting the CEO KPIs will also benefit the development and performance plans of staff throughout the organisation as the KPIs can be cascaded. The Directors KPIs can then be set to align and support the CEO performance indicators, followed by the Managers KPIs, then Coordinators right through to officers.

RISK ANALYSIS

The setting of the annual KPIs ensure that Council is meeting the requirements of the Local Government Act 2020 and are compliant the adopted CEO Employment and Remuneration Policy v2.

Failure to comply with that policy may constitute a breach of the CEO's contract of employment, s45 of the Local Government Act 2020 which could be reviewed/investigated by the Local Government inspectorate, and/or the Fair Work Act 2009.

CONSULTATION AND ENGAGEMENT

Councillors have consulted and engaged with the Chief Executive Officer regarding the process and setting of the annual KPIs.

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS

Nil

13 URGENT BUSINESS

Clause 56 of Council's Governance Rules provides that at a scheduled or special meeting of Council, business that is not included in the agenda notice must only be considered if no more than one Councillor is absent and the Council resolves that the matter is urgent because:

- (a) it relates to, or arises out of a matter which has arisen since compilation of the agenda; and
- (b) a timeline requires it to be determined prior to the next Council meeting.

A Councillor may propose a matter be admitted as urgent business provided they have advised the Chief Executive Officer in writing no later than three hours prior to the commencement of the scheduled or special meeting.

Items of urgent business must be circulated to all Councillors prior to the meeting.

At an urgent meeting of Council, business that is not included in the agenda notice must only be considered if all Councillors are present and unanimously resolve that the matter is urgent.

Despite these requirements, a matter that is not included in the agenda notice must not be considered at a Council meeting if it will:

- (a) directly and significantly affect the exercise of a person's rights;
- (b) alter the Council Plan or the budget; or
- (c) commit the Council to expenditure exceeding \$20,000.

14 CONFIDENTIAL ITEMS

RECOMMENDATION

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

10.1 Rural Councils Corporate Collaboration Project Record Management Tender

This matter is considered to be confidential under Section 3(1)(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Confidential Council business information

RECOMMENDATION

That the meeting be closed to the public.

NEXT MEETING

The next Meeting of Council will be held on 24 October 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at _____.

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