



Date: Tuesday, 23 January 2024
Time: 3.00pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 23 JANUARY 2024 AT 3.00PM**

PRESENT: Cr Dan Straub, Cr Neil Beattie, Cr Linda Jungwirth and Cr Wendy Murphy

IN ATTENDANCE: Lincoln Fitzgerald (Chief Executive Officer), Wendy Gladman (Director Community Wellbeing), Steven Phillips (Director Operations), Daniel Hirth (Acting Director Corporate) and Lisa Clue (Manager Governance)

1 OPENING AFFIRMATION

Cr Murphy read the Opening Affirmation

2 ACKNOWLEDGEMENT OF COUNTRY

The Chief Executive Officer read the Acknowledgement of Country.

3 APOLOGIES

APOLOGY

RESOLUTION 2024/1

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That the apology received from the Mayor, Cr Holt be accepted and leave of absence granted.

CARRIED

RESOLUTION 2024/2

Moved: Cr Neil Beattie

Seconded: Cr Dan Straub

That the Order of Business be altered to enable:

1. Late Report No. 1 – ‘Appointment of Acting Mayor’ to be considered immediately following this resolution; and
2. Late Report No. 2 – ‘C590 – Reconstruction of Pyramid Yarraberb Road 2.6km’ to be considered following Agenda item 10.10.

CARRIED

RESOLUTION 2024/3

Moved: Cr Neil Beattie

Seconded: Cr Dan Straub

That Council appoint Cr Murphy to be Acting Mayor for the purpose of chairing the 23 January 2024 Council meeting.

CARRIED

4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

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 12 December 2023
2. Council Meeting of 12 December 2023.

REPORT

This report seeks Council confirmation of Minutes from the December 2023 Council Briefing and Council Meeting as previously circulated to Councillors.

RESOLUTION 2024/4

Moved: Cr Dan Straub

Seconded: Cr Neil Beattie

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

1. Council Briefing of 12 December 2023
2. Council Meeting of 12 December 2023.

CARRIED

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 12 December 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 as detailed within this report:

1. Council Briefing 12 December 2023.

Meeting details	Briefing
Date	12 December 2023
Councillor Attendees	Cr Holt (Mayor) Cr Jungwirth (virtual) Cr Beattie Cr 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. Daniel Hirth, Acting Director Corporate 5. Lisa Clue, Governance Manager 6. Tracy Hunt, Governance Coordinator 7. Paul Scullie, Manager Community Partnerships – Item 1 below 8. Deanne Caserta, Manager Financial Services – Item 4 below 9. David Stretch, Manager Tourism and Economic Development – Item 5 below
Item(s) discussed.	<ol style="list-style-type: none"> 1. 2023 Local Sports Infrastructure Fund Application – Boort Lawn Tennis Club 2. Privacy Policy (version 3) 3. Australia Day Celebrations 4. Review of the Financial Reserves Policy 5. S181 – 25 Main Street Bridgewater 6. Risk Management Document Review 7. Rural Councils Victoria Committee – Councillor Casual Vacancy 8. General Business: <ul style="list-style-type: none"> • Loddon Shire Council staff Christmas function
Conflict of Interest Disclosures – Councillor/ officer making disclosure	n/a
Councillor/officer left room	n/a

RESOLUTION 2024/5

Moved: Cr Dan Straub

Seconded: Cr Neil Beattie

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

1. Council Briefing 12 December 2023.

CARRIED

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

That Council receive and note resolutions acted upon since the December 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 Agenda report.

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

Of the eight actions generated from December 2023 Council meeting resolutions, six have been completed and two are progressing.

RESOLUTION 2024/6**Moved: Cr Linda Jungwirth****Seconded: Cr Dan Straub**

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

CARRIED

8 MAYORAL REPORT

As Mayor Holt was an apology for the meeting, this item will be carried over to the February Council meeting.

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 presented a verbal report at the meeting.

Cr Beattie

Council activities	
Date	Activity
12/12/2023	December Council Briefing and Council Meeting
15/12/2023	Boort Christmas in the Street
18/12/2023	Meeting with CEO and Director Operations – Boort
21/12/2023	Staff Christmas Function - Serpentine
28/12/2023	Flood management – Boort Lakes
05/01/2024	Boort Trots Summer Meeting
23/01/2024	January Council Briefing and Council Meeting

Cr Straub

Council activities	
Date	Activity
21/12/2023	Staff Christmas Function - Serpentine
01/01/2024	Calivil Bowls Club Tournament – Opening of the event and the new synthetic green
<p>Cr Straub reported on the flood event which affected the Loddon Shire over the Christmas/New Year period and in early January, including telecommunication issues heightened during these events, impacts on agricultural land and the need to identify possible future impacts through flood studies.</p>	

Cr Jungwirth

Council activities	
Date	Activity
12/12/2023	December Council Briefing and Council Meeting
19/12/2023	Victorian Recycling Infrastructure Plan – online discussion
21/12/2023	Staff Christmas Function - Serpentine
08/01/2024	Tarnagulla Community Centre Committee Meeting
19/01/2024	'Rise 2024' training session delivered by Core Confidence

Cr Murphy

Healthy Minds Network
11/12/2023 – Chaired meeting at Marong
<p>Section 65 Community Asset Committees:</p> <p>17/12/2023 - Inglewood Community Sports Centre - Meeting</p> <p>04/12/2023 - Inglewood Town Hall Hub - Meeting</p>

Cr Murphy (continued)

Other Council activities	
Date	Activity
30/11/2023	Online Information Session - Release of updated guidance for Council's applying for a higher 2024/25 rate cap
	Inglewood Development & Tourism Committee - Meeting
07/12/2023	Presented Smiles for Miles awards to five Loddon Shire kindergartens
10/12/2023	Councillor and Executive Christmas lunch
	Inglewood Carols, hosted by Inglewood Lions Club – Inglewood Town Hall
12/12/2023	Councillor session prior to December Briefing
20/12/2023	Inglewood Districts Health Service - AGM
21/12/2023	Staff Christmas Function - Serpentine
23/01/2024	January Council Briefing and Council Meeting

RESOLUTION 2024/7

Moved: Cr Linda Jungwirth

Seconded: Cr Dan Straub

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS

10.1 DECISION REPORT 5934: USE AND DEVELOPMENT OF THE LAND FOR A DWELLING IN THE FARMING ZONE

File Number: FOL/23/4555

Author: Darcy Jackson, Statutory Planning Officer

Authoriser: Louise Johnston, Statutory Planning Coordinator

Attachments: 1. **Decision Report 5934**
2. **Objection - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(f) of the *Local Government Act 2020*. It contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Personal Information **(under separate cover)**

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 grant a planning permit 5934 for use and development of the land for a dwelling 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:

a) Detailed floor and elevation plans for the proposed dwelling.

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. 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.

5. NATIVE VEGETATION

No native vegetation is to be removed without the prior written consent of the Responsible Authority.

6. 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) The vehicle crossover must be constructed to the satisfaction and requirements of Council's Assets and Engineering Department.

7. 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.

8. 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 report, or involved in the subject matter of the report.

PREVIOUS COUNCIL DISCUSSION

There have been no previous Council discussion on this matter.

BACKGROUND

The application was lodged on 2 November 2023 for use and development of the land for a dwelling.

The application was not required to be referred to any external authorities with internal consultation undertaken with the Assets & Infrastructure Department regarding access and the Public Health Officer regarding wastewater and septic, standard conditions were imposed.

One objection was received to the application. The objection raised issues regarding the impact on view, and the environment including the removal of vegetation and the habitat of kangaroos.

The officer recommendation is to issue a notice of decision to grant a 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. 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, the objection is included in the decision report with the personal information removed. Attachment 2 is the same objection with the personal information intact.

The objection has been included twice, once without any personal information and a second time in confidential items including the personal information. This is to insure Council complies with its obligations for handling personal information under the *Privacy and Data Protections Act 2014*. A complete copy of the objection can be made available to the public via an appointment.

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 (attachment 1) for further detail on the application.

RESOLUTION 2024/8

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

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 grant a planning permit 5934 for use and development of the land for a dwelling 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Detailed floor and elevation plans for the proposed dwelling.

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. 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.

5. NATIVE VEGETATION

No native vegetation is to be removed without the prior written consent of the Responsible Authority.

6. 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) The vehicle crossover must be constructed to the satisfaction and requirements of Council's Assets and Engineering Department.

7. 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.

8. 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.

CARRIED

10.2 PRIVACY POLICY (VERSION 3)

File Number:**Author:** Tracy Hunt, Governance Coordinator**Authoriser:** Lisa Clue, Manager Governance**Attachments:**

1. POL Privacy Policy v3
2. POL Privacy Policy - Summary of Changes (v2 to v3)

RECOMMENDATION

That Council adopts Privacy Policy v3.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The Privacy Policy (Version 2) was adopted by Council at the November 2019 Council Meeting.

Privacy Policy (Version 3), including proposed changes was discussed at the December 2023 Council Briefing.

BACKGROUND

Under the *Privacy and Data Protection Act 2014* (PDP Act) and the *Health Records Act 2001* (HR Act) Council must set out in a document, clearly expressed policies on the management of personal and health information.

The PDP Act contains 10 Information Privacy Principles (IPPs) that outline how Victorian public sector organisations must handle personal information. The HR Act regulates the collection and handling of health information and establishes Health Privacy Principles (HPPs) that outline how this information should be collected and handled by the Victorian public sector and private sector.

ISSUES/DISCUSSION

The Privacy Policy outlines how Council will collect, hold, use and disclose the personal and health information of individuals, how individuals can gain access to their information and correct inaccuracies, and how an individual may complain about possible breaches of privacy.

The purpose of the policy is to:

- help individuals understand how Council handles their information
- help employees understand how personal information should be handled
- prevent the unnecessary collection and unlawful use or disclosure of information, and
- promote greater public confidence in Council's handling of personal information.

There have been no material changes to the PDP Act or the HR Act since this policy was last considered by Council.

Updates to the policy include, clarification of content to better reflect the purpose of the policy, removal of information that is out of scope, and general grammatical and formatting corrections. A summary of the changes is attached to this Agenda report.

Following its adoption, the reviewed policy will be accessible from Council's website.

COST/BENEFITS

There is no cost involved in the adoption of this policy. The benefit of adopting the policy is the setting of clear expectations for the management of personal and health information.

RISK ANALYSIS

The Privacy Policy supports compliance with relevant legislation and minimises risks associated with the management of personal and health information.

CONSULTATION AND ENGAGEMENT

The Privacy Policy was presented to the Management Executive Group for endorsement prior to it being presented to Council.

RESOLUTION 2024/9

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council adopts Privacy Policy v3.

CARRIED

10.3 REVIEW OF RISK MANAGEMENT DOCUMENTS

File Number:

Author: Lisa Clue, Manager Governance

Authoriser: Daniel Hirth, Acting Director Corporate

Attachments:

1. Risk Management Policy v7
2. Risk Management Framework v4
3. Risk Appetite Statement v2
4. Risk Management Implementation Plan v2
5. Summary of proposed changes

RECOMMENDATION

That Council:

1. adopts the following reviewed documents:
 - (a) Risk Management Policy v7
 - (b) Risk Management Framework v4
 - (c) Risk Appetite Statement v2
2. notes the reviewed and updated actions in the Risk Management Implementation Plan v2.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The documents presented within this report were last adopted by Council in May 2022.

Councillors most recently discussed the review of these documents at the December Council Briefing.

BACKGROUND

In response to a 2020 'Review of Risk Management Framework ISO 31000:2018' internal audit report, four key risk management documents were developed and approved by Council in May 2022.

The documents have been recently been reviewed and aligned to Council's current organisation structure and reporting forums.

The reviewed documents were presented to Council's Audit and Risk Committee (ARC) at its November meeting where they were endorsed for presentation to Council.

This report seeks Council adoption of the reviewed Risk Management Policy, Framework and Appetite Statement.

ISSUES/DISCUSSION

The Risk Management Policy outlines Council's commitment to risk management, the Risk Management Framework outlines the roles and responsibilities of those involved in risk management within Council, and the Risk Appetite Statement documents the amount of risk Council is willing to take in achieving its strategic objectives. The Risk Management Implementation Plan compliments these documents and outlines a roadmap to risk management maturity within Council. The Plan consists four pillars, each containing several actions:

1. Risk management framework (nine actions, four of which have been completed)
2. Risk management process (seven actions, two of which has been completed)
3. Risk management culture (three actions)
4. Other strategies to improve risk (three actions, one of which has been completed).

Proposed changes to the documents presented are predominately administrative amendments, and realignment to Council's current organisation structure in terms of risk management responsibilities and reporting forums. A summary of proposed changes is attached to this Agenda report.

As further progress is made on the Risk Management Implementation Plan, the effectiveness of the Risk Management Framework and the Risk Appetite Statement's degree of alignment with Council's risk profile will become evident and trigger further reviews of those documents.

COST/BENEFITS

The benefits of the Risk Management Framework and related documents are the guidance they provide to manage risk across Council.

There are no costs related to the adoption of the reviewed documents.

RISK ANALYSIS

The documents presented form part of a suite of core risk management documents for Council designed to promote best practice risk management.

CONSULTATION AND ENGAGEMENT

The reviewed documents were presented to, and subsequently endorsed by the Audit and Risk Committee at its November meeting.

RESOLUTION 2024/10

Moved: Cr Dan Straub

Seconded: Cr Linda Jungwirth

That Council:

1. adopts the following reviewed documents:
 - (a) Risk Management Policy v7
 - (b) Risk Management Framework v4
 - (c) Risk Appetite Statement v2
2. notes the reviewed and updated actions in the Risk Management Implementation Plan v2.

CARRIED

10.4 NORTH CENTRAL GOLDFIELDS REGIONAL LIBRARY AGREEMENT 2024**File Number:****Author:** Renae Colls, Executive Assistant**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. North Central Goldfields Regional Library Agreement 2024**RECOMMENDATION**

That Council authorise the Chief Executive Officer to affix the Loddon Shire Council seal and undertake all necessary administrative actions to enter into the North Central Goldfields Regional Library Agreement 2024

CONFLICT OF INTEREST

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

PREVIOUS DISCUSSION

Councillors discussed the North Central Goldfields Regional Library Agreement 2024 at the Council Briefing held 23 January 2024.

BACKGROUND

The North Central Goldfields Regional Library Corporation has included four Councils since its inception in 1996. The Corporation consists of members from the City of Greater Bendigo, and the Shires of Loddon, Macedon Ranges and Mount Alexander. The Corporation provides library services to the member municipalities.

The Regional Library Corporation was created in 1996 and is designated a body corporate with perpetual succession under the Local Government Act, insofar as the Corporation remains in place for perpetuity and until such time as there is a voluntary winding up of the Regional Library Corporation. Under the *Local Government Act 2020* (the Act) the Corporation must be wound up by 2030.

The Regional Library Agreement, approved by the Minister for Local Government, provides the terms under which the Corporation and member Councils act and contribute to the library services.

The last Goldfields Library Corporation Regional Library Agreement was approved by the Minister for Local Government in 2019 and this report relates to a review of that current agreement.

It should be noted that the agreement proposed for Ministerial approval in 2024 is expected to be the final agreement before the voluntary winding up of the Corporation as per requirements of the Act which states that all Regional Library Corporations must either be voluntarily wound up before 2030 or they will be wound up by the Minister for Local Government in 2030.

Cr Jungwirth and CEO Fitzgerald are members of the library board, CEO Fitzgerald is also on the board's Finance Committee.

ISSUES/DISCUSSION

The current Goldfields Regional Library Agreement approved by the Minister in 2019 has been reviewed by the Chief Executive Officer (CEO) and Board of Goldfields Library Corporation (GLC) and there are no proposed changes to the Agreement. The Agreement outlines:

- The role of the Corporation,
- Membership of the Corporation,
- Meeting procedures,
- Requirements for strategic planning, budgeting and financial contributions, and
- Entry, exit and dissolution provisions as per section 196 and 197 of the *Local Government Act 1989*.

With no amendments proposed to the conditions of the current agreement, the GLC CEO and Board believe clarity for all member councils will be provided by signing and sealing a 2024 Agreement that effectively provides a continuation of the arrangement for shared library services for the four member councils that will remain as councils move toward the voluntary winding up of the Corporation.

The North Central Goldfields Regional Library Agreement 2024 is attached to this Agenda report. There are no changes to the agreement other than the change of dates to 2024, given the expectation of approval of the new agreement by the Minister in 2024.

COST/BENEFITS

Funding for the Regional Library Corporation is provided for in the current budget, and each year an agreement is reached on an equal per capita contribution based on an annual budget and 10-year financial plan developed by the Regional Library Corporation.

While the service was traditionally funded equally between the State and Local Governments, the 2022/23 funding split was local government 72.9% and State Government 27.1%.

Loddon Shire Council's contribution in 2022/23 was \$205,410 as part of a combined local government contribution of \$5,454,093. This contribution has traditionally increased in line with the Local Government Rate Cap.

The Victorian Government also provides Public Library funding. In 2023/24 the Public Library funding is \$1,478,364. This amount increased 1.47% between the 2021/22 financial year and the 2022/23 financial year. This funding has not increased in the 2023/24 financial year. Considering inflation of 11% over that 2 year period against a 1.47% State Government increase, the board will need to consider service levels or seek local government funding increases

16% of the Loddon Shire population are members of the Library and there are 6 agencies, Boort, Dingee, Inglewood, Pyramid Hill, Tarnagulla and Wedderburn. Assessments and statistics outlined within the annual report indicate that the Corporation is amongst the best performing services in Victoria.

RISK ANALYSIS

The 2024 Regional Library Agreement aligns with the current practice of the Regional Library Corporation and represents good governance through the provision of an Agreement that clearly specifies the responsibilities of all parties.

The current Agreement has been reviewed and no conditions have been changed in any way.

This process represents a continuation of current services utilising the same arrangements as currently exist.

CONSULTATION AND ENGAGEMENT

Section 197 of the Local Government Act requires that Council advertise its intention to sign and seal a Regional Library Agreement. Council published the Regional Library Agreement 2024 on Council's website and the Loddon Herald newspaper (Thursday, 15 November 2023 edition). The purpose of this publication was to seek feedback from community members on the proposed agreement. An exhibition period of 28 days was provided, commencing on Thursday, 16 November 2023 concluding on Thursday, 14 December 2023. No public submissions were received during this period.

RESOLUTION 2024/11

Moved: Cr Linda Jungwirth

Seconded: Cr Dan Straub

That Council authorise the Chief Executive Officer to affix the Loddon Shire Council seal and undertake all necessary administrative actions to enter into the North Central Goldfields Regional Library Agreement 2024.

CARRIED

10.5 INTENTION TO SUBDIVIDE AND SELL A PORTION OF LAND AT 24-32 WILSON STREET, WEDDERBURN**File Number:** GF/19/19534**Author:** Christine Coombes, Executive Services Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer

- Attachments:**
1. **Ambulance Victoria proposed concept plan for Wedderburn Branch - 32 Wilson Street Wedderburn**
 2. **Ambulance Victoria proposal**
 3. **Lions - Letter to Council re new Ambulance Station**
 4. **Proposed land size requirements for Ambulance Station and assisted living facility**
 5. **Valuation report: 24-32 Wilson Street Wedderburn - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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 private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.
(under separate cover)

RECOMMENDATION

That Council:

1. Provide public notice of Council's intention to sell part of the vacant land at 24 – 32 Wilson Street, Wedderburn to Ambulance Victoria,
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the *Local Government Act 2020*;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell part of the vacant land at 24 – 32 Wilson Street, Wedderburn to Ambulance Victoria, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Ambulance Victoria (AV) met with Councillors and Executive Officers at the June Council Forum to discuss a proposal for use of vacant land at the Wedderburn Community Centre site for the development of an Ambulance Branch.

BACKGROUND


AV submitted a proposal (attached) to acquire a portion of Council owned land, for the delivery of a Branch in Wedderburn. A number of sites were inspected in Wedderburn and the portion of vacant land at the Community Centre site was found to be the optimal location.

The proposed site forms a portion of the land made available to the Wedderburn Lions (Lions) in 2016, with a review of the decision in 2020, for a proposed Aged Care Facility.

Council’s offer to the Lions:

In 2016 the Lions wrote to Council seeking support for land to be made available for the purpose of an Aged Care Facility. The request was discussed at the Ordinary Meeting of 13 September 2016, with the following motion discussed and resolved:

Extract from the minutes of Ordinary Meeting 13 September 2016:



ORDINARY MEETING MINUTES **13 September 2016**

5. INFORMATION REPORTS

5.1 INWARDS CORRESPONDENCE

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

RECOMMENDATION
That Council receives and notes the Inwards Correspondence.

Date	From	Subject
12/8/2016	Wedderburn Lions Club	Several letters regarding Aged Care Facility Land – adjacent to Wedderburn Community Centre
29/08/2016	Keren Chapman	Enclosing letter sent to Peter Walsh regarding Boort Primary School site.

MOTION

Moved: Cr Holt Seconded: Cr McKinnon

- That Council receives and notes the Inwards Correspondence.
- That advice be given to the Wedderburn Lions Club that Council is prepared to make Council owned land at 32 Wilson Street Wedderburn available to the Wedderburn Lions Club at no cost for the purpose of building an aged care facility.

This offer is subject to all costs associated with the establishment and operation of the aged care facility being met by parties other than the Loddon Shire Council.

This offer from the Loddon Shire Council expires on 30 June 2020 if the project has not been substantially commenced by that date.

It should also be noted that the Wedderburn Community Centre Committee of Management is the Council’s delegated operator of this site, and it should be informed of Council’s offer to the Wedderburn Lions Club.

Carried

The Lions sought support, funding and feasibility following Council’s agreement to make the land at 32 Wilson Street available. In 2020, works had not been commenced, with the Lions seeking an extension to the timing of the land availability.

This request for extension was presented at the Ordinary Council Meeting 25 August 2020. Councillors at the time discussed and resolved to extend the expiration date for the project to be substantially commenced.

Extract from the minutes of Ordinary Meeting 25 August 2020, Urgent Business:

13.4 WEDDERBURN AGED CARE FACILITY

RESOLUTION 2020/1

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

10. That advice be given to the Wedderburn Lions Club that Council is prepared to make Council owned land at 32 Wilson Street Wedderburn available to the Wedderburn Lions Club at no cost for the purpose of building an aged care facility.

11. This offer is subject to all costs associated with the establishment and operation of the aged care facility being met by parties other than the Loddon Shire Council.

12. This offer from the Loddon Shire Council expires on 31 August 2024 if the project has not been substantially commenced by that date.

It should also be noted that the Wedderburn Community Centre Committee of Management is the Council's delegated operator of this site, and it should be informed of Council's offer to the Wedderburn Lions Club.

CARRIED

The Lions continue to seek funding and support for a proposed Aged Care Facility.

Council Officers, Lions and AV representatives have met on site to inspect the requirements of land size sought to develop a branch.

ISSUES/DISCUSSION

The proposed land size, to be subdivided from title, as drawn up on the concept plan attached, is an area of 1,849 square metres, all that piece of land being Lot 1 on Title Plan 555062 and Crown Allotments 3 and 7 Section. V, Parish of Wedderburne. The lot is situated on the western side of Wilson Street and located approximately 120 metres north of the intersection of Wilson and Chapel Streets.

The vacant land is zoned Township, (TZ) under the Loddon Shire Planning Scheme. The property is subject to a Heritage Overlay (HO230). The property is located within a designated bush fire prone area. This is a common designation for properties in the immediate and surrounding area and it does not adversely impact on marketability or value. Utility services available to the property include electricity, telephone, town water and sewerage. Vehicular access to the property is via Wilson Street which is a bitumen sealed road. Access to the property is considered easy and direct.

Sub division would be undertaken by contracted land surveyors. The land to be sub divided is per the concept plans attached.

Council Officers have obtained a valuation report, 27 December 2023, as required under section 114 (2c) of the Local Government Act 2020, to determine the current market value of the parcel of land to undergo sub division, as per the dimension requested by AV. The valuation, as attached, will determine the sale price of the land to AV.

COST/BENEFITS

Cost to date is for the completion of the valuation report. Request for quotation is currently being sought for the plan of sub division. Costs for the valuation, sub division and legal fees, will be expended from Land and Buildings with proceeds of sale to be returned to the Land and Buildings Reserve.

RISK ANALYSIS

It is a risk to the community if AV were unsuccessful in gaining land suitable for a proposed branch.

CONSULTATION AND ENGAGEMENT

Council officers have met with AV and Lions members to discuss the proposed use of the land at the Community Centre site.

Lions have provided a letter of support, attached, for the co-location of a new assisted living facility and an Ambulance Station for Wedderburn.

In accordance with Section 114 (2b) of the Local Government Act 2020, any sale of land by a Council under this section must be undertaken in accordance with the Council's Community Engagement Policy.

Council will publish notice of intention to sell land on Council's website and by public notice in the Loddon Herald newspaper for a period of four weeks. Council's Community Reference Group will be notified of the intention to sale.

If no submissions are received in regard to the intent to sell, the property sale and transfer will be undertaken by Council's legal representative. If submissions were received and to be heard, follow up detail would be provided to Council

RESOLUTION 2024/12

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council:

1. Provide public notice of Council's intention to sell part of the vacant land at 24 – 32 Wilson Street, Wedderburn to Ambulance Victoria,
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the Local Government Act 2020;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell part of the vacant land at 24 – 32 Wilson Street, Wedderburn to Ambulance Victoria, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CARRIED

10.6 SALE OF LAND - BROOKE STREET, INGLEWOOD**File Number:** GF/19/19534**Author:** Christine Coombes, Executive and Commercial Services Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. **Brooke Street Inglewood - Valuation report - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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 private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending **(under separate cover)**

RECOMMENDATION

That Council:

1. Provide public notice of Council's intention to sell Allotments 11, 12 and 13 Sec.4 township of Inglewood;
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the *Local Government Act 2020*;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell Allotments 11, 12 and 13 Sec.4 township of Inglewood, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Properties which were identified as being surplus to Council and community needs were discussed at the September 2023 Council Forum.

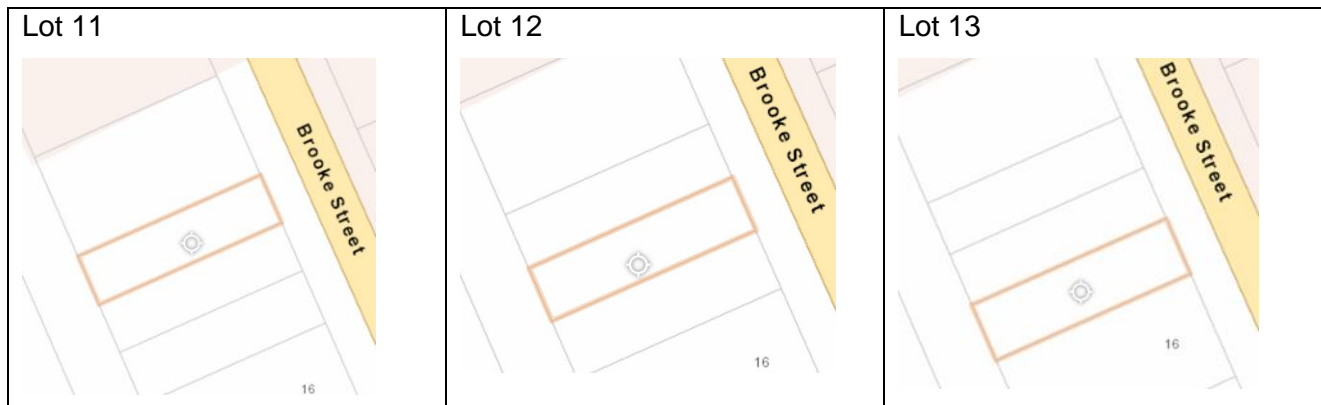
BACKGROUND

The property currently owned by Council is excess to its needs for future public use.

The allotments that form the parcel to be sold and consolidated are:

- All that piece of land being Crown Allotment 11 Section 4 Township of Inglewood, being land more particularly described as Certificate of Title Volume 7709 Folio 012.
- All that piece of land being Crown Allotment 12 Section 4 Township of Inglewood, being land more particularly described as Certificate of Title Volume 11042 Folio 098.
- All that piece of land being Crown Allotment 13 Section 4 Township of Inglewood, being land more particularly described as Certificate of Title Volume 10476 Folio 913.

The property has been valued in accordance with the Local Government Act 2020, and the market value of the property has been assessed at the value contained within the attached report (LG Valuation Services, 5 January 2024).



ISSUES/DISCUSSION

The following points outline the issues with this particular parcel of land.

- Access from the highway may not be feasible.
- There is an unused road easement at the back of the adjacent properties which may be required to be used as a driveway.
- Offering lots to be sold as one parcel of land, to enable allotment size scope for the building of a residential home or units with enabled access.
- The purchaser would be required to consolidate titles upon purchase.

General remarks by the valuer state:

- The property comprises 3 vacant rectangular shaped allotments of a total area of 1,138 square metres situated on the western side of Brooke Street. The site is level in contour with sealed road access. The property is located approximately 100 metres north of the intersection of Brooke and Houston Streets

COST/BENEFITS

Council is currently paying Fire Services Levy on these parcels, there would be a financial benefit to Council in eliminating this ongoing cost.

Cost of sale will include valuation, licenced real estate agent and legal fees. Cost will be expended from the Land and Buildings Reserve, with proceeds of sale to be returned to that Reserve.

RISK ANALYSIS

There are no risks associated with this report.

CONSULTATION AND ENGAGEMENT

In accordance with Section 114 (2b) of the Local Government Act 2020, any sale of land by a Council under this section must be undertaken in accordance with the Council's Community Engagement Policy.

Council will publish notice of intention to sell land on Council's website and by public notice in the Loddon Herald newspaper for a period of four weeks. Council's Community Reference Group will be notified of the intention to sell.

If no submissions are received in regard to the intent to sell, the property will be listed with a licenced real estate agent. If submissions are received and are to be heard, follow up detail will be provided to Council.

RESOLUTION 2024/13

Moved: Cr Dan Straub

Seconded: Cr Neil Beattie

That Council:

1. Provide public notice of Council's intention to sell Allotments 11, 12 and 13 Sec.4 township of Inglewood;
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the Local Government Act 2020;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell Allotments 11, 12 and 13 Sec.4 township of Inglewood, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CARRIED

10.7 SALE OF LAND - BELL STREET, BORUNG**File Number:** GF/19/19534**Author:** Christine Coombes, Executive Services Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. **Bell Street Borung - Valuation report - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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 private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending **(under separate cover)**

RECOMMENDATION

That Council:

1. Provide public notice of Council's intention to sell Lot 1 TP 220272 and Lot 1 516558 Borung Rec. Reserve T/ship Borung Parish Kinypaniel KP;
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the *Local Government Act 2020*;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell, Lot 1 TP 220272 and Lot 1 516558 Borung Rec. Reserve T/ship Borung Parish Kinypaniel KP, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Properties which were identified as being surplus to Council and community needs were discussed at the September 2023 Council Forum.

BACKGROUND

The property currently owned by Council is excess to its needs for future public use.

The parcels that make up the property to be sold are:

- All that piece of land being Lot 1 on Title Plan 516558G, being land more particularly described as Certificate of Title Volume 2357 Folio 392.
- All that piece of land being Lot 1 on Title Plan 220272A, being land more particularly described as Certificate of Title Volume 8070 Folio 213.

The property has been valued in accordance with the Local Government Act 2020, and the market value of the property has been assessed at the value contained within the attached report (LG Valuation Services, 5 January 2024).



ISSUES/DISCUSSION

General remarks by the valuer state:

- The property comprises a vacant 3,065 square metre rectangular shaped allotment situated on the southern side of Bell Street in Borung. The site is level in contour with sealed road access and channelling. The property is located approximately 125 metres west of the intersection of Bell and Perryman Streets.
- The property is situated on the southern side of Bell Street in Borung. The site is level in contour with sealed road access and channelling. The property is located approximately 125 metres west of the intersection of Bell and Perryman Streets.
- The land is zoned Township Zone, (TZ) under the Loddon Shire Planning Scheme.
- The property is located within a designated bush fire prone area. This is a common designation for properties in the immediate and surrounding area and it does not adversely impact on marketability or value.
- Utility services available to the property include electricity, telephone and town water for connection at the property boundary.
- Primary vehicular access to the property is via the Bell Street which is a bitumen sealed road. Access to the property is considered easy and direct.

COST/BENEFITS

Council is currently paying Fire Services Levy on these parcels, there would be a financial benefit to Council in eliminating this ongoing cost.

Cost of sale will include valuation, licenced real estate agent and legal fees. Cost will be expended from the Land and Buildings Reserve, with proceeds of sale to be returned to that Reserve.

RISK ANALYSIS

There are no risks associated with this report.

CONSULTATION AND ENGAGEMENT

In accordance with Section 114 (2b) of the Local Government Act 2020, any sale of land by a Council under this section must be undertaken in accordance with the Council's Community Engagement Policy.

Council will publish notice of intention to sell land on Council's website and by public notice in the Loddon Herald newspaper for a period of four weeks. Council's Community Reference Group will be notified of the intention to sell.

If no submissions are received in regard to the intent to sell, the property will be listed with a licenced real estate agent. If submissions are received and are to be heard, follow up detail will be provided to Council.

RESOLUTION 2024/14

Moved: Cr Linda Jungwirth

Seconded: Cr Dan Straub

That Council:

1. Provide public notice of Council's intention to sell Lot 1 TP 220272 and Lot 1 516558 Borung Rec. Reserve T/ship Borung Parish Kinypaniel KP;
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the Local Government Act 2020;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell, Lot 1 TP 220272 and Lot 1 516558 Borung Rec. Reserve T/ship Borung Parish Kinypaniel KP, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CARRIED

10.8 SALE OF LAND - BOORT CHARLTON ROAD, BOORT**File Number:** GF/19/19534**Author:** Christine Coombes, Executive Services Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. **Boort-Charlton Road - Valuation report - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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 private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending **(under separate cover)**

RECOMMENDATION

That Council:

1. Provide public notice of Council's intention to sell Lot 1 PS612125S PO Boort, Boort – Charlton Road, Boort;
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the *Local Government Act 2020*;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell Lot 1 PS612125S PO Boort, Boort – Charlton Road, Boort, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Properties which were identified as being surplus to Council and community needs were discussed at the September 2023 Council Forum.

BACKGROUND

All that piece of land being Lot 1 on Plan of Subdivision 612125S, being land more particularly described as Certificate of Title Volume 11109 Folio 979, the property, currently owned by Council is excess to its needs for future public use.

The property has been valued in accordance with the Local Government Act 2020, and the market value of the property has been assessed at the value contained within the attached report (LG Valuation Services, 5 January 2024).



ISSUES/DISCUSSION

The following points outline the issues with this particular parcel of land.

- The property is visibly being used by the adjoining land owner, with no land use agreement or lease in place.
 - The property was initially purchased as future potential industrial land. The land zoned farming, is not suitable for non-farming related industrial land use purposes.
 - The property is fenced on the western, southern and eastern boundaries, there is no fencing on the northern boundary with the neighbour.
- 1.
 2. General remarks by the valuer state:
 - The property comprises a vacant 20.71 hectares rectangular shaped allotment situated on the northern side of the Boort-Charlton Road, Boort. The site is currently being used for agricultural purposes - cereal cropping. The property is located approximately 2.5 kilometres west of Boort with its south western boundary located at the intersection of the Boort-Charlton Road and Whitaker Lane.
 - Utility services available to the property include electricity, telephone and town water for connection at the property boundary.
 - Primary vehicular access to the property is via the Boort-Charlton Road which is a bitumen sealed road. Secondary access is via Whitaker Lane an unsealed road.

COST/BENEFITS

Council is currently paying a Fire Services Levy on this parcel, there would be a financial benefit to Council in eliminating this ongoing cost.

Cost of sale will include valuation, licenced real estate agent and legal fees. Cost will be expended from the Land and Buildings Reserve, with proceeds of sale to be returned to that Reserve.

RISK ANALYSIS

The boundary may require to be land levelled in a number of places and fenced to separate ownership.

CONSULTATION AND ENGAGEMENT

In accordance with Section 114 (2b) of the Local Government Act 2020, any sale of land by a Council under this section must be undertaken in accordance with the Council's Community Engagement Policy.

Council will publish notice of intention to sell land on Council's website and by public notice in the Loddon Herald newspaper for a period of four weeks. Council's Community Reference Group will be notified of the intention to sell.

Notification will be provided to the adjoining land owners.

If no submissions are received in regard to the intent to sell, the property will be listed with a licenced real estate agent. If submissions are received and are to be heard, follow up detail will be provided to Council.

RESOLUTION 2024/15

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council:

1. Provide public notice of Council's intention to sell Lot 1 PS612125S PO Boort, Boort – Charlton Road, Boort;
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the Local Government Act 2020;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell Lot 1 PS612125S PO Boort, Boort – Charlton Road, Boort, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CARRIED

10.9 SALE OF LAND - GODFREY STREET, BOORT**File Number:** GF/19/19534**Author:** Christine Coombes, Executive Services Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. **Godfrey Street Boort - Valuation report - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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 private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending **(under separate cover)**

RECOMMENDATION

That Council:

1. Provide public notice of Council's intention to sell Godfrey Street Boort, Allot.20 Sec.1 Township of Boort,
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the *Local Government Act 2020*;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell Godfrey Street Boort, Allot.20 Sec.1 Township of Boort, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Properties which were identified as being surplus to Council and community needs were discussed at the September 2023 Council Forum.

BACKGROUND

The property currently owned by Council is excess to its needs for future public use.

The property to be sold is that piece of land being Crown Allotments 20 Section 1, Township of Boort and Parish of Boort, being land more particularly described as Certificate of Title Volume 10294 Folio 369.

The property has been valued in accordance with the Local Government Act 2020, and the market value of the property has been assessed at the value contained within the attached report (LG Valuation Services, 5 January 2024).



ISSUES/DISCUSSION

General remarks by the valuer state:

- The land is zoned Township, (TZ) under the Loddon Shire Planning Scheme. The property is subject to Specific Controls Overlay Schedule 2 (SCO2).
- The property is located within a designated bush fire prone area. This is a common designation for properties in the immediate and surrounding area and it does not adversely impact on marketability or value.
- Utility services available to the property include electricity, telephone, town water and sewerage.

Access to the property would be preferred via King Street West. Access via Godfrey Street would require a permit.

COST/BENEFITSGODFREY STREET WHICH IS A BITUMEN SEALED ROAD

Council is currently paying Fire Services Levy on this parcel, there would be a financial benefit to Council in eliminating this ongoing cost.

Cost of sale will include valuation, licenced real estate agent and legal fees. Cost will be expended from the Land and Buildings Reserve, with proceeds of sale to be returned to that Reserve.

RISK ANALYSIS

There are no risks associated with this report.

CONSULTATION AND ENGAGEMENT

In accordance with Section 114 (2b) of the Local Government Act 2020, any sale of land by a Council under this section must be undertaken in accordance with the Council's Community Engagement Policy.

Council will publish notice of intention to sell land on Council's website and by public notice in the Loddon Herald newspaper for a period of four weeks. Council's Community Reference Group will be notified of the intention to sell.

If no submissions are received in regard to the intent to sell, the property will be listed with a licenced real estate agent. If submissions are received and are to be heard, follow up detail will be provided to Council.

RESOLUTION 2024/16

Moved: Cr Neil Beattie

Seconded: Cr Dan Straub

That Council:

1. Provide public notice of Council's intention to sell Godfrey Street Boort, Allot.20 Sec.1 Township of Boort,
2. Undertake community engagement in accordance with Council's Community Engagement Policy and the Local Government Act 2020;
3. If no objections are raised during community engagement, authorise the Chief Executive Officer to sell Godfrey Street Boort, Allot.20 Sec.1 Township of Boort, within 10% of the independent valuation price as attached to this report; and
4. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the sale.

CARRIED

10.10 C579- CANARY ISLAND CULVERT REPLACEMENT - AMENDMENT**File Number:****Author:** Kalyan Khanal, Project Engineer**Authoriser:** David Southcombe, Manager Assets and Infrastructure**Attachments:** 1. **C579 - Tender Evaluation Report (Updated) - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(g(ii)) of the *Local Government Act 2020*. It contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Updated Tender Evaluation Report **(under separate cover)**

2. **Budget Adjustment - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(g(ii)) of the *Local Government Act 2020*. It contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

(under separate cover)

RECOMMENDATION

That Council:

1. rescind Council resolution 2023/136 made at its December 2023 meeting
2. award Contract 579 – Canary Island Culvert Replacement with the alternative barrier rail option to Avard Civil and amend the project budget as detailed in Attachment 2
3. authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the contract documents.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The Canary Island culvert replacement forms part of the Annual Infrastructure Program 2023-2024. The Annual Infrastructure Program was adopted at the June 2023 Council meeting.

At its meeting held 12 December 2023 Council resolved (resolution 2023/136) to award C579 – Canary Island culvert replacement with the alternative barrier rail option to Avard Civil including a budget adjustment as per Attachment 2.

BACKGROUND

In October 2023, Loddon Shire Council advertised a tender for the replacement of three culverts on Canary Island Road. An allocation for this project was made within the Annual Infrastructure Program 2023-2024.

At the December 2023 Council meeting, the recommendation was to award the contract to Avard Civil with the alternative barrier rail option.

ISSUES/DISCUSSION

While completing the contract documents to engage Avard Civil, an administrative error with the budget amendment was identified. The value of the project and subsequent budget adjustment adopted at the December 2023 Council meeting is incorrect and requires correction to allow the Council to proceed with Contract C579.

The tender evaluation report has been revised with the corrected values. The preferred tenderer remains Avard Civil and the preferred scope still includes delivering the project with the alternative barrier rail installed. Attachment 2 outlines the amended budget according to the updated evaluation report and costings.

While the revised cost is within the original budget allocation and could have been delivered within the budget allocated at the December Council meeting, this additional cost would have reduced the contingency for the project. It is also good governance to ensure that officers are transparent in providing accurate financial information to Council for decision and acknowledging that administrative errors occur from time-to-time requiring timely correction. This error will not have a material impact on the overall capital works program.

COST/BENEFITS

The budget allocation required to deliver the project is still below the original allocation adopted at the June 2023 Council meeting.

Council requested that the tenderers supply a provisional sum for an alternative barrier rail (Crocguard) over the structure, but not attached to the structure. Crocguard provides the additional benefit of not damaging the structure if vehicles hit the barrier rail by ripping out pins or cracking the concrete slab or crown unit. The preferred tenderer submission with the inclusion of the Crocguard is the best priced option.

All submitted tenders are lower than the budget allocated within the 2023-24 Annual Infrastructure Program for the three culverts. The Local Roads Community Infrastructure Program (LRCIP) – Phase 4, funds this project. It is proposed to reduce the funding for this project as detailed in Attachment 2.

All tenderers are based outside of the Shire. Two tenderers indicated that they had staff or sub-contractors that reside with the Municipality. All tenders also indicated that some materials would be sourced from Loddon Shire Council. Other local benefits as indicated in the tender submissions will largely be through accommodation, fuel and meals for the works crew.

RISK ANALYSIS

Avard Civil has successfully completed a number of projects for Loddon Shire Council previously.

There is the potential for project variations that increase the total cost of works. However, the estimated cost of the works and any variations should be accommodated within the project budget.

Risk emanating from this project and company is expected to be minimal.

CONSULTATION AND ENGAGEMENT

The development of this contract C579 – Canary Island Culvert replacement has been prepared with consultation with the Assets and Infrastructure and Finance Departments.

RESOLUTION 2024/17

Moved: Cr Dan Straub

Seconded: Cr Neil Beattie

That Council:

1. rescind Council resolution 2023/136 made at its December 2023 meeting
2. award Contract 579 – Canary Island Culvert Replacement with the alternative barrier rail option to Avarad Civil and amend the project budget as detailed in Attachment 2
3. authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the contract documents.

CARRIED

10.11 C590 - RECONSTRUCTION OF PYRAMID YARRABERB RD 2.6KM**File Number:** FOL/19/43260**Author:** David Southcombe, Manager Assets and Infrastructure**Authoriser:** Steven Phillips, Director Operations**Attachments:** 1. **Attachment 1 - Tender Evaluation Report - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(g(ii)) of the *Local Government Act 2020*. It contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Contains details of tendered amounts **(under separate cover)**

2. Attachment 2 - LRCI funding breakdown and Project Budget - Confidential

This attachment is designated as confidential in accordance with Section 3(1)(g(ii)) of the *Local Government Act 2020*. It contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Contains details of tendered price **(under separate cover)**

RECOMMENDATION

That Council:

1. Award Contract 590 – Reconstruction of Pyramid Yarraberb Rd 2.6km to Berne Fleming Civil Pty Ltd.
2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the contract documents.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At the November 2023 Council meeting, Council officers advised they were seeking approval from the Local Roads and Community Infrastructure (LRCI) Program to reallocate \$1,235,792 of project underspend from Phases 1, 2, and 3 to undertake a new project to reconstruct 2.6km of Pyramid Yarraberb Rd.

The LRCI funding for this project expires on June 30, 2024. Works are required to be completed prior to this date.

BACKGROUND

Pyramid Yarraberb Rd is a Rural Sealed Collector road that runs north south between Boort Mitiamo Rd and the Loddon Valley Highway. It is an important connecting road between Bendigo, Pyramid Hill and surrounding areas.

This road was affected by flood damage from the October 2022 flood event. Damage IDs DM02562, DM02897 and DM02798 were identified during inspections following the flood event. Together, they resulted in damage to 1.36km of the road pavement requiring reconstruction to rehabilitate the road. Additionally, the adjacent section of pavement is in moderate to poor condition, having an average condition score of 6.1 (0 = new, 10 = failed).

The three damages and adjacent section of road have been combined in to one road reconstruction project of total length 2.6km.

Since the 2020-21 financial year, Council has completed 32 road, footpath, and community infrastructure projects, funded by the LRCI program Phases 1, 2, and 3 for total expenditure of \$3,727,998. These projects were delivered under their budgeted amounts, with \$1,235,792 of funding from LRCI program Phases 1, 2, 3 for these projects remaining unspent.

Following consultation with Council, staff contacted the LRCI Program and sought to have this underspend reallocated to the project Reconstruction of Pyramid Yarraberb Rd 2.6km and subsequently this allocation has been approved.

ISSUES/DISCUSSION

The scope of the project is for the following works:

- Reconstruction of Pyramid Yarraberb Rd between chainages 41,860m and 44,460km as per the specification and drawings outlined in the tender documents.

The evaluation criteria and weightings for the tender assessment are:

- Financial Benefit to Council 25%
- Capability 40%
- Capacity 25%
- Financial Benefit to Community 10%

Council received three conforming responses. These responses were evaluated by an assessment panel (four Council officers in conjunction with Council's Procurement Coordinator) and their report can be found in confidential Attachment 1.

Based on the tenders submitted, Berne Fleming demonstrated the best value, capacity and capability to undertake and deliver this project.

COST/BENEFITS

The submitted tender by Berne Fleming is lower than the LRCI budget allocated for the project. The cost allows for a suitable contingency amount for the project. The project budget and contingency amount is outlined in Attachment 2.

RISK ANALYSIS

Berne Fleming has successfully completed a number of projects for Loddon Shire Council as part of the flood restoration program. They have also previously completed road reconstruction works on Laanecoore Newbridge Rd.

There is the potential for project variations that increase the total cost of works, however the estimated cost of the works and any variations will be accommodated within the project budget.

The LRCI funding for this project expires on June 30, 2024. Works are required to be completed prior to this date. The work schedule provided by Berne Fleming indicates works will be complete in April. This risk is considered minor.

Overall risk emanating from this project and company is expected to be minimal.

CONSULTATION AND ENGAGEMENT

The development of this contract has been prepared in consultation with the Assets and Infrastructure team, the Flood team, and the Procurement team.

RESOLUTION 2024/18

Moved: Cr Linda Jungwirth

Seconded: Cr Dan Straub

That Council:

1. Award Contract 590 – Reconstruction of Pyramid Yarraberb Rd 2.6km to Berne Fleming Civil Pty Ltd.
2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the contract documents.

CARRIED

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS

Nil

13 URGENT BUSINESS

Nil

14 CONFIDENTIAL ITEMS

Nil

NEXT MEETING

The next Meeting of Council will be held 27 February 2024 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 3.57pm.

Confirmed this.....day of..... 2024

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CHAIRPERSON