



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

Date: Tuesday, 26 July 2022
Time: 3pm
Location: Loddon Shire Council Chambers,
Wedderburn

AGENDA

Council Meeting

26 July 2022

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OPENING COMMENT

This meeting is being conducted in accordance with the Local Government Act 2020 as temporarily amended to enable meeting by electronic means of communication.

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: 02/01/001

Author: Christine Coombes, Executive and Commercial Services Officer

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council confirm:

1. The minutes of the Council Briefing of 28 June 2022.
2. The minutes of the Council Meeting of 28 June 2022.
3. The minutes of the Confidential Council Meeting of 28 June 2022.
4. The minutes of the Council Forum 12 July 2022.

REPORT

Seeking approval of the unconfirmed minutes of the previous meetings.

6 ADVISORY MEETINGS**6.1 RECORD OF ADVISORY MEETINGS**

File Number: 02/01/001

Author: Christine Coombes, Executive and Commercial Services Officer

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council note the record of the following advisory meetings :

1. Council Briefing 28 June 2022.
2. Council Forum 12 July 2022.

In accordance with Clause 51 of Council's Governance Rules, records of Councillor Briefings and Forums must be reported to the next Council Meeting and confirmed in the minutes.

The record is therefore presented for Council's noting.

Meeting details	Briefing
Date	28 June 2022
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing David Southcombe, Acting Director Operations Amanda Wilson, Director Corporate Lynne Habner, Manager Executive and Commercial Services Catalyst Metals Ltd representatives
Items discussed.	1. Catalyst Metals Ltd 2. General business: <ul style="list-style-type: none"> • 2022 Local Sports Infrastructure Fund Application • Public Questions
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	

Meeting details	Forum
Date	12 July 2022
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing David Southcombe, Acting Director Operations Amanda Wilson, Director Corporate Christine Coombes, Acting Manager Executive and Commercial Services Glenn Harvey, Manager Development and Compliance David Price, Local Laws/Planning Compliance Officer Janine Jackson, Manager Organisation Development Paul Scullie, Acting Manager Community Support Representative from: JWS Research
Items discussed.	<ol style="list-style-type: none"> 1. Untidy and unsightly properties – program review 2. 2022-2023 Community Grants – Group 1 3. 2022-2023 Community Grants – Serpentine Bowls Club 4. CEO Employment and Remuneration Policy 5. Review of Governance Rules 6. Community Satisfaction Survey Results 7. General business: <ul style="list-style-type: none"> • Donaldson Park project tender • Recycling Victoria • Councillor training offered by RCV • Departmental forum presentations • Feedback appropriateness in open council meetings • Neighbourhood safer places • CEO update
Conflict of Interest Disclosures - Councillor/officer making disclosure	Item 3: Wendy Gladman Item 4: Lincoln Fitzgerald
Councillor/officer left room	Yes

7 REVIEW OF ACTION SHEET

7.1 REVIEW OF ACTIONS

File Number: 02/01/002
Author: Christine Coombes, Executive and Commercial Services Officer
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: 1. Action sheet

RECOMMENDATION

That Council receive and note the action sheet.

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

Refer attachment.

<p>Division: Committee: Council Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: Thursday, 14 July 2022 4:59:29 PM</p>
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Outstanding action from previous meetings

Meeting	Officer/Director	Section	Subject
Council 24/05/2022	Phillips, Steven Fitzgerald, Lincoln	Decision Reports	Inglewood Eucalyptus Distillery Museum - Fee Waiver Application
<p>RESOLUTION 2022/78</p> <p>Moved: Cr Neil Beattie Seconded: Cr Wendy Murphy</p> <p>That Council resolve to reimburse Inglewood Eucalyptus Distillery Museum Inc. the planning permit application fee of \$1,570.60 from its Community Planning Project Budget allocation.</p> <p style="text-align: right;">CARRIED</p> <p>16 Jun 2022 11:35am Phillips, Steven Correspondence has gone out to the Inglewood Eucalyptus Distillery Museum informing them of the Council decision. They have also been asked to submit an invoice so that the reimbursement can be paid. Once Council has received that invoice and the payment made this action will be complete.</p> <p>14 Jul 2022 12:27pm Coombes, Christine Invoice not received by Council to date.</p>			

Action Sheets Report	Division: Council Committee: Officer:	Date From: Date To: Printed: Thursday, 14 July 2022 4:59:29 PM
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Actions completed since last meeting

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Caserta, Deanne Wilson, Amanda	Decision Reports	Adoption of the Financial Plan 2022/23 to 2031/32
<p>RESOLUTION 2022/101</p> <p>Moved: Cr Gavan Holt Seconded: Cr Neil Beattie</p> <p>That Council, having advertised the Draft Financial Plan and having received and reviewed the feedback, adopt the Financial Plan 2022/23 to 2031/32.</p> <p style="text-align: right;">CARRIED</p> <p>05 Jul 2022 12:25pm Caserta, Deanne Finalised and published to website. Graphic design copy to be completed in the next few weeks.</p> <p>05 Jul 2022 12:26pm Caserta, Deanne - Completion Action completed by Caserta, Deanne</p>			

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Caserta, Deanne Wilson, Amanda	Decision Reports	Adoption of the 2022/23 Budget and Fees and Charges Schedule
<p>RESOLUTION 2022/102</p> <p>Moved: Cr Wendy Murphy Seconded: Cr Linda Jungwirth</p> <p>That Council:</p> <ul style="list-style-type: none"> (a) having advertised the Draft Budget and having received and reviewed any submissions, adopt the 2022/23 Budget. (b) having advertised the Draft Fees and Charges Schedule and having received no submissions, adopt the 2022/23 Fees and Charges Schedule. (c) subject to the approval of the Director Corporate or Chief Executive Officer, make effective immediately any changes where the fees and charges are altered by legislation, and make amendment to the relevant Fees and Charges Schedule for the year 1 July 2022 to 30 June 2023. <p style="text-align: right;">CARRIED</p>			

Division: Council	Date From:
Committee:	Date To:
Officer:	Printed: Thursday, 14 July 2022 4:59:29 PM

[Action Sheets Report](#)

05 Jul 2022 12:25pm Caserta, Deanne
 Finalised and published to website.
05 Jul 2022 12:26pm Caserta, Deanne - Completion
 Action completed by Caserta, Deanne

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Habner, Lynne Fitzgerald, Lincoln	Decision Reports	Review of Delegations
RESOLUTION 2022/103			
Moved: Cr Neil Beattie			
Seconded: Cr Wendy Murphy			
That Council			
1. In the exercise of the powers conferred by the legislation referred to in the attached instruments of delegation, resolves that:			
(a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instruments of Delegation to members of Council staff, the powers, duties and functions set out in those instruments, subject to the conditions and limitations specified in the instruments.			
(b) On the coming into force of the instruments, all previous Council delegations to members of Council staff are revoked.			
(c) The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.			
CARRIED			
05 Jul 2022 4:22pm Habner, Lynne			
Delegations all finalised and registered by 30 June 2022			
05 Jul 2022 4:23pm Habner, Lynne - Completion			
Action completed by Habner, Lynne			

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Southcombe, David Phillips, Steven	Decision Reports	Asset Plan 2022

Division: Council	Date From:
Committee:	Date To:
Officer:	Printed: Thursday, 14 July 2022 4:59:29 PM

[Action Sheets Report](#)

RESOLUTION 2022/104

Moved: Cr Linda Jungwirth
 Seconded: Cr Gavan Holt

That Council adopts the Asset Plan.

CARRIED

11 Jul 2022 2:35pm Southcombe, David
 Asset Plan 2022 is complete and adopted and sent to Executive to be added to Council's website.

11 Jul 2022 2:36pm Southcombe, David - Completion
 Action completed by Southcombe, David

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Price, David Phillips, Steven	Decision Reports	Draft Community Local Law

RESOLUTION 2022/105

Moved: Cr Linda Jungwirth
 Seconded: Cr Neil Beattie

That the draft Community Local Law 2022 be placed on public exhibition for a period of at least 6 weeks and that following community input, a further report with a revised version be presented to Council to consider adoption of the Community Local Law.

CARRIED

14 Jul 2022 2:49pm Price, David
 Completed. Engagement venues booked, ads placed in newspapers, media release, facebook item, mayoral report item and documents available from Council website

14 Jul 2022 2:55pm Price, David - Completion
 Action completed by Price, David

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Southcombe, David Phillips, Steven	Decision Reports	Annual Infrastructure Program 2022-23 - Part 1

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Thursday, 14 July 2022 4:59:29 PM
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RESOLUTION 2022/106

Moved: Cr Neil Beattie
 Seconded: Cr Wendy Murphy

That Council adopt the Annual Infrastructure Program 2022–23 – Part 1, which includes the following Works Categories: Local Road Gravel Resheet, Local Road Shoulder Resheet, Local Road Reconstruction – Asset Preservation, Township Street Improvement, Urban & Township Drainage, Local Bridges and Culverts, Reseals, and Buildings.

CARRIED

11 Jul 2022 2:36pm Southcombe, David
 Project list has been sent to Finance to create project codes after which projects will begin.

11 Jul 2022 2:37pm Southcombe, David - Completion
 Action completed by Southcombe, David

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Southcombe, David Phillips, Steven	Decision Reports	Annual Infrastructure Program 2022-23 - Part 2

RESOLUTION 2022/107

Moved: Cr Gavan Holt
 Seconded: Cr Linda Jungwirth

That Council adopt the Annual Infrastructure Program 2022-23 – Part 2 for the Works Categories of Local Road Reconstruction– Safety, and Parks and Gardens.

CARRIED

11 Jul 2022 2:36pm Southcombe, David
 Project list has been sent to Finance to create project codes after which projects will begin.

11 Jul 2022 2:37pm Southcombe, David - Completion
 Action completed by Southcombe, David

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Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Southcombe, David Phillips, Steven	Decision Reports	Annual Infrastructure Program 2022-23 - Part 3
<p>RESOLUTION 2022/108</p> <p>Moved: Cr Linda Jungwirth Seconded: Cr Wendy Murphy</p> <p>That Council adopt the Annual Infrastructure Program 2022-23 – Part 3 for the Works Category of Community Projects.</p> <p style="text-align: right;">CARRIED</p> <p>11 Jul 2022 2:37pm Southcombe, David Project list has been sent to Finance to create project codes after which projects will begin.</p> <p>11 Jul 2022 2:37pm Southcombe, David - Completion Action completed by Southcombe, David</p>			

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Jackson, Janine Wilson, Amanda	Decision Reports	ChildSafe Standards Framework and Policy
<p>RESOLUTION 2022/109</p> <p>Moved: Cr Linda Jungwirth Seconded: Cr Neil Beattie</p> <p>That Council:</p> <ul style="list-style-type: none"> (i) approve the Child Safe Standards Framework V2 (ii) approve the Child Safe Policy V2 <p style="text-align: right;">CARRIED</p> <p>14 Jul 2022 8:58am Jackson, Janine The ChildSafe Standards Framework as approved at the June Council Meeting has been signed and uploaded on Councils website</p> <p>14 Jul 2022 9:01am Jackson, Janine - Completion Action completed by Jackson, Janine</p>			

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Jackson, Janine Wilson, Amanda	Decision Reports	Volunteer Strategy

Action Sheets Report	Division: Council Committee: Officer:	Date From: Date To: Printed: Thursday, 14 July 2022 4:59:29 PM
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RESOLUTION 2022/110
 Moved: Cr Wendy Murphy
 Seconded: Cr Linda Jungwirth
 That Council approve the Volunteer Strategy 2022-2026.

CARRIED

14 Jul 2022 8:59am Jackson, Janine
 The Volunteer Strategy as approved at the June Council meeting has been approved and uploaded to Councils website
14 Jul 2022 9:01am Jackson, Janine - Completion
 Action completed by Jackson, Janine

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Gladman, Wendy Gladman, Wendy	Decision Reports	2022 LOCAL SPORTS INFRASTRUCTURE FUND APPLICATION

RESOLUTION 2022/111
 Moved: Cr Neil Beattie
 Seconded: Cr Gavan Holt
 That Council resolve:

1. To support an application to the 2022 Local Sports Infrastructure Fund, endorsing the project to install a synthetic turf at Calivil Bowling Club and confirming the resources required to commence construction within six (6) months of signing the funding agreement, if successful.
2. That this support is subject to:
 - a) confirmation from the Calivil Bowling Club that they will be re-affiliating for the 2022/23 pennant season relevant to their area, and
 - b) written confirmation of the financial contribution to the project from the Calivil Bowling Club.
3. To support Option 2: Recommended Funding Strategy as detailed in attachment 1.

CARRIED

14 Jul 2022 9:29am Gladman, Wendy
 Co-contribution confirmation received from Calivil Bowling Club and application submitted.
14 Jul 2022 9:30am Gladman, Wendy - Completion
 Action completed by Gladman, Wendy

8 MAYORAL REPORT

8.1 MAYORAL REPORT

File Number: 02/01/001
Author: Christine Coombes, Executive and Commercial Services Officer
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION
 That Council receive and note the Mayoral Report

REPORT
 The Mayor will present a report at the meeting.

Cr Straub

Loddon Campaspe Councils	
Murray River Group of Councils	
North Central Goldfields Regional Library	
North Central Local Learning and Employment Network	
Special Committees Of Council (Section 65 Community Asset Committees):	
East Loddon Community Centre Community Asset Committee	
Pyramid Hill Memorial Hall Community Asset Committee	
Other Council activities	
DATE	Activity

9 COUNCILLORS' REPORT

9.1 COUNCILLORS' REPORTS

File Number: 02/01/001
Author: Christine Coombes, Executive and Commercial Services Officer
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

1. Recommendation
 That Council receive and note the Councillors' reports

REPORT

Each Councillor will present a report at the meeting.

Cr Beattie

Rail Freight Alliance	
Special Committees Of Council (Section 65 Community Asset Committees):	
Boort Aerodrome Community Asset Committee	
Boort Memorial Hall Community Asset Committee	
Boort Park Community Asset Committee	
Korong Vale Mechanics Hall Community Asset Committee	
Korong Vale Sports Centre Community Asset Committee	
Little Lake Boort Community Asset Committee	
Yando Public Hall Community Asset Committee	
DATE	Activity

Cr Holt

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

Cr Jungwirth

Loddon Mallee Local Government Waste Forum	
Central Victorian Greenhouse Alliance	
Municipal Emergency Management Plan Committee	
Other Council activities	
DATE	Activity

Cr Murphy

Calder Highway Improvement Committee	
Local Government Women's Charter	
Australia Day Committee	
Healthy Minds Network	
Special Committees Of Council (Section 65 Community Asset Committees):	
Bridgewater on Loddon Memorial Hall Community Asset Committee	
Campbells Forest Hall Community Asset Committee	
Inglewood Community Sports Centre Community Asset Committee	
Inglewood Community Elderly Persons Units Community Asset Committee	
Inglewood Town Hall Hub Community Asset Committee	
Other Council activities	
DATE	Activity

10 DECISION REPORTS**10.1 PLANNING APPLICATION 5711 - USE AND DEVELOPMENT OF A DWELLING AND CREATION OF A NEW ACCESS INTO TRANSPORT ZONE 2 AT LOT 1, NEWBRIDGE ROAD, NEWBRIDGE**

File Number: FOL/19/405156
Author: Louise Johnston, Statutory Planning Coordinator
Authoriser: Glenn Harvey, Manager Development and Compliance
Attachments: 1. Planning application 5711

RECOMMENDATION

That Council determines to issue a Notice of Decision to Grant a Planning Permit for planning application 5711 for use and development of a dwelling and creation of a new access within Transport Zone 2 subject to the following conditions:

Layout

1. 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.

Materials

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

Farm Management Plan

- 3.1 Before the use and/or development starts, a Farm Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Farm Management Plan will be endorsed and will then form part of the permit.
- 3.2 The Farm Management Plan must be generally in accordance with the plan that was submitted with the application. Once endorsed, the plan must not be modified or altered without the written consent of the responsible authority.
- 3.3 The endorsed Farm Management Plan must be implemented and maintained to the satisfaction of the responsible authority.

Land Management Plan

4. Prior to the commencement of buildings and works, a Land Management Plan that details any existing and proposed areas of revegetation/screening that will provide enhancement to the natural environment must be prepared. The plan should include:
 - (a) A site plan showing areas of environmental enhancement, including identification of fencing for the establishment of revegetation along the perimeter boundaries and removal of rocks.
 - (b) A planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).
 - (c) A timeline for completion of environmental works within 5 years of the development starting.

Engineering

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

- 6.1 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.
- 6.2 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.
- 6.3 The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.

Title consolidation

7. Before the construction of a dwelling is completed, the land's titles comprising the titles lots 1 & 2 PS437050 & CA 2001 PO WOODSTOCK must be consolidated into one lot and a single title issued.

Erosion

- 8.1 Care must be taken to ensure that the construction of the buildings and works, and their ongoing use, does not cause erosion or degradation to the subject or surrounding land to the satisfaction of the Responsible Authority.
- 8.2 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.
- 8.3 All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

- **Department of Transport**

-
- 9.1 Only one access to be shared by both Lot 1 and Lot 2 will be permitted from the subject land to Wimmera Highway as shown on the plan appended to the application.
- 9.2 Prior to the occupation of the dwelling, the crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for a 19-m semi-trailer as detailed in Table 2 - Access Setout Details as shown on the guideline drawing.
- 9.3 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 (eg. by spilling gravel onto the roadway).
- Planning Notes
- Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.

Section 173 Agreement

10. Before the use and/or development start(s), the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:
- a) That the owners and occupiers of the land are aware that extractive industry and agricultural

land uses exist in the immediate area and adjacent to the site that may adversely affect the amenity of the land through the emission of noise, dust, odour, blasting impacts, visual amenity and the movement of vehicles including trucks up to 24 hours per day, 7 days per week.

- b) That the owners and occupiers of the land are aware that the extractive industry and agriculture in the immediate area may expand their operations in the future.
- c) That the owners and occupiers of the land undertake not to object or complain about the operations or expansion of the extractive industry and agriculture in the immediate area.
- d) The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

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.

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 19th August 2021 for the use and develop the land for a dwelling and to create a new access into a TZZ at Lot 1 Newbridge Road, Newbridge.

The application was advertised to surrounding landowners; with two objections received.

The application was also referred internally to the Council's Public Health Officer and Asset Management Coordinator, with external referrals to Department of Transport (Sec 55 referral) and Department of Economic, Jobs, Transport & Resources (Sec 52 referral)

In response to objections, the application was amended on 11thMay, 2022 by changing the location of the proposed dwelling and updating the Farm Management Plan.

The amended application was re-advertised and the objections were not withdrawn.

The department of Transport provided conditional consent to the new road opening within Transport Zone 2.

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 land opposite and surrounding the site. Council has received two objections 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.

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 5711: Use and development of a dwelling and a new access into a Transport Zone 2 at Lot 1 Newbridge Road, Newbridge.



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SUMMARY

Application Number:	5711
Applicant:	Darryn & Michelle Phinn
Subject Land:	Lots 1 & 2 PS437050, CA 2001, Parish of Woodstock
Owner:	Darryn & Michelle Phinn
Zone:	Farming Zone
Overlay(s):	Salinity Management Overlay (part)
Existing use:	Vacant farmland
Proposal:	Use and development of the land for a dwelling and creation of a new access within a Transport Zone 2

The following dot points provide a summary of the application:

- The application was lodged on the 19th August 2021 proposing to use and develop the land for a dwelling and create a new access into a TZ2 at Lot 1 Newbridge Road, Newbridge.
- The application was advertised to surrounding landowners; with two objections received.
- The application was also referred internally to the Councils Public Health Officer and Assets Manager, with external referrals to Department of Transport (Sec 55 referral) and Department of Economic, Jobs, Transport & Resources (Sec 52 referral)
- In response to objections, the application was amended on 11thMay, 2022 by changing the location of the proposed dwelling and updating the Farm Management Plan.
- The amended application was re-advertised and the objections were not withdrawn and were reinforced by both objectors.
- The department of Transport provided conditional consent to the new road opening within Transport Zone 2.
- Officer recommendation is to issue a notice of decision to grant a planning permit.

ORDINARY COUNCIL MEETING AGENDA

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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 5711 for use and development of a dwelling and creation of a new access within Transport Zone 2 subject to the following conditions:

Layout

1. 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.

Materials

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

Farm Management Plan

- 3.1 Before the use and/or development starts, a Farm Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Farm Management Plan will be endorsed and will then form part of the permit.
- 3.2 The Farm Management Plan must be generally in accordance with the plan that was submitted with the application. Once endorsed, the plan must not be modified or altered without the written consent of the responsible authority.
- 3.3 The endorsed Farm Management Plan must be implemented and maintained to the satisfaction of the responsible authority.

Land Management Plan

4. Prior to the commencement of buildings and works, a Land Management Plan that details any existing and proposed areas of revegetation/screening that will provide enhancement to the natural environment must be prepared. The plan should include:
 - (a) A site plan showing areas of environmental enhancement, including identification of fencing for the establishment of revegetation along the perimeter boundaries and removal of rocks.
 - (b) A planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).
 - (c) A timeline for completion of environmental works within 5 years of the development starting.

Engineering

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

- 6.1 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.
- 6.2 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.
- 6.3 The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.

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7. Before the construction of a dwelling is completed, the land's titles comprising the titles lots 1 & 2 PS437050 & CA 2001 PO WOODSTOCK must be consolidated into one lot and a single title issued.

Erosion

- 8.1 Care must be taken to ensure that the construction of the buildings and works, and their ongoing use, does not cause erosion or degradation to the subject or surrounding land to the satisfaction of the Responsible Authority.
- 8.2 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.
- 8.3 All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

Department of Transport

- 9.1 Only one access to be shared by both Lot 1 and Lot 2 will be permitted from the subject land to Wimmera Highway as shown on the plan appended to the application.
- 9.2 Prior to the occupation of the dwelling, the crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for a 19-m semi-trailer as detailed in Table 2 - Access Setout Details as shown on the guideline drawing.
- 9.3 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 (eg. by spilling gravel onto the roadway).

Planning Notes

Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.

Section 173 Agreement

10. Before the use and/or development start(s), the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:
 - a) That the owners and occupiers of the land are aware that extractive industry and agricultural land uses exist in the immediate area and adjacent to the site that may adversely affect the amenity of the land through the emission of noise, dust, odour, blasting impacts, visual amenity and the movement of vehicles including trucks up to 24 hours per day, 7 days per week.
 - b) That the owners and occupiers of the land are aware that the extractive industry and agriculture in the immediate area may expand their operations in the future.

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- c) That the owners and occupiers of the land undertake not to object or complain about the operations or expansion of the extractive industry and agriculture in the immediate area.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

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.

2 DISCUSSION**2.1 The Site & Locality**

The subject site comprises three separate lots, Lots 1 & 2 PS 437050X, both 40ha each & Crown Allotment 2001 (3.1ha), a long narrow lot that abuts the two main allotments on the western boundary. The site has a 526m frontage to the Wimmera Highway and 1550.6m lengths along the eastern and western boundaries, having a total area of 83.1ha. The topography of the site and surrounding area is gently undulating. The site falls generally from east to west. The land is vacant farmland, containing three dams within the southern part of the property and a well and is fully fenced.

The land is generally clear of native trees, having some scattered across the site. The grass is a mix of introduced pasture and some native species. The land has an existing informal crossover to the highway located within the north-western corner of the land and the entry point containing double farm gates. The land has scatterings of basalt rock and stones, some of which have been rock raked into piles on the land. The soil on the site varies, with red soil in the northern part of the site and predominantly black soil in the southern part of the site.

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

The subject site is located on the south side of the Bendigo - St Arnaud Road (Wimmera Highway) in Woodstock on Loddon, a rural area that is located 7.5 kilometres east of the Newbridge Township.

The site is located in an area that is predominantly used for agriculture, mostly for grazing and cropping, with some irrigation to the west of the site. The ASQ quarry site is located opposite the subject land on the north side of the Wimmera Highway. This site has a Works Approval (WA1007) under the Mineral Resources (Sustainable Development) Act 1990. The site adjoining the land to the east also has a Works Approval (WA1217) under this Act, which is a smaller scale to that of the ASQ quarry to the north. There are two Hazeldenes poultry farms approximately 1.8 kilometres to the North West of the site and 4.3kms east along the Wimmera Highway.

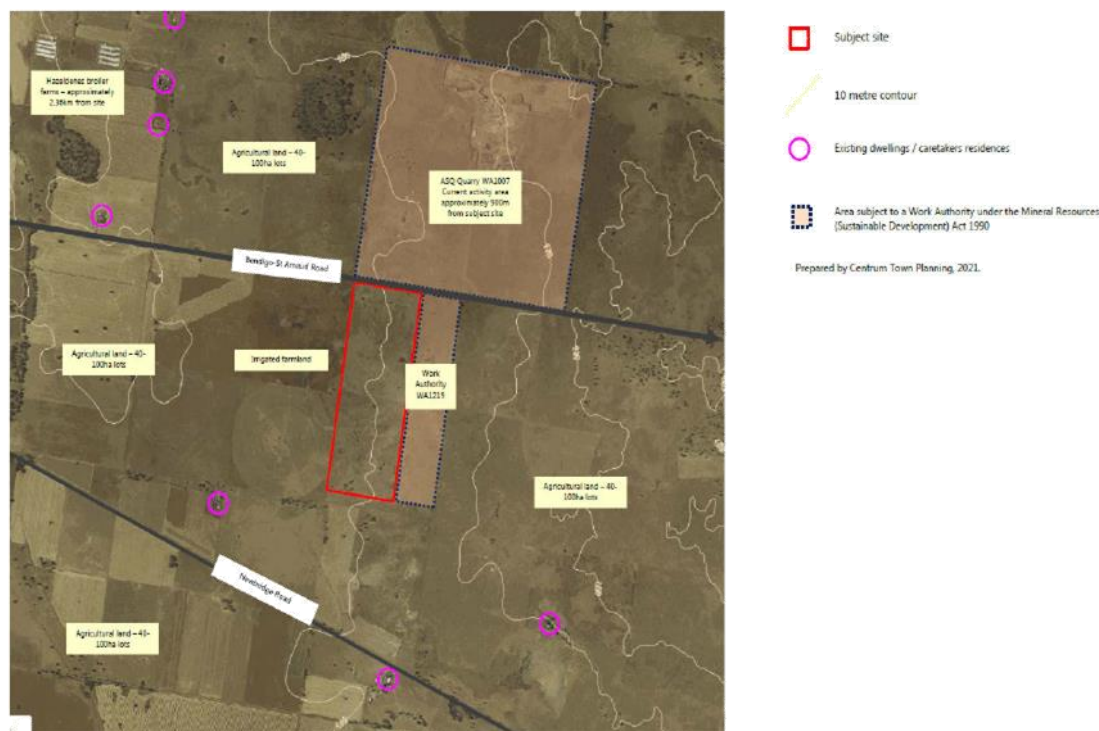


Figure 1- Site Context Plan (source: Application Document)

2.2 Site History

Lots 1 & 2 PS 437050X, forming the subject site and the adjoining lot to the east (Lot 3) were created by a three lot subdivision approved in 2000.

2.3 Proposal

The proposal seeks to use and develop a dwelling on the land, and create a new road access onto the Wimmera Highway. The report is based on the amended application.

The dwelling would be single story and of a generic design, comprising four bedrooms and open plan living dining and kitchen areas incorporating a double garage, an area of 190sqm. Materials and finishes include face brick and timber panelling for the wall cladding and a tile roof. The location of the dwelling would require a new drive accessway from the road frontage. Wastewater would be managed utilising a traditional septic tank and trenches.

The dwelling would be serviced with at least 45,000 litres of water storage in tanks adjacent to the dwelling and the shed. Indicative locations for these tanks have been shown on the Development Plans. The tank(s) will have couplets to maintain a minimum amount of 10,000 litres of water for fire-fighting purposes. The dwelling will rely upon a mix of electricity and gas bottles for heating and cooling. The hot water system will be solar assisted.

The dwelling is proposed to be located within the rear Lot 2 forming part of the subject site being 25m from the western boundary, 502m from the eastern boundary and 845m from the Wimmera Hwy (frontage). Access to the dwelling is proposed along the western boundary.

A farm Management Plan submitted with the application and includes the following:

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- 30 Angus breeders and a stud bull (already on site), to be increased to approximately 60 over the next 12-18 months.
- Rotational cropping/grazing within the nominated five paddocks ranging in size from 10ha to 30ha over the whole of the site (hay and grain production).
- Fattening 200 lambs per season.
- Installation of mobile steel cattle yards (already purchased);
- upgrading fencing, has already commenced.
- install water storage and auto feed troughs;
- fencing off tree corridors.
- Cleaning up piles of rocks that have previously been piled when rock raking the cropping areas.

A laneway for trees is proposed along the frontage of the land and along most of the eastern boundary to assist with salinity issues, to provide shelter for stock and for general amenity improvements to the land.

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

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**44.02 Salinity Management Overlay**

The subject site is partly covered by the Salinity Management Overlay. The purpose of the overlay is:

- *To identify areas subject to saline ground water discharge or high ground water recharge.*
- *To facilitate the stabilisation of areas affected by salinity.*
- *To encourage revegetation of areas which contribute to salinity.*
- *To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.*

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- *To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.*
- *To prevent damage to buildings and infrastructure from saline discharge and high water table.*

The proposed driveway is proposed through part of the Salinity Management Overlay area affecting the site. The proposed driveway would require minimal site works and would not require removal of any vegetation.

2.4.3 Relevant Particular Provisions52.29- Land Adjacent to the principle road network.

Its purpose 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 was referred to DOT who have provided conditional consent to the application.

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 a lot of 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).

Under Clause 44.02-2, a permit is required for buildings and works.

Under Clause 52.29, a planning permit is required to create access to a road in a Transport Zone 2.

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.

13.03-3 Salinity**Objective**

To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

The site is only partially covered by the SMO; these areas of the site are not subject to any buildings and works. It is not considered that the proposal will impact on the issued mentioned in clause 13.03-3.

13.07-1S- Land use compatibility

Objective:

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- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Strategies:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

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.

14.01-2- Sustainable agricultural land use

Objective:

To encourage sustainable agricultural land use.

Strategies:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*
- *Support agricultural investment through the protection and enhancement of appropriate infrastructure.*
- *Facilitate ongoing productivity and investment in high value agriculture.*
- *Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.*
- *Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area*

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:

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- 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

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.

2.5 Referrals

Table 6: External referrals

Department of Transport (Sec 55)	Conditional consent
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Earth Resources – Department of Economic Development Jobs Transport and Resources (Sec 52)	No response
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The application was internally referred to Council’s Environmental Health Officer who do not raise any concerns in relation to wastewater from the site.

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).

Two objections were received in response to the application. The matters raised in the objections are summarised below and with Officers response in italics:

- The use and development of the Proposed Dwelling is inconsistent with the purposes of the Farming Zone and policies contained within the State and Local Planning Policy Framework of the Loddon Planning Scheme relating to agriculture and sustainable land management.

The report demonstrates that the proposed dwelling and farm management plan is consistent with the purpose and polices of the Planning Scheme as the land will continued to be used for agriculture use and agriculture will be the dominant use of the land

- The Proposed Dwelling will not support or enhance agriculture production and will adversely affect the use of the Subject Land for agriculture. The Proposed Dwelling will result in the loss and fragmentation of productive agricultural land.

The proposed dwelling would occupy a small percent of the land and is intended to support the continued use of the land for agricultural use. Agriculture use will continue to be the dominate use of the land.

- Any sensitive dwelling use on the Subject Land has the potential to be adversely affected by agricultural activities on adjacent and nearby land and will adversely affect the operation and expansion of these activities.

As stated in the report, the dwelling has been purposely sited to maximise its setbacks from existing adjoining and nearby agricultural use to limit its impact on existing agricultural uses.

- Any sensitive dwelling use on the Subject Land has the potential to be adversely affected by extractive industries on adjacent and nearby land, including the Quarry and the quarry to the east of the Subject Land at Lot 3/PS437050 (WA1219), and will adversely affect the operation and expansion of these activities.

It is acknowledged that there are two existing mining operations in close proximity to the subject site, both with valid working authorities that include expansion of the current operations and areas on the respective sites. The location of the proposed dwelling on the land has been amended to be located outside of the recommended 500 metre buffers to these mining operations, including future expansion areas.

- The Proposed Dwelling is likely to affect the ability of the Quarry to continue its existing operations and the ongoing expansion of the extraction area closer to Wimmera Highway.

The quarry has an existing working authority and the owners of the land are aware of its current and future expansion. If a permit is to issue for the dwelling, the owners are prepared to enter into a Section 173 Agreement that would contain restrictions that state the owners are aware of the

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extractive industry and that they may adversely affect the amenity of the land through emissions of noise, dust, odour, blasting and movement of vehicles and they make an undertaking not to object to the operations or expansion of the extractive industry in the immediate area. The Agreement would be registered on the title to the land.

- The Proposed Dwelling is inconsistent with the relevant objectives and requirements of Clause 52.09 (Extractive Industry and Extractive Industry Interest Areas) and those of the State and Local Planning Policy Framework for earth resources, which seek to protect hard rock resources from inappropriate development.

Clause 52.09 refers to 'Extractive Industry and Extractive Industry Interest Areas'. The clause applies to an application to use or develop land for an extractive industry, within an Extractive Industry Interest Area or within 500 metres of an existing or proposed extractive industry operation. As the proposed dwelling is not within the 500 metre distance from the title boundary of the land on which a work authority has been granted, there is no requirement for the application to consider the requirements of Clause 52.09 in relation to referrals, notice or decision guidelines.

The application was referred under Section 52 (non-mandatory referral) to 'Earth Resources – Department of Economic Development Jobs Transport and Resources, no response has been received to the application.

Amendments made by VC219 to the Victoria Planning Provisions to support the ongoing operation of extractive industry across Victoria do not elevate consideration of separation distances but attempt to ensure that proper consideration is given to the issues by introducing appropriate permit triggers, notice and decision guidelines in zones. The planning scheme does not give priority to one particular use over another; any assessment needs to be a balanced approach against the relevant provisions of the scheme.

3 ASSESSMENT

3.1.1 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?

Policies for the protection of agricultural land in the Loddon Planning Scheme are grouped at Clause 14.01. Taken together, the policies have the objectives of:

- Preserving productive farmland.
- Protecting productive agricultural land from the encroachment of incompatible use and development.
- Encouraging sustainable land use.

The land is currently used for agriculture and will continue to be used for agriculture based on the farm management plan and ongoing financial investment into the property associated with the agricultural use. The dwelling would maintain a small footprint on the overall land size and has been purposely located to minimise adverse impacts on the adjoining agricultural uses and the loss of productive agricultural land.

The plans for the proposed dwelling show a modest building form with a single storey profile, external brickwork in a muted colour and a conventional corrugated iron hipped roof. The dwelling

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occupies only a small proportion of the site. The main use and activity on the land will continue to be agricultural use.

The proposed dwelling will not measurably remove a significant amount of land from on-going agricultural production. In addition to the breeding herd on site, the owners have invested in a set of mobile steel cattle yards that have not been installed on site due to security reasons, upgraded boundary fencing and will add new internal fencing to allow rotational cropping and cell grazing and fencing off tree corridors as shown in the proposed development plans. The property has a spring fed dam and a well providing water for stock. The plans include the installation of water storage and auto feed troughs to all paddocks with poly supply lines. The farm management plan includes an assessment of current agricultural pursuits and the future improvements, including fattening 200 lambs per season, as well as hay and grain production that will benefit and grow the agricultural business on the land.

The property has been chosen by the owners to grow their agricultural business given its size at 88ha, its high yielding soils, its secure water source and close proximity to hay supply. The need to live on site to support and manage their beef cattle operation and turning fat lambs is integral to support the ongoing farming operation at this location. Onsite management is required from an animal welfare and risk management perspective.

The Planning Policy Framework and Local Planning Policy Framework place a strong emphasis on protecting agricultural land for on-going agricultural use, and particularly avoiding dwellings adversely affecting this preferred outcome.

The proposal performs well against the State policy at Clause 14.01-1S as the land would continue to be used for agriculture as the main activity/use on the site, land would not be removed from agricultural use and the development and use of a dwelling on the land would not result in permanent changes in land use. In addition, the lots comprising the subject site would be required to be consolidated into one lot, reducing any future fragmentation of agricultural land.

The proposal meets the specific guidance provided in Clause 14.01-1L, to support dwellings that are ancillary to the agricultural use of the land and are sited to avoid or minimise loss of quality agricultural land.

Farming Zone

The purposes of the Farming Zone includes the following:

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 use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The purposes of the Farming Zone seek to implement planning policy and to provide for the use for agriculture. Dwellings in the Farming Zone are intended to have the purpose of supporting the use of land for agriculture. A key statement in the purpose of the zone is:

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

There needs to be a nexus between a dwelling and the use of land for agriculture. The planning scheme makes provision for a dwelling on a lot smaller than the minimum lot size (100 hectares), but requires a planning permit to do so. In the FZ, a key consideration is whether a dwelling on a small lot is necessary to conduct an agricultural activity on the land.

At 88 hectares, the land is less than the 100 hectare minimum area for which no permit is required for a dwelling, which requires the consideration the suitability of the land for a dwelling and the agricultural use of the land in association with a dwelling.

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The decision guidelines for development in the FZ at Clause 35.07-6 provide the basis for assessing whether this proposal is an acceptable response to the purpose of the zone, particularly:

- *how the use and development will support and enhance agricultural production*
- *Whether the use and development will permanently remove land from agricultural production.*
- *The potential for the use and development to limit the operation and expansion of adjoining and nearby agricultural uses*

The land is considered productive agricultural land and has been used for cropping and grazing in the past. The current owners have relocated 30 Angus breeders to the site and stud bull. The farm management plans states that they plan to increase their stock to approximately 60 over the next 12-18 months and crop the remainder of the land to produce grain and hay, through rotational paddocks over the whole site. Being able to live on site would allow the owners constant surveillance of the breeding herd for their health, general livestock management and security, particularly when calving, which has recently resulted in lost stock due to not being on site.

It is considered that the agricultural activity on the land is a legitimate agricultural use. The Owners have over 20 years farming experience and intend to grow their farming business of beef cattle on site diversifying to include fattening lambs as well as hay and grain production over the whole of the subject land. As a result, the main use of the land is for agricultural purposes.

The management of the operation would require various animal husbandry practices to monitor and manage stock such as calving, managing feed and water during times of drought, rotation of stock within the site and improvements to the pasture and other land management practices to manage weeds and pests.

The dwelling is proposed to be located 845 metres from the north (Wimmera Hwy), 502 metres from the eastern boundary and 25 metres from the western boundary

The decision guidelines for accommodation in the FZ focus on whether the development of a dwelling will cause a loss of productive agricultural land and whether the dwelling will have an adverse effect on the management of surrounding agriculture.

The new dwelling location is located on a small rise that is located mid-way down the property. The rise contains a large number of basalt boulders, so is amongst the least productive areas of the site for farming. The new dwelling location will enable good visibility of the entire property and will be an efficient location for shedding, hay storage and the cattle yards.

The site is located in an area that is used predominantly for agriculture, mostly for grazing and cropping, with some irrigation to the west of the site. There are two existing mining operations in close proximity to the site under the Mineral Resources (Sustainable Development) Act 1990, one adjoining to the east, Works Approval (WA1217) under this Act and the ASQ quarry site is located approximately 900 metres to the north east, Works Approval (WA1007). The location of the dwelling on the land has been purposely located to be outside of the recommended minimum separation distance of 500 metres from both of the existing working mining operations in the area, as recommended in *Publication 1518, Environment Protection Authority, March, 2013, Recommended Separation distances for industrial residual air emissions*.

In addition to locating the dwelling outside of the recommended buffers, the Owners have agreed if a permit is to issue, to enter into a Section 173 Agreement, acknowledging the current mining operations in proximity to the subject site and acknowledge that:

- agricultural land uses exist in the immediate area and adjacent to the site that may adversely affect the amenity of the land through the emission of noise, dust, odour, blasting impacts, visual amenity and the movement of vehicles
- owners and occupiers of the land undertake not to object or complain about the operations or expansion of the extractive industry and agriculture in the immediate area

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Considering the existing use of the land for beef cattle and the improvements already made to the land to assist in the ongoing agricultural use of the land, the use of the land is consistent with adjoining agricultural use.

In response to planning policy for the protection of agricultural land, the application for the development of a dwelling on the land in the Farming Zone is acceptable as the proposal:

- would not take agricultural land out of production,
- would not to limit the operation and expansion of adjoining and nearby agricultural uses as the proposed dwelling has been sited to provide generous setbacks from neighbouring properties, to minimise any impacts to adjacent and nearby agricultural activities and
- would assist the owner to better manage the property, whilst improving agricultural productivity.

In addition to the general improvements to the agricultural productivity to the land, having a residence on site would contribute to environmental outcomes over the land including the control of weeds and tree plantings along the perimeters of the boundaries to the land.

4 CONCLUSION

The proposal is consistent with the purpose of the Farming Zone and relevant State and Local Planning Policy Framework. The Loddon Planning Scheme allows consideration for the use and development of a dwelling that are ancillary to the agricultural use of the land.

For the reasons discussed above the planning officer recommends that planning application 5711 be approved, subject to the conditions listed in section 1 of this report.

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APPENDIX 1: OBJECTION 1

30 May 2022

Louise Johnson
Statutory Planning Coordinator
Loddon Shire Council

Dear Louise,

RE: Planning Application 5711

I appreciate the applicant has re-sited the proposed dwelling, but we reiterate our concerns of a dwelling being built in close proximity to two quarries, a compost facility, as well as, intensive farming practices.

I would also like to clarify some details that are in the amended application:

- The overall site plan notes future ultimate expansion of stage 7 and 8. This is not an expansion plan as this has already been approved for extraction.
- I believe that Amendment VC219 should be taken into consideration and the permit referred to the relevant authorities as the threshold is 500m and this proposed development is just over, at 502m, but there are also two quarries involved.
- My personal experiences with 173 agreements is that they can be contested in the future and I believe it would need to be signed off by all parties involved, which could be challenging.

As the Council is no doubt aware, any business, farm or industry trying to find the appropriate parcel of land to operate on is near on impossible, let alone trying to find land with quality extractive materials also available.

We believe that a dwelling being built in this area of high economic value to the local community and Shire has the potential to apply unnecessary risk to the business that operates there currently.

We wish for our objection to stand with our previous correspondence and anticipate that the Shire will see that a dwelling on this land is not an appropriate fit, and may also set a precedent for others to follow.

If you require any further information, please contact me on [REDACTED].

Yours sincerely, 

ORDINARY COUNCIL MEETING AGENDA

26 JULY 2022

Our Ref: EC22000947
 Contact: Andrew Natale
 Phone: 9853 5000 / 0417 101 236
 Email: andrew.natale@equipelawyers.com.au

27 October 2021

Loddon Shire Council
 Attention: Darcy Jackson
 41 High Street
 Wedderburn VIC 3518
 By email: darcy.jackson@loddon.vic.gov.au
 loddon@loddon.vic.gov.au

Dear Darcy

Planning Application 5711 – use and development of a dwelling
 Newbridge Road, Woodstock on Loddon

We act for Allstone Quarries Pty Ltd (ASQ) in relation to the above matter.

ASQ is the occupier of the land at Bendigo-St Arnaud Road, Woodstock on Loddon (better known as Allotments 1 and 2, Section 25, Parish of Woodstock) (the Quarry Land), which is located directly to the north of Wimmera Highway, Woodstock on Loddon (the Subject Land).

Background

ASQ is the owner and operator of a long-established basalt quarry at the Quarry Land, known as Newbridge Quarry (the Quarry).

The Quarry operates under Work Authority 1007 (WA1007) and Planning Permit 3302.3 (the Existing Permit). The Existing Permit was granted by Loddon Shire Council on 22 March 2000.

The Quarry extracts basalt from the Quarry Land using traditional hard rock excavation techniques, which include drilling and blasting, and excavators, loaders and dumptrucks to move materials around the site. The Quarry requires approximately 18 blast events per year, and operates 24 hours a day.

EQUIPE LAWYERS PTY LTD
 8 GOLD STREET, COLLINGSWOOD VIC 3066
 ABN 49 141 940 703

P:03 9853 5000, E:ADMIN@EQUIPELAWYERS.COM.AU
 EQUIPELAWYERS.COM.AU



ORDINARY COUNCIL MEETING AGENDA

26 JULY 2022

the time this amendment was approved, the closest sensitive receptor to the Quarry was 1.1km to the east.

Objection

Our client's operations will be detrimentally affected by the establishment of a new dwelling use at the Subject Land, as proposed by Planning Application 5711 (the Proposed Dwelling). Our client objects to the grant of a permit on the following grounds:

- 1 The use and development of the Proposed Dwelling is inconsistent with the purposes of the Farming Zone and policies contained within the State and Local Planning Policy Framework of the Loddon Planning Scheme relating to agriculture and sustainable land management.
- 2 The Proposed Dwelling will not support or enhance agriculture production and will adversely affect the use of the Subject Land for agriculture.
- 3 The Proposed Dwelling will result in the loss and fragmentation of productive agricultural land.
- 4 Any sensitive dwelling use on the Subject Land has the potential to be adversely affected by agricultural activities on adjacent and nearby land and will adversely affect the operation and expansion of these activities.
- 5 Any sensitive dwelling use on the Subject Land has the potential to be adversely affected by extractive industries on adjacent and nearby land, including the Quarry and the quarry to the east of the Subject Land at Lot 3/PS437050 (WA1219), and will adversely affect the operation and expansion of these activities.
- 6 In particular, the Proposed Dwelling and its location within the Subject Land 160 metres from the northern boundary (250 metres from the southern extent of the Quarry's approved extraction area), is likely to be adversely affected by the Quarry, including by way of:
 - 6.1 Noise emissions, both from quarry operations within the land and from vehicular movements along Wimmera Highway.
 - 6.2 View impacts.
 - 6.3 Dust impacts.
 - 6.4 Blasting impacts, including noise, vibration, air blast and fly rock.
 - 6.5 Traffic safety impacts from the proximity of the proposed crossover to the Quarry's vehicular entrance.
- 7 The Proposed Dwelling is likely to affect the ability of the Quarry to continue its existing operations and the ongoing expansion of the extraction area closer to Wimmera Highway.
- 8 The Proposed Dwelling is inconsistent with the relevant objectives and requirements of Clause 52.09 (Extractive Industry and Extractive Industry Interest Areas) and those of the State and Local Planning Policy Framework for earth resources, which seek to protect hard rock resources from inappropriate development.

ORDINARY COUNCIL MEETING AGENDA

26 JULY 2022

APPENDIX 2: OBJECTION 2

23rd May, 2022

Louise Johnson
Statutory Planning Coordinator
Loddon Shire
PO Box 21
Wedderburn, Vic, 3518

Dear Louise

Re: Planning Application 5711.

Proposal: Amended Application – Use and Development of Dwelling (amended location) and associated Buildings and Works and creation of a new access into a Transport Zone 2.

Property Address: Newbridge Road, Newbridge Vic 3551.

Property Details: Lots 1 & 2 PS437050 CA 2001 PO Woodstock



Together with our objection sent to Darcy Jackson on the 25th October, 2021 (Please see attached copy for your information).

I just would like to reiterate our objection still stands, even with the amended plan, with the added component of the Planning and Environment Act 1987, Amendment VC219 (Please see attached). Which Amends the Victorian Planning Provisions (VPP) and all planning schemes to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation.

The amendment makes proper use of the Victoria Planning Provisions by amending provisions relating to rural zones, extractive industry and extractive interest areas and notice and referral requirements. It ensures the planning system protects extractive industry from encroachment while also considering the potential adverse amenity impacts on accommodation from extractive industry operations.

It introduces a condition that all accommodation in Section 1 – permit not required must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

From our boundary fence it is 516 metres to their boundary fence on the back end of the block and only 506 metres on the front end of the block which is on the Wimmera Highway.

ORDINARY COUNCIL MEETING AGENDA

26 JULY 2022

The proposed dwelling looks approx. 306 metres from our Work Authority boundary (WA1219). The proposed dwelling location is likely to be negatively affected by the quarry across the road, known as ASQ, as it's proposed location is 160 Metres from the Northern Boundary, 260 Metres from the Southern extent of the quarry's approved extraction area.

The building of the proposed accommodation on this land encroaching on the separation distance, can adversely impact industry operations of our quarry, especially as we expand closer to the boundary, as well as the health and amenity of accommodation.

If the proposed accommodation, as placed on the new plan on the Western boundary, closest to Newbridge, the proposed dwelling will be right in between 2 large pivot sprays on the adjoining irrigation and cropping property.

This is not only going to inhibit the new dwelling, but impact on the adjoining irrigation property. I believe the proposed dwelling should also be 500mts from the pivot spray, which operate at random hours.

The amendment will also generate positive economic benefits by supporting the extractive industry sector through the creation of employment opportunities and ensure that competitively priced resources continue to be available to support Victoria's future development.

Regards

25th October, 2021

Attention: Darcy Jackson
Loddon Shire Council
41 High Street
Wedderburn, Vic, 3518

Dear Darcy

PLANNING APPLICATION 5711
Use and development of a dwelling, Newbridge Road, Woodstock on Loddon.

Please find attached documentation supporting our objection, to the above proposal that was submitted with you on 20th October, 2021 by email to: darcy.jackson@loddon.vic.gov.au.

We are the holders of the adjoining land (The Quarry Land) on the East side (of the Subject land) on the Bendigo St Arnaud Road (Wimmera Highway). Our land is also known as Property number 47906450, Lot 3 P5437050X PO WOODSTOCK 44.91Ha.

We are the operators and owners of the Quarry which has been operating for many years, under the Work Authority WA1219.

We use large hard rock excavation techniques, including drilling, blasting, loaders, excavators, dump trucks and other relevant machinery to extract basalt from the Quarry land. We then put the blasted rock through a jaw crusher to get the final product of: screenings and crushed rock which is then the finished materials which are moved from the site.

According to the plans of the proposed dwelling, it would only be approx. 306 metres from the Work Authority boundary.

We would be affected hugely by the building of a new dwelling (the subject land, proposed application 5711) due to the close proximity to our quarry. We object to the grant of a permit on the following grounds:

OBJECTIONS TO THE PROPOSED DWELLING APPLICATION 5711

1. The proposed dwelling is likely to affect the ability of the Quarry to continue its existing operations in its entirety as it will only be 306 metres from the Work Authority boundary. (WA1219)
2. The Loddon Planning Scheme relating to agriculture and sustainable land management, show that the development and use of the proposed dwellings would be inconsistent with the purpose of the Farming Zone and policies which are contained within the State and Local Planning Policy Framework.

ORDINARY COUNCIL MEETING AGENDA

26 JULY 2022

3. Clause 52.09 (Extractive Industry Interest Areas) and the State and Local Planning Policy Framework for earth resources show that it seeks to protect hard rock resources ie. Quarry's from inappropriate development. Thus the proposed dwelling is inconsistent with these relevant requirements and objectives.
4. To start our quarry we had to find a block where there were no houses within a reasonable distance so we wouldn't annoy them or affect their infrastructure. We went through all planning and subject requirements for many years to find the perfect spot and build it. So to grant permission to build a house near our quarry is really pointless. The proposed dwelling would only be approximately 306 metres from the Work Authority boundary, which is way too close.
5. The subject land may also be affected by the Quarry and it's operations across the road (known as ASQ, Allotments 1 and 2, Section 25, Work Authority (WA1007) and our quarry on the east side boundary, which is Lot 3/PS437050 (WA1219).
6. Building this dwelling will severely affect both Quarries in the operation and expansion of their activities, which in turn will affect many peoples livelihoods, as both Quarries collectively employ many people. Also the supply of materials to all the business' and consumers that buy the rock within the Loddon Shire and Greater City of Bendigo.
7. The proposed dwelling will not enhance agriculture production and will affect the use of the subject land for agriculture, resulting in the loss of productive agricultural land. The proposed dwelling also has the potential to be affected by agricultural activities on adjoining and nearby land.
8. The proposed dwelling location is likely to be negatively affected by the quarry across the road, known as ASQ, as it's proposed location is 160 Metres from the Northern Boundary, 260 Metres from the Southern extent of the quarry's approved extraction area. And our quarry, Work Authority WA1219. approx. 306 mts from the work authority boundary. These negative affects may be:
 - Blasting impacts which include vibration, noise, flying rocks and air blasts.
 - Noise emissions from quarry operations and truck and machinery movements. Also noise from the Wimmera Highway.
 - Dust impact
 - Vehicle traffic safety from the proximity of the proposed crossover to both quarry's entrances from the Wimmera Highway.

10.2 ANNUAL INFRASTRUCTURE PROGRAM, AMENDMENT TO PROJECTS

File Number: FOL/19/432620

Author: David Southcombe, Acting Director Operations

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. **Attachment 1 - Proposed additional funding - 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.

Would allow contractors to know estimates which may affect future tendered prices
(under separate cover)

2. **Attachment 2 - Proposed additional projects - 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.

Project estimates for projects may affected prices of future tenders/quotes **(under separate cover)**

3. **Attachment 3 - Proposed additional projects without estimates**

RECOMMENDATION

It is recommended that Council approve:

1. The proposed changes to the project allocation outlined in Attachment 1.
2. That the additional projects listed in Attachment 2 (and without estimates in Attachment 3) be added to the Annual Infrastructure Program conditional on a successful funding application to the Heavy Vehicle Safety and Productivity Program.

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 Annual infrastructure Program was adopted at the June 2022 Council Meeting.

BACKGROUND

Every year Council allocates and spends significant funds on capital infrastructure projects. Council continually carries out scoping of new infrastructure projects and maintains a rolling program of these projects. The rolling program is a database that forms the basis of the elements of the Annual Infrastructure Program.

An estimate of the project cost is undertaken as part of scoping up projects. Project estimates are based on construction unit rates or estimates developed by consultants and/or Council engineers. Occasionally project estimates need to be reviewed after tendering for projects. The total value of the adjustment being greater than 10% of a project allocation requires approval for the adjustment at Council level.

Additionally Council officers apply for grant funding streams if suitable projects have been identified for the grant funding stream, and if the projects are able to be delivered within existing Council resources. Council officers have identified a suitable funding stream and require approval for additional projects to form part of the Annual Infrastructure Program.

ISSUES/DISCUSSION

The following projects require a review of their budget allocation and/or scope.

Verdon St Drainage

Project TSD0171 Verdon Street Alleviation Project was adopted as part of the 2021-22 Annual Infrastructure Program with a project budget of \$165,000. Council officers undertook a public tender for this work with the preferred contractor submitting a tendered price of \$186,909.32. It is proposed the budget for this project is adjusted in accordance with Attachment 1 – Proposed additional funding - Confidential.

Echuca Serpentine Rd Reconstruction

Project LRC0518 Echuca Serpentine Rd was adopted as part of the 2022-23 Annual Infrastructure Program. This project involved the reconstruction and widening of 0.82km of Echuca Serpentine Rd with an adopted budget.

It is proposed to apply for additional funding through the Heavy Vehicle Productivity and Safety Program to allow for additional adjacent segments of Echuca Serpentine Rd to be reconstructed and widened. This funding stream allows a 4:1 funding contribution profile. An application for \$1,441,973 of funding (to be matched by Council funding from project LRC0518) will be submitted to allow for the completion of projects LRC0473, LRC0519, and LRC0518 (existing approved project) concurrently. See Attachment 2 for details of the additional projects. This will allow for the reconstruction and widening of an additional 4.46km of Echuca Serpentine Rd for a total length of 5.28km. Designs are available to allow these works to be undertaken and the Works Department have indicated they have capacity to undertake the proposed works.

If this funding application is not successful, only project LRC0518 will be undertaken.

COST/BENEFITS

There is no change to the overall allocation for the Annual Infrastructure Program. The proposed additional funding for the Verdon St Drainage project will be allocated from savings in other projects within the program.

RISK ANALYSIS

There are minimal risks associated with the proposed changes to the project allocation for the Verdon St Drainage project and for the proposed Echuca Serpentine Rd projects to be added to the Annual Infrastructure Program. There is sufficient funding within the Annual Infrastructure Program for the funding increase for the Verdon St Drainage project.

CONSULTATION AND ENGAGEMENT

The updated allocations and projects were developed after consultation with Council officers from the Assets & Infrastructure team and Works Department.

LODDON SHIRE COUNCIL - ROLLING PROGRAM					
Program: Local Roads Construction - Asset Preservation					
Project No.	Project Name	Project Type [R=Renewal, U=Upgrade and N=New]	Location	PROJECT DETAILS	Construction Category
LRC0473	Echuca Serpentine Rd, POMPAIEL	U	Ch 8.07 - 10.23 km (00 = Loddon Valley Hwy)	Rehabilitation of existing pavement & Seal and widen from existing 3.7m seal to 7.0m with	Rehab & Seal
LRC0519	Echuca Serpentine Rd, POMPAIEL	U	Ch 10.23 - 12.53 (00 = Loddon Valley Hwy)	Reconstruct and widen existing 3.7m seal	Rehab & Seal

10.3 REVIEW OF GOVERNANCE RULES

File Number: FOL/19/126277

Author: Amanda Wilson, Director Corporate

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments:

1. **Governance Rules v2**
2. **Minister's Good Practice Guideline MGPG-3: Virtual Meetings**
3. **Model guidance for governance rule amendments virtual meetings**

RECOMMENDATION

That Council adopt the Loddon Shire Governance Rules version 2.

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

Councillors were briefed about required changes to the Governance Rules (Rules) at the July 2022 Council Forum.

BACKGROUND

The Rules were adopted by Council in August 2020 in accordance with requirements under the Local Government Act 2020 (the Act).

ISSUES/DISCUSSION

An amendment to the Act will take effect on 2 September 2022 that will require a council's Governance Rules to make provision for holding meetings by electronic means, and requesting and approving attendance at Council meetings by electronic means.

The attached draft revised Rules contain amendments to address this requirement, which are:

- Change to definition of Council meeting to include a meeting held either in-part or fully by electronic means
- New clause 67 – addition of provisions for requesting and approving Councillors' attendance at meetings via electronic means.

These proposed amendments adopt the attached Minister's Good Practice Guideline issued under section 87 of the Act (see below).

Relevant extracts from the Act regarding developing or amending Governance Rules are as follows:

60 Governance Rules

- (3) *A Council may amend its Governance Rules.*
- (4) *Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.*
- (5) *Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only*

adopts a good practice guideline issued by the Minister under section 87.

87 Minister may issue good practice guidelines

- (1) *The Minister may issue good practice guidelines for or with respect to any matter under this Act or the regulations relating to compliance by Councils.*
- (2) *Good practice guidelines must be published on an Internet site maintained by the Department.*
- (3) *Compliance by a Council with a relevant good practice guideline can be used as evidence that the Council has complied with the corresponding requirement under this Act or the regulations.*

Since adoption of the Rules, it has also been identified that some clauses could be amended or added to assist with clarity in understanding and administering the processes of Council meetings. These include meetings being open to the public via livestreaming and acceptance of electronic petitions or joint letters.

Due to the requirements for community engagement (see 60(4) above), it is proposed that a more substantial review of the Rules be undertaken when there is time to follow a process of community engagement about changes.

The attached draft, which only adopts a Minister's good practice guideline (section 87) addresses changes regarding electronic attendance and participation in council meetings.

It is proposed that this draft be adopted without following a process for community engagement, in accordance with section 60(5) of the Act.

COST/BENEFITS

There are no costs associated with the proposed changes.

RISK ANALYSIS

There is a risk of non-compliance with the Act if the changes relating to holding meetings by electronic means are not adopted before 2 September 2022.

CONSULTATION AND ENGAGEMENT

In addition to the July Council Forum presentation to Councillors, the Management Executive Group has considered the proposed changes and process for a future review of the Rules.

LODDON SHIRE COUNCIL

GOVERNANCE RULES



DOCUMENT INFORMATION

DOCUMENT TYPE: Strategic document

DOCUMENT STATUS: Draft

POLICY OWNER POSITION: Chief Executive Officer

INTERNAL COMMITTEE ENDORSEMENT: Not applicable

APPROVED BY: Council

DATE ADOPTED: 25/08/2020

VERSION NUMBER: 2

REVIEW DATE: 25/08/2024

DATE RESCINDED:

RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:

RELATED LEGISLATION: Local Government Act 2020

EVIDENCE OF APPROVAL:

Signed by Chief Executive Officer

FILE LOCATION: K:\EXECUTIVE\Strategies policies and procedures\Strategies - adopted PDF and Word\STR Governance Rules.docx

Strategic documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the Loddon Shire website 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.

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PART 1 – PRELIMINARY

1. Purpose

The Governance Rules specify the principal governance procedures for the Loddon Shire Council, including:

- (a) the election the Mayor;
- (b) the conduct of Council meetings;
- (c) public participation in Council meetings;
- (d) disclosing conflicts of interest;
- (e) records of Council meetings;
- (f) use of the Council's common seal; and
- (g) the Council's election period policy.

2. Authority and operation

- (1) Governance Rules are adopted by the Council in accordance with section 60 of the Local Government Act 2020.
- (2) These Governance Rules:
 - (a) with the exception of Part 5, come into operation on the day after they are adopted by resolution of Council;
 - (b) may be amended from time to time by resolution of Council following community engagement; and
 - (c) cease to operate the day after they are repealed or replaced by resolution of Council.
- (3) Part 5 of the Governance Rules comes into operation on 24 October 2020.

3. Definitions

In these Governance Rules unless inconsistent with the context:

Absolute majority	means the number of Councillors which is greater than half the total number of the Councillors of a Council.
Act	means the <i>Local Government Act 2020</i> .
Advisory committee	means a committee that provides advice to the Council and is not a delegated committee or a community asset committee.
Broadcast	means the visual or aural transmission of proceedings on any medium, including radio, television or the internet.
Carried	means that the relevant motion or amendment is determined in the affirmative.
Chief Executive Officer	means the Chief Executive Officer or any person acting in the position of Chief Executive Officer.

Community asset committee	means a committee established by the Council under section 65 of the Act for the purpose of managing a community asset in the municipal district.
Council	means the Loddon Shire Council.
Councillor	means a Councillor of the Council.
Council Meeting	means a meeting of the Council as defined in section 61 of the Act and includes a meeting held, either fully or in part, by electronic means of communication. It is a meeting at which all the Councillors are entitled to attend and vote and where decisions of the Council are made by formal resolution.
Delegated committee	means a committee established by the Council under section 63 of the Act and to which the Council delegates powers.
Electoral material	has the meaning described in section 3(4) and (5) of the Act. It includes any advertisement, handbill, pamphlet or notice that contains information that is intended or likely to affect voting in an election, including matter that refers to the election, a candidate or an election issue, excluding material produced by or on behalf of the election manager for conducting an election, or a newspaper advertisement only announcing the holding of a meeting.
Minister	means the Minister responsible for administering the Act.
Lapsed	means the relevant motion or amendment was not put to the meeting either because it was not moved or it was not seconded.
Lost	means the relevant motion or amendment is not carried and is determined in the negative.
Quorum	means the number of Councillors who must be in attendance at a Council meeting for the meeting to proceed or pass a resolution. See clause 45.
Recording	means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera or mobile device.

PART 2 – ELECTION OF MAYOR

4. Meeting to conduct an election

- (1) An election to fill a vacancy in the office of Mayor must be conducted under this Part:
 - (a) no later than one month after the date of a general election; and
 - (b) when required under section 26 of the Act.
- (2) At any meeting to elect the Mayor the Chief Executive Officer must be the temporary chairperson.

- (3) At the conclusion of an election under this Part, the Councillor elected to be Mayor must take the chair.

5. Nominations

- (1) The chairperson must call for nominations to fill the vacancy.
- (2) The following provisions apply to nominations:
 - (a) any Councillor may propose a nomination;
 - (b) a Councillor may decline to be nominated; and
 - (c) nominations do not require a seconder and are not motions.

6. Election if only one candidate

If only one candidate is nominated the chairperson must declare that candidate elected.

7. Election if two or more candidates

- (1) If there are two or more candidates, the chairperson must call for a vote. All voting under this Part must be by a show of hands and each Councillor is entitled to a single vote.
- (2) Unless clause 6 applies, a candidate must obtain the votes of an absolute majority of all the Councillors in order to be elected Mayor.
- (4) A candidate must be declared elected at any time that the candidate receives an absolute majority of votes.
- (5) At any time when there are more than two candidates remaining and no candidate has received an absolute majority of votes, the candidate with the fewest votes must be eliminated and a new vote must be taken. If two or more candidates have the equal fewest votes, the candidate to be eliminated must be determined by drawing lots in a manner determined by the Chief Executive Officer.

8. Failed election

- (1) If there are two remaining candidates in an election conducted under clause 7 and no candidate obtains the votes of an absolute majority of the Councillors, the election fails.
- (2) If the election fails, the Chief Executive Officer must adjourn the meeting to another time when a new election must be conducted under this Part.

9. Electing a Deputy Mayor

- (1) The Council may resolve to elect a Deputy Mayor.
- (2) A Deputy Mayor is elected in the same way as the Mayor to the extent that is reasonably applicable.
- (3) The Mayor must chair a meeting to elect a Deputy Mayor but must not cast a second vote if there is a tie.

PART 3 – MEETING PREPARATION

Division 1 – Calling Council meetings

10. Types of Council meetings

A Council meeting must be:

- (a) a “scheduled meeting” where the normal business of Council is conducted;
- (b) a “special meeting” called for a particular purpose or purposes; or
- (c) an “urgent meeting” called to address a single urgent matter.

11. Calling meetings

- (1) The dates, times and places of scheduled meetings will be fixed by the Council from time to time.
- (2) Subject to public notice requirements, a special meeting may be called:
 - (a) by resolution of the Council; or
 - (b) by the Chief Executive Officer in consultation with the Mayor and Councillors.
- (3) Subject to public notice requirements, the date, time, or place of a scheduled meeting or a special meeting may be altered by the Chief Executive Officer in consultation with the Mayor and Councillors.
- (4) An urgent meeting may be called with less than seven (7) days’ notice by the Chief Executive Officer in consultation with the Mayor and Councillors.

12. Public notice

- (1) Public notice will be given at least seven (7) days before:
 - (a) a scheduled meeting; or
 - (b) a special meeting.
- (2) If an extraordinary circumstance prevents the giving of seven (7) days’ notice for a scheduled or special meeting, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.
- (3) Before an urgent meeting, the Chief Executive Officer will provide as much notice as is practicable and the reasons for calling an urgent meeting will be specified in the minutes.

13. Agenda notice

- (1) At least five (5) days before a meeting is to occur, an agenda notice must be:
 - (a) delivered to each Councillor’s residence or usual place of business; and
 - (b) published on the Council’s web site.
- (2) An agenda notice must include:
 - (a) a description of the date, time and place of the meeting;
 - (b) a description of the matter or matters to be considered at the meeting;

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- (c) any validly lodged notices of motion, amendment or rescission; and
 - (d) reports prepared for consideration at the meeting.
- (3) If it is not possible to comply with subclause (1) for any reason, the Chief Executive Officer must ensure delivery and publication as soon as is reasonably possible.
- (4) Subject to the direction of Council, the delivery of an agenda notice may be undertaken by electronic means.
- (5) If a Councillor is on leave or absent from the municipality, a notice of meeting does not have to be delivered to the Councillor unless the Councillor requests delivery.

14. Adjourned meeting notices

If a Council meeting is adjourned to another day for any reason, this Division applies to the adjourned meeting to the extent that is reasonably practicable.

Division 2 – Notices of motion

15. Giving a notice of motion

- (1) A Councillor may give a notice of motion if the Councillor wishes to move a motion on a matter at a forthcoming Council meeting.
- (2) A notice of motion:
- (a) must include the text of the proposed motion; and
 - (b) may include a brief written explanation for the proposed motion
- (3) A notice of motion must be given:
- (a) during a meeting preceding the meeting at which it is to be proposed; or
 - (b) in writing to the Chief Executive Officer no later than seven (7) days before the meeting at which it is to be proposed.

16. Notice may be rejected

- (1) The Chief Executive Officer must reject a notice of motion if:
- (a) it appears to be contrary to the Act or any other law;
 - (b) it appears contrary to the Council's election period policy;
 - (c) it is vague or unclear in its intention; or
 - (d) it is not lodged in accordance with this Division.
- (2) If the Chief Executive Officer rejects a notice of motion, the Chief Executive Officer must:
- (a) notify the Councillor of the reason for the rejection; and
 - (b) if reasonably possible before the agenda notice is issued, give the Councillor an opportunity to amend the notice.

17. Notice must be listed on the agenda

- (1) A notice of motion must be included on the agenda for the next scheduled meeting, unless:

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- (a) it has been rejected under clause 16, or
 - (b) the Councillor lodging the notice of motion has requested it be listed for a different Council meeting.
- (2) If a brief written explanation of the notice of motion has been provided, it must be included in the agenda notice.

Division 3 – Notice of rescission

18. Giving a notice of rescission

- (1) A Councillor may give notice of a motion to rescind a decision of the Council provided that the decision has not been substantially commenced or implemented.
- (2) A notice of rescission:
- (a) must specify the decision that it proposes to rescind;
 - (b) must be clear in its intent;
 - (c) must be in writing; and
 - (d) must be given to the Chief Executive Officer no later than seven (7) days before the meeting at which the relevant motion will be put.
- (3) The Chief Executive Officer must reject a notice of rescission that does not comply with this clause.

19. Affected persons to be notified

Unless a notice of rescission is rejected under clause 18, the Chief Executive Officer must ensure that:

- (a) no further action is taken to implement the decision; and
- (b) any person directly affected by the proposed rescission is notified without delay.

20. Notice must be listed on the agenda

- (1) Unless a notice of rescission has been rejected under clause 18 it must be included on the agenda for the next scheduled or special meeting of the Council.
- (2) If more than one notice of rescission is received in regard to a particular matter, the notices must be listed on the agenda in the order they were received.

PART 4 – ROLES AND CONDUCT

Division 1 – Roles of Mayor, Councillors and CEO

21. Role of the Mayor

The principle roles of the Mayor in Council meetings are to:

- (a) chair the meeting; and

- (b) promote good decision making by the Council.

22. Absence of the Mayor

- (1) If the Mayor is absent or otherwise unable to chair a Council meeting and the Council has elected a Deputy Mayor, the Deputy Mayor must chair the meeting.
- (2) If neither the Mayor nor the Deputy Mayor is in attendance and able to chair the meeting, the Council must appoint an Acting Mayor for the purpose of chairing the meeting.

23. Good decision making principles

Good decision making is decision making done in accordance with the following principles:

- (a) Decisions will be made in a transparent and accountable manner.
- (b) Councillors will have sufficient information to make good decisions.
- (c) Councillors will be enabled to contribute to decisions.
- (d) People whose rights are affected will be entitled to a fair hearing.
- (e) Decisions will be made fairly and on the merits of the matter.
- (f) Debate and discussion will be focussed on the issue at hand.
- (g) Meetings will be conducted in an orderly manner.

24. Role of a Councillor

The role of a Councillor in Council meetings includes:

- (a) participating in decision making;
- (b) abiding by the good decision making principles;
- (c) acknowledging and respecting the role of the Mayor;
- (d) respecting the rights and responsibilities of other Councillors; and
- (e) being courteous and behaving in an orderly manner.

25. Role of the Chief Executive Officer

The Chief Executive Officer's role in Council meetings is to support good decision making by the Mayor and Councillors by:

- (a) ensuring information is provided to enable good decisions;
- (b) advising of any legal or administrative impediments to decisions;
- (c) assisting with any proposed resolution that has unclear application; and
- (d) ensuring general support for procedural and administrative matters.

Division 2 – Standards of conduct

26. Good conduct

Councillors, participants and observers at a Council meeting must:

- (a) treat all persons at the meeting with due courtesy;
- (b) respect the roles of the Mayor, the Councillors and the Council staff; and
- (c) avoid behaviour that is disorderly or that prevents the Council from performing its functions.

27. Addressing the meeting

- (1) Any person addressing the Mayor should refer to the Mayor as:
 - (a) Madam Mayor; or
 - (b) Mr Mayor.
- (2) All Councillors, other than the Mayor, should be addressed as Cr (name).
- (3) All officers should be addressed as Mrs, Ms, Miss or Mr (name).

28. Mayor may call a Councillor to order

- (1) The Mayor may call to order any Councillor:
 - (a) who is disruptive or acting unruly during a meeting; or
 - (b) who makes a statement that is offensive, insulting or defamatory.
- (2) Without detracting from subclause (1), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a meeting.
- (3) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
 - (a) to cease the actions for which they have been called to order; or
 - (b) to retract or apologise for a statement or action.
- (4) If a Councillor fails to comply with a direction under subclause (3), the Mayor may direct the Councillor to leave the meeting for a specified time.
- (5) The direction by the Mayor under subclause (4) may be overruled by a resolution of the meeting to dissent from the Mayor's ruling.

29. Mayor may remove a member of the public

- (1) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- (2) A person directed to leave a meeting under subclause (1) must not return to the meeting unless authorised by the Mayor.

30. Mayor may call a temporary adjournment

- (1) The Mayor may call a temporary adjournment at any time if a disruption is preventing the Council from conducting its business in an orderly manner.
- (2) Unless otherwise specified by the Mayor, a temporary adjournment under subclause (1) will be for a period of 15 minutes.
- (3) The meeting must not dissent from a ruling to call a temporary adjournment.

PART 5 – CONFLICTS OF INTEREST

Division 1 – Conflict of interest generally

31. Conflict of interest definitions

- (1) Division 2 of Part 6 of the Act requires relevant persons to disclose conflicts of interest.
- (2) “Relevant persons” for whom the provisions of the Act apply are:
 - (a) Councillors;
 - (b) members of Council staff; and
 - (c) members of delegated committees (if any).
- (3) Conflict of interest is defined in Division 2 of Part 6 of the Act to include:
 - (a) material conflicts of interest; and
 - (b) general conflicts of interest.
- (4) A “Material conflict of interest” exists when a relevant person or an “affected person” with whom they are connected, as defined in the Act, would gain a benefit or suffer a loss depending on the outcome of the matter.
- (5) A “General conflict of interest” exists where an impartial, fair-minded person would consider that a relevant person's private interests could result in them acting in a manner that is contrary to their public duty.

Division 2 – Councillor conflict of interest disclosures

32. General duty of disclosure by a Councillor

- (1) A conflict of interest must be disclosed by a Councillor in any Council meeting or any other meeting conducted under the auspices of the Council.
- (2) Meetings conducted under the auspices of the Council mean any meeting:
 - (a) organised by the Council;
 - (b) organised on behalf of the Council; or
 - (c) wholly or partly resourced by the Council.

33. Disclosure in Council meeting

- (1) If a Councillor has a conflict of interest in a matter considered in a Council meeting, the Councillor must:
 - (a) disclose the conflict of interest in accordance with subclause (2); and
 - (b) exclude themselves from the decision making process in accordance with subclause (3).
- (2) A Councillor disclosing a conflict of interest must:
 - (a) address the meeting immediately before the matter is considered and state that they have a conflict of interest in the matter; and

- (b) describe the nature of the conflict sufficiently that an independent observer would realise that the conflict of interest is a genuine concern.
- (3) A Councillor excluding themselves from the decision making process:
 - (a) must leave the room where the meeting is being held and wait in a place where they cannot see or hear the meeting; and
 - (b) may return to the meeting before the next matter is considered.
- (4) The Mayor must ensure the meeting does not proceed to the next matter until a reasonable attempt has been made to notify any Councillor affected by this clause.

34. Disclosure in a delegated committee

If the Council has appointed a delegated committee, Councillors who are members of the committee must comply with clause 33 as if they are in a Council meeting.

35. Disclosure in advisory meetings

- (1) This clause applies to any Council auspiced meeting attended by a Councillor that considers a matter for decision or action by the Council or by a delegated committee or by a member of Council staff under delegation, including but not limited to:
 - (a) Councillor briefings;
 - (b) Councillor forums;
 - (c) advisory committees; and
 - (d) meetings called to consider specific proposals.
- (2) If a Councillor has a conflict of interest in a matter considered in an advisory meeting under this clause, the Councillor must:
 - (a) immediately disclose that they have a conflict of interest; and
 - (b) leave the room or place where the meeting is held until the matter is concluded.

36. Disclosure in community asset committee

A Councillor who is a member of a community asset committee must comply with clause 35 as if the committee was an advisory committee.

37. Disclosure in general gatherings

- (1) This clause applies to meetings or gatherings that are not directly connected with Council decisions on specific matters. This includes:
 - (a) forums for general community engagement; and
 - (b) social and ceremonial functions.
- (2) If a Councillor has a conflict of interest in a matter that arises in a meeting or gathering under this clause, the Councillor must:
 - (a) disclose that they have a conflict of interest in an appropriate manner; and
 - (b) exercise their own discretion to act in a responsible manner.

38. Disclosure in other Council auspiced meetings

If a Councillor attends a Council auspiced meeting that is not otherwise described in this Division, clause 35 applies as if the meeting was an advisory meeting.

Division 3 – Staff conflict of interest disclosures

39. Staff disclosure for Council meeting

- (1) If a member of Council staff has a conflict of interest in a matter to be considered in a Council meeting and is likely to be involved in providing advice on the matter:
 - (a) the staff member must notify their immediate supervisor and the Chief Executive Officer; and
 - (b) the staff member must not provide advice to Council unless authorised by the Chief Executive Officer.
- (2) If a member of Council staff has a conflict of interest in a matter in which they are providing advice to Council:
 - (a) if the advice is included in a report, the report must disclose the conflict of interest; and
 - (b) if the officer is speaking in the Council meeting, the officer must disclose the conflict of interest before speaking on the matter.

40. Disclosure in delegated committee

A member of Council staff who is a member of a delegated committee must comply with clause 33 as if they are a Councillor in a Council meeting.

41. Disclosure in community asset committee

A member of Council staff who is a member of a community asset committee must:

- (a) disclose any conflict of interest in a matter before the committee;
- (b) leave the meeting while the matter is considered; and
- (c) comply with any relevant procedure specified by the Chief Executive Officer for that committee.

42. Disclosure when exercising a delegation or statutory power

- (1) This clause applies to a member of Council staff who exercises a power of delegation or a statutory function under any Act.
- (2) If the member of Council staff has a conflict of interest in the exercise of the delegation or the statutory function the staff member must:
 - (a) immediately notify their line manager;
 - (b) not exercise the delegated power or statutory function; and
 - (c) comply with any relevant procedures in the staff code of conduct.
- (3) A line manager who has been notified of a conflict of interest under this clause must:
 - (a) make a record of the disclosure;

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- (b) provide for the power or function to be exercised by another person; and
- (c) notify the Chief Executive Officer of the disclosure and the action taken.

Division 4 – Disclosures by other committee members

43. Disclosure in delegated committee

A member of a delegated committee who is not a Councillor or a member of Council staff must comply with clause 33 as if they are a Councillor in a Council meeting.

44. Disclosure in community asset committee

A member of a community asset committee who is not a Councillor or a member of Council staff must:

- (a) disclose any conflict of interest in a matter being considered by the committee; and
- (b) comply with any terms and conditions specified by the Chief Executive Officer for that committee under section 47 of the Act.

PART 6 – GENERAL CONDUCT OF MEETINGS

Division 1 – General lack of a quorum

45. What is a quorum?

A quorum for a Council meeting is an absolute majority of the Councillors.

46. Lack of a quorum

- (1) If a quorum cannot be obtained within thirty (30) minutes of the scheduled starting time of any meeting or adjournment, the meeting may be adjourned for a period not exceeding seven (7) days by:
 - (a) those Councillors present; or
 - (b) if there are no Councillors present, the Chief Executive Officer.
- (2) If a quorum cannot be maintained in a meeting for any reason other than a result of conflicts of interest, the meeting may be adjourned for a period not exceeding seven (7) days by:
 - (a) those Councillors present; or
 - (b) if there are no Councillors present, the Chief Executive Officer.

Division 2 – Loss of quorum due to conflicts of interest

47. Application of this Division

- (1) This division applies in a Council meeting where the Council is unable to maintain a quorum because of the number of Councillors with conflicts of interest.
- (2) This division does not apply to any other Council auspiced committee or meeting.

48. Mayor to take action

- (1) If the Council will be unable to maintain a quorum because of the number of Councillors with conflicts of interest in a matter, the Mayor must invite all Councillors to remain in the meeting until the quorum matter is addressed.
- (2) Actions to be taken under this clause by the Mayor where feasible, in order of priority, are:
 - (a) if there are Councillors absent from the meeting who may not have conflicts of interest, defer the matter to a later time;
 - (b) propose that the motion be dealt with in an alternative manner under clause 49; or
 - (c) propose that the Council appoint a delegated committee under clause 50.
- (3) The Mayor may seek advice from the Chief Executive Officer when determining the feasibility of alternative actions under this clause.

49. Alternative manners to resolve quorum

- (1) Section 67 of the Act specifies two alternative manners in which a matter may be considered by Council to avoid the loss of a quorum:
 - (a) splitting the resolution; or
 - (b) making prior decisions on component parts.
- (2) Where a resolution can be split into parts that can be separately resolved to avoid the loss of a quorum:
 - (a) the Mayor may put the parts to the Council as separate motions; and
 - (b) a Councillor who has a conflict of interest in any separate motion must disclose a conflict of interest in that motion under clause 33.
- (3) Where the final motion cannot be reasonably split, but component parts may be considered prior to the final motion, such as may apply to the Council Plan or the budget:
 - (a) each affected component part may be put to a vote for inclusion in the final motion;
 - (b) a Councillor who has a conflict of interest in a component part must disclose the conflict of interest under clause 33 when that part is considered;
 - (c) a resolution to adopt the final motion may then be put to the meeting, subject to any amendments arising from the votes on component parts; and
 - (d) a Councillor may vote on the final motion if they have previously disclosed a conflict of interest in any component in which they have a conflict of interest.

50. Delegated committee to decide matter

- (1) Under section 67 of the Act, the Council must establish a delegated committee to determine a matter that cannot be resolved by an alternative manner after the loss of a quorum because of conflicts of interest.
- (2) A delegated committee under this clause:
 - (a) must include all Councillors who do not have a conflict of interest in the matter;
 - (b) may include any other person the Council considers suitable; and
 - (c) must be chaired by a Councillor unless there are no Councillor members.

Division 3 – Business of meetings

51. Business of scheduled meetings

- (1) The Business of a scheduled Council meeting must include the following where applicable:
 - (a) confirmation of the minutes of the previous Council meeting or meetings;
 - (b) confirmation of records of Councillor briefings, Councillor forums and advisory committees;
 - (c) reports received from advisory committees;
 - (d) reports provided by the Audit and Risk Committee;
 - (e) reports provided by the Chief Executive Officer;
 - (f) notices of motion given under clause 15; and
 - (g) notices of rescission received under clause 18.
- (2) A record of a Councillor briefing, Councillor forum or advisory committee meeting must include:
 - (a) a record of which Councillors attended the meeting;
 - (b) a summary of the matters considered in the meeting; and
 - (c) a record of any conflicts of interest disclosed by Councillors.

52. Order of business

- (1) Subject to clause 51 and these Governance Rules, the order of business of a Council meeting will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) Subject to these Governance Rules, the Chief Executive Officer may include any matter on an agenda of a scheduled meeting for consideration by the meeting.
- (3) Once an agenda notice has been issued, the order of business for the meeting may only be altered by the Mayor in the meeting or by resolution of the Councillors at the meeting.

53. Urgent business

- (1) 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.

- (2) 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.
- (3) Despite subclauses (1) and (2), 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.

Division 4 – Procedural meeting determinations

54. Matters not provided for

Where a situation has not been provided for under the Act or in these Governance Rules, the matter must be determined as a procedural matter under this Division.

55. Determination of procedural matters

- (1) Unless otherwise specified in these Governance Rules, procedural matters relating to the conduct of a Council meeting shall be determined:
 - (a) by a ruling of the Mayor; or
 - (b) by a resolution of the Council.
- (2) Procedural matters that may be determined under this clause include:
 - (a) a change to the order of business;
 - (b) suspending standing orders;
 - (c) resuming standing orders;
 - (d) an extension of speaking time for a member of the public;
 - (e) closing the meeting to members of the public;
 - (f) reopening the meeting to members of the public;
 - (g) adjourning the meeting to another time and place; and
 - (h) closing the meeting.
- (3) Part 7 applies to a Council resolution under this clause except that the motion does not require a seconder.

56. Dissent from a Mayor's ruling

- (1) A ruling of the Mayor under this Part may be negated by a resolution of the Council to dissent from the Mayor's ruling.
- (2) A motion of dissent in the ruling is not a motion of dissent in the Mayor. The Mayor remains in the chair and may exercise a second vote if exactly half the Councillors vote in favour of the motion of dissent.

57. Arrangements when standing orders suspended

- (1) During a period when standing orders are suspended, no decision, motion or other formal proceeding must be allowed, other than:

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- (a) the raising of a point of order; or
 - (b) a motion to resume standing orders.
- (2) The minutes of a meeting do not have to include an account of matters considered during a period when standing orders are suspended.

58. Closing a meeting to members of the public

- (1) A Council meeting must be closed to members of the public only if:
- (a) the meeting is to consider confidential information (see Appendix 1); or
 - (b) it is necessary to close the meeting for security reasons or to enable the meeting to proceed in an orderly manner.
- (2) The Council must only close the meeting for the purpose listed in subclause (1)(b) if arrangements have been put in place to allow remote public viewing of the meeting as specified in section 66 of the Act.

59. Adjourning a meeting

A motion to adjourn the meeting may specify when the meeting will resume, which may be:

- (a) at a specific time, date and place;
- (b) at the conclusion of another scheduled meeting; or
- (c) at a time to be determined by the Chief Executive Officer.

Division 5 – Point of order

60. Points of order

- (1) A Councillor may raise a point of order at any time if the Councillor considers that the Act or these Governance Rules are not being complied with.
- (2) A Councillor raising a point of order must:
- (a) state the point of order; and
 - (b) state the relevant clause or provision constituting the point of order.
- (3) A Councillor raising a point of order is not deemed to be speaking to a motion or amendment before the meeting.
- (4) All other matters before the Council are suspended until the point of order is decided.
- (5) The Mayor may call a temporary adjournment to consider a point of order or otherwise rule on it as soon as it is raised.
- (6) The Mayor must rule on all points of order without entering into discussion or debate and the Mayor's ruling is final unless the meeting dissents from that ruling under clause 56.

Division 6 – Public participation

61. Addressing meetings

- (1) At a Council meeting, standing orders may be suspended to enable a member of the public to address the meeting.
- (2) A member of the public addressing the Council must extend due courtesy and respect to the members and the Council and must take direction from the Mayor.
- (3) Unless this procedure is varied under clause 55 the maximum speaking time for a member of the public addressing the Council is three (3) minutes.

62. Public question time

- (1) Any member of the public may put a question to an ordinary Council meeting. Questions from a member of the public:
 - (a) must be in writing;
 - (b) must relate to a matter of business on the meeting agenda;
 - (c) must not be offensive or defamatory, and
 - (d) must be given to the Chief Executive Officer or the delegated officer no later than ten (10) minutes before the scheduled commencement of the meeting.
- (2) If the Council has received a question from the public under subclause (1), the Council must suspend standing orders at an appropriate time for the question to be put.
- (3) The Mayor must reject a question:
 - (a) that does not comply with subclause (1); or
 - (b) where answering, the question would require the disclosure of confidential information.
- (4) If a question cannot be dealt with adequately or appropriately during public question time, the Mayor may request the Chief Executive Officer to provide a written answer to the person.

63. Petitions and joint letters

- (1) A member of the public may give a petition or a joint letter to a Councillor, the Chief Executive Officer or the delegated officer.
- (2) A petition or joint letter must:
 - (a) state the name of the person forwarding the petition and an address to which notice of Council's response may be forwarded;
 - (b) contain the name, address and signature of each person signing the petition or letter;
 - (c) clearly state the request or describe the action that the Council is asked to do on each page of the petition or in the joint letter (whichever is applicable);
 - (d) not include any statement that is offensive, defamatory or disrespectful to Council;
 - (e) be legible;
 - (f) not contain alterations; and
 - (g) not have any letters or other documents attached to it.

- (3) A petition or joint letter that complies with subclause (2) must be tabled at an ordinary Council meeting at the first reasonable opportunity.
- (4) A petition or joint letter may be tabled by any Councillor or by the Chief Executive Officer. It does not have to be tabled by the person to whom it was given.
- (5) A petition or joint letter tabled at a Council meeting must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson unless the Council resolves to deal with it earlier.

Division 7 – Minutes and recordings

64. Keeping of minutes

- (1) The Chief Executive Officer must ensure that minutes of Council meetings are kept.
- (2) The minutes must be an accurate record of the meeting, including:
 - (a) the date, place, and nature of the meeting;
 - (b) the time the meeting opened;
 - (c) the name of each Councillor in attendance;
 - (d) any Councillor apology or leave of absence;
 - (e) every conflict of interest disclosure;
 - (f) arrivals and departures during the meeting by Councillors;
 - (g) the name and title of each staff member attending and not in the gallery;
 - (h) all matters considered for decision;
 - (i) the name of any member of the public who spoke on a matter;
 - (j) all motions put to the meeting and the outcome of each motion;
 - (k) the result of any division; and
 - (l) the time the meeting closed.
- (3) The following must be published on the Council's website as soon as practicable after the conclusion of a Council meeting:
 - (a) the draft (unconfirmed) minutes of the Council meeting;
 - (b) any reports considered at the Council meeting; and
 - (c) any resolutions carried in a part of a meeting closed to consider confidential information.
- (4) The detailed records of any part of a meeting that was closed to the public to consider confidential information must not be published on the internet.

65. Confirmation of minutes

- (1) The Chief Executive Officer must ensure the draft minutes are submitted to the next applicable meeting of the Council for confirmation.
- (2) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- (3) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.

- (4) The confirmed minutes, excluding the detailed records of any part of a meeting that was closed to the public to consider confidential information, must be published on the Council's website in place of the draft minutes as soon as practicable.

66. Council may record meetings

- (1) The Council may resolve to:
 - (a) broadcast a Council meeting in any form;
 - (b) make a recording of a Council meeting; or
 - (c) specify how and in what form a recording of a Council meeting will be made available to the public.
- (2) Despite subclause (1), any part of a meeting that is closed to the public to consider a confidential matter must not be broadcast or a recording made available to the public in any form.

Division 8 – Attendance by electronic means

67. Requesting and approving attendance by electronic means

- (1) Councillors who wish to attend a meeting via electronic means may submit a request to the Chief Executive Officer.
- (2) The submission must be made in writing or verbally stating the reason for the request.
- (3) The request must be made no later than 5 days before the meeting that will be attended via electronic means.
- (4) The request must consider any criteria that the Council has set for consideration of approval for a method of attendance.
- (5) The Chief Executive Officer will provide a response to the request no later than 2 days before the meeting and notify the rest of the members of the meeting of this decision.
- (6) It is the responsibility of the member attending electronically to ensure that they have the required access and environment suitable for electronic communications.

PART 7 – CONDUCT OF DEBATE

Division 1 – General debate matters

68. Preparation for debate

Before any motion is put on a matter:

- (a) the Mayor may invite the Chief Executive Officer or a member of staff to speak on the matter or answer questions; or

- (b) standing orders may be suspended to allow one or more members of the public to speak on the matter or answer questions.

69. Speaking times

Unless this procedure is varied under clause 82, the maximum speaking time for a Councillor will be three (3) minutes when:

- (a) speaking to a motion or amendment; or
- (b) exercising a right of reply on a motion.

Division 2 – Motions and amendments

70. Order of motions and amendments

During the consideration of a matter in a Council meeting:

- (a) only one motion may be considered by a meeting at a particular time;
- (b) only one amendment may be considered by a meeting at a particular time; and
- (c) a motion must not be voted upon until a decision has been made on any amendment to that motion which has been moved and seconded.

71. Rejecting a motion or amendment

- (1) The Mayor must reject any motion or amendment which is:
 - (a) offensive or defamatory;
 - (b) outside the powers of the Council or otherwise contrary to the Council's legal obligations;
 - (c) contrary the Council's election period policy;
 - (d) not relevant to the item of business on the agenda and has not been admitted as urgent business; or
 - (e) purports to be an amendment but would have the effect of negating the principle intent of the motion it seeks to amend.
- (2) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to the Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

72. Moving a motion

- (1) When moving a motion:
 - (a) the Councillor moving the motion must state the motion without speaking to it;
 - (b) unless the motion is a procedural motion, it must be seconded by another Councillor; and
 - (c) if a motion is not seconded and is not a procedural motion, it lapses.
- (2) The Mayor may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason. The Mayor may temporarily suspend the meeting while a motion is being written or request that the matter be deferred until later in the meeting.
- (3) If a motion is moved and seconded, the Mayor must ask if the motion is opposed by any Councillor, and:

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- (a) if the motion is not opposed the mayor must declare the motion carried; or
- (b) if the motion is opposed the Mayor must invite the Councillors to debate the motion.

73. Debating the motion

- (1) When debating a motion:
 - (a) the Councillor who moved of the motion is invited to speak first;
 - (b) the Councillor who seconded the motion is invited to speak second, however the Councillor may reserve the right to speak later in the debate;
 - (c) the Councillor who opposed the motion is invited to speak third; and
 - (d) any other Councillor may speak for or against the motion.
- (2) When inviting other Councillors to speak to the motion the Mayor must ask for speakers for and against the motion in turn, however no Councillor may be refused the right to speak because there is no contrary speaker.
- (3) No Councillor may speak more than once in debating a motion, except where the mover of the motion has a right of reply.
- (4) Debate must always be relevant to the motion and the Mayor may:
 - (a) request a Councillor to confine debate to the subject motion; or
 - (b) direct a Councillor to cease speaking if the Councillor continues to debate irrelevant matters.
- (5) Once the debate has been exhausted, the mover of the motion is entitled to exercise a right of reply but may not raise any new matter.
- (6) Immediately after the mover's right of reply, the Mayor must put the motion to a vote without further discussion or debate.

74. Amendments

- (1) Any Councillor debating the motion, except the mover of the motion, may move an amendment to the motion.
- (2) There is no limit on the number of amendments that may be proposed to a motion. However, no amendment may be proposed while another amendment is being proposed or debated.
- (3) An amendment:
 - (a) must be relevant to the motion; and
 - (b) must not have the effect of negating the principal intent of the motion.
- (4) If the mover and the seconder of the motion accept the amendment, the motion must be altered to include the amendment.
- (5) If subclause (4) does not apply, the amendment must be seconded by another Councillor. If the amendment is not seconded, it lapses.
- (6) If an amendment is seconded under subclause (5), the Mayor must invite the Councillors to debate the amendment in the same order and manner as a motion under clause 72, except that mover of an amendment does not have a right of reply.

- (7) A Councillor speaking to an amendment is not deemed to be speaking to the motion, so speaking to an amendment does not alter a Councillor's right to speak to the principal motion.
- (8) If an amendment is carried then the motion is altered accordingly and becomes the matter before the meeting.
- (9) If an amendment is not carried then debate continues on the motion.

75. Lapsed motion or amendment

- (1) If a motion or amendment lapses under these Governance Rules:
 - (a) the motion or amendment is no longer debated or voted upon at that meeting;
 - (b) if it is an amendment, debate on the principle motion resumes; and
 - (c) if it is a motion, the meeting proceeds to the next matter on the agenda.
- (2) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a later Council meeting.

76. Foreshadowing motions or amendments

- (1) At any time during debate, a Councillor may foreshadow his or her intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- (2) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed.

77. Withdrawal of motion or amendment

Before any motion or amendment is put to the vote it may be withdrawn by the mover with leave from the Council.

78. Separation of motions

Where a motion contains more than one part the Mayor may decide to put the motion to the vote in separate parts.

Division 3 – Voting

79. Voting process

- (1) When putting a motion or amendment to a vote, the Mayor will first call for those in favour to vote and then those opposed to vote.
- (2) Voting:
 - (a) must not be in secret; and
 - (b) must be by show of hands unless the meeting resolves otherwise.
- (3) All Councillors are entitled to a single vote on each motion and each amendment.

- (4) If exactly half the Councillors in the meeting vote in favour of a motion or amendment, the Mayor may cast a second vote.
- (5) The Mayor must declare a motion or amendment carried if:
 - (a) a majority of the Councillors in the meeting vote in favour of the motion or amendment; or
 - (b) exactly half the Councillors in the meeting vote in favour of the motion or amendment and the Mayor casts a second vote in favour of the motion or amendment.
- (6) If neither subclause (5)(a) or (5)(b) apply, the Mayor must declare the motion or amendment lost.
- (7) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- (8) A Councillor is not required to divulge the way they voted on a matter considered in a meeting that was closed to the public to consider confidential information.

80. Division

- (1) Any Councillor may request a division:
 - (a) immediately before a vote is taken; or
 - (b) immediately after a vote is taken.
- (2) A division must not be requested after the next item of business has commenced.
- (3) If a division is requested, the Mayor must conduct a vote and the names of Councillors voting for or against the motion or amendment must be recorded in the minutes.
- (4) If a prior vote has been taken on the motion or amendment, a Councillor is not prevented from changing his or her original vote at the division.
- (5) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

Division 4 – Rescission

81. Motion to rescind

- (1) If a notice of rescission has been given under clause 18:
 - (a) the motion must not be amended; and
 - (b) any Councillor in attendance at the meeting may move the motion.
- (2) If a motion of rescission is not put at the meeting it lapses.
- (3) If a motion to rescind is lost, that motion or any similar motion must not be put before the Council for at least three months unless the Councillors resolve to relist the motion for a future meeting.

82. Deciding a rescission

A motion to rescind a prior decision of the Council is not carried unless:

- (a) an absolute majority of Councillors vote in favour of the motion; or
- (b) exactly half the total number of all Councillors cast votes in favour of the motion at a Council meeting and the Mayor casts a second vote in favour of the motion.

Division 5 – Procedural debate motions

83. Procedural motions relating to debate

- (1) Any Councillor may move a procedural motion under this Division that proposes to:
 - (a) alter the time that a Councillor may speak;
 - (b) adjourn a debate on a matter;
 - (c) set aside a question; or
 - (d) put the question.
- (2) A procedural motion must not be moved:
 - (a) during the election of the Mayor; or
 - (b) while any Councillor is speaking unless it proposes to extend the Councillor's speaking time.
- (3) A procedural motion is not required to be seconded.
- (4) A procedural motion under this Clause must be dealt with immediately by the Mayor.
- (5) The Mayor may allow debate on a procedural motion if the Mayor considers it necessary to clarify the reason for the motion.

84. Altering a Councillor's speaking time

- (1) A motion to extend a Councillor's speaking time:
 - (a) must not be permitted after another Councillor has commenced speaking; and
 - (b) must not increase a Councillor's speaking time by more than three (3) minutes.
- (2) A motion to reduce a Councillor's speaking time:
 - (a) must not be permitted after the Councillor has commenced speaking; and
 - (b) must not reduce a Councillor's speaking time to less than one (1) minute.

85. Adjourning debate on a matter

- (1) If a motion to adjourn a matter under this clause is carried the motion under consideration and any amendments proposed to that motion are adjourned.
- (2) A motion to adjourn the matter may specify that the matter be adjourned until a specific meeting or until a specific time or place.

86. Setting aside a question

- (1) If a motion to set aside the question relates to a motion and is carried:

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- (a) the motion must not be dealt with further; and
 - (b) the meeting proceeds to the next matter.
- (2) If a motion to set aside the question relates to an amendment and is carried:
- (a) the amendment must not be dealt with further; and
 - (b) the meeting continues to debate the motion to which the amendment related.

87. Putting the question

- (1) A Councillor may propose that the motion or amendment under consideration be voted on immediately by moving that the question be put.
- (2) The Mayor may reject a motion to put the question if the Mayor considers that the matter is contentious and has not been adequately debated.
- (3) If a motion to put the question is carried, the motion or amendment to which it refers must be voted upon with no further debate.
- (4) If a motion to put the question is lost, the meeting continues to debate the relevant motion or amendment.

PART 8 – DELEGATED COMMITTEES

88. Council may appoint delegated committees

- (1) The Council may appoint one or more delegated committees to which it delegates specific powers.
- (2) Unless clause 50 applies, a delegated committee:
 - (a) must include at least two Councillors; and
 - (b) must be chaired by a Councillor.

89. Application of Governance Rules

Unless otherwise specified in the Act or in these Governance Rules, a delegated committee is subject to the Governance Rules to the extent reasonably applicable as if the committee were the Council and the members of the committee were the Councillors.

PART 9 – ELECTION PERIOD POLICY

Division 1 – General election period matters

90. Election period

- (1) The Council's Election Period Policy is described in this Part.

- (2) The Election Period Policy applies during the “election period”, which is defined in section 3 of the Act to be:
 - (a) from the time that nominations close on the last day when nominations for a Council election are received;
 - (b) until 6pm on election day.
- (3) The Chief Executive Officer will notify Councillors and staff of their obligations under this Policy prior to the commencement of the election period for an election.

Division 2 – Council decisions in election period

91. Prohibited decisions

- (1) The Council must not make any Council decision during the election period for any general election or any by-election that would enable Council's resources to be used in a way that is intended or likely to influence voting at the election.
- (2) The Council must not make decisions on the following matters during the election period for a general election:
 - (a) the appointment or remuneration of the Chief Executive Officer; or
 - (b) committing the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year.
- (3) The Council will not make decisions during an election period that the Council reasonably considers:
 - (a) could be deferred until the next Council is in place; or
 - (b) should not be made during an election period.

92. Chief Executive Officer scrutiny

- (1) The Chief Executive Officer must scrutinise the content of Council agendas during the election period to exclude matters described in clause 90.
- (2) The Chief Executive Officer must reject any notice of motion if it appears contrary to clause 90.
- (3) If a motion is moved in a Council meeting that appears to be conflict with clause 90, the Chief Executive Officer must advise the Mayor of the conflict.

Division 3 – Use of Council resources

93. Council resources

- (1) As specified in section 304 of the Act, a Councillor or a member of Council staff must not use Council resources in a way that is intended or likely to affect the result of a Council election.
- (2) A Councillor may use the following resources during an election period if and when required to perform their duties as a Councillor:

- (a) mobile phones provided for Councillor use;
- (b) computers provided for Councillor use; and
- (c) the Mayoral vehicle.

94. Council staff

- (1) A Councillor must not request or use a member of Council staff to support their election campaign.
- (2) This clause does not prohibit a member of staff from providing support for an election campaign if the staff member:
 - (a) only provides support voluntarily and in their own private time;
 - (b) does not use Council resources in providing support;
 - (c) does not take any action that implies Council support for the campaign; and
 - (d) gives the Chief Executive Officer prior written notice of their intention to support the campaign.

95. Expenses claims

- (1) A Councillor must not lodge a claim for reimbursement of expenses incurred in relation to an election campaign.
- (2) The Chief Executive Officer must reject any claim that is contrary to this clause.

Division 4 – Communication and events

96. Publication of electoral material

- (1) As specified in section 304 of the Act, a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required under an Act or regulation.
- (2) During an election period, the Chief Executive Officer must establish procedures to support compliance with this clause, including procedures applying to:
 - (a) media comments and media releases;
 - (b) use of social media; and
 - (c) Council newsletters and publications.

97. Access to Council information

- (1) Councillors will continue to access Council held documents during an election period, but only to the extent necessary for them to perform their duties as Councillors.
- (2) The Chief Executive Officer must ensure that information provided to candidates during an election period is made equally available to all candidates.
- (3) Subclause (2) does not apply to confidential information provided to Councillors under subclause (1).

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98. Public consultation

The Council must not conduct any public consultation process during the election period unless the consultation is:

- (a) required under an Act or regulation; or
- (b) essential for the Council to perform its functions.

PART 10 – COMMON SEAL**99. The Council's common seal**

- (1) The Chief Executive Officer must always ensure the security of the Council's common seal.
- (2) The Council's common seal may only be used in accordance with a specific resolution of the Council or under the Council's delegated authority and every document to which the seal is affixed must be signed by the Chief Executive Officer or a senior officer authorised in writing by the Chief Executive Officer.
- (3) The Chief Executive Officer must notify the Council, no later than the next scheduled Council meeting, after the Council's common seal is affixed to a document under the Council's delegated authority.

APPENDIX 1 – CONFIDENTIAL INFORMATION

Under section 3 of the Act, certain information is defined to be confidential information because its premature or improper release may cause harm to the Council or to other persons.

Confidential Information remains confidential unless it can lawfully be released, and the Council has determined that it should be publicly available

The following table described the types of confidential information defined in the Act.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security Information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the Councillor Code of Conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was previously made confidential under the <i>Local Government Act 1989</i> .



The Hon Shaun Leane MP

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Minister's Good Practice Guideline MGPG-3: Virtual Meetings

This is a guideline issued by the Minister for Local Government pursuant to section 87 of the Local Government Act 2020.

Purpose

The COVID-19 pandemic has highlighted the need for, and usefulness of, a more flexible and modern approach to conducting certain required local government meetings.

The Victorian Government's *Regulatory Legislation Amendment (Reform) Act 2022* (Reform Act) introduces into the *Local Government Act 2020* (the Act) provisions relating to electronic attendance and participation in council meetings and delegated committees on a permanent basis. The new provisions take effect on 2 September 2022.

Electronic meetings, commonly referred to as 'virtual meetings', could include meetings where all participants attend electronically, some participants attend in person and some attend electronically i.e., 'hybrid', or where attendees across several meeting locations join electronically i.e., 'parallel'.

This Good Practice Guideline is designed to assist councils to amend their Governance Rules in consultation with their communities to comply with the new provisions in the Act relating to virtual meetings.

The Guideline takes effect from **2 September 2022** to align with the commencement of the new amendments.

Legislative requirements

Part 3 Division 2 of the Act provides for the procedure and proceedings for Council decision making, including the holding of meetings (being council meetings, joint meetings of councils, delegated committee, and joint delegated committee meetings).

The Reform Act introduces provisions into Part 3 Division 2 of the Act (section 60) that require a council to develop, adopt and keep in force Governance Rules relating to:

- the conduct of council (and delegated committee) meetings held by electronic means; and
- requesting and approving attendance by electronic means.

In developing or amending its Governance Rules, councils must ensure that a process of community engagement is followed in accordance with section 60(4) of the Act.

The new provisions further provide that Councillors, and members of delegated committees, may attend and be present by electronic means of communication provided they comply with the Governance Rules (section 61(6A)).

Ref: BMIN-2-22-21061



Under section 66 of the Act, a council or delegated committee must keep a meeting “open to the public” except in specified circumstances. New provisions insert a definition of “Open to the public” to mean, in the case of a council or joint meeting of councils, or a delegated or joint delegated committee:

- either, attendance in person by a member of the public, or a meeting that is broadcasted live on the council internet site; or
- a recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- any other prescribed means of meeting.

Responsibilities of Councillors and council staff

Irrespective of how council meetings are held, Councillors and council staff are required to continue to act in accordance with the prescribed Standards of Conduct, Councillor (or staff) Code of Conduct, the *Local Government Act 2020*, Governance Rules and other Acts, local laws and policies as applicable.

Disclosure of conflicts of interest as required under the Act and rules relating to conflicts of interest continue to apply.

Matters for a council to consider when developing Governance Rules for virtual meetings

Conduct of meetings

Governance Rules must provide for the conduct of Council and delegated meetings, whether held in-person or electronically.

Where these meetings are to be held virtually in accordance with the new provisions, Governance Rules could provide for how the format of a meeting is to be determined, including options for hybrid or parallel meetings where some members may attend in person and others by electronic means.

For example, the Governance Rules could set out how the Chair should manage a situation if a member attending electronically cannot hear proceedings, or cannot be seen or heard, but a quorum is present.

Requesting and approval of ‘electronic’ attendance (discrimination and reasonable adjustments)

The new provisions, in section 60(1) of the Act, provide that Governance Rules must provide for requesting and approving attendance at a council or delegated committee meeting by electronic means.

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To comply with this requirement, councils should consider including in the Governance Rules:

- a. the format and criteria for requesting and approving attendance by electronic means
- b. whether the requests must be on a meeting-by-meeting basis or may be valid for a set period
- c. if there should be a 'deadline' for requests to ensure that facilities are available to accommodate the requested style of meeting and that appropriate notice can be provided to the public.

In developing and applying its rules in respect to requesting and approving requests to attend via electronic means, councils should have regard to other relevant Acts, such as the *Equal Opportunity Act 2010* (EO Act).

Under the EO Act:

- Direct discrimination occurs where a person treats, or proposes to treat, a person or group with a protected attribute, such as a disability, unfavourably because of the attribute.
- Indirect discrimination occurs if a person imposes or proposes to impose a requirement, condition or practice that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more of the protected attributes, such as a disability, and the requirement, condition or practice is not reasonable.

Further, the *Gender Equality Act 2020* requires Councils to promote gender equality in their policies, programs and services.

Councils should consider providing flexibility with respect to participation at council meetings to enhance access for people with health issues and/or caring responsibilities, or who are unable to travel long distances.

Opening meetings to the public

Section 66 of the Act requires that council meetings and joint meetings of councils must be "open to the public" except in specified circumstances.

Councils should consider including rules regarding meetings if there is no option by which the public can attend the meeting in person, or if the council experiences technical difficulties in broadcasting the meeting to the public. The rules should set out how the council will address such matters to maintain an "open to the public" meeting.

Confidential council meetings or confidential/closed sections of council meetings are not required to be streamed live or electronically recorded.

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Representation at council meetings by members of the public

Councils are encouraged to make arrangements to allow members of the public who wish to appear before council to do so through virtual or other means. The rules could consider how to ensure community engagement is maintained through virtual meetings including:

- a. the provision and uploading of written and/or oral statements
- b. reading out questions on notice at the virtual meetings
- c. electronically posting questions prior to the meeting.

Confidentiality

The provisions (in the Act) regarding confidential information continue to apply to electronic meetings. Confidential information must not be intentionally or recklessly disclosed. Councillors should be able to demonstrate to the satisfaction of the Chair that their location is secure to ensure the deliberations are confidential.

I have issued this guideline pursuant to section 87 of the Local Government Act 2020 (Vic).



**The Hon Shaun Leane MP
Minister for Local Government**

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GUIDANCE MODEL FOR AMENDING GOVERNANCE RULES**(1) Definitions in Governance Rules:**

Consider amending the definition of:

Committee Meeting to include:

means a meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance

Council Meeting to include:

means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance

(2) Meeting procedures

Consider adding clarity relating to community participation at meetings such as:

Community members may only participate in Council meetings in accordance with these Governance Rules [insert relevant section] that include addressing how the community can participate if the meeting is electronic, or a 'hybrid' or 'parallel' style meeting.

Council will adopt policies, protocols or guidelines to ensure opportunities exist for community input, beyond formal consultation processes.

As required under the *Local Government Act 2020* (LG Act) add an agreed process for requesting and approving attendance by electronic means – such as:

- (1) *Councillors and members of Delegated Committees who wish to attend a meeting via electronic means may submit a request to [position as determined by Council – note if Mayor/Chair who/how will they request approval].*
- (2) *The submission must be made [process – in writing/form/verbal] stating [Council to determine if a reason is required].*
- (3) *The request must be made [time frame prior to the meeting] stating the meeting(s) that will be attended via electronic means.*
- (4) *The request must consider any criteria that the Council has set for consideration of approval for a method of attendance.*
- (5) *[Position as determined by Council] will provide a response to the request [by time limit] and notify the rest of the members of the meeting of this decision.*
- (6) *It will remain the responsibility of the member attending electronically to ensure that they have the required access and environment suitable for electronic communications.*

Consider adding clarity around technical issues at meetings such as:

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Technical difficulties – loss of connection of a chair or councillor /committee member

To ensure meetings are managed in an orderly manner, processes and procedures should be in place for a situation where a key attendee (such as Mayor, Chair, Councillor or CEO) loses connection if they are attending a meeting electronically. Including who will take the role of chair, assessing validity of a quorum and virtual recognition of a vote.

(3) Notice of meetings

Consider adding clarity around how a meeting format will be determined, such as:

Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.

A Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. The meetings determined by Council as being solely in person meetings are [insert here – for example election of the Mayor etc.]

(4) Quorum

Consider adding a note of clarity, such as:

It should be noted that under section 61(6A) of the LG Act, for the purposes of these meetings, a Councillor present by electronic means of communication is deemed present for the purposes of a quorum. Council should consider the situation of technical difficulties.

(5) Question of Council

Consider adding a note of clarity, such as:

At each meeting there is an opportunity for members of the public to ask questions of the Council. If the meeting is to be held in a single electronic or hybrid/parallel format then the general public will follow the set procedures to submit a question or petition [list here].

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10.4 CEO EMPLOYMENT AND REMUNERATION POLICY

File Number: 19/432330
Author: Janine Jackson, Manager Organisation Development
Authoriser: Amanda Wilson, Director Corporate
Attachments: 1. CEO Employment and Remuneration Policy v2

RECOMMENDATION

That Council approve the CEO Employment and Remuneration Policy v2.

CONFLICT OF INTEREST

There is no conflict of interest for any Council staff member involved in the preparation of this paper. The Chief Executive Officer has a conflict of interest and as such has been excluded from the development and review of this policy and associated report.

PREVIOUS COUNCIL DISCUSSION

The CEO (Chief Executive Officer) Employment and Remuneration Policy was first adopted at the May 2021 Council Meeting. This policy has been reviewed in accordance with the one-year review timeline on the adopted policy.

Council considered the revised draft policy, CEO Employment and Remuneration Policy V2, at the July 2022 Council Forum.

BACKGROUND

The policy was developed to meet the requirements of Section 45 of the Local Government Act 2020 which states that a Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.

ISSUES/DISCUSSION

The employment cycle, determining applicable remuneration and reviewing the performance of a CEO is a core responsibility of the elected Council.

The policy includes all statutory requirements in that it provides for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and provides for

- the recruitment and appointment process
- provisions to be included in the contract of employment
- performance monitoring;
- an annual review; and
- include any other matters prescribed by the regulations.

This revised version of the policy includes greater clarity around the role of the Independent Advisor, how often the CEO Employment Committee will meet to monitor the CEO performance, set annual key performance indicators and undertake the annual review. The inclusion of these details replaces the need for a committee term of reference to accompany the policy.

COST/BENEFITS

The costs associated with the implementation of this policy include the cost of the independent professional advisor and cost of the inclusions in the CEO contract of employment.

RISK ANALYSIS

The CEO Remuneration and Employment policy is a requirement of the Local Government Act 2020. Reviewing the policy ensures Council remain compliant and mitigates reputational risk.

CONSULTATION AND ENGAGEMENT

As part of the review consultation has been undertaken with Directors and the Policy Review Group. Councillors provided feedback at the July Council Forum.



CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

DOCUMENT TYPE:	Council policy
DOCUMENT STATUS:	Draft
POLICY OWNER POSITION:	Manager Organisation Development
INTERNAL COMMITTEE ENDORSEMENT:	Not applicable
APPROVED BY:	Council
DATE ADOPTED:	25/05/2021
VERSION NUMBER:	2
REVIEW DATE:	1/07/2022
DATE RESCINDED:	
RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Recruitment and Selection Policy Equal Opportunity and Antidiscrimination Policy Staff Development Review Procedure Staff Development Review Policy Staff Relocation Expenses Policy Chief Executive Officer employment contract Chief Executive Officer performance indicators Procurement Policy Government Policy on Executive Remuneration in Public Entities
RELATED LEGISLATION:	Local Government Act 2020 Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 Charter of Human Rights & Responsibilities Act 2006 Fair Work Act 2009 National Employment Standard Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 Equal Opportunity Act 2010 Gender Equality Act 2020
EVIDENCE OF APPROVAL:	

FILE LOCATION: K:\EXECUTIVE\Strategies policies and procedures\Policies - adopted PDF and Word\POL CEO Recruitment and Remuneration Policy v1.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.



CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

1 PURPOSE

The purpose of this policy is to support the requirements of the Local Government Act 2020 by outlining the way in which Council manages the recruitment and appointment of the Chief Executive Officer (CEO), contractual inclusions, performance monitoring including annual reviews and general employment conditions.

This policy will also provide for an independent advisory mechanism to guide the activities outlined above.

Adhering to this policy ensures Council will apply good governance, transparency and consistency in all matters relating to the lifecycle of any CEO appointment.

2 SCOPE

This policy applies to activity undertaken by the CEO Employment Committee, Manager Organisation Development, any appointed Independent Advisor and candidates or incumbents of the Chief Executive Officer position.

3 POLICY

The employment cycle of a CEO is a core responsibility of the elected Council. This policy outlines the mechanisms which will support the Council in fulfilling its obligations regarding CEO employment and remuneration.

Council will carry out its functions relating to the appointment, remuneration, performance and contract of the CEO in accordance with the following best practice principles:

- Decision-making principles that are fair, transparent and applied consistently in comparable circumstances
- Decision-making criteria that are relevant, objective and available to the person subject to the decision
- Decisions and actions that are conducive to ongoing good governance
- Documentation that is clear and comprehensive to render decisions capable of effective review
- Employment decisions that are based on the proper assessment of an individual's work-related qualities, abilities and potential against the genuine requirements of the role
- Decisions to appoint a new CEO are based on competitive selection and open processes.
- Remuneration will be fair, reasonable and competitive having regard for market forces and Council's financial position.

4 INDEPENDENT ADVISORY MECHANISM AND ADMINISTRATIVE SUPPORT

The responsibility for meeting the obligations regarding CEO employment, performance and remuneration will be delivered through the establishment of a CEO Employment Committee. Administrative support will be provided by the Manager Organisation Development.



CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

The CEO Employment Committee will be chaired by the Mayor and include the following membership:

- Mayor (chair-person)
- Elected Councillors
- Independent Advisor.

The Independent Advisor will be a suitably qualified and experienced human resources professional (external consultant) who is not a Councillor or officer of a Council and who will join the CEO Employment Committee during the recruitment process or as necessary to assist with performance setting, monitoring and evaluation of the CEO.

4.1 Role of the Independent Advisor

The Independent Advisor will provide professional advice on:

- CEO remuneration
- shortlisting of candidates for recommendation to the CEO Employment Committee
- contract provisions (including any modifications to the position description)
- an initial performance plan
- conducting reference/probity checks
- the outcome of psychometric testing.

4.2 Role of the Mayor and the elected Councillors

The Mayor and elected Councillors will:

- if required, engage an external consultant to provide independent professional advice
- set key performance indicators (KPI's), annually monitor, and appraise the CEO performance against these KPI's consider and determine remuneration increases annually
- decide on a course of action when the CEO's contract is nearing its end

4.3 Administrative support

The Manager Organisation Development will provide support to the Mayor and elected Councillors by:

- coordinating meetings of the CEO Employment Committee when required to carry out the functions in this policy
- arranging preparation of the CEO contract of employment
- providing a mechanism for the recording and monitoring the KPI's and the CEO performance review process
- maintaining appropriate records regarding employment and performance
- obtaining formal advice if requested
- recording minutes of the CEO Employment Committee meetings.

5 RECRUITMENT AND APPOINTMENT PROCESS

A quote will be obtained from specialist recruitment consultants to carry out the responsibilities in paragraph 4.1.

The Independent Advisor should be a specialist recruitment consultant with a proven track record of successful CEO appointments.



CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

All Councillors will form part of the selection process during recruitment for a new CEO unless a conflict of interest is declared.

The interview panel must have a minimum of three members of the CEO Employment Committee with one member being the Mayor, and one member being the Independent Advisor.

The CEO Employment Committee will develop and/or agree upon:

- the search and selection process and timeframe
- selection criteria based on the key accountabilities that the Independent Advisor will consider when preparing a list of candidates to be recommended for the CEO Employment Committee to interview
- a final shortlist to progress to interview (first and second round)
- remuneration arrangements that should be sufficient to attract, retain and motivate senior executives of the quality required, while not paying more than is necessary for this purpose
- a selection of interview questions that will respond to the key accountabilities of the role
- selection of the preferred candidate.

5.1 Following the selection of a preferred candidate

The Independent Advisor will:

- notify unsuccessful candidates
- in conjunction with the CEO Employment Committee provide advice on the initial key performance indicators
- assist the Mayor with communication of appointment.

5.2 Considerations in regard to the contract of employment of the CEO

When considering the CEO contract Council must have regard to any matters prescribed by relevant regulations including remuneration, termination, re-appointment and other employment conditions based on industry benchmarks, any statement of wages policy issued by the Government of Victoria and any determination that is in effect under Section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

5.3 Term of appointment

The contract of employment should include a period of up to five years.

6 PERFORMANCE MONITORING AND ANNUAL REVIEW

The CEO Employment Committee must include all Councillors as part of the ongoing performance monitoring and the annual review of the CEO. Performance monitoring should occur six months after the annual review.

Additional meetings of the CEO Employment Committee will be convened as deemed necessary by the Mayor.

The Councillors collectively should:

- in consultation with the CEO, identify and agree on the key performance indicators and the activities that the CEO should work towards achieving over a 12-month period
- ensure that the CEO is consulted and advised of the process



CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

- ensure that the CEO is given the opportunity to present their self-assessment to the Council in regard to the KPI's
- inclusively have the opportunity to provide comments of appraisal on the CEO performance
- provide the collection and collation of feedback in relation to the CEO performance as measured against the KPI's to Manager Organisation Development
- review the CEO remuneration package as a component of the annual review in accordance with contract conditions and legislative requirements
- appoint a suitably qualified external consultant when required to seek advice around performance monitoring and evaluation including facilitating the review
- conduct the annual performance review of the CEO and make recommendations including
 - if the CEO meets the Key Performance Indicators
 - if there is a need to vary the KPI criteria, remuneration, or other terms and conditions of the contract.

7 PROTOCOL REGARDING CEO LEAVE AND APPOINTMENT OF ACTING CEO

7.1 Leave approval Chief Executive Officer

An application for annual leave, long service leave, personal leave or an extended absence is to be approved by the Mayor on behalf of Council. Approval by the Mayor removes the requirement for a report to Council and formal resolution.

7.2 Appointment of a person as Acting CEO

- If the period of leave is five days or less, then the CEO is able to make the appointment under delegation.
- If the period of leave is more than five days and less than four weeks, then the CEO will liaise with the Mayor prior to making the appointment under delegation.
- If the period of leave is to exceed four weeks in a continuous period, then Council will deal with the appointment of the Acting CEO via a report and by formal resolution. Council could appoint either of the following to the position of Acting CEO:
 - one of the Directors of Council
 - a suitably qualified and experienced individual as a short term contract.

8 NON-COMPLIANCE

Failure to comply with this 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.

9 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
CEO	Chief Executive Officer
Contract	Chief Executive Officer Employment Contract
Council	Loddon Shire Council
Councillor	Mayor or Councillor as defined by the Act



CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

Independent Advisor	A consultant with specialist expertise in recruitment and remuneration.
Interview panel	Body who conduct formal interview of shortlisted candidates
External consultant	A consultant with specialist expertise in performance monitoring and evaluation.
Remuneration	Salary and salary equivalents
The Act	Local Government Act 2020

10 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.

11 REVIEW

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

10.5 2022-2023 COMMUNITY GRANTS PROGRAM - GROUP 1

File Number: FOL/22/1385
Author: Paul Scullie, Acting Manager Community Support
Authoriser: Wendy Gladman, Director Community Wellbeing
Attachments: 1. Community Grants - Group 1 summary

RECOMMENDATION

That Council endorse the allocation of \$31,529 in grants to the Group 1 applicants as per the 2022-2023 Community Grants program as outlined in the attachment provided with this report.

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

Information on the Community Grant applications received for the 2022-2023 allocation was provided to Council at the 12 July 2022 Council Forum.

BACKGROUND

The Loddon Shire Community Grants Program (program) commenced in 2000/2001. The council initiated the program to assist sporting, recreation and service organisations to deliver community-led projects that improve the quality of life for residents. Since the program was initiated, Council has invested approximately \$2,830,000, supporting over seven hundred community-based projects worth over \$5,610,000. Council's 2022/23 budget includes an allocation of \$180,000 for the Community Grants Program.

To support community newsletters, the Annual Newsletter Allocation grants have a budget of \$20,000 from the overall program budget of \$200,000. The newsletter allocation closes on 30 June 2022 for payment in early July. Any surplus funds not allocated to the newsletters will be returned to the program budget.

In addition to the 2022/23 budget allocation, \$68,436 of unallocated funding has been carried over from the 2021/2022 program. This means that an amount of \$248,436 is available in the 2022/23 financial year for allocation through the program.

Applications for the 2022/23 program opened on 1 March 2022 and closed on 1 May 2022.

To be eligible to apply, groups must:

- be a not-for-profit organisation/group and incorporated body (or be auspiced by one)
- have Public Liability insurance (to the minimum of \$20 million)
- have projects that take place within (or for the benefit of) the Loddon Shire Council municipality.

Applications have been assessed against the following criteria:

- demonstrated community need
- improved existing facilities
- increased participation
- multi-use and broad community benefit
- self-help i.e. in-kind and/or cash commitment

Where applicable, projects have also been assessed against:

- the efficient use of resources, for example energy efficiency components of the project or sharing of resources with the wider community
- the ability to provide access for all, for example does the project consider the needs of people with a disability or the elderly
- any inherent risk in terms of public safety have been assessed in terms of the severity of the risk prior to being considered for funding.

As per the guidelines, the following types of projects are ineligible for funding:

- applicants who have outstanding acquittals from previous funding rounds
- retrospective projects or projects which have already commenced
- projects which are not ready or cannot be completed within a 12-month period from the date of receiving the funding
- projects that are considered the sole responsibility of another authority (for example water authorities and health and welfare agencies)
- activities (programs, services, projects or initiatives) that are the responsibility of others:
 - activities that the Council considers the responsibility of other authorities, agencies or levels of government
 - activities that are the funding responsibility of other levels of government
 - proposals that address shortfalls in funding from other authorities or other levels of government
 - curriculum-based activities or where the activity is confined to the school or kindergarten, including groups and organisations proposing to work with schools and kindergartens (excluding shared facility use by community groups for their specific activity – for example, local cricket clubs using school ovals)
- activities that duplicate other local service responses (unless it can be demonstrated that it meets an unmet community need)
- open space projects on publicly owned or managed land
- activities such as administrative costs (for example wages, rent or insurance), utility charges (such as a power bill) or projects of an ongoing maintenance nature (such as mowing lawns)
- political, religious or spiritual activities:
 - projects designed to promote political or religious ideals
 - organisations whose sole or dominant purpose is of a political nature
 - proselytising, religious worship or sectarian activities
- individuals
- community groups with access to sufficient cash reserves to undertake the project independently
- projects, which do not meet the funding ratio.

Additionally:

- applications are unable to be submitted after the application closing date
- incomplete applications have not been considered in the first round of assessments
- incomplete applications have been provided with 14 days to supply required information/documentation to qualify for a second round assessment; those who do not supply the required information within the 14 days will not be eligible for assessment.

The 2022/23 Community Grants – Group 1 enables applicants who provided a fully completed application not to be delayed by applicants who still require further information (Group 2). Group 2 applicants have been granted limited opportunity to provide the required documentation before being presented to Council at the August Council meeting.

ISSUES/DISCUSSION

In total 24 applications requesting financial assistance to the approximate value of \$163,600 were received. Of these 24 applications:

- Four (4) applications have subsequently been withdrawn by applicants.
- Thirteen (13) applications require further information before Council officers can assess their applications.
- Seven (7) applications were complete and ready to be assessed for determination at the July Council meeting.

Of these seven (7) applications, five (5) in this report have been recommended for funding totalling \$31,529.

An additional report containing one (1) application (required due to a declared conflict of interest) is also recommended for funding totalling \$6,611. This brings the total funding amount for the July Council meeting to \$38,140.

One application does not align with the program guidelines and is not recommended for funding.

COST/BENEFITS

The Community Grants Program offers significant benefits to the local community through the provision of funding for specific projects, which may otherwise struggle to secure funding through other infrastructure programs or initiatives. As demonstrated in the value of projects delivered since the inception of the program, Council's investment towards these grants yields far greater community benefit in terms of both financial investment and social wellbeing.

Without the significant volunteer contribution and drive of Loddon Shire residents, projects such as those recommended for funding would not be possible within the limited financial resources of Council or the community alone. The benefits of this partnership with our small communities contributes significantly to the quality of life within Loddon Shire.

RISK ANALYSIS

Primary risks associated with the Community Grants Program are believed to be as follows:

Adherence to Program Guidelines: Detailed program guidelines identify which projects and programs are considered eligible for Community Grants. All applications are assessed against these guidelines for eligibility to ensure that funding made available through this program is distributed equitably and provides the greatest benefit to the overall Loddon community.

Failure to adhere to these guidelines could comprise the integrity of the grant program and the ability of the Council to adequately fund appropriate community projects.

Failure to deliver projects: All successful applicants are required to adhere to a formal funding agreement, which clearly identifies the purpose of the grant, delivery timeframes and reporting requirements. This is to ensure that the expenditure of public money is conducted in a transparent and efficient manner.

CONSULTATION AND ENGAGEMENT

The Loddon Shire Community Grants program is advertised annually with applications for the 2022/23 round closing on 1 May 2022. During this period, community groups or individuals interested in applying for grants are able to contact relevant staff to discuss their proposals.

Funding guidelines are also made available to prospective applicants via Council's website.

All unsuccessful applicants will be provided with feedback about their applications after recommendations are finalised and endorsed by Council.

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Community Grants Summary: 2022-2023						
Applicant	Project Title	Project description	Total project cost	Amount requested	Community contribution	Recommended allocation
Boort Lakeside Croquet Club	Boort Lakeside Croquet Club improvements	Purchase a new ride-on mower	\$13,676	\$ 9,117	\$ 4,559	\$ 9,117
Bridgewater on Loddon Development Committee	Bridgewater Memorial Hall Solar System Replacement	Install a new solar system to the Bridgewater Memorial Hall	\$ 6,484	\$ 4,150	\$ 2,334	\$ 4,150
Arnold Cricket Club Incorporated	Arnold Cricket Club oval irrigation project	To connect to the GWM water pipeline for the irrigation of the oval	\$32,217	\$10,000	\$22,217	\$10,000
Wedderburn Historical Records Museum Inc.	Publication of book	Publication of a book titled Wedderburn War Veterans Saluting their Service South Africa WW1, WW2, Korea, Vietnam and Iraq	\$16,850	\$ 4,500	\$12,350	\$ 4,500
Wedderburn Lions Club	Portable Toilet	Purchase of new portable toilet.	\$ 5,643	\$ 3,762	\$ 1,881	\$ 3,762
Inglewood Fire Brigade	Marquee Project	Purchase of 2 3x3 metre heavy-duty fire and UV resistant portable marquees.	\$ 4,259	\$ 2,811	\$ 1,448	\$ 0
		TOTAL	\$79,129	\$34,340	\$44,789	\$31,529
						Total recommended funding

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10.6 2022-2023 COMMUNITY GRANTS PROGRAM (SERPENTINE BOWLING CLUB)

File Number: FOL/22/1385

Author: Paul Scullie, Acting Manager Community Support

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. 2022-2023 Community Grants Program - Serpentine Bowling Club

RECOMMENDATION

That That Council endorse the allocation of \$6,611 for the Serpentine Bowling Club as per the 2022-2023 Community Grants program as outlined in the attachment provided with this report.

CONFLICT OF INTEREST

Wendy Gladman, Director Community Wellbeing has declared a conflict of interest as a member of the Serpentine Bowling Club.

The following actions were undertaken to mitigate the conflict:

- exclusion of conflicted party during the initial assessment of the application
- exclusion of conflicted party during the discussion with Council involving funding recommendation relevant to this application

PREVIOUS COUNCIL DISCUSSION

Information on the Community Grant applications received for the 2022-2023 allocation was provided to Council at the 12 July 2022 Council Forum.

BACKGROUND

The background information has been provided in the 2022-2023 Community Grants Program – Group 1 Council report.

ISSUES/DISCUSSION

The Serpentine Bowling Club has made an application to cover the ditches located around the perimeter of the bowling green. The funding requested for this project is \$6,611 and brings the total funding amount for the July Council meeting to \$38,140.

COST/BENEFITS

The cost/benefits information has been provided in the 2022-2023 Community Grants Program – Group 1 Council report.

RISK ANALYSIS

The risk analysis information has been provided in the 2022-2023 Community Grants Program – Group 1 Council report.

CONSULTATION AND ENGAGEMENT

The consultation and engagement has been provided in the 2022-2023 Community Grants Program – Group 1 Council report.

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Community Grants Summary: 2022-2023 (application subject to conflict of interest)						
Applicant	Project Title	Project description	Total project cost	Amount requested	Community contribution	Recommended allocation
Terrick Ward						
Serpentine Bowling Club	Line Ditching	Line bowls green ditching	\$9,916	\$6,611	\$1,885	\$6,611
		Terricks Total	\$9,916	\$6,611	\$1,885	\$6,611
		TOTAL				\$6,611
						Total recommended funding

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10.7 RECOGNITION OF COMMUNITY PLANNING COMMITTEES - BRIDGEWATER, EDDINGTON AND TARNAGULLA COMMUNITIES

File Number: FOL/21/3165

Author: Paul Scullie, Acting Manager Community Support

Authoriser: Wendy Gladman, Director Community Wellbeing

Attachments: Nil

RECOMMENDATION

That Council formally recognises the following three organisations as the Community Planning Committee for their respective community:

1. Bridgewater on Loddon Development Inc.
2. Eddington Community Planning Group Inc.
3. Tarnagulla Community Planning Group Inc.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At the April 2019 Council Forum, the criteria and framework for community groups to become the recognised *Community Planning Committee* was discussed. Following further consultation, the Community Planning Framework (the Framework), including criteria, was endorsed at the November 2019 Council Meeting.

BACKGROUND

The Framework was developed to assist communities as they formulate local community plans and to formalise the relationship between the community planning committees and Council.

As detailed in the Framework, community groups that meet the following criteria are eligible to request formal recognition from Council as a community planning committee.

- are incorporated bodies
- have community planning detailed in their constitution's purpose, and
- have a membership structure that allows wider community participation

Following this initial transition period, access to Council's annual community planning funding program will be prioritised for those groups who have received formal recognition and who have developed their community plan consistent with the principles of the Framework.

It was intended that groups would be in a position to meet the requirements of the Framework and request Council recognition by the end of 2020. Due to delays caused by COVID-19 restrictions, it is expected that requirements to be eligible for formal recognition will now be completed by the remaining groups during and up to the end of 2022.

ISSUES/DISCUSSION

The Bridgewater On Loddon Development Inc., Eddington Community Planning Group Inc., and Tarnagulla Community Planning Group Inc. (Committees) have requested Council recognition as a

community planning committee and have demonstrated that they meet the minimum requirements as detailed in the Framework:

Community	Community planning committee	Request for recognition received	Information request form received	Incorporated	Constitution purpose includes community planning	Open membership
Bridgewater	Bridgewater On Loddon Development Inc.	Yes	Yes	Yes	Yes	Yes
Eddington	Eddington Community Planning Group Inc.	Yes	Yes	Yes	Yes	Yes
Tarnagulla	Tarnagulla Community Planning Group Inc.	Yes	Yes	Yes	Yes	Yes

The Committees are finalising the development of their new Community Plan and representatives plan to attend a future Council Forum to present their plan and its priorities to Council.

COST/BENEFITS

Formal recognition signals to the community that the group has agreed to:

- develop a community plan in accordance with the principles outlined in the Framework
- have open membership for community members
- be representative of their community.

The community plan committees provide the conduit for their community to represent their collective views, ideas and strategic direction to Council and beyond.

Council provides financial assistance to community planning committees to offset administrative and insurance costs. The table below outlines the support to be provided to each Committee on an annual basis:

Community Planning Committee	Proposed allocation – Administration	Proposed allocation - Insurance	Total
Bridgewater On Loddon Development Inc.	\$500	\$1,050	\$1,550
Eddington Community Planning Group Inc.	\$200	\$1,050	\$1,250
Tarnagulla Community Planning Group Inc.	\$200	\$1,050	\$1,250

RISK ANALYSIS

The COVID-19 pandemic halted momentum in early 2020 for all groups as they transitioned to meet the recognition requirements of the Framework and commence the review and/or redevelopment of their community plan. This has delayed the initial transition timeframe with the

expected completion of formalising the Community Planning committees now being the end of 2022.

By transitioning to the parameters around Council's framework, the community planning committees will be operating in the spirit of the framework and providing assurance around open membership and representation of their respective community's views.

CONSULTATION AND ENGAGEMENT

The requirement of a letter and details for the request for formal recognition has been explained to the Committees and followed up with written information and a template to support the process.

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS**12.1 AUDIT AND RISK COMMITTEE MINUTES OF MEETING AND ANNUAL SELF ASSESSMENT RESULTS****File Number:****Author:** Amanda Wilson, Director Corporate**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. **Minutes Audit and Risk Committee 2 May 2022 (unconfirmed) - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) 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.

Audit and Risk Committee Meetings are held in camera **(under separate cover)**

2. **Audit and Risk Committee Annual Self Assessment Results - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) 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.

(under separate cover)

RECOMMENDATION

That Council:

- (i) receives and notes the unconfirmed minutes of the Audit and Risk Committee 2 May 2022
- (ii) receives and notes the Audit and Risk Committee annual self-assessment results

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

Council is provided with the minutes of each Audit and Risk Committee meeting. There are four Audit and Risk Committee meetings held each year – February, May, August and November.

BACKGROUND

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

Section 9 of the Charter states:

- a) *Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.*
- b) *The Director Corporate will provide a copy of the Audit and Risk Committee annual self-assessment survey to the Chief Executive Officer for tabling at the next Council meeting, in accordance with section 54(4)(b).*

ISSUES/DISCUSSION

The Audit and Risk Committee agenda for the meeting held on 2 May 2022 included the following items:

Decision Reports

- Quarterly report on internal audit review – Fleet Management
- Endorsement of Risk Management Policy and Risk Management Framework
- Endorsement of Risk Management Implementation Plan
- Endorsement of Strategic Risk Report
- Endorsement of Risk Appetite Statement
- Endorsement of Audit and Risk Committee Charter
- Audit and Risk Biannual Report
- Endorsement of meeting schedule 2020-2023
- Endorsement of draft Strategic Internal Audit Plan

Compliance Reports

- Quarterly report on Councillor expenses
- Quarterly review to ensure that management responses to any external audit findings are appropriate and timely
- Quarterly review on finance reports and performance report
- Review of the effectiveness of the internal audit function
- Changes to Local Government Performance Reporting Framework
- Overview of the 2022/23 draft Budget and 2022/23 – 2031/32 draft Financial Plan

Information Reports

- Quarterly Review of Reports by Regulatory and Integrity Agencies on Investigations and Relevance for Council
- Business Impact Analysis
- Fraud and corruption
- Annual insurance report
- Quarterly review of VAGO reports
- Review of open audit actions
- Committee self-assessment survey results

There was full Committee attendance at the meeting.

The Audit and Risk Committee undertake an annual self-assessment survey in which Committee members rate their performance as a committee and identify opportunities for improvement.

Survey questions are based on compliance with the Audit Committee Charter, skills and experience, understanding of the business, meeting administration and conduct, communications with Council, management commitment and support, internal audit and external audit functions.

Responses were captured in four categories from agree, unsure, disagree and not applicable. The survey results were presented at the 2 May 2022 Audit and Risk Committee meeting and are now provided to Council in accordance with the Audit and Risk Committee Charter.

COST/BENEFITS

There are no financial resource requirements from this report.

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

The benefits that the internal audit function provides Council are:

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

RISK ANALYSIS

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

CONSULTATION AND ENGAGEMENT

Nil

13 URGENT BUSINESS

In accordance with Council's Governance Rules, Clause 53 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.

Despite this requirement, 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(s) listed below in a meeting closed to the public in accordance with Section 66(1) and 66(2)(a) of the Local Government Act 2020:

14.1 C527 - Donaldson Park Sporting Pavillion Upgrade

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

Pursuant to Section 66 (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 and/or disadvantage a private business, as various negotiations remain pending.

14.2 Rural Councils Corporate Collaborative (RCCC) Tender Outcome

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

Closing of Meeting to the Public

RECOMMENDATION

That the meeting be closed to the public.

NEXT MEETING

The next Ordinary Meeting of Council will be held on 23 August 2022 at Wedderburn commencing at at 3pm.

There being no further business the meeting was closed at [enter time](#).

Confirmed this.....day of..... 2022

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