



Date: Tuesday, 26 September 2023
Time: 3.00pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 26 SEPTEMBER 2023 AT 3.00PM**

PRESENT: Cr Dan Straub (Mayor), Cr Neil Beattie, Cr Gavan Holt, Cr Linda Jungwirth and Cr Wendy Murphy

IN ATTENDANCE: Lincoln Fitzgerald (Chief Executive Officer), Wendy Gladman (Director Community Wellbeing), Steven Phillips (Director Operations), Amanda Wilson (Director Corporate) and Tracy Hunt (Governance Coordinator)

1 OPENING AFFIRMATION

The Mayor read the Opening Affirmation.

2 ACKNOWLEDGEMENT OF COUNTRY

The CEO read the Acknowledgement of Country.

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

CEO Fitzgerald – refer to Item 10.4

5 PREVIOUS MINUTES**5.1 CONFIRMATION OF MINUTES****File Number:** FOL/19/45615**Author:** Tracy Hunt, Governance Coordinator**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

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

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

REPORT

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

RESOLUTION 2023/99**Moved:** Cr Dan Straub (Mayor)**Seconded:** Cr Linda Jungwirth

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

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

CARRIED

6 COUNCIL AUSPICED MEETINGS**6.1 RECORD OF COUNCIL AUSPICED MEETINGS****File Number:** 02/01/001**Author:** Tracy Hunt, Governance Coordinator**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION 2023/100

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

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

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

CARRIED

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

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

CONFLICT OF INTEREST

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

REPORT

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

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

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

RESOLUTION 2023/101**Moved:** Cr Gavan Holt**Seconded:** Cr Neil Beattie

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

CARRIED

8 MAYORAL REPORT**8.1 MAYORAL REPORT****File Number:** 02/01/001**Author:** Tracy Hunt, Governance Coordinator**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Mayoral Report.

REPORT

Mayor Straub presented a verbal report at the meeting that included an update on the VNI West project, and recent events including the Loddon Valley Football Netball League Grand Final at Inglewood and the North Central Football Netball Hockey League Grand Final at Boort.

Council activities	
Date	Activity
01/09/2023	Boort Probus Group Meeting
12/09/2023	Council Forum - Wedderburn
13/09/2023	Flood Recovery Community Dinner with Rob Gordon - Dingee
15/09/2023	Goldfields Library Corporation Ordinary Board Meeting
18/09/2023	VNI West TCV Briefing - Wedderburn
18/09/2023	Small Towns Strategy Workshop – Wedderburn
18/09/2023	Boort Park Community Asset Committee AGM
22/09/2023	Inglewood Community Elderly Persons Units Meeting

RESOLUTION 2023/102

Moved: Cr Wendy Murphy

Seconded: Cr Linda Jungwirth

That Council receive and note the Mayoral Report.

CARRIED

9 COUNCILLORS' REPORT**9.1 COUNCILLORS' REPORTS****File Number:** 02/01/001**Author:** Tracy Hunt, Governance Coordinator**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a verbal report at the meeting.

Cr Beattie

Section 65 Community Asset Committees:	
18/09/2023	Boort Park AGM
Other Council activities	
Date	Activity
04/09/2023	Boort Tourism Development Meeting
07/09/2023	Murray River Group of Councils Meeting
12/09/2023	Council Forum - Wedderburn
16/09/2023	North Central Football Netball Hockey League Grand Final - Boort
18/09/2023	VNI West TCV Briefing – Wedderburn
18/09/2023	Small Towns Strategy Workshop – Wedderburn
20/09/2023	Peter Vogel Retirement Dinner – Horsham

Cr Holt

Section 65 Community Asset Committees:	
11/09/2023	Donaldson Park AGM (elected President)
25/09/2023	Hard Hill Tourist Reserve AGM

Other Council activities	
Date	Activity
23/08/2023	Wedderburn Development Association meeting
05/09/2023	Wedderburn Harness Racing Club Committee Meeting
10/09/2023	Wedderburn Historical Engines and Machinery Club Annual Rally
11/09/2023	Commencement of Annual Wedderburn Shearing School
12/09/2023	Council Forum - Wedderburn
16/09/2023	North Central Football Netball Hockey League Grand Final – Boort
18/09/2023	VNI West TCV Briefing – Wedderburn
18/09/2023	Small Towns Strategy Workshop – Wedderburn
18/09/2023	Wedderburn Branch of the Victorian Farmers Federation Meeting

Cr Jungwirth

Council activities	
Date	Activity
22/08/2023	Council Briefing and Council Meeting – Wedderburn
10/09/2023	Tarnagulla Strictly Vintage Fair – Tarnagulla
10/09/2023	Visitor Information Centre Volunteer Lunch – Eddington
12/09/2023	Council Forum – Wedderburn
13/09/2023	Flood Recovery Community Dinner with Rob Gordon – Dingee
18/09/2023	VNI West TCV Briefing – Wedderburn
18/09/2023	Small Towns Strategy Workshop – Wedderburn
21/09/2023	Martha Haylett MP Meeting – Maryborough
22/09/2023	CEO Meeting – Inglewood
24/09/2023	Friends of Kooyoora AGM (Chair) – Rheola
25/09/2023	Tarnagulla Planning Committee discussion – Tarnagulla

Cr Murphy

Healthy Minds Network	
24/09/2023	Loddon Health Minds Network Meeting
Section 65 Community Asset Committees:	
04/09/2023	Inglewood Town Hall Hub AGM (General Meeting apology)
13/09/2023	Campbells Forest Hall AGM and General Meeting
17/09/2023	Inglewood Community Sports Centre AGM and General Meeting
22/09/2023	Inglewood Community Elderly Persons Units Meeting
Other Council activities	
Date	Activity
31/08/2023	Malaya and Borneo Veterans Day Service at Inglewood Cenotaph
08/09/2023	Inglewood Business Owners Meeting on Footpath Permits
09/09/2023	Victorian Rogaining Association - Kingower Cricket Ground
09/09/2023	Loddon Valley Football Netball League Grand Final
12/09/2023	Council Forum - Wedderburn
14/09/2023	RU OK? Day BBQ - Inglewood Town Hall Activation Area
18/09/2023	VNI West TCV Briefing - Wedderburn
18/09/2023	Small Towns Strategy Workshop - Wedderburn
21/09/2023	ALWGA Hands Up For Mayor and Deputy Mayor Session
21/09/2023	BOLD Inc Meeting
26/09/2023	Council Briefing - Wedderburn

RESOLUTION 2023/103

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS

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

File Number:

Author: Louise Johnston, Statutory Planning Coordinator

Authoriser: Glenn Harvey, Manager Development and Compliance

Attachments: 1. Decision Report
2. Proposed Plans

RECOMMENDATION

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

1. Amended Plans Required

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

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

2. Layout

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

3. Materials

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

4. North Central Catchment Management Authority

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

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

5. Landscaping/Screening plan

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

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

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

- 6. Completion of landscaping**
Before the *occupation of the development* starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 7. LANDSCAPING MAINTENANCE**
The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
- 8. Drainage**
The development, including landscaped and paved areas, must be graded and drained to the satisfaction of the council as the responsible drainage authority so as to prevent the discharge of water from the subject land across any road or onto any adjoining land.
- 9. Works in a Road Reserve**
- Prior to commencement of any works on the road reserve the owner/applicant must submit a Works in a Road Reserve application and be issued a permit to occupy the road for minor works.
 - Any proposed vehicle crossover is to be constructed to the satisfaction and requirements of Council.
- 10. Environmental Health Officer**
- The applicant will be required to install an all-waste on-site waste water system. The system must be an Environment Protection Authority approved system installed, operated and maintained in accordance with the Environment Protection Authority's current edition of the Code of Practice – Onsite wastewater management and the Australia New Zealand Standard AS/NZS 1547:2012 – On-site wastewater management.
 - Prior to any development the applicant will be required to apply for a Permit to Install a Septic Tank in accordance with Part IXB of the Environment Protection Act 1970
- 11. Department Energy Environment and Climate Action**
Access and Encroachment
- No access is permitted to the subject land via the Crown land.
 - Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
 - No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land
Wastewater Management
 - Effluent disposal is to comply with the Code of Practice: Onsite Wastewater Management Publication number 891.34 July 2016 (EPA). Soils, topography and the relationship to the adjoining crown land must be considered when siting the location of the effluent disposal field.
- 12. Goulburn Murray Water**
- All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
 - All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
 - All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
 - The wastewater disposal area must be located at least: 60m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.

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

13. Expiry

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

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

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

There have been no previous Council discussions on this matter.

BACKGROUND

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

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

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

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

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

ISSUES/DISCUSSION

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

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

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

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

COST/BENEFITS

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

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

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2023/104

Moved: Cr Linda Jungwirth

Seconded: Cr Gavan Holt

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

1. Amended Plans Required

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

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

2. Layout

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

3. Materials

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

4. North Central Catchment Management Authority

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

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

5. Landscaping/Screening plan

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

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

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

6. Completion of landscaping

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

7. LANDSCAPING MAINTENANCE

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

8. Drainage

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

9. Works in a Road Reserve

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

10. Environmental Health Officer

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

11. Department Energy Environment and Climate Action

Access and Encroachment

11.1 No access is permitted to the subject land via the Crown land.

- 11.2 Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- 11.3 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into (specify authority) drains or watercourses on Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land

Wastewater Management

- 11.4 Effluent disposal is to comply with the Code of Practice: Onsite Wastewater Management Publication number 891.34 July 2016 (EPA). Soils, topography and the relationship to the adjoining crown land must be considered when siting the location of the effluent disposal field.

12. Goulburn Murray Water

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
- c) All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
- d) The wastewater disposal area must be located at least: 60m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
- e) The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
- f) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
- g) The shed must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.
- h) Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
- i) The shed must not encroach on the wastewater treatment system or disposal area, or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management. Stormwater run-off from the shed roof must not be directed towards the disposal area.

13. Expiry

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

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

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

CARRIED

10.2 DISPOSAL OF COUNCIL ASSETS POLICY V3

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

RECOMMENDATION

That Council adopts the Disposal of Council Assets Policy v3.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

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

BACKGROUND

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

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

ISSUES/DISCUSSION

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

Changes to this document include:

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

COST/BENEFITS

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

RISK ANALYSIS

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

CONSULTATION AND ENGAGEMENT

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

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

RESOLUTION 2023/105

Moved: Cr Wendy Murphy

Seconded: Cr Linda Jungwirth

That Council adopts the Disposal of Council Assets Policy v3.

CARRIED

10.3 PYRAMID HILL COMMUNITY ENTERPRISE

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

RECOMMENDATION

That Council

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

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

BACKGROUND

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

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

ISSUES/DISCUSSION

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

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

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

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

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

To this end the following progress steps are recommended:

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

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

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

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

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

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

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

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

COST/BENEFITS

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

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

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

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

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

RISK ANALYSIS

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

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

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

CONSULTATION AND ENGAGEMENT

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

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

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

RESOLUTION 2023/106

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council

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

CARRIED

10.4 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

File Number:

Author: Janine Jackson, Manager Organisation Development

Authoriser: Amanda Wilson, Director Corporate

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

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

(under separate cover)

RECOMMENDATION

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

CONFLICT OF INTEREST

Chief Executive Officer (CEO), Lincoln Fitzgerald declared a Material conflict of interest in relation to this Agenda item and left the meeting at 3.41pm.

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

PREVIOUS COUNCIL DISCUSSION

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

BACKGROUND

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

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

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

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

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

ISSUES/DISCUSSION

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

The KRA's are:

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

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

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

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

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

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

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

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

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

COST/BENEFITS

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

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

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

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2023/107

Moved: Cr Wendy Murphy

Seconded: Cr Linda Jungwirth

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

CARRIED

Chief Executive Officer (CEO), Lincoln Fitzgerald returned to the meeting at 3.44pm.

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS

Nil

13 URGENT BUSINESS

Nil

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 Rural Councils Corporate Collaboration Project Record Management Tender

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

Confidential Council business information

Closing of Meeting to the Public

RESOLUTION 2023/108

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That the meeting be closed to the public in accordance with Section 66 of the Local Government Act 2020 while Council considers Agenda Item 14.1 – Rural Councils Corporate Collaboration Project Record Management Tender..

CARRIED

14.1 RURAL COUNCILS CORPORATE COLLABORATION PROJECT RECORD MANAGEMENT TENDER**RESOLUTION 2023/109**

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council:

1. Accept the tender submitted by Civica Australia for the provision of Content Manager record management software and the associated licencing, cloud hosting and support on a four year contract as detailed in the report.
2. Note that the final contract will be executed once approval of the procurement has been obtained from Local Government Victoria Rural Councils Transformation Program in accordance with the grant funding agreement; and
3. Authorise the Chief Executive Officer to sign the contracts, once formal sign-off has been provided by Local Government Victoria Rural Councils Transformation Program Board.

CARRIED

NEXT MEETING

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

There being no further business the meeting was closed at 4.00PM.

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

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CHAIRPERSON