



**Date:** Tuesday, 26 February 2019  
**Time:** 3pm  
**Location:** Council Chambers, Serpentine

# **MINUTES**

**Ordinary Council Meeting**

**26 February 2019**

**MINUTES OF LODDON SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, SERPENTINE  
ON TUESDAY, 26 FEBRUARY 2019 AT 3PM**

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

**IN ATTENDANCE:** Wendy Gladman (Director Community Wellbeing), Lynne Habner (Manager Executive and Commercial Services), Sharon Morrison (Director Corporate Services), Phil Pinyon (Chief Executive Officer), Steven Phillips (Director Operations)

**1 OPENING PRAYER**

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

**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**

Nil

**4 DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**5 PREVIOUS MINUTES****5.1 CONFIRMATION OF MINUTES****File Number:** 02/01/001**Author:** Lynne Habner, Manager Executive and Commercial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council confirm:

1. The minutes of the Council Briefing of 22 January 2019
2. The minutes of the Ordinary Council Meeting of 22 January 2019
3. The minutes of the Council Forum of 12 February 2019

**REPORT**

Seeking approval of the unconfirmed minutes of the previous meetings.

**RESOLUTION 2019/22**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council confirm:

1. The minutes of the Council Briefing of 22 January 2019
2. The minutes of the Ordinary Council Meeting of 22 January 2019
3. The minutes of the Council Forum of 12 February 2019

**CARRIED**

**6 REVIEW OF ACTION SHEET**

**6.1 REVIEW OF ACTIONS**

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

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

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

**Attachments:** 1. Action sheet

**RECOMMENDATION**

That Council receive and note the action sheet.

**REPORT**

Refer attachment.

**RESOLUTION 2019/23**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council receive and note the action sheet.

**CARRIED**

**7 MAYORAL REPORT****7.1 MAYORAL REPORT****File Number:** 02/01/001**Author:** Lynne Habner, Manager Executive and Commercial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Mayoral Report

**REPORT**

The Mayor will present a report at the meeting.

**Cr McKinnon****North Central Goldfields Regional Library**

**Section 86 Committees:** East Loddon Community Centre Committee of Management, Pyramid Hill Memorial Hall Committee of Management, Pyramid Hill Swimming Pool Committee of Management, Serpentine Bowls and Tennis Pavilion and Reserve Committee of Management

**North Central Goldfields Regional Library****Nature Tourism Advisory Team and Nature Tourism Festival Committee****Other Council activities**

<b>DATE</b>	<b>Activity</b>
26/1/19	<p>I attended the Eddington Australia Day breakfast and Citizenship ceremony, then was treated to a visit to the Laanecoore weir with Cr Curnow and Merna, and the Australia Day Ambassador. I also had the privilege of being served the first coffee in the newly re-opened Eddington coffee shop.</p> <p>We then travelled to Newbridge for their Australia Day celebration.</p> <p>Later in the day I attended the Pyramid Hill Australia Day BBQ tea and Citizenship Ceremony in Pyramid Hill. I would like to thank Phil and his capable staff for their organisation of the Citizenship ceremonies and the wonderful community volunteers who coordinated the Australia Day events</p>

	throughout the Shire.
1/2/19	On February 1 and 2 I attended the MDA Strategic Planning workshop in Moama. For the first time in 75 years all 12 Regions were represented in developing the new strategic plan, with members of 28 councils across the basin. I believe now, more than ever, we need the MDA as an advocate for a balanced Basin Plan.
4/2/19	Kyoto News visited Pyramid Hill and stayed overnight in Wedderburn. They were looking at 'skilled migration' in rural communities to see if examples like Pyramid Hill could be replicated in Japan to address labour shortages there.
5/2/19	Candidate for Mallee Anne Webster met with myself and Phil in Wedderburn. I attended the NCLLEN meeting in Charlton.
7/2/19	Met with Damian Drum in Shepparton with Phil and CEOs and Mayors from Nichols electorate.
8/2/19	LCC meeting in Castlemaine, followed by MAV Strategic Planning workshop. Minister for LG Adem Somyuriek attended.
12/2/19	Pyramid Hill Hall meeting.
14/2/19	MAV candidates forum at Stawell attended with Gavan and Neil.
15/2/19	Met with Josh Gilligan MAV President-candidate, followed by meeting with Louise Staley in Wedderburn.
20/2/19	VFF meeting in Dingee with very interesting presentations on grains outlook, VicPol on farm crime, security camera options.
23/2/19	Tarnagulla Urban Fire Brigade 150 <sup>th</sup> anniversary – a spectacular event and congratulate the CFA, and the local community for celebrating the event in such style.
25/2/19	Pyramid Hill pool meeting.
26/2/19	Council meeting, Serpentine.

**RESOLUTION 2019/24**

Moved: Cr Cheryl McKinnon

Seconded: Cr Geoff Curnow

That Council receive and note the Mayoral Report

**CARRIED**

**8 COUNCILLORS' REPORT****8.1 COUNCILLORS' REPORTS**

File Number: 02/01/001

Author: Lynne Habner, Manager Executive and Commercial Services

Authoriser: Phil Pinyon, Chief Executive Officer

Attachments: Nil

**RECOMMENDATION**

That Council receive and note the Councillors' reports

**REPORT**

Each Councillor will present a report at the meeting.

**Cr Beattie**

<b>Murray Darling Association</b>	
<b>Rail Freight Alliance</b>	
<b>GMW Connections Project:</b>	
<b>Section 86 Committees:</b> Boort Aerodrome Committee of Management, Boort Development Committee Inc., Boort Memorial Hall Committee of Management, Boort Park Committee of Management, Korong Vale Mechanics Hall Committee of Management, Korong Vale Sports Centre Committee of Management, Little Lake Boort Management Committee Inc., Yando Public Hall Committee of Management	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
26/1/19	Attended Australia Day celebrations
27/1/19	Attended Boort Ski Club social day
4/2/19	Attended Boort Tourism Development meeting
12/2/19	Attended Council Forum at Wedderburn

11/2/19	Attended Boort Bowling Club annual triples event
14/2/19	Attended MAV candidate presentation at Stawell
18/2/19	Attended presentation of Lake Boort Master Plan
19/2/19	Attended Reg Collins funeral
26/2/19	Attended Council meeting Serpentine

## Cr Condliffe

<b>Calder Highway Improvement Committee</b>	
<b>Section 86 Committees:</b> Bridgewater on Loddon Development Committee of Management, Campbells Forest Hall Committee of Management, Inglewood Community Sports Centre Committee of Management, Inglewood Community Elderly Persons Units Committee of Management, Inglewood Town Hall Hub Committee of Management, Jones Eucalyptus Distillery Site Committee of Management	
23/1/19: Campbells Forest hall meeting.	
4/2/19: Inglewood Community Sport Centre meeting	
20/2/19: BOLD Bridgewater	
25/2/19: Inglewood Eucy Museum meeting	
<b>Australia Day Committee</b>	
<b>Central Victorian Greenhouse Alliance</b>	
<b>Healthy Minds Network</b>	
20/2/19: Meeting at East Loddon P12 College.	
<b>Central Victoria Rural Women's Network</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
22/1/19	Inglewood and Districts Community Bank meeting
25/1/19	Australian National Championship Water Skiing, Bridgewater on Loddon



26/1/19	Australia Day Breakfast Bridgewater
26/1/19	Australia Day Swimming Carnival Inglewood
	Australia Day Tea Campbells Forest
4/2/19	Ansett meeting Inglewood
5/2/19	NCLLEN Board meeting Charlton
6/2/19	IDHS Board meeting Charlton
7/2/19	Loddon Plains Landcare meeting Serpentine
7/2/19	CWA Campbells Forest
9/2/19	Bridgewater Market
11/2/19	Ansett meeting Inglewood
12/2/19	Council Forum Wedderburn
14/2/19	Kooyoora Womens Network meeting Inglewood
14/2/19	Meeting Resource Centre Inglewood
15/2/19	Loddon Murray Community Leadership Launch Newbridge
17/2/19	Friends of Kooyoora meeting Bridgewater
17/2/19	Presentation to winners of Junior Cricket Final between Bridgewater and Kingower. Kingower were the winners.
18/2/19	DBN Centre meeting Dingee
19/2/19	Sponsorship Inglewood and District Community Bank Bridgewater
22/2/19	WOF gathering Bridgewater
26/2/19	Council meeting Serpentine

### Cr Curnow

#### Loddon Mallee Waste Resource Recovery Group

#### Section 86 Committees: Kingower Development and Tourism Committee

**Municipal Emergency Management Plan Committee and Municipal Fire Management Plan Committee**
**Other Council activities**

<b>DATE</b>	<b>Activity</b>
26/1/19	Breakfast at Eddington Australia Day Celebration Lunch at Newbridge Australia Day celebration where citizen of the year presentation was made to Ron Grimmett Dinner at Arnold Australia Day celebration.
1/2/19	LMWRRG Board meeting at Gisborne
6/2/19	LM Fire Management Planning Committee meeting at Serpentine.
9/2/19	Tarnagulla Sustainability Group Resilience Planning meeting
12/2/19	Council Forum at Wedderburn
14/2/19	IMEMPC meeting at Echuca
19/2/19	Waste to Energy Conference at Ballarat
21/2/19	LMWRRG Forum held at Swan Hill
23/2/19	Tarnagulla Urban Fire Brigade 150 <sup>th</sup> year celebration dinner
26/2/19	Council Meeting at Serpentine
15/2/19	LMCLP dinner at Newbridge. Met at Newbridge to discuss water and sewerage.

**Cr Holt**

*(did not have his report at the Council meeting and provided the following later)*

**Municipal Association of Victoria**
**Rural Councils Victoria Executive**
**South West Loddon Pipeline Project Steering Committee**

<b>South West Loddon Pipeline Project Community Consultative Committee</b>	
<b>Section 86 Committees:</b> Donaldson Park Reserve Committee of Management, Wedderburn Community Centre Committee of Management, Wedderburn Engine Park Committee of Management, Wedderburn Mechanics and Literary Institute Hall Committee of Management, Wedderburn Tourism Committee of Management	
<b>Audit Committee</b>	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
23/1/19	Attended a meeting of the Wedderburn Development Association
26/1/19	Attended the Australia Day ceremony and celebrations at Soldiers Memorial Park Wedderburn where I presented Loddon Shire's Australia Day awards.
8/2/19	Attended Council Forum in Wedderburn
14/2/19	Attended Loddon Shire Internal Audit Committee meeting in Wedderburn.
14/2/19	Attended a forum in Stawell where candidates in the upcoming MAV presidential election made presentations.
14/2/19	Met with MAV candidate Coral Ross from Booroondara Council in an individual meeting separate from the forum.
15/2/19	Met with MAV presidential candidate Josh Gilligan from Wyndham City Council.
15/2/19	Attended meeting of South West Loddon Pipeline Steering Committee.

**RESOLUTION 2019/25**

Moved: Cr Gavan Holt  
 Seconded: Cr Colleen Condliffe

That Council receive and note the Councillors' reports

**CARRIED**

## 9 DECISION REPORTS

### 9.1 REVIEW OF RISK MANAGEMENT FRAMEWORK AND POLICY

**File Number:** 18/01/001

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

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

**Attachments:** 1. Risk Management Framework version 2  
2. Risk Management Policy version 5

#### RECOMMENDATION

That Council adopts the:

1. Risk Management Framework version 2 and
2. Risk Management Policy version 5.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

Version 1 of the Risk Management Framework (Framework) and version 4 of the Risk Management Policy (Policy) was presented to the Audit Committee on 26 May 2015.

#### BACKGROUND

It is a requirement of the Local Government Performance Reporting Framework that Council have Risk Policy (item 7 on the Governance and Management Checklist (GMC)) and a Risk Management Framework (item 13 of the GMC).

#### ISSUES/DISCUSSION

Since the adoption of the previous Framework and Policy, the International Standard ISO31000, upon which the Framework and Policy are based, has been updated in 2018. Minor changes have been made to both documents to reflect the updated principles, framework and process.

Culture has also become a key area of impact. It is proposed to add consequence criteria to the matrix to reflect the impact of risks.

#### COST/BENEFITS

There is no cost associated with the endorsement of these documents. The benefit of endorsing the documents is compliance with legislation and a framework in which Council can identify and manage risks.

#### RISK ANALYSIS

By adopting the Framework and Policy, Council is providing a framework within which officers can identify and manage risks.

#### CONSULTATION AND ENGAGEMENT

The draft documents have been discussed at the Audit Committee, executive level and the risk committee.

**RESOLUTION 2019/26**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council adopts the:

1. Risk Management Framework version 2 and
2. Risk Management Policy version 5.

**CARRIED**

**9.2 CLOSURE OF UNUSED GOVERNMENT ROAD, LEAGHUR**

**File Number:** 14/01/002  
**Author:** Steven Phillips, Director Operations  
**Authoriser:** Phil Pinyon, Chief Executive Officer  
**Attachments:** Nil

**RECOMMENDATION**

That Council

1. Pursuant to Schedule 10, Clause 3 (a) and (b) of the Local Government Act 1989, discontinue and close the section of unused government road reserve north of Crown Allotment 2051 and 2052, Parish of Leaghur and transfer the land to the Crown.
2. Publish a notice of the closure in the Government Gazette.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This issue has not been discussed at any previous Council meeting.

**BACKGROUND**

Council has received a request from the Department of Environment, Land, Water and Planning (DELWP) to discontinue a road reserve. It is understood that the adjoining land owner is seeking to acquire the land and incorporate it into their framing operation. The road reserve proposed to be discontinued and closed is a section north of Crown Allotment 2051 and 2052, Parish of Leaghur between Loddon River Road and Loddon River as shown in the map below. The road reserve provides access to the Loddon River Water Frontage via an unformed track. However the track does not provide primary access to any individual parcel of land. There are alternate accesses to the Loddon River Frontage north and south of the said road reserve. An aerial photo showing the location is provided in Figure 1.

The road reserve does not have a gazetted road on the land and is not listed in Council's Register of public roads and is not managed or maintained by Council. The adjacent properties on both sides of the road reserve are owned by the same owner. It is envisaged that the road reserve and existing track will not be required in future as a primary access to any individual parcel of land.

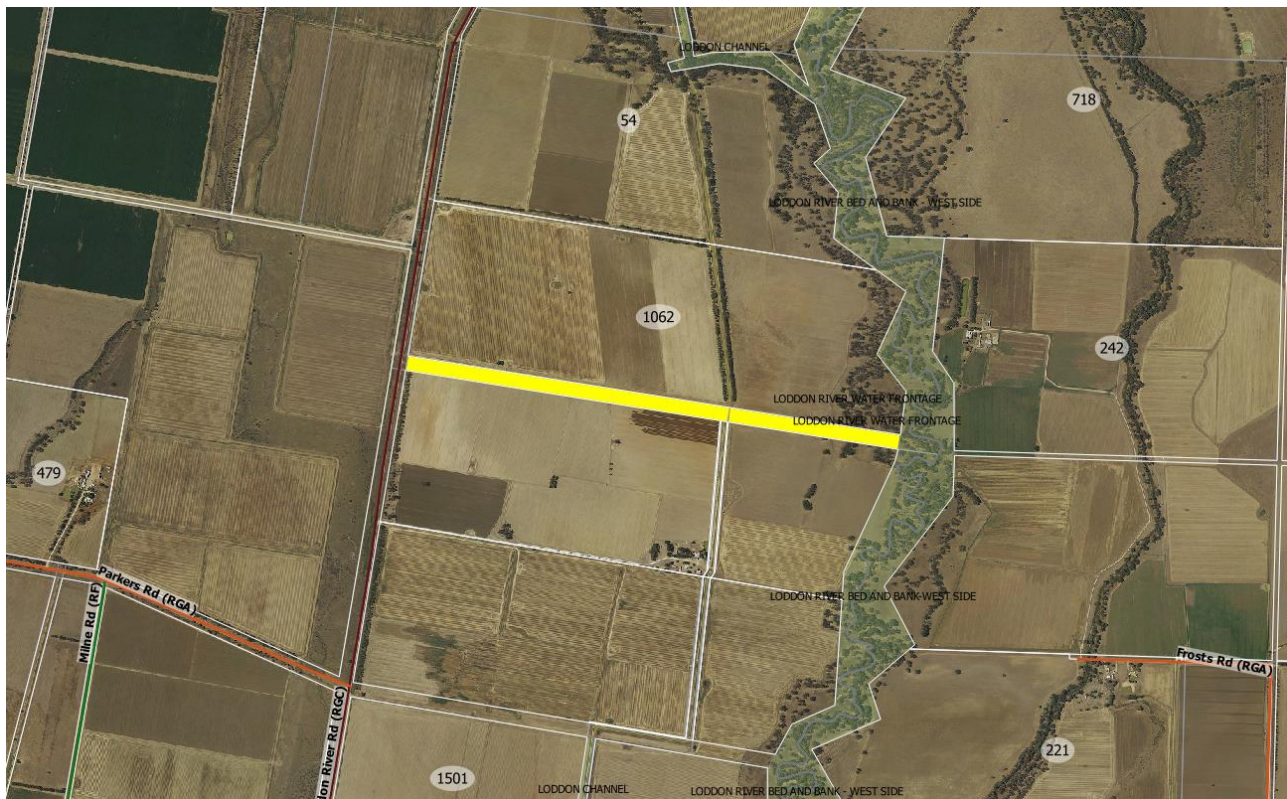
DELWP is seeking that Council under Schedule 10, Clause 3 (a) and (b) of the Local Government Act 1989 agree to discontinue the unused road reserve. As the land is Crown Land, Council does not have the power to sell or lease the land. The alternatives should Council wish to retain the road reserve is as follows:

1. Refuse DELWP's request and included the road reserve in Council's Register of Public Roads. Requiring Council to manage and maintain the road reserve.

Or

2. Responded to DELWP that Council wishes the site to be retained as road reserve for potential future use and agree to the adjoining land holder leasing the site.

Figure 1



### COST/BENEFITS

The only associated cost to the proposed closure is the staff time in preparing this report and finalising the associated documents. The benefit of the proposed closure is the reduced liability on Council for the road reserve.

### RISK ANALYSIS

One of the risks identified in the proposed closure is the restriction of access to the Loddon River Frontage for public. There are other accesses to the frontage north and south of the road reserve in the area. These alternate accesses make the likelihood of the risk unlikely and the consequence is insignificant. As per Council's risk matrix, the risk is deemed low.

### CONSULTATION AND ENGAGEMENT

The DELWP has advised Council officers that the adjacent land owner contacted DELWP to purchase the road reserve as the owner owns adjacent properties on both sides of the reserve. The Goulburn Murray Water (GMW) channel that flows through the road reserve has been transferred to the landholder by GMW for the landholder's private use. There are no other stakeholders likely to be impacted by the closure.

### RESOLUTION 2019/27

Moved: Cr Neil Beattie  
Seconded: Cr Colleen Condliffe

That Council

1. Pursuant to Schedule 10, Clause 3 (a) and (b) of the Local Government Act 1989, discontinue and close the section of unused government road reserve north of Crown Allotment 2051 and 2052, Parish of Leaghur and transfer the land to the Crown.

2. Publish a notice of the closure in the Government Gazette.

**CARRIED**



**9.3 FINANCE REPORT FOR THE PERIOD ENDING 31 JANUARY 2019****File Number:** 08/06/001**Author:** Deanne Caserta, Manager Financial Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Finance Report for the period ending 31 January 2019**RECOMMENDATION**

That Council

1. receives and notes the Finance Report for the period ending 31 January 2019
2. approves budget revisions included in the report for internal reporting purposes only
3. approves the supplementary valuations of rateable and non-rateable properties in respect of the 2018/19 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2018/19.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

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

**BACKGROUND**

The Finance Report for the period ended 31 January 2019 includes standard monthly information about budget variations, cash, investments, interest, debtors and creditors, and provides a comparison of year-to-date actual results to year-to-date budget (by dollars and percentage) and total revised budget (by percentage).

The information is in the format provided in the adopted 2018/19 Budget, and includes operating results, capital expenditure and funding sources.

This Finance Report also includes reporting on supplementary valuations. Each year Council makes a number of additions, subtractions and alterations to the valuations contained in the annual rate book. These changes arise from various sources including:

- splitting of parcels into new rateable assessments
- development of vacant or unproductive land (urban and rural)
- consolidation of separate rateable assessments into one assessment
- re-assessment of property valuations arising from objections to the initial valuation
- additions and cancellations of licences (grazing and water frontages)
- change of use
- covenant on Title
- area amendment
- change of Australian Valuation Property Classification Code (AVPCC)

- supplementary valuation corrections.

## ISSUES/DISCUSSION

**Budgeted Surplus** - Council's budgeted cash surplus has decreased from \$2.12M to \$2.07M due to a decrease in expected grant income and a decrease in expected operating expenditure.

**Income Statement (revenue)** - Council's year to date (YTD) operating revenue is at 85% of YTD budget. Revenue brought to account for January was \$4.21M (\$597K last month). Capital grants are behind YTD budget with interest currently ahead of YTD budget.

**Income Statement (expenditure)** - Council's operating expenditure is at 94% of YTD budget. Payments for this month totalled just over \$3.76M, compared to \$3.24M last month. Labour is slightly behind budget at 95% (94% last month) and is expected to remain below budget and the 4% mandated cap for the remainder of the year. Materials and services are currently behind YTD budget.

**Capital Works** - The revised budget for capital works is \$20.65M and is 20% complete in financial terms for the current financial year (17% last month). Asset types with major variations (10% or \$10K) include furniture and equipment, land and buildings, recreation leisure and community facilities, footpaths along with parks, open space and streetscapes with many projects underway or still to commence. Officers are currently reviewing 2018/19 budgets versus actuals to determine whether further revisions need to be made to accurately reflect projects not proceeding or savings within projects already delivered.

**Balance Sheet** - Council has a cash total of \$14.4M with \$1.2M in general accounts. Debtors are \$8.74M which is a decrease of \$1.33M in the month primarily due to the receipt of outstanding rates. Sundry debtors total \$736K with invoices outstanding for 60 or more days relating to community wellbeing debtors and local community groups totalling approximately \$129K.

There were 64 supplementary valuations updated during January. The total rateable CIV at the end of January remains at \$2.16B.

## COST/BENEFITS

The benefit to Council and the community is that accurate and regular financial reporting is being disclosed, along with an accurate representation of property valuations being reflected in Council's rating system and the distribution of rate notices for the year 2018/19.

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

## RISK ANALYSIS

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

## CONSULTATION AND ENGAGEMENT

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

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

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

**RESOLUTION 2019/28**

Moved: Cr Colleen Condliffe

Seconded: Cr Neil Beattie

That Council

1. receives and notes the Finance Report for the period ending 31 January 2019
2. approves budget revisions included in the report for internal reporting purposes only
3. approves the supplementary valuations of rateable and non-rateable properties in respect of the 2018/19 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2018/19.

**CARRIED**

#### 9.4 REVIEW OF DELEGATIONS

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

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

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

**Attachments:** 1. Instrument of delegation - Members of staff  
2. Instrument of delegation - Marine Safety Act

#### RECOMMENDATION

That Council, in the exercise of the powers conferred by section 98(1) of the Act and the other legislation referred to in the attached instruments of delegation, resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instruments of Delegation to members of Council staff, the powers, duties and functions set out in the instruments, subject to the conditions and limitations specified in the instruments.
2. The common seal of Council be affixed to the instruments, and the instruments come into force immediately the common seal is affixed.
3. On the coming into force of the instruments all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the 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.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

Council last considered a review of delegations at its February 2017 meeting.

#### BACKGROUND

In order for Council officers to effectively and efficiently discharge their duties, specific delegations, authorisations and appointments are required under a variety of Acts.

Council is required to review its delegations within 12 months after a general election in accordance with section 98 (6) of the Local Government Act.

In addition to this statutory requirement, presentation of new or revised delegations has become a more regular process for Council. Due to the ever changing nature of legislation, Council has subscribed to a service by Maddocks legal firm that regularly reviews all applicable delegations, authorisations and appointments.

#### ISSUES/DISCUSSION

The attached amended delegations have been updated in accordance with most recent advice provided by Maddocks.

#### COST/BENEFITS

Adoption of the recommendation will not have any financial impacts.

**RISK ANALYSIS**

Adoption of the recommendation will ensure that Council staff are able to act on behalf of Council under the various pieces of legislation. If current delegations are not in place, actions of a council officer exercising those powers could be legally challenged.

**CONSULTATION AND ENGAGEMENT**

Nil required.

**RESOLUTION 2019/29**

Moved: Cr Geoff Curnow

Seconded: Cr Gavan Holt

That Council, in the exercise of the powers conferred by section 98(1) of the Act and the other legislation referred to in the attached instruments of delegation, resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instruments of Delegation to members of Council staff, the powers, duties and functions set out in the instruments, subject to the conditions and limitations specified in the instruments.
2. The common seal of Council be affixed to the instruments, and the instruments come into force immediately the common seal is affixed.
3. On the coming into force of the instruments all previous delegations by Council to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the 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**

**9.5 VICTORIAN LOCAL GOVERNMENT WOMEN'S CHARTER****File Number:** 18/01/001**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Victorian Local Government Women's Charter**RECOMMENDATION**

That Council:

1. Adopt the Victorian Local Government Women's Charter
2. Appoint Councillor Colleen Condliffe as the Charter Champion

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This matter was discussed at the Council forum on 12 February 2019.

**BACKGROUND**

The Victorian Local Government Association (the VLGA) recently renewed its focus on seeking the formal adoption of the Local Government Women's Charter (the Charter) by all Victorian councils.

**ISSUES/DISCUSSION**

Loddon Shire Council has not previously adopted the Charter. According to the VLGA, 71 councils have adopted the Charter.

The VLGA indicates that adopting the charter will demonstrate a commitment to gender equity, place gender equity work high on the agenda, and provide a platform for more advocacy in this area.

After adoption of the Charter, many councils then go on to undertake a gender equity audit to see how much gender equity work the council is doing across all areas. This action has been funded through the "Free from Violence Local Government Project".

A copy of the Charter is attached.

The VLGA advise that the Charter Champion is usually a councillor.

A resolution of Council is required for both the adoption of the Charter and the appointment of the Charter Champion.

**COST/BENEFITS**

There are minimal costs associated with the adoption of the recommendations including some travel and accommodation costs for attendance at meetings. The benefits of adopting the recommendation include demonstrating a commitment to gender equity.

**RISK ANALYSIS**

There is little risk associated with the adoption of the recommendations.

**CONSULTATION AND ENGAGEMENT**

Councillors have been consulted prior to the preparation of this report.

**RESOLUTION 2019/30**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council:

1. Adopt the Victorian Local Government Women's Charter
2. Appoint Councillor Colleen Condliffe as the Charter Champion

**CARRIED**

**9.6 FEBRUARY 2019 AUDIT COMMITTEE MEETING OVERVIEW****File Number:** 06/02/003**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Phil Pinyon, Chief Executive Officer

- Attachments:**
1. Minutes of the November 2018 Audit Committee meeting
  2. Review of Service Planning
  3. 2018 Annual Report of the Audit Committee
  4. Loddon Performance Framework Financial Indicators Report
  5. Loddon Performance Framework Culture Indicators Report
  6. Loddon Performance Framework Internal Business Process Indicators
  7. Loddon Performance Framework Customer Service Indicators Report
  8. Risk Management Report

**RECOMMENDATION**

That Council:

1. receives and notes this report on the February 2019 Audit Committee Meeting
2. receives and notes the confirmed minutes of the November 2018 Audit Committee meeting
3. endorses the performance improvement recommendations documented in the "Review of Service Planning"
4. receives and notes the Annual Report of the Audit Committee for 2019
5. receives and notes the Loddon Performance Framework Report – July 2018 to December 2018
6. receives and notes the Risk Management Report

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council was provided with a summary of the November 2018 Audit Committee Meeting at the Ordinary Meeting held on 27 November 2018.

**BACKGROUND**

The Audit Committee was created under Section 139 of the Local Government Act 1989, which states that "Council must establish an audit committee".

The committee is made up of four independent community members, and Cr Gavan Holt, as Council's representative. At the Statutory Meeting on 16 November 2018, it was decided that Councillor Beattie be the alternate Council representative in the event that Cr Holt is unable to attend the Audit Committee Meeting. Council's Chief Executive Officer and Director Corporate Services attend the meetings in an advisory capacity.



The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for:

- the enhancement of the credibility and objectivity of internal and external financial reporting
- effective management of financial and other risks and the protection of Council assets
- compliance with laws and regulations as well as use of best practice guidelines
- the effectiveness of the internal audit function
- the provision of an effective means of communication between the external auditor, internal audit, management and the Council
- facilitating the organisation's ethical development
- maintaining a reliable system of internal controls.

In order to provide a structured approach and ensure that the Committee addresses each of its responsibilities An annual calendar of actions and an internal audit review program are established each year, and these guide the activities of the Committee.

## **ISSUES/DISCUSSION**

The agenda for the February 2019 meeting included the following:

### Decision Reports

The minutes of the November 2018 Audit Committee meeting were endorsed.

The Audit Committee nominated Mr Ken Belfrage to be the Chair of the Audit Committee for 2019. Ken accepted the nomination and the Audit Committee has recommended his appointment. This recommendation is the subject of a separate Council report.

Mr Mark Holloway provided an overview of the Review of Service Planning (attached), highlighting numerous positive aspects of control and two findings with a high risk rating. Three management actions were endorsed. Mr Holloway also informed the committee of the areas of focus for the Victorian Auditor General's Office over the coming few years and provided Council with a copy of the Victorian Government Social Procurement Framework which was recently released.

The Audit Committee also considered and approved the 2018 Audit Committee Annual Report (attached).

The Charter for the Audit Committee was discussed in detail. A number of changes have been suggested and a new draft of the Charter will be presented to the May meeting of the Audit Committee.

A draft of the annual self-assessment survey was endorsed and will be distributed to Audit Committee members in the coming months.

The Audit Committee also reviewed and endorsed the draft Risk Management Framework version 2 and draft Risk Management Policy version 5. Adoption of these documents by Council is the subject of a separate Council report.

### Compliance Reports

A number of compliance reports were considered and noted including:

- the Fraud Report for the November to January quarter – the CEO provided an update
- a review of major lawsuits facing council since November 2018 – the CEO provided an update
- items raised by Council that may impact the Audit Committee – Councillor Holt informed the Audit Committee of a review of rates announced by the State Government
- Loddon Performance Framework Report – July 2018 to December 2018
- Risk Management Report

### Information Reports

The Audit Committee also received the following information reports:

- Overview of the Long Term Financial Plan
- Monthly Finance Report
- Upcoming position for community member
- Update on Internal Audit Tender
- Works Department Update

The date of next audit committee meeting is 9 May 2019.

The next review will be Data Interrogation.

### **COST/BENEFITS**

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

The benefits that the internal audit function provides Council are:

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

### **RISK ANALYSIS**

The internal audit program has been created and is annually updated on a risk basis, ensuring that Council's program addresses the areas of highest risk or greatest concern to Audit Committee members and Council officers.

### **CONSULTATION AND ENGAGEMENT**

Nil

#### **RESOLUTION 2019/31**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council:

1. receives and notes this report on the February 2019 Audit Committee Meeting
2. receives and notes the confirmed minutes of the November 2018 Audit Committee meeting
3. endorses the performance improvement recommendations documented in the "Review of Service Planning"
4. receives and notes the Annual Report of the Audit Committee for 2019
5. receives and notes the Loddon Performance Framework Report – July 2018 to December 2018
6. receives and notes the Risk Management Report

**CARRIED**

**9.7 SERVICE DELIVERY REVIEW - AGRIBUSINESS****File Number:** 02/05**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** 1. Service Delivery Review Report - Agribusiness**RECOMMENDATION**

That Council adopts the recommended actions outlined in this report to the extent that they can be done within existing resources.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

At the Council Forum on 12 February 2019, Councillors were informed of the objective of the service delivery review, the process for the review, and the opportunities for improvement identified by the review.

**BACKGROUND**

In January 2016, Council endorsed the business case for additional resources to support service delivery reviews and the commencement of an organisation wide identification and prioritisation of all Council services.

By November 2016, two people were appointed to one full time position in a job share arrangement and commenced the development of a service delivery review framework and identification and prioritisation of all Council services.

By February 2017, a list of 107 services had been identified with input from Councillors and officers. Through a number of workshops, the Management Executive Group prioritised 18 services for review based on the following criteria set by Councillors: cost of service, services with a high proportion of staff, services where there is a gap between satisfaction and the importance of that service to the community, whether the service was mandatory or not, the impact of the service on the organisation or community, whether undertaking a particular service delivery review is of particular focus for elected Council. It was agreed to conduct a number of pilot reviews against the draft service delivery review framework prior to presenting the framework to Council for adoption.

By June 2017, the 2017-2021 Council Plan included a strategic indicator for the completion of a minimum of three service reviews per year.

Three pilot reviews commenced: Agribusiness, Strategic Procurement and Maternal and Child Health. Each review is at a different stage. Agribusiness is now presented to Council.

**ISSUES/DISCUSSION**

It should be noted that the time taken to conduct the review has resulted in some of the data and information being out of date. This does not affect the intent of the recommendations. The recommendations will be taken into consideration in the development of the new Economic Development and Tourism Strategy.

The methodology for the review included:

- undertaking a desktop audit of existing documentation to establish the current situation in relation to the service, including current demographics and identification of the major business sector data
- a benchmarking exercise with Buloke Shire Council, Gannawarra Shire Council and Northern Grampians Shire Council
- stakeholder engagement, including councillors, staff, external partners, local business owners and community leaders.

To assist with limiting the scope of the review to a manageable level, given the resources and time available, the review sought to answer the following questions:

1. Should Council be in this service? Why or why not?
2. Are there any other providers in our community that can provide this service?
3. What has changed since the role has been in place? What results have been demonstrated?
  - Are actions to improve economic viability and sustainability strategic, evidence based and sufficiently resourced?
  - How can Council increase the efficiency of agribusiness in Loddon Shire?
  - Do relevant stakeholders have access to the service across the Shire?
4. How clear is the branding of Agribusiness versus Economic Development?
5. Do we have the right balance of support for existing versus new business and is the service being delivered for the right mix of industry/business/activity?
6. What are the linkages to Loddon Shire Council Regional Partnerships Priorities?
7. Are there businesses or activities that are not being supported by this service that could be?

The proposed recommendations from the review include:

1. That Council continue to provide agribusiness development as an element of its economic development function within a wider range of economic development services (such as support for existing businesses) to optimise Council's chances of achieving Council's vision and mission and to support all sectors within our community.
2. That the Economic Development Strategy is added into the CAMMS software program to help with monitoring and reporting on strategic progress.
3. That confidential reporting of economic development progress to Council is implemented monthly to provide evidence of progress.
4. That management give consideration, as part of the ongoing process of monitoring and reviewing the organisation structure, about whether or not there is any benefit in the realignment of the service to operate within another directorate.
5. That the communication plan as per strategic item 2.3 of the Economic Development Strategy 2015-2019 is developed with the objective of ensuring there is high community awareness of the services the Shire can and does provide with respect to starting a business in Loddon.
6. That the branding of agribusiness development returns in with economic development, as agribusiness is one function of a wider service offered by Council.

7. That contact information is maintained for all identified business stakeholders and community “development” groups. This could be delivered within the scope of the Customer Records Management (CRM) element of the new corporate system.

### **COST/BENEFITS**

The costs and benefits of implementing the recommendations are set out in the attached report.

### **RISK ANALYSIS**

The risk of implementing the recommendations is an increase in workload for staff. However, the development of a new Economic Development and Tourism Strategy will help to identify resourcing and priorities.

### **CONSULTATION AND ENGAGEMENT**

The service delivery review included consultation and engagement with a range of stakeholders including staff, councillors, businesses and benchmark councils.

### **RESOLUTION 2019/32**

Moved: Cr Neil Beattie

Seconded: Cr Colleen Condliffe

That Council adopts the recommended actions outlined in this report to the extent that they can be done within existing resources.

**CARRIED**

**9.8 APPOINTMENT OF AUDIT COMMITTEE CHAIR FOR 2019**

**File Number:** 06/02/003

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

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

**Attachments:** Nil

**RECOMMENDATION**

That Council endorses the Audit Committee's recommendation to appoint Ken Belfrage as Audit Committee Chair to 28 February 2020 or the date of the Ordinary Meeting of Council in February 2020 where a resolution for appointment of Chair for the new term will be made, whichever is the earlier.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Nil

**BACKGROUND**

The Audit Committee Charter v6 at 5.2(g) states:

- (a) At the first Audit Committee meeting each year an election of Chair from the external members of the committee will be held.

At the first Council Meeting following the election, the Chair will be appointed by Council on advice of the committee.

The term of the new chair will commence at the conclusion of the current Chair's term, and will be for a period of 12 months.

**ISSUES/DISCUSSION**

At the Audit Committee meeting held on 14 February 2019 Ken Belfrage was the only nominee for the position of Chair, and accepted the nomination.

This report seeks Council's approval of the committee's recommendation that Ken Belfrage be Chair of the Audit Committee.

Although the Audit Committee Charter currently states "for a period of 12 months", in practicality, the term of the Chair ends at the Ordinary Meeting of Council following the February Audit Committee Meeting where the committee provides a recommendation for the new Chair to the Council.

It is suggested that the recommendation cater for what happens practically, which in this instance will be an end of term for the Chair on 28 February 2019, or the date of the Ordinary Meeting of Council in February 2019 where resolution for appointment of the Chair for the new term will be made, whichever is the earlier.

**COST/BENEFITS**

The chair of the Audit Committee receives an additional payment per year equivalent to one meeting attendance allowance.

**RISK ANALYSIS**

Appointment of the Chair by Council will ensure compliance with the Audit Committee's Charter.

Appointment of an external member of the committee as Chair is in line with good governance principles, and increases transparency and accountability of the committee.

**CONSULTATION AND ENGAGEMENT**

The Audit Committee has been consulted in the preparation of this report.

**RESOLUTION 2019/33**

Moved: Cr Gavan Holt

Seconded: Cr Geoff Curnow

That Council endorses the Audit Committee's recommendation to appoint Ken Belfrage as Audit Committee Chair to 28 February 2020 or the date of the Ordinary Meeting of Council in February 2020 where a resolution for appointment of Chair for the new term will be made, whichever is the earlier.

**CARRIED**

**9.9 RE-OPENING PUBLIC ACCESS TO SPILLWAY RESERVE, LAANECOORIE****File Number:** 15/08/003**Author:** Wendy Gladman, Director Community Wellbeing**Authoriser:** Phil Pinyon, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council:

1. enter into an Occupation and Maintenance licence with Goulburn Murray Water for the Laanecoorie Spillway Reserve to allow the site to be re-opened for public access
2. restrict the level of amenity provided at the site as provided in the report.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council was provided with a briefing paper at the February 2019 Council forum.

**BACKGROUND**

The Laanecoorie community, through community planning meetings and the Laanecoorie Community Plan, has expressed a desire to have the site known as Laanecoorie Spillway Reserve re-opened for public access. Spillway Reserve previously provided public access, but the site has been closed to the public since the area was damaged in the 2011 flood event.

**ISSUES/DISCUSSION**

Laanecoorie Spillway Reserve is a Goulburn Murray Water (GMW) site. To facilitate the site being re-opened to public access, Council will be required to enter into an occupation and maintenance licence agreement with GMW.

An initial review of the licence document indicates that Council would take responsibility for:

- a 20 year licence term
- payment of licence fee of \$1.00 annually (if and when demanded)
- seeking consent before constructing or improving anything on the licence area
- seeking consent to remove an existing approved structure and reinstate the land (at Council's cost)
- providing public liability insurance to a minimum sum of \$20,000,000
- agreeing to release and indemnify GMW from any actions in relation to damage, loss, death or injury
- the use and maintenance of the licence area and approved structures for the purpose of public recreational purposes
  - maintain the licence area and approved structures in good repair and clean and free from rubbish
  - when notified to do so - upgrade, replace or repair the licence area and approved structures
- opening and closing the site.

GMW has agreed that they will continue to mow at Spillway Reserve at their cost and at times



determined by them.

A number of the repair works have been completed at the reserve to repair the damage from the flood event. Some additional works would be required before the site could be opened for public access. These works would be the responsibility of Council. The following items were originally identified, but another inspection would be completed to ascertain if other works were needed to ensure that the site was suitable for public access:

- general clean-up of the site
- installation of gates (to allow the reserve to be closed)
- removal of limb and tree debris
- removal of the old BBQ area
- painting of existing tables and chairs.

### **COST/BENEFITS**

GMW has indicated that they would provide the materials required for the reinstatement works.

The following costs associated with re-opening the reserve have been identified. The costs noted are a best estimate and will vary based on the level and nature of the interventions required.

Initial reinstatement works	\$1,200 - \$2,000
Tree maintenance (in response to customer requests)	up to \$10,000 annually
Site inspections	up to \$1,000 annually
Rubbish removal/site clean-up	up to \$5,000 annually
Internal supervision and administration	up to \$2,400 annually

It is recognised that introducing any new public open space conflicts with Council's endeavour to rationalise its property holdings and maintenance costs. This activity would increase the workload for Council's townscape services team, have the potential to incur some direct additional costs (such as tree lopping if required) and subtly impact on Council's continued financial sustainability.

The following actions are suggested to reduce this impact:

- there are currently no bins or public toilets at the site, with these items available at nearby Brownbill Reserve. It is suggested that this continues.
- no other amenities, such as BBQ's or shade structures are provided.
- when existing seating infrastructure reaches end of life, the structures are to be decommissioned and only replaced if funding is sourced (such as Community Planning or other external funding).
- review the direct expense incurred annually to respond to activities related to maintaining the site as an open public space.

### **RISK ANALYSIS**

The re-opening of the Spillway Reserve site to public access would present some risk to Council.

There are a range of strategies suggested in the body of this report, to attempt to reduce the financial impact on Council. There is a risk that community expectation of the level of amenity provided may not be met when these strategies are enacted. It will be important that the community is provided with information on the level of amenity that can be expected at the site.

The annual costs are a best estimate on the types and levels of intervention and/or maintenance that will be needed at the site. There is a reliance on visitors to the site acting responsibly, for example by taking their rubbish with them when they exit the area. There is a risk that mistreatment of the site will require increased intervention by Council which will increase the costs associated with the maintenance of the area. Signage at the site would ensure that visitors to the area were aware of their responsibilities. An annual review of the direct costs associated with any

maintenance of the site would allow Council to revisit public access to the site if these costs escalated to an unsustainable level.

### CONSULTATION AND ENGAGEMENT

Residents attending Laanecoorie community planning meetings and the Laanecoorie Community Plan have identified the opening of the Spillway Reserve as a priority for the Laanecoorie community. Ward Councillor, Cr Geoff Curnow, and officers from Council's Community Support department have attended a number of meetings where the opening of the Laanecoorie Spillway Reserve has been discussed.

#### RESOLUTION 2019/34

Moved: Cr Geoff Curnow

Seconded: Cr Neil Beattie

That Council:

1. enter into an Occupation and Maintenance licence with Goulburn Murray Water for the Laanecoorie Spillway Reserve to allow the site to be re-opened for public access
2. restrict the level of amenity provided at the site as provided in the report, namely:
  - there are currently no bins or public toilets at the site, with these items available at nearby Brownbill Reserve. It is suggested that this continues.
  - no other amenities, such as BBQs or shade structures are provided.
  - when existing seating infrastructure reaches end of life, the structures are to be decommissioned and only replaced if funding is sourced (such as Community Planning or other external funding).
  - review the direct expense incurred annually to respond to activities related to maintaining the site as an open public space.

**CARRIED**

**9.10 FINALISATION OF CENTENARY OF ANZAC PROGRAM**

**File Number:** 16/04/030  
**Author:** Wendy Gladman, Director Community Wellbeing  
**Authoriser:** Phil Pinyon, Chief Executive Officer  
**Attachments:** Nil

**RECOMMENDATION**

That Council provide \$9,848 to be shared equally (\$1,969.60) by the RSL sub-branch or Historical Society representing each area of Boort, East Loddon, Pyramid Hill, Inglewood and Wedderburn to undertake a nominated local commemorative or restorative project.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

There has been no previous Council discussion regarding the finalisation of the Centenary of Anzac Program.

**BACKGROUND**

Between 2014 and 2018 Australia commemorated the Centenary of Anzac, marking 100 years since the Nation's involvement in the First World War 1914-1918.

Council formed the Loddon Shire Anzac Centenary Organising Committee (the Committee) to plan how the Centenary of Anzac 2014-18 would be commemorated throughout the municipality.

The Committee, chaired by Cr Geoff Curnow (2012-13) and Cr Gavan Holt (2014-15), included representatives from local RSL sub branches, Historical Societies and Council and met regularly between July 2012 and February 2015. Funds provided to support the activities included \$200,000 contribution from Council, with additional funding for the commemorative sculptures at Wedderburn of \$20,000 from the Australian Government's Anzac Centenary Local Grants program and \$30,000 from the Victorian Government's Anzac Centenary Major Grants program.

A range of activities were undertaken during the centenary period including:

- Anzac Centenary Service – held 24 April 2015 (Serpentine)
- Major General Edwin Tivey bronze bust (Inglewood)
- restoration of Anzac photo at Bridgewater on Loddon Memorial Hall
- production of books; Inglewood and Districts Soldiers Memorials WW1 and Inglewood Tidings from the Front WW1
- East Loddon Remembers memorial pillars
- Albert Borella and Albert Jacka commemorative sculptures (Wedderburn)

**ISSUES/DISCUSSION**

On completion of the identified activities, funds of \$9,848 remain unspent. On 19 November 2018, representatives from the participating RSL sub-branch and Historical Societies were invited to attend the final gathering of the Committee to allow Council to acknowledge the work of the Committee and the breadth of activities that were undertaken during the Centenary of Anzac. During the review of the completed activities, a number of additional projects were identified in

each area, with those in attendance indicating their support for any remaining funds to be divided equally between each of the five areas of Boort, East Loddon, Inglewood, Pyramid Hill and Wedderburn; to be spent on a commemorative or restorative project as determined by the local RSL sub-branch and Historical Society.

### **COST/BENEFITS**

Council provided funds of \$200,000, supported with additional funding of \$50,000 from the Australian and Victorian Governments to undertake a range of commemorative activities during the Centenary of Anzac 2014-2018. Following completion of the planned activities, \$9,848 funds remain unspent.

### **RISK ANALYSIS**

No risks have been identified.

### **CONSULTATION AND ENGAGEMENT**

Representatives from RSL sub-branches and Historical Societies in Boort, East Loddon, Inglewood, Pyramid Hill and Wedderburn, Council staff and Councillors have been consulted regarding the use of the remaining Loddon Shire Centenary of Anzac funds.

### **RESOLUTION 2019/35**

Moved: Cr Geoff Curnow

Seconded: Cr Colleen Condliffe

That Council provide \$9,848 to be shared equally (\$1,969.60) by the RSL sub-branch or Historical Society representing each area of Boort, East Loddon, Pyramid Hill, Inglewood and Wedderburn to undertake a nominated local commemorative or restorative project.

**CARRIED**

**10 INFORMATION REPORTS****10.1 PUBLIC HEALTH ACTIVITY REPORT****File Number:** 12/02/001**Author:** Teresa Arnup, Senior Public Health Officer**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Public Health activity report

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This is the second report for the 2018 – 2019 financial year, summarising public health activities within the Development and Compliance Department.

**BACKGROUND**

Loddon Shire Council is responsible for the administration and enforcement of a number of Acts including the:

- Food Act 1984
- Public Health and Wellbeing Act 2008
- Residential Tenancies Act 1997
- Environment Protection Act 1970
- Tobacco Act 1987.

Council's Public Health officer has regular contact with business operators, community groups, home owners and developers whilst administering the above Acts. Activities undertaken by the staff include inspection of registered premises, the taking of food and water samples, the issuing of septic tank permits and complaint investigations.

**ISSUES/DISCUSSION****Registered Premises**

Council undertakes annual inspections of premises that are registered under the Food Act, Public Health and Wellbeing Act and Residential Tenancies Act. Inspections are also undertaken of public swimming pools and of properties that are required to meet the requirements of the Tobacco Act. Table 1 provides a summary of the inspections undertaken during the reporting period.

*Table 1: Registered premises inspections*

1 October 2018 to 31 December 2018		
Governing Legislation	Inspection Outcome	Number of inspections
Food Premises	Compliant*	23
	Major Non Compliance	3
Health Premises	Compliant*	1
Caravan Parks	Compliant*	2
Swimming Pools	Satisfactory	6

<b>Total number of inspections for reporting period</b>	<b>35</b>
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\*compliant includes sites that were fully compliant and some sites that required minor actions to become compliant

All unsatisfactory inspections are followed up with the businesses to ensure remedial actions are taken. All major non-compliance matters identified in this report have now been resolved.

Additional to the inspection program, registrations are due for renewal by the 30 September each year. The registration renewal program runs over Quarter 1 and Quarter 2 reporting periods with the bulk of the registration renewals being completed during September and October.

At the completion of the renewal program the number of registered premises by type is given in Table 2.

*Table 2: Number of Registered and Notified premises*

<b>31 December 2018</b>		
<b>Governing Legislation</b>	<b>Class</b>	<b>Number of premises registered or notified</b>
Food Act 1984	Class 1	3
	Class 2	120
	Class 3	41
	Class 4 (Notification)	87
<b>Food Act Total</b>		<b>251</b>
Public Health and Wellbeing Act 2008	Accommodation	10
	Hairdressing / Beauty Services	10
<b>Public Health and Wellbeing Act Total</b>		<b>20</b>
Residential Tenancies Act 1997	Caravan Parks	6
<b>Total number of Registered and Notified Premises</b>		<b>277</b>

*Please note: the number of premises registered under the Food Act includes all fixed, temporary and mobile food premise either registered directly with Loddon Shire or using the Streatrader System*

### **Tobacco Act**

Council is funded to undertake a set number of Tobacco inspections throughout the year. Most of the inspections are carried out in conjunction with Food Act inspections, however a number of them are non-smoking public outdoor venues such as at kindergartens, schools, play grounds and hospitals. Table 3 summarises the Tabaco Act activities undertaken during the reporting period.

*Table 3: Tobacco inspections*

<b>1 October 2018 to 31 December 2018</b>	
<b>Inspection Type</b>	<b>Number</b>
Retailer	2
Indoor Drinking and Dinning Areas	2
Outdoor Drinking and Dinning Areas	2
Public Outdoor Venues	5

<b>Total number of Inspections</b>	<b>11</b>
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### **Sampling Program**

The number of food samples that are to be taken by Council is set annually in the government gazette. The program focuses on the microbiological quality of the food items that are being sampled to ensure that safe food handling practices are being implemented within food premises. The focus is on sampling locally made and sold food products. This approach to the program also assists local businesses in verifying the content on the food label of their products. Food labelling is quite complex and small home businesses benefit by having their labels checked by the analysis.

At the commencement of the swimming season all public pools are assessed for water quality, with water samples taken from each pool. Council maintains five public swimming pools and one pool at a caravan park. There are a varying number of pools at each site with each pool being sampled individually.

Table 4 summaries the sampling program activities undertaken during the reporting period.

*Table 4: Sampling program summary*

<b>1 October 2018 to 31 December 2018</b>				
<b>Sample Type</b>	<b>Number</b>	<b>Testing</b>	<b>Outcome</b>	
Food	14	Microbiological	Satisfactory*	13
			Unsatisfactory	1
		Labelling	Satisfactory	0
			Unsatisfactory	2
Swimming Pool	13	Microbiological	Complies	9
			Does not comply	4
<b>Total number of Samples</b>	<b>27</b>			

\*satisfactory microbiological results include samples that were marginal

All unsatisfactory samples are followed up with the businesses that produced and/or sold the product including the swimming pools to ensure remedial actions are taken.

At the commencement of the swimming season all public pools are assessed under the sampling program. As part of that assessment a water sample is taken from each pool. A follow up sample is taken on pools that return a result of does not comply. Follow up samples of the pools that failed were undertaken in early January at which time all the pool passed.

### **Septic Systems**

Table 5 summarises septic system permit applications processed during the reporting period.

*Table 5: Septic system permits*

<b>1 October 2018 to 31 December 2018</b>	
<b>Permit Type</b>	<b>Number</b>
Installation or alteration	5
Certificate to use	2
Time Extensions or Change to Existing Permit	1

<b>Total Number of Permits</b>	<b>8</b>
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The average processing time for permits to install or alter is seven days.

Table 6 summarises the activities associated with management of septic tank applications and installed systems.

*Table 6: Septic system activity*

<b>1 October 2018 to 31 December 2018</b>	
<b>Activity / Inspection Type</b>	<b>Number</b>
Application Inspection	4
Installation Inspection	1
Final Inspection	3
Requested Inspection	0
AWTS Project Site Visits	0
<b>Total Number of Inspections</b>	<b>8</b>

### **Public Health Complaints**

Council is responsible for the investigation of nuisance complaints under the Public Health and Wellbeing Act. Complaints of nuisance can be complex and time consuming. Table 7 summarises the complaints during the reporting period

*Table 7: Public health complaints*

<b>1 October 2018 to 31 December 2018</b>				
<b>Nature of complaint</b>	<b>Number carried over from previous reporting period</b>	<b>Number received</b>	<b>Number resolved</b>	<b>Number currently pursuing resolution</b>
<b>Food Premises</b>	1	2	3	0
<b>Odour</b>	0	0	0	0
<b>Noise</b>	0	2	1	1
<b>Mosquitoes</b>	0	0	0	0
<b>Wastewater</b>	1	0	1	0
<b>Tobacco</b>	0	0	0	0
<b>Other</b>	0	2	1	1
<b>Total</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>2</b>

### **COST/BENEFITS**

The actual expenditure for the second quarter of 2018 – 2019 financial year of the public health unit activities contained within this report is \$30,324



Administration of the Acts that the Public Health officer has responsibility for includes significant field work, with staff regularly in the field engaging with business operators, developers, residents and ratepayers.

This investment increases significantly when compliance issues are identified within registered premises and when complaints are received.

The benefits that stem from this investment include:

- improved public health and safety within registered premises
- improved local amenity
- full implementation by Council of our responsibilities under the various Acts and regulations.

### **RISK ANALYSIS**

Failure of Council to adequately administer and enforce the provisions of the applicable legislation would pose the following possible risks:

- the spread of infectious diseases through the community including food poisoning
- a barrier to the new developments and economic growth within Council
- Council's reputation as a regulatory authority
- contamination of the local environment
- failure to meet obligations set within the relevant legislation.

### **CONSULTATION AND ENGAGEMENT**

The Public Health Officer regularly engages with business operators, developers, residents and ratepayers during the administration of the various Acts which can range from annual assessments/inspections to the provision of advice for the processing of septic tank permits. Any business operator, developer, residents or ratepayer that is subject to enforcement action is regularly consulted with during the enforcement process.

Cr Neil Beattie left the meeting at 4:38 pm.

#### **RESOLUTION 2019/36**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council receive and note the Public Health activity report

**CARRIED**

Cr Neil Beattie returned to the meeting at 4:39 pm.

**10.2 ROAD MANAGEMENT PLAN DEFECT RECTIFICATION COMPLIANCE REPORT**

**File Number:** 14/01/022  
**Author:** Daniel Lloyd, Manager Works  
**Authoriser:** Steven Phillips, Director Operations  
**Attachments:** Nil

**RECOMMENDATION**

That Council receive and note the road management plan defect rectification compliance report.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This is the second report for the 2018 - 2019 financial year, summarising road network defect rectification compliance against requirements specified within the Loddon Shire Road Management Plan (RMP).

**BACKGROUND**

This report is produced quarterly and provides statistical data with respect to the Organisation's performance in managing the road network. Performance is measured through a comparison of actual defect rectification timeframes against requirements specified in the RMP.

**ISSUES/DISCUSSION**

Table 1 below provides a summary of the compliance against the schedule of road and street inspection regimes as set in the RMP.

*Table 1: Inspection summary report*

Quarter 2 (01/10/2018 – 31/12/2018)					
District	Number of scheduled inspections	Number completed by due date	Number completed after due date	Number not completed	Compliance
Loddon Plains	66	65	1	0	98.5%
Loddon Goldfields	72	70	2	0	97.2%
<b>Total</b>	<b>138</b>	<b>135</b>	<b>3</b>	<b>0</b>	<b>97.8%</b>

During the second quarter of 2018 – 2019 financial year, 97.8% of the programmed inspections were completed according to the schedule. This is below the target of 100% set in the RMP. Extended staff leave and backfilling roles have hampered our efforts to complete the required inspection by their due dates. All inspections have now been completed.

Table 2 below provides a summary of compliance of actual response times for rectification works of defects as detailed in the defect intervention levels and response timetables of the RMP.

*Table 2: Defect rectification summary report*

Quarter 2 (01/10/2018 – 31/12/2018)								
District	Number of Defects				Compliant with RMP			
	Adhoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	45	16	497	558	555	3	0	99.5%
Loddon Plains	109	9	768	886	881	5	0	99.4%
Shire Wide	59	8	566	633	631	2	0	99.7%
Townscape Services	17	2	82	101	100	1	0	99.0%
<b>Total</b>	<b>230</b>	<b>35</b>	<b>1913</b>	<b>2178</b>	<b>2167</b>	<b>11</b>	<b>0</b>	<b>99.5%</b>

Table 2 comprises a summary of defects that have been identified through programed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as adhoc work actions. During the second quarter of 2018 – 2019 financial year, 99.5% of all date imposed defects were completed before their due date. This is 0.5% below the target of 100% set in the RMP.

Table 3 provides a summary of performance against the unsealed road maintenance grading program, defects as identified through programed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as adhoc work actions. The maintenance grading program identifies each road segment by its road hierarchy and grading frequency as detailed in the RMP.

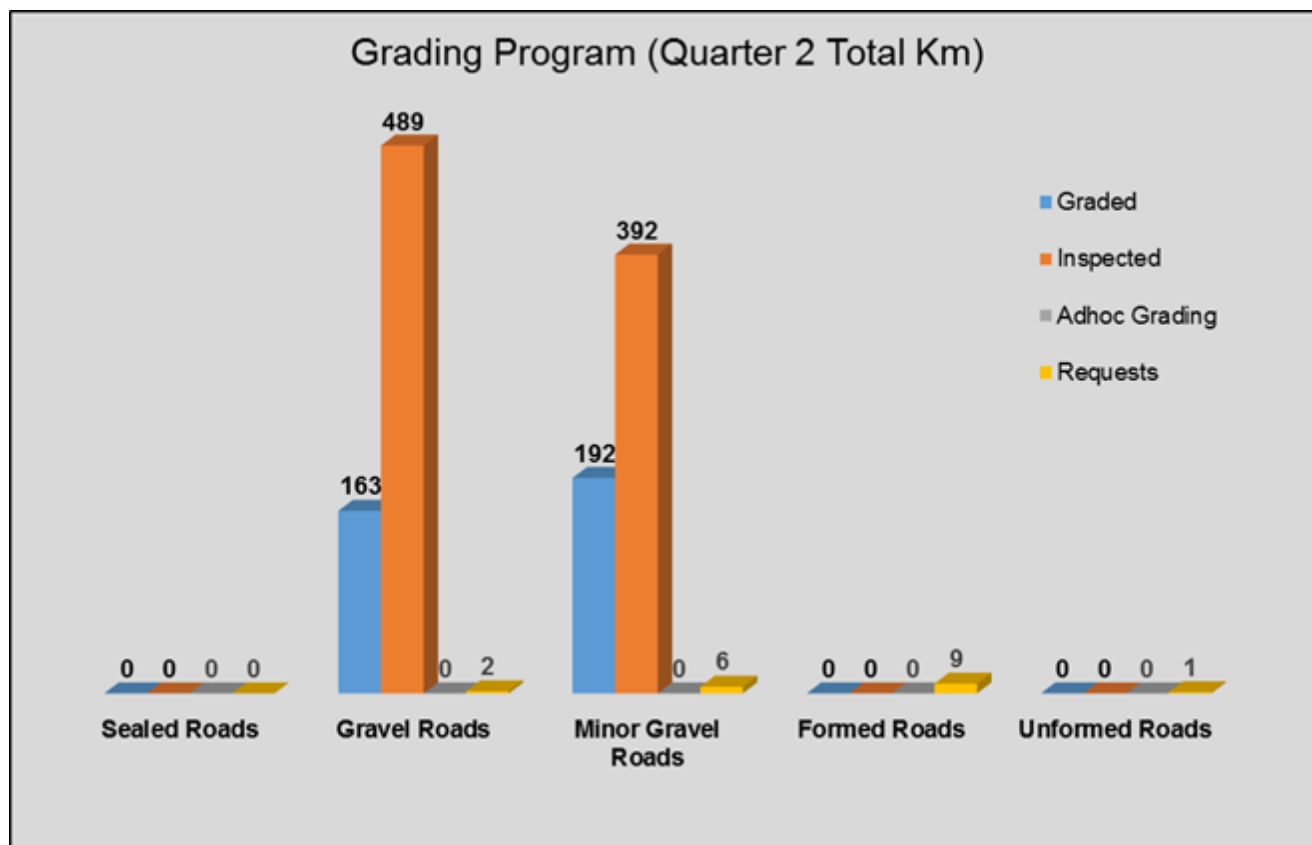
*Table 3: Maintenance grading program*

Quarter 2 (01/10/2018 – 31/12/2018)									
District	Number of Grading Work Actions					Compliant with scheduled timeframes			
	Programmed Maintenance Grading	Defects Done	Requests Done	Adhoc Done	Total	Yes	No	Not completed	%
Loddon Goldfields	663	6	5	8	682	678	0	4	99.4%
Loddon Plains	447	2	5	38	492	477	0	15	97.0%
<b>Total</b>	<b>1110</b>	<b>8</b>	<b>10</b>	<b>46</b>	<b>1174</b>	<b>1155</b>	<b>0</b>	<b>19</b>	<b>98.4%</b>

The data in table 3 indicates that 1155 grading work actions were completed for the second quarter of the 2018 – 2019 financial year. There is no set level of compliance for the maintenance grading program in the RMP.

A graph has been provided in Chart 1 indicating a breakdown of the grading work actions, by road hierarchy and kilometres. The sealed roads section relates to shoulder grading work actions on the Sealed Road network. The gravel road section includes all grading work actions on Gravel Collector and Gravel Access roads. The Gravel Minor and the Formed Road sections relate directly to Council's road hierarchy and show all grading work action on roads within that hierarchy.

*Chart 1: Maintenance Grading Program*



**COST/BENEFITS**

The year to date actual expenditure to the end of second quarter of 2018 – 2019 financial year of the Local Road Maintenance Program is \$3,319,768. The expenditure for the second quarter was \$1,383,691.

The benefits to the community in complying with the RMP are that it ensures a safe road network.

**RISK ANALYSIS**

Repairing 100% of all date imposed defects before their due date limits Council’s liability for any claims for damage made against Council.

**CONSULTATION AND ENGAGEMENT**

No internal or external consultation is required in the formation of this report.

**RESOLUTION 2019/37**

Moved: Cr Geoff Curnow  
 Seconded: Cr Colleen Condliffe

That Council receive and note the road management plan defect rectification compliance report.

**CARRIED**

**10.3 UPDATE ON THE ANNUAL INFRASTRUCTURE PROGRAM 2018 - 2019, FLOOD RESTORATION PROGRAM AND OTHER PROJECTS**

**File Number:** 14/01/001

**Author:** Adam Cooper, Project Management Coordinator

**Authoriser:** Steven Phillips, Director Operations

**Attachments:** 1. Annual Infrastructure Program 2018 - 2019  
2. Flood Restoration Program  
3. Other Projects 2018 - 2019

**RECOMMENDATION**

That Council note the update on progress of the Annual Infrastructure Program 2018 - 2019, Flood Restoration Program and Other Projects as at December 2018.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This is the report for the second quarter of 2018 – 2019 financial year, providing an update on the progress of the Annual Infrastructure Program and Flood Restoration Program. The status of other projects that are delivered by the Technical Services Department but are not part of the Annual Infrastructure Program or the Flood Restoration Program are also included in the report.

**BACKGROUND**

This report is produced quarterly and is provided to Council for the purpose of reporting progress of the Annual Infrastructure Program, Flood Restoration Program and other projects that the Technical Services Department is responsible for delivering. The information in this report covers progress up until the end of December 2018.

**ISSUES/DISCUSSION**Annual Infrastructure Program

Attachment 1 provides a progress summary for the end of quarter one of the 2018 - 2019 financial year of the Annual Infrastructure Program. There are 92 individual projects, including carryovers from previous financial years that form the Annual Infrastructure Program 2018 - 2019.

Flood Restoration Project

Attachment 2 provides a progress summary for the end of quarter one of the 2018 - 2019 financial year of the Flood Restoration Project. The recorded damages are continuously monitored and reassessed which has resulted in consolidation of multiple damages and as such the total number of recorded damages may vary from previous reports. The flood restoration team has now awarded all the restoration projects to suitably qualified contractors. Works are on track for the program to be completed in April 2019.

### Other Projects

In addition to the Annual Infrastructure Program and Flood Restoration Program, the Technical Services Department is responsible to oversee the delivery of a number of different projects. Attachment 3 provides a summary of the other projects at the end of second quarter of 2018 - 2019 financial year.

### **COST/BENEFITS**

The total proposed expenditure for the 2018 - 2019 financial year for the Annual Infrastructure Program is \$4,531,425. The total expenditure for the year to date is \$1,771,329. Attachment 1 gives a summary of individual project costs that has incurred as at 31 December 2018 including carryover projects from previous financial year.

The total amended expenditure for the 2018 – 2019 Flood Restoration Program is \$14,073,630. Expenditure in the second quarter of the 2018 - 2019 financial year is \$2,731,536, and \$9,588,337 for the year to date. The Flood Restoration Program underwent a re-evaluation which increased the total expected expenditure by \$883,630. Progress is summarised in Attachment 2. The major flood restoration projects at Tandarra Serpentine Road and Rothackers Road have been completed. The final expenditure of the combined works on these roads was around \$4.5 million. Other major flood works at Pyramid-Yarraberb Road, Sebastian Road, Wilkinson Swamp Road and Sebastian Bridge will commence in 2019, with an estimated combined total of \$2,626,866.

The Technical Services Department is currently managing other significant projects covered in Attachment 3 which are in different stages of progress. The combined value of such projects is in excess of \$1.5 million.

### **RISK ANALYSIS**

There are a number of risks associated with the delivery of the Annual Infrastructure Program, the Flood Restoration Program and other significant projects. The following is a list of some but not all of the associated risks:

- delivering within timeframe and budget
- meeting community expectations
- delivering projects in accordance with engineering standards
- compliance with procurement legislation

Council officers are committed to monitoring and managing the risks associated with the Annual Infrastructure Program, the Flood Restoration Program and other significant projects to ensure that any issues are minimised.

### **CONSULTATION AND ENGAGEMENT**

The information provided in this report is presented after consultation between Manager Technical Services, Flood Restoration team and the Works Department.

#### **RESOLUTION 2019/38**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council note the update on progress of the Annual Infrastructure Program 2018 - 2019, Flood Restoration Program and Other Projects as at December 2018.

**CARRIED**

**10.4 LOCAL LAWS AND PLANNING COMPLIANCE ACTIVITY REPORT****File Number:** 04/02/012**Author:** David Price, Local Laws \ Planning Compliance Officer**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the local laws and planning compliance activity report.

**CONFLICT OF INTEREST**

There is no conflict of interest for any council staff writing the report, or involved in the subject matter of the report.

**PREVIOUS COUNCIL DISCUSSION**

This is the second report for the 2018 – 2019 financial year, summarising the local law and planning compliance and enforcement actions taken within the Development and Compliance Department. It provides Council with a high level summary for the purpose of monitoring performance within this area.

**BACKGROUND**

Council is responsible for a range of advisory, compliance and enforcement services to the community and maintains powers under various legislation and Council local laws to enable effective animal management, planning enforcement, local law compliance and fire prevention for community and township amenity.

A number of policies and procedures have been developed, outlining the methodology and circumstances under which Council officers will undertake compliance action. Key areas of focus in respect to compliance action include:

- management of local laws, particularly with respect to unsightly properties
- effective animal management
- assessment of properties for potential fire risk/fire prevention measures
- control of roadside activities, occupation and utilisation
- investigate planning scheme breaches and enforce planning permit conditions
- intervention in public nuisance issues.

**ISSUES/DISCUSSION**Administrative and fire prevention

Table 1 provides a summary of administrative and fire prevention actions undertaken.

Table 1: Administrative and fire prevention activities

Quarter 2 (1 October 2018 – 31 December 2018)				
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Fire prevention notices	Local law permits issued
No. actions	7	2	442	5

(\*) Council provides a 24 hour emergency call out service in respect to animal management or local law compliance and enforcement.

### Unsightly properties

A summary of activity statistics and locations that are the subject of compliance with local laws relating to unsightly properties is provided in Table 2. Identified unsightly properties are assessed and prioritised for compliance action.

*Table 2: Summary of unsightly properties activities*

Quarter 2 (1 October 2018 – 31 December 2018)																
Town/Locality	Eddington	Rheola	Newbridge	Tarnagulla	Inglewood	Bridgewater	Wedderburn	Korong Vale	Borong	Boort	Pyramid Hill	Mitiamo	Dingee	Serpentine	Rural	Total
No. identified from previous report period	2	0	3	1	4	2	10	2	2	1	2	0	0	0	1	<b>30</b>
No. resolved during quarter	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	<b>2</b>
New action commenced	0	0	0	1	0	1	0	7	0	0	0	0	0	0	0	<b>9</b>
No. currently pursuing	2	0	3	2	4	3	8	9	2	1	2	0	0	0	1	<b>37</b>
Progress Activities																
Site meeting / discussion held	0	0	0	1	0	1	1	5	0	0	0	0	0	0	0	<b>8</b>
Letter to comply issued	0	0	0	1	0	1	0	7	0	0	0	0	0	0	0	<b>9</b>
Occupier has commenced clean-up work	1	0	1	1	0	1	2	3	0	0	0	0	0	0	0	<b>9</b>
Notice to comply issued	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	<b>2</b>
Contractor engaged for clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

Local laws staff continue to work with community members in resolving unsightly property issues. Achieving resolution of unsightly property issues can be difficult, with many property owners committing to attend to the issue and in some cases starting the process of cleaning up only to relapse. This requires an approach of escalation of interventions until compliance is reached. Many of these issues involve longstanding patterns of behaviour that will require continual intervention and time to establish significant change in individual's behaviour in order for lasting compliance to be reached.



Animal management

Table 3 provides a high level summary of animal management activities.

*Table 3: Summary of animal management activities*

Quarter 2 (1 October 2018 – 31 December 2018)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
<b>No. of actions</b>	18	4	0	22	13	14

Table 4 summarises animal management activities that resulted in impoundments, encompassing both domestic animals and livestock.

*Table 4: Impoundment activities*

Quarter 2 (1 October 2018 – 31 December 2018)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	31	31	0	0
Dogs	12	6	6	0
Cats	1	0	1	23 (feral)
<b>Total</b>	<b>44</b>	<b>37</b>	<b>7</b>	<b>23</b>

Planning Compliance and Enforcement

Table 5 provides a summary of planning compliance and enforcement activities undertaken.

*Table 5: Planning compliance and enforcement activities*

Quarter 2 (1 October 2018 – 31 December 2018)					
Type	No. identified from previous report period	New action commenced	PIN's issued	No. resolved during this quarter	No. currently pursuing resolution
Land use in contravention of planning scheme without a permit	4	2	0	2	4
Native vegetation removal without a permit	2	0	0	0	2
Breach of planning permit	2	0	0	1	1
Dog breeding / animal keeping	0	0	0	0	0
Land used as a store without planning permit	3	0	0	2	1

Occupation of a shed without a planning permit	3	0	0	2	1
<b>Total</b>	<b>14</b>	<b>2</b>	<b>0</b>	<b>7</b>	<b>9</b>

Throughout all of the above compliance activities tabled, the Development and Compliance Department aims to work proactively with property and animal owners to achieve a positive outcome within the legislative framework set by the State Government and Council Local Laws.

### **COST/BENEFITS**

The expenditure for the second quarter of 2018 – 2019 financial year for the local laws and compliance activities contained within this report is \$53,442 as the identified properties are escalated through the compliance process, costs associated with legal proceedings may also be incurred by Council.

The resulting cost to Council can be significant in terms of officer(s) time; particularly undertaking various site inspections across Loddon Shire. Direct monetary costs can be significant should a matter progress to the Victorian Civil and Administrative Tribunal (VCAT) or the Magistrates Court. Therefore, it is of benefit to Council and the community that the Development and Compliance Department work through these matters in a timely and respectful manner to reach an appropriate outcome wherever possible.

Benefits derived from investing in local law and planning compliance activities include:

- improving and maintaining township amenity
- ensuring that appropriate development occurs
- maintaining and improving public safety
- encouraging good domestic animal and livestock management
- reduced bushfire risks.

### **RISK ANALYSIS**

Failure of Council to adequately manage the provisions associated with the Loddon Planning Scheme, Planning and Environment Act 1987 or other applicable legislation including the Domestic Animals Act 1994, Impounding of Livestock Act 1994, Country Fire Authority Act 1958 or Council Local Laws is considered to pose the following risks:

- barrier to development and associated economic growth within Loddon Shire
- inappropriate development
- Council's reputation as a regulatory authority
- public safety that endangers life and property
- adverse amenity of our townships
- increased bushfire hazards.

### **CONSULTATION AND ENGAGEMENT**

Land and animal owners subject to compliance and enforcement actions under the abovementioned legislation and local laws are consulted with at each stage of the process.

#### **RESOLUTION 2019/39**

Moved: Cr Colleen Condliffe

Seconded: Cr Geoff Curnow

That Council receive and note the local laws and planning compliance activity report.

**CARRIED**

**10.5 PLANNING PERMIT ACTIVITY REPORT****File Number:** 13/01/002**Author:** Arvish Sharda, Town Planner**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:** 1. Planning permit activity report**RECOMMENDATION**

That Council receive and note the planning application and permit activity report for October - December 2018.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This is the second report for the 2018 - 2019 financial year summarising planning application activities undertaken within the Development and Compliance Department.

**BACKGROUND**

This report covers the planning permit activity for each quarter and provides Council with a high level summary for the purpose of monitoring performance within this area.

Council maintains powers under the Planning & Environment Act 1987 which are delegated to Planning Officers. Applications made under these powers may include (but are not limited to) the following:

- consideration of a planning application for a new use/development
- consideration of an amendment to an existing planning permit
- secondary consent applications (minor changes)
- extensions of time to existing planning permits.

**ISSUES/DISCUSSION**Planning permit activities

A detailed summary of the status of planning permits can be found in attachment 1: Planning permits status report 1 October 2018 – 31 December 2018.

Timeframes

The Planning & Environment Act 1987 requires a 60 day timeframe for the processing of planning applications by Councils. The Act details how the 60 days are to be measured following the acceptance of a planning permit application.

Table 1 provides a summary of the average timeframes in which the Development and Compliance Department assessed and issued Planning Permits during the second quarter of the 2018 – 2019 financial year and compares these to the Victorian rural average.

*Table 1: Average timeframes for decisions*

Quarter 2 of the 2018/2019 financial year			
Month	Average gross days to determine	Completed within 60 days	Rural average completed within 60 days
October	59 days	70%	73%
November	29 days	100%	73%
December	158 days	63%	75%
	<b>Total Quarterly average</b>	<b>78%</b>	<b>74%</b>

During the second quarter of the 2018 – 2019 financial year 78% of all Planning Permit applications were assessed and issued within the timeframes as set in the Planning & Environment Act 1987. The average gross days to determine applications in December are particularly high. During this month there was a notice of decision granted for the planning application for Prairie solar farm that was lodged in July 2018. There were also some Planning Permit applications that arose from enforcement actions that required additional time to process. This has significantly impacted on the overall average number of days to issue a permit.

Complex planning permit applications can require a significant amount of the Planning Officer's time to adequately assess and coordinate information required by a referral authority. The main responsibilities include contact with the applicant and objectors, contact with referral authorities, assessing an application against the scheme and other regulations, site inspections, mediation meetings and report writing.

### **COST/BENEFITS**

The expenditure for the second quarter of 2018 – 2019 financial year of the statutory planning activities contained within this report is \$54,860.

Benefits derived from investing in the planning process managed by the Development and Compliance Department include:

- well managed and appropriate development
- well informed community members who understand the value of planning within local government
- applications processed in a timely manner
- correct implementation of regulations and standards.

### **RISK ANALYSIS**

Failure of Council to adequately implement the planning scheme poses the following risks:

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

Insufficient investment in resources in the Development and Compliance Department may result in extended timeframes for the processing of applications.

### **CONSULTATION AND ENGAGEMENT**

The Planning Staff consult with a number of stakeholders on a regular basis including:

- applicants
- surrounding land owners

- regulatory authorities
- other Loddon Shire Council departments
- other municipalities.

**RESOLUTION 2019/40**

Moved: Cr Neil Beattie

Seconded: Cr Gavan Holt

That Council receive and note the planning application and permit activity report for October - December 2018.

**CARRIED**

**10.6 STRATEGIC PLANNING ACTIVITY REPORT****File Number:** 13/01/002**Author:** Carolyn Stephenson, Statutory / Strategic Planner**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Strategic Planning Activity report.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This is the second report for the 2018 – 2019 financial year summarising the strategic planning activities undertaken within the Development and Compliance Department.

**BACKGROUND**

Council undertakes strategic land use planning projects to ensure that its planning scheme is robust, relevant and is consistent with the Council Plan.

This report provides an overview of the current activities of the Strategic Planner. The Strategic Planner's time is divided between statutory planning (10 hours per week) and strategic planning (8 hours per week) activities. It is the strategic planning activities that are the subject of this report.

**ISSUES/DISCUSSION**Current Strategic Planning Projects

Table 1 provides a summary of current strategic planning projects and the activities undertaken as part of these projects during the second quarter of the 2018 – 2019 financial year.

Table 1: Current Strategic Planning Projects

<b>Current Strategic Planning Projects Quarter 2 (1 October 2018 – 31 December 2018)</b>			
<b>Project</b>	<b>Tasks undertaken during the quarter</b>	<b>Future tasks</b>	<b>Estimated project completion</b>
Settlement Strategy	<ul style="list-style-type: none"> <li>Draft report prepared for review by Director.</li> </ul>	<ul style="list-style-type: none"> <li>The report is to be reviewed through the strategic document approval process in preparation for presentation to Council.</li> </ul>	The report will be presented to Council in May 2019.

Serpentine Industrial Estate – INZ3 Planning Scheme Amendment	<ul style="list-style-type: none"> <li>Amendment submitted to Minister for Planning for approval.</li> </ul>	<ul style="list-style-type: none"> <li>Advise community and landowners when amendment is approved.</li> </ul>	February 2019. Project is now complete January 2019
Boort Park Housing Development	<ul style="list-style-type: none"> <li>Project brief finalised. Now seeking quotations from suitably qualified providers.</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate submissions and appoint consultant to undertake project.</li> </ul>	Step 1, Feasibility assessment completed April 2019.
Planning Scheme Review	<ul style="list-style-type: none"> <li>Request for extension of time approved by the Minister for Planning.</li> <li>Commencement of report of findings and recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>Community input to be sought.</li> <li>Preparation &amp; presentation and adoption of report by Council.</li> <li>Submission of report to Minister for Planning.</li> </ul>	Preparation of Planning Scheme Review Report April 2019. Implementation of recommendations are to be staged over 2019 - 2022.

The Strategic Planner is still providing significant support to the temporary statutory planner while he becomes familiar with the Loddon Planning Scheme and local area. As a result of this, limited time has been available for strategic planning tasks during this quarter. Also the Strategic Planner was required to spend considerable time assisting in the assessment and reporting on the application for a solar farm at Prairie due to the complexity of this proposal.

In relation to the preparation of the Planning Scheme Review that was required to be provided to the Department of Environment Land Water and Planning (DELWP) by December 2018, Council has been provided an extension of time to complete the review by June 2019.

The strategic planner was on leave for three weeks during this quarter.

#### Upcoming Strategic Planning Projects

Table 2 outlines future strategic planning projects that have been identified to commence as soon as practicably possible.

Table 2: Upcoming Strategic Planning Projects

<b>Future Strategic Planning Projects</b>			
<b>Project</b>	<b>Overview</b>	<b>Key Tasks</b>	<b>Estimated project timeframes</b>
Heritage Framework	Council has allocated \$100,000 in reserve to be used to support restoration of heritage buildings in the municipality. It is proposed that this money be	<ul style="list-style-type: none"> <li>Preparation of guidelines, criteria and process for approval and</li> </ul>	First half of 2019

	used to provide loans to owners of buildings subject to heritage protection under the planning scheme or State legislation. The loans will be provided to successful to undertake works on their property that would support the protection of the heritage buildings within Loddon Shire.	implementation.	
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### **COST/BENEFITS**

The expenditure for the second quarter of 2018 – 2019 financial year of the strategic planning activities contained within this report is \$4,373.

Benefits derived from investing in strategic planning managed by the Development and Compliance Department include:

- clearly defined directions for land use and development that are underpinned by research and supported by the community
- a relevant and effective planning scheme that provides for economic development, population growth, attractive townships and protection of heritage and the environment.

### **RISK ANALYSIS**

Failure of Council to undertake strategic planning includes:

- outdated planning controls that do not respond to current issues and opportunities
- inappropriate development that compromises the amenity of towns and undermines economic development opportunities
- loss of opportunities for population and residential growth.

### **CONSULTATION AND ENGAGEMENT**

The strategic planning staff member consults with a number of stakeholders on a regular basis including:

- community members and organisations
- government agencies including Department of Environment Land Water & Planning, Department of Economic Development Jobs Transport & Resources, North Central Catchment Management Authority
- other Loddon Shire Council departments
- other municipalities.

### **RESOLUTION 2019/41**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council receive and note the Strategic Planning Activity report.

**CARRIED**



**10.7 BUILDING SERVICES ACTIVITY**

**File Number:** 13/06/001, 13/08/001 & 13/08/003

**Author:** Greg Johnston, Municipal Building Surveyor

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

**Attachments:** Nil

**RECOMMENDATION**

That Council receive and note the Building Services Activity report.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Council is provided with information quarterly summarising building services activities relating to permits, certificates and statutory enforcement activity undertaken within the Development & Compliance Department. This is the second quarterly report for the 2018 - 2019 financial year.

**BACKGROUND**

Council provides a range of building services through the Municipal Building Surveyor including the following:

- issuing relevant permits and certificates
- issuing report & consent determinations on matters not complying with the Building regulations
- building advisory and information services including legal point of discharge requests
- consultancy and building control functions
- administrative functions prescribed by the Building Act & Regulations including keeping records relating to the activity of private building surveyors issuing permits within Loddon Shire
- regulatory enforcement of relevant Acts.

The number of building and occupancy permits and final inspections is a basic indicator of building development and investment within Loddon Shire.

**ISSUES/DISCUSSION**Building permits

Table 1 provides the number and total value of building permits issued for the first two quarters of the 2018 – 2019 financial year and the last two quarters of the 2017-18 financial year. There is variation in the number and value of permits across the various quarters throughout any given financial year. The variation in value is largely attributable to the scale and cost of individual projects. In this quarter 4 building permits for 3 projects (1 permit had 2 stages) contributed \$4,293,998 of the total estimated value of work approved for new building permits.

*Table 1: Summary of new building permits issued*

	Quarter 3 2017-18 (01/01/2018 – 31/03/2018)	Quarter 4 2017-18 (01/04/2018 – 30/06/2018)	Quarter 1 2018-19 (01/07/2018 – 30/09/2018)	Quarter 2 2018-19 (01/10/2018 – 31/12/2018)
<b>No. of new Permits</b>	34	52	38	55
<b>Value of Works</b>	\$3,306,295	\$4,289,104.07	\$3,017,724.60	\$7,014,588.00

Table 2 provides a summary of the number of final inspections and certificates of occupancy issued for building permits during the first two quarters of 2018 – 19 financial year and the last two quarters of the 2017 – 2018 financial year.

*Table 2: Summary of final inspections and occupancy permits*

	Quarter 3 2017-18 (01/01/2018 – 31/03/2018)	Quarter 4 2017-18 (01/04/2018 – 30/06/2018)	Quarter 1 2018-19 (01/07/2018 – 30/09/2018)	Quarter 2 2018-19 (01/10/2018 – 31/12/2018)
<b>Certificates of final inspection</b>	35	39	35	39
<b>Occupancy Permits</b>	8	8	7	12

Council Building Services Staff continue to work proactively sending follow up letters with respect to the significant number of incomplete building permits that have lapsed from past years. Most people have contacted Council staff in response to these letters. Whilst some people have expressed surprise that the works have not been finalised, thinking their builder had arranged the inspection or believing the inspection had been carried out by Council staff, generally they have arranged the final inspections in order enabling these old building permits to be finalised.

#### Statutory enforcement

Table 3 provides a high level summary of statutory enforcement activities undertaken by the Municipal Building Surveyor.

*Table 3: Summary of statutory enforcement activities*

Type	Actions incomplete from previous report period	New action started	New Building notice issued	New Building order issued	No. resolved during this quarter	Legal action / solicitors letter started this quarter	Legal action ongoing
<b>Building damaged by fire</b>	1	0	0	1	0	0	1

<b>Works required to make building safe (including pools)</b>	1	0	0	0	0	0	0
<b>Carrying out building works without a permit</b>	4	6	3	3	1	0	0
<b>Illegal occupation of non-habitable building</b>	1	0	0	0	0	1	0
<b>Building with non-complying essential safety measures</b>	1	0	0	0	0	0	0

Whilst new issues requiring enforcement are identified regularly it is also noted there are some longstanding enforcement activities that are ongoing. The time spent on individual items can be significant particularly when it requires escalation to Court. Council officers work to try to resolve matters without legal intervention - unfortunately this cannot always be achieved.

### **COST/BENEFITS**

The expenditure for the second quarter of the 2018 – 2019 financial year for building services activities contained within this report is \$36,397.00.

The provision of building activity statistics informs Council of the level of building activity and statutory enforcement activity in the municipality.

The cost to Council of enforcement activity can be quite significant, particularly in terms of Council officer's time. This in turn impacts on other activities such as the timeframe for building permits. Direct monetary costs significantly escalate if matters progress to a Magistrate's hearing or the Municipal Building Surveyor needs to arrange for the work associated with any order to be completed by Council. As such, the Municipal Building Surveyor, together with Development & Compliance Department staff endeavour to work through enforcement matters in a manner that engages with property owners/occupiers to have required works completed.

### **RISK ANALYSIS**

There are risks associated with all building and development works. As such, it is imperative that Building legislation, standards and controls are administered effectively. Failure of Council to adequately enforce the provisions of applicable legislation poses the following possible risks:

- unsafe development and building works which may affect the safety of property owners, occupiers and the general public within Loddon Shire
- Council's reputation as a regulatory authority
- Council being held liable for failure to act in a matter which results in damage to other property, or injury or death to a person
- failure to meet statutory obligations set within relevant legislation.

As part of the risk management process when undertaking enforcement work the Municipal Building Surveyor makes reference to the building enforcement intervention filter criteria, developed by the Victorian Municipal Building Surveyors Group and which forms part of the procedures covered in Loddon Shire Council's Building Control Policy.

A significant risk within Loddon Shire is unregulated developments in particular small allotments which are sold to purchasers that have expectations of using it for a cheap home or "weekender". Often the landholder is unable or unwilling to meet the regulatory requirements to safely utilise the site as they desire. This has led to a number of undesirable and potentially unsafe outcomes of unregulated developments. Council's current capacity to enforce compliance in every instance is limited. Enforcement matters that are followed up by the Municipal Building Surveyor are on a risk management basis.

### **CONSULTATION AND ENGAGEMENT**

The Municipal Building Surveyor regularly engages with business operators, developers, residents and ratepayers during the administration of the various Acts which can range from annual assessments/inspection to the provision of advice for the processing of building permits. Any business operator, developer, residents or ratepayer that is subject to enforcement action is consulted with during the enforcement process to give them the opportunity to avoid the next step up in enforcement action.

#### **RESOLUTION 2019/42**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

That Council receive and note the Building Services Activity report.

**CARRIED**

## 11 COMPLIANCE REPORTS

### 11.1 SIX MONTHLY REPORT AGAINST COUNCIL PLAN

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

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

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

**Attachments:** 1. Six monthly report against Council Plan 2017-2021

#### RECOMMENDATION

That Council note the progress against the actions and tasks (strategic indicators) in the Council Plan contained in the attachment 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.

#### PREVIOUS COUNCIL DISCUSSION

The Council Plan 2017-2021 was adopted by Council on 27 June 2017.

#### BACKGROUND

The new Local Government Performance Reporting Framework (which is part of the Local Government Act) requires reporting against the Council Plan half yearly.

A half year report is presented in about February each year. A full year report is provided in the Annual Report each year.

#### ISSUES/DISCUSSION

Attached is a report on the progress of actions and tasks (strategic indicators) identified in the Council Plan. Council is currently completing Year 2 of the four year plan.

#### COST/BENEFITS

There are no costs associated with the recommendation of this report. Costs of individual projects within the plan are included in the Budget for the relevant delivery years.

#### RISK ANALYSIS

There are no risks associated with the recommendation of this report.

Reporting on a regular basis provides an opportunity to monitor progress and respond to any issues.

Reporting on a six monthly basis ensures compliance with Item 17 of the Local Government Performance Reporting Framework Governance and Management Checklist.

#### CONSULTATION AND ENGAGEMENT

Consultation was undertaken with responsible council officers in the preparation of this report.

**RESOLUTION 2019/43**

Moved: Cr Colleen Condliffe

Seconded: Cr Gavan Holt

That Council note the progress against the actions and tasks (strategic indicators) in the Council Plan contained in the attachment to this report.

**CARRIED**

**12 GENERAL BUSINESS**

Nil

**13 CONFIDENTIAL ITEMS****RESOLUTION 2019/44**

Moved: Cr Geoff Curnow  
Seconded: Cr Colleen Condliffe

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

**13.1 Review of confidential actions**

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

**CARRIED**

Closing of Meeting to the Public

**RESOLUTION 2019/45**

Moved: Cr Gavan Holt  
Seconded: Cr Geoff Curnow

That the meeting be closed to the public at 5.03pm.

**CARRIED****13.1 REVIEW OF CONFIDENTIAL ACTIONS****RESOLUTION 2019/46**

Moved: Cr Gavan Holt  
Seconded: Cr Neil Beattie

That Council receive and note the action sheet.

**CARRIED****RESOLUTION 2019/47**

Moved: Cr Colleen Condliffe  
Seconded: Cr Gavan Holt

That the meeting be re-opened to the public at 5.05pm.

**CARRIED**



**NEXT MEETING**

The next Ordinary Meeting of Council will be held on 26 March 2019 at Serpentine commencing at 3pm.

There being no further business the meeting was closed at 5.06pm.

Confirmed this.....day of..... 2019

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**CHAIRPERSON**