



Date: Tuesday, 28 February 2023
Time: 3.00pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 28 FEBRUARY 2023 AT 3.00PM**

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

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

1 OPENING AFFIRMATION

The Mayor read the Opening Affirmation.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chief Executive Officer read the Acknowledgement of Country.

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

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

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

1. Council Briefing of 24 January 2023
2. Council Meeting of 24 January 2023
3. Council Forum of 14 February 2023.

REPORT

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

RESOLUTION 2023/13**Moved: Cr Wendy Murphy****Seconded: Cr Neil Beattie**

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

1. Council Briefing of 24 January 2023
2. Council Meeting of 24 January 2023
3. Council Forum of 14 February 2023.

CARRIED

6 ADVISORY MEETINGS**6.1 RECORD OF ADVISORY MEETINGS****File Number: 02/01/001****Author: Lisa Clue, Manager Governance****Authoriser: Lincoln Fitzgerald, Chief Executive Officer****Attachments: Nil****RECOMMENDATION**

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

1. Council Briefing 24 January 2023
2. Council Forum 14 February 2023.

Rule 51 of Council's Governance Rules requires a record of Councillor briefings, Councillor forums and advisory committees to be confirmed at scheduled Council meetings, and that the record include:

- a) a record of which Councillors attended the meeting;
- b) a summary of the matters considered in the meeting; and
- c) a record of any conflicts of interest disclosed by Councillors.

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

1. Council Briefing 24 January 2023
2. Council Forum 14 February 2023.

Meeting details	Briefing
Date	24 January 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lisa Clue, Manager Governance Tracy Hunt, Governance Coordinator Deanne Caserta, Manager Financial Services (for item 1 below)
Items discussed.	<ol style="list-style-type: none"> 1. Indexation for the Financial Plan 2. Victorian Central Goldfields World Heritage Bid 3. Councillor development opportunities 4. 2023 Local Government Mayors Advisory Panel 5. Cost shifting and rate capping 6. MAV election for region delegates 7. Council decision making 8. Duck hunting season
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

Meeting details	Forum
Date	14 February 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lisa Clue, Manager Governance Tracy Hunt, Governance Coordinator Mal Brown (Community Recovery Manager) and Josie McKinnon (Community Recovery Officer) for Item 3.1 George Filev and Jordan Ford (Tarnagulla Community Planning Group) for Item 3.2 David Stretch (Manager Tourism and Economic Development), Brad Worrell (Tourism and Marketing Coordinator), Faith Cooper (Tourism and Marketing Officer) for Item 3.3 Deanne Caserta, Manager Financial Services (for item 3.5 and 3.6) Mark Hands and Elise Wright (Goldfields Library Corporation) for Item 3.7 Chris Rowlands, Tim Burnham and Janeen Stewart (NBN Local) for Item 3.8
Items discussed.	<ol style="list-style-type: none"> 1. Introducing the Community Recovery Team 2. Tarnagulla Community Plan 2022-2032 Presentation 3. Introducing Tourism & Economic Development Team 4. Review of Loddon Shire Australia Day Arrangements 5. Review of the Procurement Policy v12 6. Fees and Charges - Waiver or Reduction Policy v2 7. Goldfields Libraries - Community Partnerships and Achievements in Loddon for 21/22 8. NBN Local Upgrades Update 9. Draft Community Support Policy 10. Draft - Land & Building Development Projects Policy 11. Acknowledgement of Traditional Owners And Welcome To Country Policy 12. Speed limit, Brooke Street Inglewood 13. MAV Councillor Leadership Conference 14. MAV elections 15. Caravan Parks 16. VNI West - transmission line 17. Local Roads and Community Infrastructure Program 18. Derby Solar Farm 19. Loddon Shire Audit and Risk Committee

	20. National General Assembly of Local Government 21. Recreation Light Tower Upgrade Project Update
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

RESOLUTION 2023/14

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

1. Council Briefing 24 January 2023
2. Council Forum 14 February 2023.

CARRIED

7 REVIEW OF ACTIONS**7.1 REVIEW OF ACTIONS****File Number: 02/01/002****Author: Lisa Clue, Manager Governance****Authoriser: Lincoln Fitzgerald, Chief Executive Officer****Attachments: 1. Status of actions****RECOMMENDATION**

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

CONFLICT OF INTEREST

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

REPORT

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

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

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

RESOLUTION 2023/15**Moved: Cr Gavan Holt****Seconded: Cr Neil Beattie**

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

CARRIED

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

That Council receive and note the Mayoral Report.

REPORT

The Mayor presented a verbal report at the meeting.

Cr Straub

The Mayor, Cr Straub commenced his report by acknowledging flood recovery work occurring across the Loddon Shire and the region, as discussed at a recent Loddon Campaspe Group of Councils meeting.

Cr Straub spoke of the great community events that he has attended in the Loddon Shire over the last month including:

- Pyramid Hill Art Show – 17 February
- Australia Day Celebrations at Jarklin, Inglewood, Tarnagulla, and Pyramid Hill – 25 January (and congratulated Christine Brooke, former Loddon Shire Mayor, on receiving a Medal of the Order of Australia)
- Skinners Flat Dam Works Tour – 23 February
- TAC Mentor Training for the L2P Volunteer Program - 26 February
- Wedderburn College Student Representative Council (SRC) visit and badge presentation in the Council Chambers – 28 February.

Cr Straub noted the duck hunting season will proceed (with amendments) and highlighted its economic importance to the Loddon Shire.

RESOLUTION 2023/16**Moved:** Cr Wendy Murphy**Seconded:** Cr Gavan Holt

That Council receive and note the Mayoral Report.

CARRIED

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

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a report at the meeting.

Cr Beattie

Council Activities	
Date	Activity
26/01/2023	Australia Day Celebrations - Boort
08/02/2023	Phone Meeting with Rural Assistance Commissioner, Peter Tuohey
14/02/2023	Council Forum
22/02/2023	Funeral for Flo Rollinson
23/02/2023	Bendigo Health Forum
25/02/2023	Boort Park Run

Cr Jungwirth

Council Activities	
Date	Activity
24/01/2023	Council Briefing and Meeting
26/01/2023	Australia Day Celebrations - Eddington, Newbridge and Tarnagulla
02/02/2023	Integrated Municipal Emergency Management Planning Committee Meeting
14/02/2023	Council Forum
16/02/2023	Meeting with the CEO
17/02/2023	Newbridge Flood Recovery Committee Meeting
21/02/2023	Tarnagulla Parks Committee Meeting
23/02/2023	Meeting with Don Goldsworthy
23/02/2023	Meeting with a member of Council staff

Cr Murphy

Healthy Minds Network	
23/02/2023	Chaired Meeting - Inglewood
Other Council Activities	
Date	Activity
24/01/2023	Council Briefing and Meeting
26/01/2023	Australian Day Celebrations - Bridgewater and Inglewood
05/02/2023	Site Meeting for proposed Open Space Activation Area - Inglewood Town Hall
07/02/2023	Online meeting with CEO and Manager, Tourism & Economic Development re proposed Inglewood Streetscape Project
10/02/2023	MAV Leadership Conference - Essendon
14/02/2023	Council Forum
16/02/2023	Bridgewater on Loddon Inc Meeting
23/02/2023	Inglewood Tourism and Development Committee Meeting
24/02/2023	LEAD Loddon-Murray, Loddon-Murray Community Leadership Program Launch
27/02/2023	Inglewood District Health Service AGM

Cr Holt

Audit and Risk Committee	
13/02/2023	Meeting - Wedderburn
Section 65 Community Asset Committees:	
27/02/2023	Chaired Donaldson Park Community Asset Committee Meeting
Other Council activities	
Date	Activity
26/01/2022	Australia Day Celebrations - Wedderburn
14/02/2023	Council Forum
22/02/2023	Wedderburn Development Association/Planning Committee Meeting
28/02/2023	Wedderburn College Student Representative Council visit and badge presentation - Wedderburn

RESOLUTION 2023/17

Moved: Cr Linda Jungwirth

Seconded: Cr Gavan Holt

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS**10.1 REQUEST TO ACCESS FUNDS HELD IN THE GRAVEL & SAND PIT (G.S.P.) RESTORATION RESERVE****File Number:** 15/05/001**Author:** Daniel Lloyd, Manager Works**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council approve the allocation of \$65,000 from the Gravel and Sand Pit (G.S.P.) Restoration Reserve to the 2022-2023 Budget to fully fund contract No. 511 - Quarrying and production of 20mm crushed rock.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At its October 2022 Ordinary meeting, Council resolved to award award Contract No. 511 – Quarrying and production of 20mm crushed rock to All Stone Quarries Pty Ltd for up to \$465,000.

BACKGROUND

The Gravel and Sand Pit (G.S.P.) Restoration Reserve is used to fund land purchase, development and restoration of gravel and sand pits used by Council for the extraction of road building materials. The annual surplus on operations of gravel and sand pits, is set to a maximum reserve level of \$400,000.

Council's Financial Reserves Policy requires Council approval for the transfer of funds from the Gravel and Sand Pit (G.S.P.) Restoration Reserve. The current balance of this reserve is \$79,388.

ISSUES/DISCUSSION

There is \$400,000 allocated in Council's 2022-2023 Budget to fund Contract No 511 – Quarrying and production of 20mm crushed rock production of 20mm. In order to accommodate the full amount of this contract, \$65,000 is required to be transferred from the Gravel and Sand Pit (G.S.P.) Restoration Reserve into the Budget.

There is sufficient funding held within this reserve to fund this allocation. The purpose of the reserve is consistent with the officer's recommendation.

COST/BENEFITS

This will allow the full execution of Contract 511. The quarry products will be utilised on Council's road network. It will support Council's gravel road resheet program as well as flood restoration works.

RISK ANALYSIS

The risks associated with this transfer is considered low.

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2023/18

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council approve the allocation of \$65,000 from the Gravel and Sand Pit (G.S.P.) Restoration Reserve to the 2022-2023 Budget to fully fund contract No. 511 - Quarrying and production of 20mm crushed rock.

CARRIED

10.2 ANNUAL INFRASTRUCTURE PROGRAM, AMENDMENT TO PROJECTS AND PROJECT ALLOCATIONS

File Number: FOL/19/432620
Author: David Southcombe, Manager Assets and Infrastructure
Authoriser: Steven Phillips, Director Operations
Attachments: Nil

RECOMMENDATION

That Council approve the proposed changes to the funding allocations for the Local Roads and Community Infrastructure Program Phase 3 and the additional projects proposed to be funded by the program.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The Annual Infrastructure Program was adopted at the June 2022 Council Meeting.

Updates to the Annual Infrastructure Program Project Scopes and Allocations were made at the July 2022 and October 2022 Council Meetings.

BACKGROUND

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

An initial estimate of the project cost is undertaken as part of scoping up projects. Project estimates are based on construction unit rates or estimates developed by consultants and/or Council engineers. Occasionally project estimates need to be reviewed after tendering for projects. This can come about as a result specific requirements being excluded as part of the project scoping process or increases in delivery costs due to market forces or inflation. Revisions to the annual program are a way to transparently account for these changes and balance the overall program budget.

A number of projects in the 2022-23 Annual Infrastructure Program have been funded through the Local Roads and Community Infrastructure (LRCI) Program Phase 3. Council was allocated \$4,775,452 within this program with a timeline of project completion by June 30, 2023.

Some of the projects funded by the LRCI Program Phase 3 require a review of their allocations and scope as part of expending all funding within the LRCI Program Phase 3 by June 30. In addition, it is proposed to substitute some projects funded by this program for other projects to allow funds to be expended by June 30. The total value as well as many of the adjustments being greater than 10% of each project allocation require approval at Council level.

Council has installed lighting at the major recreation reserves with the exception of Serpentine which is currently under construction, Mitiamo and Calivil. Lighting designs have been developed for both Mitiamo and Calivil which are now construction ready for delivery subject to funding. At the December 2022 meeting, Council considered the merits of the remaining lighting projects for discussion with Sport and Recreation Victoria regarding funding and scope.

ISSUES/DISCUSSION

A number of issues have affected the ability of the LRCI Program Phase 3 projects within the Annual Infrastructure Program to be delivered. These include:

- Contractor availability
- Material availability and lead times
- Staff availability
- The October 2023 floods
- Cost escalations

The proposed changes to LRCI Program Phase 3 project allocations are summarised in the following table:

LRCI Phase 3 adopted at June 2022	Currant Allocation
Pyramid Hill Streetscape	\$490,000
Caravan Parks: <ul style="list-style-type: none"> • Wedderburn Office and shed - \$250,000 • Wedderburn cabins and landscaping - \$250,000 • Boort power and sewer - \$200,000 	\$700,000
Major Recreation Reserve Floodlighting Upgrade Project (Serpentine and Mitiamo)	\$263,000
Donaldson Park Project	\$3,322,452
Total	\$4,775,452
LRCI Phase 3 proposed allocation	Proposed Allocation
Pyramid Hill Streetscape	\$490,000
Caravan Parks: <ul style="list-style-type: none"> • Wedderburn Office and shed - \$250,000 • Wedderburn cabins and landscaping - \$250,000 • Boort power - \$50,000 for preparatory works 	\$550,000
Tarnagulla Community Facilities Septic	\$160,000
Major Recreation Reserve Floodlighting Upgrade Project (Serpentine, Mitiamo and Calivil)	\$760,768
Donaldson Park Project	\$2,030,342
Gravel Re-sheets	\$784,342
Total	\$4,775,452

The reasons for the adjustment to the LRCI Phase 3 allocations are explained following.

Caravan Parks

An allocation of \$700,000 was allocated for Stage 2 of the caravan park upgrades at Wedderburn and works at Boort. \$150,000 of this allocation will not be expended prior to June 30. An allocation to support works at the Boort Caravan Park will be made in future Annual Infrastructure Programs.

Tarnagulla Community Facilities Septic

The allocation for this project was increased by \$160,000 at the October 2022 Council Meeting. At the meeting it was proposed to fund this project from reallocation of funds originally intended for soil disposal associated with the Donaldson Park Project.

Major Recreation Reserve Floodlighting Upgrade Project

The allocation for this project was originally \$263,000 from the LRCI Phase 3 funding to part fund the installation of lighting at the Serpentine and Mitiamo Recreation Reserves. It is now proposed to allocate \$760,768 and extend the scope of the project to include the Calivil Recreation Reserve. Including both Mitiamo and Calivil Recreation Reserves will allow Council to complete lighting upgrades at all major recreation reserves and can be delivered within the timelines of the LRCI program.

Donaldson Park Project

The Donaldson Park Project has a total LRCI Phase 3 allocation of \$3,322,452 out of a total project budget of \$8,367,740. This total budget includes an allocation of \$1,542,110 for offsite soil disposal for this project which is not all required. It is proposed to reallocate \$1,292,110 of the soil disposal allocation to other projects. An amount of \$250,000 will not be reallocated and will be used to fund movement of soil around the site.

Gravel Re-Sheets

It is proposed to allocate \$784,342 of the LRCI Phase 3 funding to gravel re-sheet projects, this will allow for the resheet of approximately 15km of road. The list of roads is currently being finalised. This increased investment will accelerate restoration of priority gravel roads which were damaged as a result of flooding and would otherwise have to wait for funding from the National Disaster Recovery program.

COST/BENEFITS

There is no change to the overall allocation for the Annual Infrastructure Program or to the allocation of the LRCI Program Phase 3. The proposed changes reallocate the funding allocation within the LRCI Program Phase 3.

RISK ANALYSIS

There are minor risks associated with the proposed changes to the project allocations and scope. There is sufficient funding within the LRCI Program Phase 3 to accommodate the updated allocations. However, further delays to any of the projects allocated funding under the LRCI Program Phase 3 may impact the ability of Council to expend the funds prior to June 30. This risk will be managed by applying for extensions if delays occur with these projects.

There have been concerns raised publicly about the sustainability of Mitiamo Football & Netball Club. Council staff have met with club officials who have outlined the actions that have been taken and how they believe they will remain sustainable into the future. There is a financial and reputational risk that if the club is not sustainable, Council has invested significantly into the reserve. Council's adopted risk appetite statement indicates that '*Council has a high appetite for pursuing activities that promote economic and social sustainability of our communities. Council understands the strength of our communities is through social connections and...*'

CONSULTATION AND ENGAGEMENT

The updated allocations of the LRCI Program Phase 3 funding were developed after consultation with Council officers from the Assets and Infrastructure team, Works Department and Community Support team.

RESOLUTION 2023/19

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council approve the proposed changes to the funding allocations for the Local Roads and Community Infrastructure Program Phase 3 and the additional projects proposed to be funded by the program.

CARRIED

10.3 APPOINTMENT OF AUDIT AND RISK COMMITTEE CHAIR

File Number: FOL/20/612
Author: Lisa Clue, Manager Governance
Authoriser: Amanda Wilson, Director Corporate
Attachments: Nil

RECOMMENDATION

That Council, on the recommendation of the Audit and Risk Committee, appoint Mr Rodney Baker as Chair of the Loddon Shire Council Audit and Risk Committee for the period 29 February 2023 to 28 February 2024.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Council appoints an Audit and Risk Committee Chair annually, with the most recent appointment being 22 March 2022.

BACKGROUND

Clause 5.4 (Chairperson) of the Audit and Risk Committee Charter v10 states:

- *“The Chairperson of the Committee must be an independent member*
- *Council will appoint the Chairperson of the Committee*
- *If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending members”.*

ISSUES/DISCUSSION

At its meeting held 13 February 2022, and following an election process facilitated by the Chief Executive Officer, the Audit and Risk Committee resolved ‘That a recommendation be presented to Council to appoint Mr Rodney Baker as Chair of the Loddon Shire Audit and Risk Committee for the period 29 February 2023 to 28 February 2024’.

Mr Baker, has been a member of Council’s Audit and Risk Committee since 1 May 2012 and Chair of the Committee since 25 February 2020.

COST/BENEFITS

The benefit of an annual election is providing all Committee Members with the opportunity to lead the Committee in its work for and on behalf of Council.

Clause 5.2.5 of the Audit and Risk Committee Charter states that remuneration is paid to each independent member as approved by Council from time to time. At its meeting on 26 April 2022, Council resolved to increase the quarterly remuneration paid to independent members of the Audit and Risk Committee to \$505, effective the quarter commencing 1 May 2022, and maintain payment of an extra quarter remuneration to the Chair during a one year term.

RISK ANALYSIS

An annual appointment of Chair provides all committee members with the opportunity to lead the Committee, and reduces people risk around succession.

CONSULTATION AND ENGAGEMENT

The members of the Audit and Risk Committee nominate the Chair of the Audit and Risk Committee and recommend appointment to Council.

RESOLUTION 2023/20

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council, on the recommendation of the Audit and Risk Committee, appoint Mr Rodney Baker as Chair of the Loddon Shire Council Audit and Risk Committee for the period 1 March 2023 to 28 February 2024.

CARRIED

10.4 REVIEW OF THE FEES AND CHARGES - WAIVER OR REDUCTION POLICY V2

File Number: FOL/19/432511

Author: Deanne Caserta, Manager Financial Services

Authoriser: Amanda Wilson, Director Corporate

Attachments: 1. Fees and Charges - Waiver or Reduction Policy v2

RECOMMENDATION

That Council adopts the Fees and Charges – Waiver or Reduction Policy v2.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The first version was adopted by Council in 2021 and is due for the first review since implementation.

BACKGROUND

This Policy provides guidance for requests to waive or refund various types of fees and charges.

This Policy should be read in conjunction with Council's Fees and Charges Schedule (FCS) in order to be fully informed of governance frameworks applicable to fees and charges procedures.

The Policy applies to any not for profit organisation, incorporated association or unincorporated community group which provides a community benefit to Council and wish to apply to have a fee and/or charge waived or reduced.

This Policy does not apply to Council rates and rebates.

ISSUES/DISCUSSION

The changes within the proposed version two of this Policy mainly relate to clarity and providing further wording to areas that needed a more detailed explanation. The process has been tested and otherwise is found to be still relevant.

This policy now has a four year review period.

COST/BENEFITS

There will be minor fee reduction or waiver costs for those claims that fit the guidelines stated within the Policy. This will provide a financial offset benefit to those community groups.

RISK ANALYSIS

The Policy identifies conditions where a reduction or fee waiver will apply, a process to follow and an applicable form.

CONSULTATION AND ENGAGEMENT

The document has been subject to the endorsement process of the Loddon Leaders and Management Executive Group prior to presentation to Council.

RESOLUTION 2023/21

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council adopts the Fees and Charges – Waiver or Reduction Policy v2.

CARRIED

10.5 CONTRACT 556 - FLOOD RESTORATION WORKS PANEL**File Number:** 14.01.001**Author:** Steven Phillips, Director Operations**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. **Contract 556 - Evaluation Report - Confidential**

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

RECOMMENDATION

That Council:

1. Appoint the following tenderers to Contract 556 – Flood Restoration Works Panel:
 - Active Excavations Pty Ltd
 - Danspec Civil
 - Northern Construction Group Pty Ltd
 - Blue Peak Constructions Pty Ltd
 - Berne Fleming Civil
 - RECivil Pty Ltd
 - Winslow Constructions Pty Ltd
 - Maine Civil
 - Slingo Property Pty Ltd
 - Corian Park Earthmoving
 - Bendigo Plant Hire Pty Ltd
 - Boral Resources Vic Pty Ltd
 - Pipe Doctor Australia Pty Ltd
 - Avard Civil
 - CG & LA Hinchcliffe
 - Stabilco Pty Ltd
2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the Contract documents
3. Authorise the Chief Executive Officer to purchase and pay for goods, services and works under Contract 556 to the value of \$750,000 for the purpose of delivering Flood Restoration Works.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

There has been no previous discussion with Council on this matter.

BACKGROUND

In October 2022, Loddon Shire experienced a significant flood event. The State Government wrote to the Chief Executive Officer on 20 October 2022 confirming that Council has been included in the notification to the Commonwealth for the Victorian Floods. The Commonwealth has provided advice that this disaster has been given an Australian Government Reference number and is eligible under the Disaster Recovery Funding Arrangements (DRFA). An initial estimate of \$62 million of claimable expenditure under the DRFA has been submitted. This estimate is required to be revised quarterly and will change as more information can be confirmed.

Officers have been inspecting Councils essential infrastructure for flood impacts and a list of restoration works is being compiled. This process is 95% complete and the following is a list of items that require repair within the existing data:

- 117 culvert repairs or replacements
- 56 floodway repairs
- 1 bridge replacement
- 273 km of gravel road re-sheets
- 50 km of unsealed road shoulders to replace
- 14.25 km of sealed road to be rebuilt

The DRFA requires that all works must be completed by 30 June 2025. Council does not have and cannot obtain sufficient staff or heavy plant resources to complete the works within the required DRFA timeframes. To successfully undertake the required flood restoration works it will require the use of several suitably qualified and experienced contractors.

ISSUES/DISCUSSION

Contract 556 – Flood Restoration Works Panel was publicly advertised and Council received 17 responses. These responses were evaluated by an assessment panel and their report can be found in confidential Attachment 1.

A Panel of Contractors will provide Council with an efficient and flexibility way to engage the necessary contractor workforce to carry out the restoration projects. The numerous works will be packaged into groups or packets of similar jobs based on either location or type. Each packet will be of a varying value that will not exceed \$750,000. The average value of a packet of work is expected to exceed the current Chief Executive Officers financial delegation (\$300,000) for purchasing goods and services. To avoid the potential time for each packet that exceeds the Chief Executive Officers financial delegation, specific authorisation relating to this contract is being sought. This will enable greater administrative efficiency in executing purchasing in relation to the delivery of this time dependent program.

COST/BENEFITS

The cost of this Contract will be submitted for evaluation through the DRFA as each packet of work is completed. Following evaluation of each claim Council will be reimbursed for the eligible expenditure. The completion of the Flood Restoration Program will restore Council's essential public assets such as its road network to its pre flood condition.

Council may wish to improve parts of the road network to be more resilient for future flood events, mitigate damage in subsequent events. This work is considered betterment under the DRFA and any such projects are not currently funded by the DRFA and will require Council funding. A list of betterment projects is being prepared and will be submitted to Council for consideration as part of future Capital Works Programs.

RISK ANALYSIS

Establishing a Panel of Contractors is a procurement strategy that reduces the risks associated with purchasing good, services and works of this nature. Specific packets of jobs will be subject to quotation by members of the Panel further reducing expenditure risks.

CONSULTATION AND ENGAGEMENT

The development of this contract and tender has been prepared with consultation with the Assets and Infrastructure Department and Finance Department.

If Council is of a mind to increase the Chief Executive Officer delegation to award contracts under this Panel of Contractors, the Chief Executive Officer will inform Councillors of contracts awarded at the next available opportunity.

RESOLUTION 2023/22

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council:

1. Appoint the following tenderers to Contract 556 – Flood Restoration Works Panel:
 - Active Excavations Pty Ltd
 - Danspec Civil
 - Northern Construction Group Pty Ltd
 - Blue Peak Constructions Pty Ltd
 - Berne Fleming Civil
 - RECivil Pty Ltd
 - Winslow Constructions Pty Ltd
 - Maine Civil
 - Slingo Property Pty Ltd
 - Corian Park Earthmoving
 - Bendigo Plant Hire Pty Ltd
 - Boral Resources Vic Pty Ltd
 - Pipe Doctor Australia Pty Ltd
 - Avard Civil
 - CG & LA Hinchcliffe
 - Stabilco Pty Ltd
2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the Contract documents
3. Authorise the Chief Executive Officer to purchase and pay for goods, services and works under Contract 556 to the value of \$750,000 for the purpose of delivering Flood Restoration Works.

CARRIED

11 INFORMATION REPORTS**11.1 LOCAL LAWS AND PLANNING COMPLIANCE QUARTERLY ACTIVITY REPORT****File Number:** FOL/19/115192**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 Quarterly Activity Report.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the second report for the 2022-2023 financial year, summarising the animal control, local laws, 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's local law to enable effective animal management, planning enforcement and local law compliance for community and township amenity.

A number of organisational 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 law provisions, particularly with respect to unsightly properties
- effective animal management
- control of roadside activities, occupation and utilisation
- investigate planning scheme breaches and enforce planning permit conditions
- intervention in public nuisance issues.

ISSUES/DISCUSSIONAdministrative

Table 1 provides a summary of administrative functions undertaken.

Table 1: Administrative

Quarter 2 (1 October 2022 – 31 December 2022)			
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued
No. actions	5	0	3

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

Unightly 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.

Staffing vacancies within the unsightly properties area has limited the ability for significant progress to be made in this area.

Table 2: Summary of unsightly properties activities

Quarter 2 (1 October 2022 – 31 December 2022)																
Town/Locality	Eddington	Rheola	Newbridge	Tarnagulla	Inglewood	Bridgewater	Wedderburn	Korong Vale	Borong	Boort	Pyramid Hill	Mitiamo	Dingee	Serpentine	Rural/Other	Total
No. identified from previous report period	2	0	5	1	6	2	19	3	4	4	4	1	1	0	0	52
No. resolved during quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New action commenced	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
No. currently pursuing	2	0	5	1	6	2	19	3	4	4	4	1	1	0	0	52
Progress Activities																
Site meeting / discussion held	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Letter to comply issued	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Occupier has commenced clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Notice to comply issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Contractor engaged for clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Animal management

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

Table 3: Summary of animal management activities

Quarter 2 (1 October 2022 – 31 December 2022)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
No. of actions	8	2	3	10	10	18

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

Table 4: Impoundment activities

Quarter 2 (1 October 2022 – 31 December 2022)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	1	1	0	0
Dogs	2	1	1	0
Cats	11	0	10	1
Feral Animals	-	-	-	67
Total	14	2	11	68

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 2022 – 31 December 2022)						
Type	No. identified from previous report period	New action commenced	PIN's issued	Warning Letter issued	No. resolved during this quarter	No. currently pursuing resolution
Land use in contravention of planning scheme without a permit	5	4	0	0	2	7
Native vegetation removal without a permit	7	2	0	2	4	5
Breach of planning permit	1	0	0	0	1	0
Dog breeding / animal keeping	5	1	0	0	2	4
Land used as a store without planning permit	4	0	0	0	1	3

Occupation of a site without a planning permit	4	1	0	0	1	4
Total	26	8	0	2	11	23

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's Local Law.

COST/BENEFITS

The expenditure for the second quarter of 2022-2023 financial year for the local laws and compliance activities contained within this report is \$72,389. 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 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* or Council's Community Local Law 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 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 2023/23

Moved: Cr Wendy Murphy
Seconded: Cr Linda Jungwirth

That Council receive and note the Local Laws and Planning Compliance Quarterly Activity Report.

CARRIED

11.2 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 2022 - 2023 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

The information contained in this report is based on the second quarter (1/10/2022 – 31/12/2022) of the 2022-2023 financial year. In mid-October 2022 Loddon Shire experienced major flooding which has impacted on this reporting period.

The Works Department staff have been directly involved in responding to wide spread flooding and supporting Emergency Agencies in their response. Council's road network is continuing to be assessed for flood damage with two roads still closed.

In accordance with Council's RMP, on 18 October Council's CEO, Lincoln Fitzgerald enacted the exceptional circumstances clause of that Plan. The suspension of the RMP is to say that Council cannot maintain its road network to its usual standard. The community can expect that it will take longer than it normally would for an issue to be fixed on our road network. Routine maintenance inspections of the network have been put on hold as the staff continue to assist with gathering information for a claim to restore flood damage under the Disaster Recovery Funding Arrangements.

The extent of the impact on Council's ability to return to normal levels of road maintenance is still being assessed. In the meantime Council will maintain the network as safe as reasonably possible given the circumstances.

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 (01/10/2022 – 31/12/2022)						
Work Group	Number of scheduled inspections	Number completed by due date	Number completed after due date	Number not completed	Compliance	Number of Defects Raised
Loddon Plains	134	4	1	129	3.0%	193
Loddon Goldfields	139	3	1	135	2.2%	104
Total	273	7	2	264	2.6%	297

During the second quarter of 2022 - 2023 financial year, 2.6% of the programmed inspections were completed according to the schedule. This is due to staff being actively involved in flood impact assessments of the road network. As the RMP has been suspended the compliance target is not currently relevant. It is of interest to note that the number of defects generated (297) from the nine inspections that have been completed, averaged 33 defects per inspection. Compared to this time last year were, 257 inspection were completed and 567 defects identified, an average of 2.2 defects per inspection. While it is a small sample, this indicates the extent of damage as a result of wet conditions and flooding.

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. The defects have been identified through programmed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as ad hoc work actions.

Table 2: Defect rectification summary report

Quarter 2 (01/10/2022 – 31/12/2022)								
Work Group	Number of Defects				Compliant with RMP			
	Ad hoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	6	52	337	395	339	42	14	85.8%
Loddon Plains	0	15	332	347	346	1	0	99.7%
Shire Wide	0	13	420	433	413	13	7	95.4%
Townscape Services	20	2	11	33	30	2	1	90.9%
Total	26	82	1100	1208	1128	58	22	93.4%

During the second quarter of 2022 - 2023 financial year, 93.4% of all date imposed defects were completed before their due date. As the RMP has been suspended the compliance target is not currently relevant. The 22 outstanding defects will be completed as soon as practicable, most of these relate to traffic signs that are on back order due to supply chain issues. The number of defects reported in Table 2 are comparable with this time last year as most of these defects will have been in the system before the flooding in October 2022 and subsequent suspension of the RMP. The impact of the flood event on road maintenance will not be fully understood until the defect inspection resume as scheduled. It is expected that it will take six to nine months before the exceptional circumstances clause of the RMP can be rescinded.

Table 3 provides a summary of performance against the unsealed road maintenance grading program, defects as identified through programmed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as ad hoc 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 (01/10/2022 – 31/12/2022)											
Work Group	Number of Grading Work Actions					Compliant within scheduled timeframes				KM Graded	KM Inspected
	Roads Graded	Defects	Requests	Ad hoc	Total	Yes	No	Not completed	%		
Loddon Goldfields	45	8	25	0	78	75	3	0	96.2%	84.2	0
Loddon Plains	76	19	5	0	100	100	0	0	100.0%	217.1	105
Shire Wide	0	10	0	0	10	9	1	0	90.0%	.3	0
Total	121	37	30	0	188	184	4	0	97.9%	301.6	105

The data in Table 3 indicates that 188 grading work actions were completed for the second quarter of 2022 - 2023 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 2022 - 2023 financial year of the Local Road Maintenance Program is \$3,834,064. The expenditure for the second quarter was \$1,758,553

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 2023/24

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

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

CARRIED

11.3 PUBLIC HEALTH QUARTERLY 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 Quarterly 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 2022-23 financial year, summarising public health activities within the Development and Compliance Department for the months from October 2022 to December 2022.

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 Senior Public Health Officer has regular contact with business operators, community groups, homeowners 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

Mosquito Surveillance Program

Following the Japanese encephalitis virus (JEV) outbreak that occurred in Victoria at the start of 2022, Loddon Shire has been included in the state-wide mosquito surveillance and treatment program that is operated by the Department of Health. Traditionally the program runs from the start of November to the end of April however the JEV outbreak and the impacts of climate change on mosquito breeding grounds may alter this into the future. This program is new to Council and is consuming considerable time.

Immediately following the October flood events the number of mosquitoes across the region exploded and this was reflected in traps that were collected in early November, whilst the number of mosquitoes was extreme at this time the type of mosquito being trapped were classified as nuisance breeds. As the season continues the number of mosquitoes has dropped but the breed of mosquito has changed to breeds that spread arbovirus.

As part of this program Council's public health staff are setting traps in 6 locations across the municipality on a weekly basis. These locations are:

- Bridgewater on Loddon
- Serpentine
- Pyramid Hill
- Boort x 2 locations
- Wedderburn

The program monitors both mosquito numbers and the presence of arboviruses. Arboviruses that are monitored include:

- RRV – Ross river virus
- MVE – Murray valley encephalitis
- WNV – West Nile/Kunjin virus
- BFV – Barmah forest virus
- JEV - Japanese encephalitis virus

The next table displays recent virus detections by date and location:

2022-2023 Mosquito Surveillance Program – Trap Detections		
Trap Collection Date	Trap Location	Virus Detected
29 November 2022	Boort – Trap 1	Barmah forest virus
20 December 2022	Wedderburn	Ross river virus
20 December 2022	Boort – Trap 1	Barmah forest virus
4 January 2023	Serpentine	Ross river virus
4 January 2023	Boort – Trap 1	Ross river virus
10 January 2023	Pyramid Hill	Murray valley encephalitis
17 January 2023	Boort – Trap 1	Murray valley encephalitis
17 January 2023	Boort – Trap 2	Murray valley encephalitis
24 January 2023	Boort – Trap 1	Murray valley encephalitis
1 February 2023	Boort – Trap 1	Murray valley encephalitis
1 February 2023	Boort – Trap 2	Murray valley encephalitis
7 February 2023	Boort – Trap 1	West Nile/Kunjin virus

Along with the weekly trapping program, Council is undertaking treatment of public locations in townships. The treatments methods being undertaken include barrier treatments, adulticiding and larviciding. Currently these works are prioritising Boort and Pyramid Hill based on the finding of the trapping program.

To further reduce the risk to residents and visitors to the area, the provision of mosquito repellent to public events including sporting clubs is occurring in Boort and Pyramid Hill. A communication plan is currently being developed to ensure that residents are aware of the very high risk being posed by mosquitos despite the low number of mosquitos in the area.

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 to 31 December 2022		
Governing Legislation	Inspection Outcome	Number of inspections
Food Premises	Compliant*	10
	Major Non Compliance	
Health Premises	Compliant*	3
	Major Non Compliance	
Residential Tenancies	Compliance	1
Total number of inspections for reporting period		14

*Compliant includes sites that were fully compliant and some sites that required minor actions to become compliant. Council officers are working with the non-compliant premises to address the issues that were identified.

Septic Systems

Table 2 summarises septic system permit applications processed during the reporting period.

Table 2: Septic system permits

1 October to 31 December 2022	
Permit Type	Number
Installation or alteration	5
Certificate to use	9
Total number of Permits	14

The average processing time for permits to install or alter is twelve days.

Table 3 summarises the activities associated with management of septic tank applications and installed systems.

Table 3: Septic system activity

1 October to 31 December 2022	
Activity / Inspection Type	Number
Application Inspection	4
Installation Inspection	4
Final Inspection	8
Requested	
Complaint	1
Total number of inspections	17

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 general 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.

During this sampling program Council participated in the state wide free from survey that was organised by the Victorian Food Safety Unit, the survey focused on packaged products and products were sampled for compliance with their own free from statements. As an example products that made a gluten free claim were tested for gluten.

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

Table 4: Sampling program summary

1 October to 31 December 2022				
Sample Type	Number	Testing	Outcome	
Food	24	Microbiological	Satisfactory*	24
			Unsatisfactory	
		Labelling	Satisfactory	
			Unsatisfactory	3
		Allergen	Not Detected	
			Detected	
Total number of Samples	24			

*satisfactory microbiological results include samples that were marginal

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

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 5 summaries the complaints during the reporting period.

Table 5: Public health complaints

1 October to 31 December 2022				
Nature of complaint	Number carried over from previous reporting period	Number received	Number resolved	Number currently pursuing resolution
Food Premises	0	1	1	0
Wastewater	1	2	0	3
Other	1	0	1	0
Total	2	3	2	3

COST/BENEFITS

The actual expenditure for the second quarter of the 2022-2023 financial year of the public health unit activities contained within this report is \$59,641.

Administration of the Acts that the Public Health Officer has responsibility for includes significant fieldwork, 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.

RESOLUTION 2023/25

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council receive and note the Public Health Quarterly Activity Report.

CARRIED

11.4 QUARTERLY BUILDING SERVICES ACTIVITY REPORT

File Number: 13/06/001, 13/08/001, 13/08/003
Author: Glenn Harvey, Manager Development and Compliance
Authoriser: Steven Phillips, Director Operations
Attachments: Nil

RECOMMENDATION

That Council receive and note the Quarterly 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 2022-2023 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 and 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 and 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 permits, occupancy permits and final inspections is a basic indicator of building development and investment within the Loddon Shire Council area.

ISSUES/DISCUSSION

Throughout the second quarter of the 2022-2023 financial year, items of significance relating to the activity of Council's building services include:

- swimming pool registration requirements and registration of the Complying Barrier Certificates
- inspecting and decommissioning over 77 pools and spas and received 91 Complying Barrier Certificates
- follow up on enforcement activities including following up Court and Building Appeals items
- ongoing implementation and improvement of software system changes.

Building permits

Table 1 provides the number and total value of building permits issued for the last two quarters of 2021-2022 and the first two quarters of 2022-2023. There is variation in the value of permits throughout any given financial year and this is attributable to the scale and cost of individual projects.

Table 1: Summary of new building permits issued

	Quarter 3 2021-22 (01/01/2022 – 31/03/2022)	Quarter 4 2021-22 (01/04/2022 – 30/06/2022)	Quarter 1 2022-23 (01/07/2022 – 30/09/2022)	Quarter 2 2022-23 (01/10/2022 – 31/12/2022)
No. of new Permits	37	47	43	36
Value of Works	\$4,324,892	\$16,258,455	9,434,360	\$12,575,231

Table 2 provides a summary of the number of final inspections and certificates of occupancy issued for building permits for each quarter.

Table 2: Summary of final inspections and occupancy permits

	Quarter 3 2021-22 (01/01/2022 – 31/03/2022)	Quarter 4 2021-22 (01/04/2022 – 30/06/2022)	Quarter 1 2022-23 (01/07/2022 – 30/09/2022)	Quarter 2 2022-23 (01/10/2022 – 31/12/2022)
Certificates of final inspection	31	25	35	41
Occupancy Permits	18	8	8	20

Council Building Services staff continue to work proactively with Council issued permit holders, sending follow up letters to notify building owners approximately two months before their building permits are due to lapse. This allows owners to arrange a final inspection/occupancy permit or apply for an extension of time for their building permit.

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	Total actions	Building notice issued	Building order issued	Appeal to Building Appeals Board	Legal action / solicitors letter started this quarter	Legal action ongoing	No. resolved during this quarter
Building damaged by fire	1	0	1	0	0	0	0	0	0
Works required to make building safe (including pools)	20	0	20	3	2	1	0	1	0
Carrying out building works without a permit	10	0	10	4	2	0	0	0	0
Works not in accordance with building permit	2	0	2	0	0	0	0	0	0
Illegal occupation of non-habitable building	0	0	0	0	0	0	0	0	0
Building with non-complying essential safety measures	1	0	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.

The Manager Development and Compliance is currently also performing the role of Municipal Building Surveyor whilst recruitment for the vacancy is continuing. This is impacting on progressing compliance matters as well as permit applications. Community members that are making Building Permit applications are being advised that there will be delays in processing their applications due to our current situation. They are also being informed of the alternative of engaging a Private Building Surveyor.

COST/BENEFITS

The expenditure for the second quarter of the 2022-2023 financial year for building services activities was \$6,586. The functions associated with the delivery of the Municipal Building Surveyor service have been delivered by the Manager Development and Compliance.

The cost to Council of enforcement activity can be quite significant, particularly in terms of Council officers' 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 other 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 vital 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. This remains a matter of concern for Council's Municipal Building Surveyor and Local Laws & Planning Compliance Officer.

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 essential safety measures assessments/inspections to the provision of advice relating to the need for building permits and other functions administered by the Municipal Building Surveyor under the Building Act and Building Regulations. Any business operator, developer, resident or ratepayer that is subject to enforcement action is regularly consulted with during the enforcement process to give them the opportunity to avoid the escalation of enforcement action.

RESOLUTION 2023/26

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council receive and note the Quarterly Building Services Activity Report.

CARRIED

11.5 QUARTERLY STATUTORY PLANNING PERMIT ACTIVITY REPORT**File Number:****Author:** Louise Johnston, Statutory Planning Coordinator**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:**

1. Applications being processed in the Quarter
2. Applications completed in the Quarter

RECOMMENDATION

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for October to December 2022.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the second report for the 2022- 2023 financial year summarising planning application activities undertaken within the Development and Compliance Department.

BACKGROUND

This report covers the planning permit activity for the previous 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/DISCUSSIONPlanning permit activities

A detailed summary of the status of planning permits can be found in Attachments 1 and 2.

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 is to be measured following the acceptance of a planning permit application.

Table 1 provides a summary of the average timeframe in which the Development and Compliance Department assessed and issued Planning Permits during the second quarter of the 2022-2023 financial year and compares these to the Victorian rural average.

Table 1: Average timeframes for decisions

Quarter 2 of the 2022/2023 financial year				
Month	Average gross days to determine	Median processing days to determine	Completed within 60 days	Rural average completed within 60 days
October	70	49	100%	67%
November	41	33	100%	70%
December	169	17	100%	70%
Total Quarterly average	93	33	100%	69%

During the second quarter of the 2022-2023 financial year 100% of all Planning Permit applications were assessed and issued within the statutory timeframes as set in the Planning & Environment Act 1987. This is 31% above the rural average. In addition, the median processing days for Council to make a determination on applications is 33 days, well below the rural average of 78 days, a great result for Council and its planning team.

COST/BENEFITS

The expenditure for the second quarter of 2022-2023 financial year of the statutory planning activities contained within this report is \$74,375. The fees collected for the quarter total \$27,644.

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 2023/27

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for October to December 2022.

CARRIED

12 COMPLIANCE REPORTS**12.1 COMMUNITY ASSET COMMITTEE MEMBERSHIP - 2022/23**

File Number: FOL/20/7622
Author: Lisa Clue, Manager Governance
Authoriser: Amanda Wilson, Director Corporate
Attachments: Nil

RECOMMENDATION

That Council appoints members as listed within this report to the following Loddon Shire Council Community Asset Committees:

- Little Lake Boort
- Boort Park

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Council last appointed members to Community Asset Committees in November 2022.

BACKGROUND

The Local Government Act 2020 (the Act) provides for the establishment of, and appointment of members to Community Asset Committees for the purpose of managing community assets in the municipal district. The Act further provides for the CEO to delegate certain powers, duties and functions of the Council to members of its Community Asset Committees.

Each Community Asset Committee Instrument of Delegation requires the Committee to nominate members to be formally appointed by Council for a one year term.

ISSUES/DISCUSSIONLittle Lake Boort Community Asset Committee

Delayed due to the October 2022 flood event, the Little Lake Boort Community Asset Committee has now conducted an Annual Meeting and received nominations for membership as listed in the table below.

Boort Park Community Asset Committee

In November 2022, Council appointed 17 members to the Boort Park Community Asset Committee, noting at that time three vacant representative positions. With those vacant positions now filled, the three members listed in the table below require appointment by Council.

Name	Position
Little Lake Boort	
Neil Beattie	Chair
Doug Aldrich	Deputy Chair
Stacey Streader	Secretary
Raymond Stomann	Treasurer
Paul Haw	Booking officer

Little Lake Boort (continued)	
Guy Contarino	Committee Member
John Nelson	Committee Member
Justin Kennedy	Committee Member
Kevin Sutton	Committee Member
Luke Stomann	Committee Member
Murray Chalmers	Committee Member
Rod Stringer	Committee Member
Tim James	Committee Member
Wendy James	Committee Member
Boort Park	
Tim Byrne	Boort District Harness Racing Club
Ray Stomann	Boort District Harness Racing Club
Kim Potter	Boort Netball Club

COST/BENEFITS

Community Asset Committees provide an opportunity for community members to play a key role in assisting Council with the management and maintenance of a number of important facilities within the Loddon Shire, for the benefit of their local community. Without this group of valued volunteers, Loddon Shire would not be able to resource the number and quality of facilities within the municipality.

RISK ANALYSIS

Risks associated with Community Asset Committee member management of Council facilities are mitigated as much as possible through the Instruments of Delegation including clause 7.3 which provides for the removal or refusal of a member or members.

Without these Community Asset Committees, it would not be possible for Loddon Shire to resource the number or quality of facilities currently offered. There is a risk that if Council is not able to recruit and retain volunteers, the level of service provided to the community may decline.

CONSULTATION AND ENGAGEMENT

Reporting by Community Asset Committees to Council, including nominated members occurs through an online portal, with support provided by Council Officers as required.

RESOLUTION 2023/28

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council appoints members as listed within this report to the following Loddon Shire Council Community Asset Committees:

- Little Lake Boort
- Boort Park

CARRIED

13 URGENT BUSINESS

Nil

14 CONFIDENTIAL ITEMS

Nil

NEXT MEETING

The next Meeting of Council will be held on 28 March 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 4.01PM.

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

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CHAIRPERSON