



Date: Tuesday, 22 August 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, 22 AUGUST 2023 AT 3.00PM**

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

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

1 OPENING AFFIRMATION

The Mayor read the opening affirmation

2 ACKNOWLEDGEMENT OF COUNTRY

The CEO read the Acknowledgement of Country

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

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

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

1. Council Briefing of 25 July 2023
2. Council Meeting of 25 July 2023
3. Council Forum of 8 August 2023.

REPORT

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

RESOLUTION 2023/81**Moved:** Cr Neil Beattie**Seconded:** Cr Wendy Murphy

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

1. Council Briefing of 25 July 2023
2. Council Meeting of 25 July 2023
3. Council Forum of 8 August 2023.

CARRIED

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

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

1. Council Briefing 25 July 2023
2. Council Forum 8 August 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 25 July 2023
2. Council Forum 8 August 2023

Meeting details	Briefing
Date	25 July 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 David Southcombe, Manager Assets and Infrastructure Amanda Wilson, Director Corporate Lisa Clue, Manager Governance
Item(s) discussed.	<ol style="list-style-type: none"> 1. Notice of Motion – Cr Murphy – Adopted Fee Waiver 2. General Business: <ul style="list-style-type: none"> • Growing Regions Program • State Government Regional Housing Fund • Disaster Recovery Funding Arrangements • Ministerial visits
Conflict of Interest Disclosures – Councillor/ officer making disclosure	Cr Beattie in relation to item 1 above Cr Holt in relation to item 1 above
Councillor/officer left room	Cr Beattie Cr Holt

Meeting details	Forum
Date	8 August 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 Janine Jackson, Manager, Organisation Development and Lindy McPherson, Group Manager, Davidson Advisory – Item 1 below Tony Raunic, Managing Principal, Hunt & Hunt Lawyers – Item 2 below David Stretch, Manager, Tourism and Economic Development – Item 3 below Deanne Caserta, Manager, Financial Services and members of the Financial Services Team – Item 4 below Paul Scullie, Acting Manager Community Support and Wendy Twigg, Aquatic Support Officer – Item 5 below Sarah Perry, Acting Manager Community Wellbeing – Item 7 below
Item(s) discussed.	<ol style="list-style-type: none"> 1. Chief Executive Officer KPIs 2. Conflict of Interest and Governance Workshop 3. Tourism and Economic Development Quarterly Report 4. Department Presentation – Financial Services 5. Loddon Swimming Pools – End of Season Report 6. Small Towns Strategy, Appointment of Consultant 7. Immunisation Service Review and Cold Chain Audit Report 8. Instrument of Delegation – Council to CEO 9. Governance Rules Review – Consideration of Community Feedback 10. Overview – Operation Sandon Report 11. General Business <ul style="list-style-type: none"> • Flood repairs (roads) • Skinners Flat Reservoir • Audit and Risk Committee meeting update • Meeting with MP • Inquiry into the 2022 Flood Event in Victoria • VNI West • Rail Infrastructure

Conflict of Interest Disclosures - Councillor/officer making disclosure	Lincoln Fitzgerald, Chief Executive Officer declared a conflict of interest in relation to Agenda item 1 above but advised, due to the nature of the item being discussed, he is not required to leave the meeting.
Councillor/officer left room	No

RESOLUTION 2023/82

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

1. Council Briefing 25 July 2023
2. Council Forum 8 August 2023

CARRIED

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

That Council receive and note resolutions acted upon since the July 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 July 2023.

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

RESOLUTION 2023/83**Moved:** Cr Wendy Murphy**Seconded:** Cr Gavan Holt

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

CARRIED

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

That Council receive and note the Mayoral Report.

REPORT

The Mayor presented a verbal report at the meeting.

Cr Straub

Loddon Campaspe Group of Councils
11/08/2023 – Meeting, including presentations from Local Government Victoria CEO, Gaelle Broad MP, Regional Development Victoria (RDV) and the Department of Energy, Environment and Climate Action (DEECA); discussion on flood recovery funding and electoral ward boundary reviews; and a tour of GovHub.
Murray River Group of Councils
03/08/2023 – Meeting, with AEMO, Vic Grid and the Hon Lily D’Ambrosio re power line project 16/08/2023 – Mayor Catch-up
North Central goldfields Regional Library Corporation
04/08/2023 – Board Workshop
North Central Local Learning and Employment Network
09/08/2023 – Meeting of Finance and Risk Committee 15/08/2023 – Meeting of the Board 16/08/2023 – CEO mid-year review

Other Council activities	
Date	Activity
08/08/2023	August Council Forum, Wedderburn
10/08/2023	Municipal Flood Recovery Meeting, Wedderburn
14/08/2023	Presentation of Volunteer Certificates to members of the Wedderburn Mechanics Literary Institute Hall Community Asset Committee
16/08/2023	Transmission Company Victoria (TCV) - Meeting (virtual)
17/08/2023	Presentation of Volunteer Certificates to members of the Boort Aerodrome Community Asset Committee
18/08/2023	Wedderburn Lions Club Dinner

The Mayor advised that alongside Campaspe and Gannawarra councils, he and the CEO will present to the Victorian Flood Enquiry Committee on the October 2022 flood event impacts recovery.

The Mayor further advised that Council is aware of, but not involved in recent unsolicited market research contact made with members of the community asking questions about the VNI West project and Loddon Shire Council. Council is currently seeking further detail.

The Mayor concluded his report by speaking of the recent success of several national sporting teams, uniting our communities, and wishing local teams all the best in finals matches being held over coming weeks.

RESOLUTION 2023/84

Moved: Cr Neil Beattie

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:** Tracy Hunt, Governance Coordinator**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a verbal report at the meeting.

Cr Beattie

Section 65 Community Asset Committees:	
15/08/2023 - Boort Memorial Hall Annual General Meeting	
Other Council activities	
Date	Activity
01/08/2023	Boort Tennis Club meeting
02/08/2023	Meeting at Boort Park with Boort Hockey Club
04/08/2023	Catch-up with Council Manger Assets and Infrastructure regarding building inspection
07/08/2023	Meeting with Council Manager Community Recovery regarding the Boort Show hosting the Melbourne Cup Tour
08/08/2023	August Council Forum, Wedderburn
16/08/2023	Boort Senior Citizens Annual General Meeting

Cr Murphy

Calder Highway Improvement Committee	
28/07/2023 – Meeting - Macedon Ranges Shire Council, Gisborne	
Other Council activities	
Date	Activity
25/07/2023	July Council Briefing and Council Meeting, Wedderburn
27/07/2023	Inglewood Development and Tourism Committee meeting. Council officers attending as guests - Director Operations and Local Laws/Planning Compliance Officer
04/08/2023	Loddon Flood Recovery Dinner - Bridgewater with Guest Speaker, David Younger
06/08/2023	Inglewood-Bridgewater RSL Sub-branch meeting - Inglewood. Guest at the meeting was Martha Haylett, Member for Ripon
08/08/2023	August Council Forum, Wedderburn
09/08/2023	Online meeting for a permit in Inglewood with Mayor, Cr Straub, Director Operations, Manager Development & Compliance and the business representative
18/08/2023	Inglewood-Bridgewater RSL Sub-branch Vietnam Veterans Day service at the Inglewood Cenotaph acknowledging the 50th Anniversary of the end of Australia's involvement in the Vietnam War
19/08/2023 20/08/2023	Loddon Valley Football Netball League Qualifying Final and Elimination Final held at Bridgewater and Newbridge respectively
22/08/2023	Meeting with Council officers to review Council owned assets in Inglewood Ward
	Meeting with Mayor, Cr Straub, Council Directors and Council Officers to discuss an Inglewood Ward business
22/08/2023	Councillor only discussion, August Council Briefing and Council Meeting, Wedderburn

Cr Jungwirth

Central Victorian Greenhouse Alliance	
15/08/2023 - Co-design process with Steering Group 17/08/2023 - Board Meeting	
Other Council activities	
Date	Activity
25/07/2023	July Council Briefing and Council Meeting, Wedderburn
02/08/2023	Newbridge Flood Steering Committee Meeting
03/08/2023	Integrated Municipal Emergency Management Planning Committee Meeting
	'Lessons in Disaster' delivered by Gender & Disaster Australia
08/08/2023	August Council Forum, Wedderburn
10/08/2023	Municipal Flood Recovery Meeting, Wedderburn
18/08/2023	CEO catch-up

Cr Holt

Audit and Risk Committee	
07/08/2023 – Meeting, Wedderburn	
Section 65 Community Asset Committees:	
27/07/2023 - Wedderburn Engine Park and Market Square Reserve Annual General Meeting	
Other Council activities	
Date	Activity
08/08/2023	August Council Forum, Wedderburn
10/08/2023	Municipal Flood Recovery Meeting, Wedderburn
19/08/2023	Wedderburn vs Sea Lake Winder Sports Day, Donaldson Park, Wedderburn (last game day use of the current clubroom after 65 years)
20/08/2023	Loddon Valley Football Netball League Elimination Finals, Newbridge

Cr Holt noted that it was pleasing that Cr Murphy presented the Wedderburn petition concerning a pedestrian crossing in Wedderburn to the Calder Highway Improvement Committee.

RESOLUTION 2023/85

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS

10.1 2022/23 FINANCIAL AND PERFORMANCE STATEMENTS IN PRINCIPLE REPORT

File Number: FOL/23/1595

Author: Deanne Caserta, Manager Financial Services

Authoriser: Amanda Wilson, Director Corporate

Attachments: 1. DRAFT Financial Statements
2. DRAFT Performance Statements

RECOMMENDATION

That Council:

1. Adopts the Financial Statements and Performance Statement for the year ended 30 June 2023 as presented "in principle".
2. Authorises the Chief Executive Officer to make any amendments to the Financial Statements and Performance Statement for the year ended 30 June 2023 that may be requested by RSD Audit of the Victorian Auditor-General.
3. Authorises the Mayor Cr Dan Straub, one other Councillor, and the Chief Executive Officer to certify the audited Financial Statements and Performance Statement for the year ended 30 June 2023.

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

Council's external auditors, RSD Audit, acting on behalf of the Victorian Auditor-General, have finalised remotely the audit of Council's Financial Statements and Performance Statement for the year ended 30 June 2023.

A requirement of the Local Government Act 1989 (s132(2) which is still in force) is that Council cannot formally submit the Financial Statements or Performance Statement to the Minister without having passed a motion giving in principle support to those statements.

It is also a requirement of the Local Government Act 1989 (s132(5) that Council must ensure that the Financial Statements and Performance Statement, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by two Councillors and any other prescribed person authorised by Council for this purpose.

ISSUES/DISCUSSION

The annual Financial Statements are presented in accordance with all relevant Australian Accounting Standards and consist of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, and Statement of Cash Flows, along with detailed notes expanding on each of these.

The Performance Statement is in line with the Regulations. It includes:

- sustainable capacity indicators, which are financial and non-financial indicators of the sustainability of Council
- service performance indicators, which are non-financial indicators
- financial performance indicators, which are all financial indicators taken from the financial statements.

A standard format for the Performance Statement is provided by Local Government Victoria.

COST/BENEFITS

The benefit to Council and the community is accurate financial and non-financial information which shows the Council's results for the financial year, and provides insight into Council's sustainability.

RISK ANALYSIS

Preparation and auditing of Financial Statements and the Performance Statement are legislated functions of Council. Council must provide these documents along with the Report of Operations to the Minister for Local Government by 30 September 2023.

By having a structured project plan for delivery of the statements to the Victorian Auditor-General's representative, the risk of not meeting the legislative timeline is mitigated.

CONSULTATION AND ENGAGEMENT

The Audit Committee has been provided with an overview of the Financial Statements and Performance Statement at the Audit Committee Meeting held on 7 August 2023.

RESOLUTION 2023/86

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council:

1. Adopts the Financial Statements and Performance Statement for the year ended 30 June 2023 as presented "in principle".
2. Authorises the Chief Executive Officer to make any amendments to the Financial Statements and Performance Statement for the year ended 30 June 2023 that may be requested by RSD Audit of the Victorian Auditor-General.
3. Authorises the Mayor Cr Dan Straub, one other Councillor, and the Chief Executive Officer to certify the audited Financial Statements and Performance Statement for the year ended 30 June 2023.

CARRIED

10.2 2022/23 END OF FINANCIAL YEAR VARIATION ANALYSIS

File Number: FOL/23/1594
Author: Deanne Caserta, Manager Financial Services
Authoriser: Amanda Wilson, Director Corporate
Attachments: 1. Summary Financial Report

RECOMMENDATION

That receives and notes the '2022/23 End of Financial Year Variation Analysis' 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

As part of the 2023/24 budget process, budget projections for the end of 2022/23 financial year were presented to Council in the form of a Revised Budget.

At the August Council Briefing a snapshot at activity level of the major variations between the 2022/23 Revised Budget and the 2022/23 Actuals was presented. Explanations were given where variances existed outside Council's threshold of 10% or \$20,000.

BACKGROUND

The annual budget process requires that budget projections of the current financial year be undertaken to calculate the potential carried forward surplus that will form part of the next year's budget.

As this process is generally finalised in late March or early April, there are a further three months of activity to the end of June which may give rise to variations to the budget projections.

This report outlines the variations which have arisen between the budget projections made and the actual final results achieved at year end 30 June 2023.

ISSUES/DISCUSSION

The revised budget projections called for an end of financial year closing cash surplus position of \$7.53M. The actual cash surplus was \$9.85M, a positive variance of \$2.32M.

The monthly Finance Report tables are provided as an attachment to this report, and include the budget, actuals, variance in dollars and percentage terms.

Whilst there are a number of variances, this report focuses on those which fall outside a 10% or \$20,000 threshold, whichever is the greater.

SUMMARISED FINANCIAL RESULT

The table below discloses the actual result for the year in comparison to the budget:

Report item	2022/23 Revised Budget \$	2022/23 Actual \$	Variance of Actual to Budget \$	Variance of Actual to Budget %
Revenue	(44,602,774)	(44,437,790)	164,984	100%
Expenses	41,474,293	37,493,009	(3,981,284)	90%
Net operating result	(3,128,481)	(6,944,781)	(3,816,300)	222%
Funding decisions	(9,583,976)	6,600,396	16,184,372	-69%
Capital expenditure	24,280,353	10,224,734	(14,055,619)	42%
Non cash adjustments	(10,106,628)	(10,740,145)	(633,517)	106%
Accumulated deficit b/f	(8,993,042)	(8,993,042)	0	100%
Net cash (surplus) / deficit	(7,531,772)	(9,852,839)	(2,321,065)	131%

INCOME

Income for the year was \$44.4M representing a variance of less than 1% or \$165K lower than the budget of \$44.6M. Within the income items the following variances occurred:

Fees and charges

Fees and charges received were lower than the budget by \$185K.

Instances where Council received income that were less than the budget were:

- gravel pits of \$116K where there has been a shortage of material and a crush is underway
- pre school reimbursement fees where additional funding has been received from the department to assist in funding the operational costs of the centres.

Contributions

Contributions received were greater than the budget by \$169K.

Instances where Council received income that were greater than the budget were:

- Donaldson Park Wedderburn contributions of \$200K with the project well underway.

Interest

Interest received were higher than the budget by \$130K.

There was a large amount of cash on hand towards the end of the year and increasing investment rates on offer.

Reimbursements

Reimbursements received were higher than the budget by \$233K.

Instances where Council received income that were greater than the budget were:

- implementation of Council's new corporate system (RCCC project) has enabled additional staff wages to be reimbursed as part of the project funding, with claims of \$184K made during the last quarter of the year.

Non recurrent operating grants

Non recurrent operating grants received were greater than the budget by \$4.93M.

Instances where Council received income that was greater than the budget were:

- flood restoration and community recovery programs of \$5.38M, where no budget for expenditure or income was included within the revised budget as it was still unknown at that point in time.

Recurrent operating grants

Recurrent operating grants received were greater than the budget by \$3.10M.

Instances where Council received income that were greater than the budget were:

- the upfront payment of 100% of the grants commission funding. This was only budgeted to be 75%.

Recurrent capital grants

Recurrent capital grants received were less than the budget by \$0.49M.

Instances where Council received income that was less than the budget were:

- Roads to Recovery funding of \$200K where claims are made as the projects are completed
- caravan park funding of \$274K where claims are made as the required project stages are met.

Non recurrent capital grants

Non recurrent capital grants received were less than the budget by \$8.19M.

Instances where Council received income that was less than the budget were:

- Donaldson Park and Pyramid Hill Community Centre grants are recognised as a 'grant in advance'. Partial income has been received but it will not be recognised until the required stages are complete
- local roads community infrastructure program grants of \$2.6M where claims are made as the required project stages are met.

EXPENDITURE

Expenditure for the year was \$37.49M representing a variance of 10% or \$3.98M lower than budget. Within the line items the following variances occurred:

Materials and services

Materials and services were \$2.61M or 20% lower than budget; the main reasons are outlined below.

Items below budget:

- home and community care unspent funds of \$195K, with some carried forward into 2023/24 in case of a recall after the cessation of services
- plant and fleet operating expenses of \$885K with lower ongoing maintenance costs
- community planning projects and other community grants of \$820K due to completion delays.

These items are offset by the expenditure in the flood area of \$1.92M which is greater than budget, with no budget allocated.

Stores

Stores were \$72K or 100% lower than budget.

Limited stores are now kept at all depot sites due to the transitioning of purchasing direct from local suppliers as needed.

Contractors

Contractors were \$619K or 20% lower than budget; the main reasons are outlined below.

Items below budget:

- Calivil and Serpentine lighting projects of \$303K with the projects commenced but not yet completed
- swimming pool management fees of \$55K due to lower opening hours and better program management.

Utilities

Utilities were \$80K or 13% lower than budget; the main reasons are outlined below.

Items below budget:

- water service charges, with less watering required throughout the year due to a wet spring and increase to water storage facilities.

Donated assets

There is no budget allocation for donated assets due to its unpredictable nature.

Bad debts expense

There is no budget allocation for bad debts expense due to its unpredictable nature.

CAPITAL EXPENDITURE

Capital expenditure was \$10.22M representing a variance of 58% or \$14.06M below the revised budget of \$24.28M. Significant variations are set out below.

Community planning

Community planning project spend was \$292M below the set budget of \$293K. This is mainly due to a delay in commencement and the budget allocation to new projects by the relevant committees.

These projects have been carried forward into 2023/24.

Community facilities

The Donaldson Park Wedderburn project is behind budget by \$2.0M with the project well underway but completion time not expected until late 2023.

Pyramid Hill Community Centre project is behind budget by \$2.45M with the project only just commencing.

These projects have been carried forward into 2023/24 and are expected to be almost complete by 30 June 2024.

Plant and equipment

Plant and equipment was 64% or \$1.68M below the set budget of \$2.61M.

The main variance was the delay in delivery of new plant with shortages in some heavy equipment pieces in the marketplace.

Roads infrastructure

Roadworks were 54% or \$4.29M below the set budget of \$7.99M. All projects that were not completed have been carried over to 2023/24, however there is some project delivery savings that has been returned to surplus for Council to redistribute to other expenditure needs.

FUNDING DECISIONS

Funding decisions were \$16.18M or 169% different than expected within the budget.

Transfers from reserves

Transfers from reserves were \$3.93M lower than the set budget. This includes projects that were expected to be utilised, such as plant replacement program, for the year but a delay in expenditure has decreased the reserve transfer.

Transfers to reserves

Transfers to reserves were \$12.23M higher than the set budget.

This includes reserves where significant amounts were carried over as being unspent at 30 June 2023 and will now be included in the 2023/24 budget.

SUMMARY

In summary, at the end of the financial year Council had a surplus of \$2.32M in excess of expectation.

There are variances throughout the different elements of the financial statements, however, it can be reported that:

- Council used Capital Expenditure, Community Planning and Unspent Grants Reserves to capture any financial items that were not concluded in 2022/23 and will be completed in 2023/24 or subsequent years
- savings in many areas of the accounts were realised due to strong financial management by the officers responsible for delivering projects and programs.

COST/BENEFITS

The benefit of Council receiving a variation report of actual to projected budget is that it gives Council an understanding of the difference in the cash surplus position and keeps Council fully informed.

RISK ANALYSIS

The provision of a variance to budget report to Council minimises the risk of Council not understanding the financial position at year end, and provides reasons for carry over projects.

With delays in expenditure due supply shortages difficulty securing contractors, difficulty sourcing major plant items and construction escalations, there will continue to be a backlog of projects. Consideration should be given to increasing resourcing for delivery or deferring projects to future years.

CONSULTATION AND ENGAGEMENT

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

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

RESOLUTION 2023/87

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council receives and notes the '2022/23 End of Financial Year Variation Analysis' Report.

CARRIED

10.3 NEW COMMUNITY PLANNING COMMITTEE - FORMAL RECOGNITION - RHEOLA**File Number:** FOL/21/3165**Author:** Martin Mark, Community Development Officer**Authoriser:** Paul Scullie, Acting Manager Community Support**Attachments:** Nil**RECOMMENDATION**

That Council formally recognise Rheola Community Planning Inc. as the Community Planning Committee for the Rheola community.

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 Officers presented to Councillors at the July 2023 Council Forum to discuss the request by the Rheola community to develop a Community Planning Committee in accordance with the Community Planning Framework (the Framework) endorsed at the November 2019 Council Meeting.

BACKGROUND

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

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

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

Access to Council's annual community planning funding program is prioritised for those groups who have received formal recognition and who have developed their community plan consistent with the principles of the Framework.

ISSUES/DISCUSSION

Rheola Community Planning Inc. has requested Council recognition as the community planning committee for the Rheola and district community.

The Rheola community, through community engagement and subsequent establishment of Rheola Community Planning Inc., has demonstrated a commitment to addressing the requirements detailed in Council's Community Planning Framework in order to achieve formal recognition.

In anticipation of formal recognition, the Committee has commenced the community consultation phase of their Community Plan in 2023 and representatives have indicated they would be prepared to attend a future Council Forum to present their plan and its priorities to Council.

Community	Community planning group	Request for recognition received	Information request form received	Incorporated	Constitution purpose includes community planning	Open membership
Rheola	Rheola Community Planning Inc.	Yes	Yes	Yes	Yes	Yes

Council's Community Support Policy and Community Planning Framework does not preclude Council recognising new community planning committees. The inclusion of the Rheola Community Planning Inc. would increase to six the number of community planning committees in the Tarnagulla ward.

COST/BENEFITS

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

Council provides financial assistance to community planning committees to offset incorporation, administrative, and insurance costs. The table below outlines the support that would be provided to Rheola Community Planning Inc. on an annual basis following formal recognition.

Community Planning Committee	Proposed allocation – Administration	Proposed allocation - Insurance	Total
Rheola Community Planning Inc.	\$200	\$1,050	\$1,250

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

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

The inclusion of a new community planning committee does not alter the distribution of the \$250,000 community planning funding across the five Council wards, but does have the potential to dilute the available funds to the existing groups within the Tarnagulla Ward.

RISK ANALYSIS

The Rheola community has dedicated significant time and resources to reach a stage where they consider seeking recognition as a new community planning committee. With no direct alignment to existing community planning committees, the formal recognition of the Rheola community planning committee will enhance the opportunities for development within this community. This mitigates the risk of Rheola not having the same opportunities as other communities with a similar population and community plan.

The inclusion of a new community planning committee does not alter the distribution of the \$250,000 community planning funding across the five Council wards, but does have the potential to dilute the available funds to the existing groups within the Tarnagulla Ward.

The Community Planning Framework contains a component of plan assessment and reporting to Council with recommendations on levels of support for items contained within individual plans. The addition of another community plan will increase the number of plans that will require assessment by Council officers, which, if implemented, may delay the delivery of other Council activities.

CONSULTATION AND ENGAGEMENT

Council officers have provided continued support to the Rheola community throughout their community planning journey. In May 2021, Rheola indicated its endeavour to become a community planning committee.

The Manager Community Support and Community Development Officer met with members of the Rheola community on 31 August 2022, to discuss the community's appetite to become a formalised community planning committee. Since that initial meeting the Community Development Officer has attended subsequent meetings on the 24 November 2022, 28 March and 14 June 2023 to assist the committee as they become incorporated, established a bank account and commenced the initial process of developing their community plan.

RESOLUTION 2023/88

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council formally recognise Rheola Community Planning Inc. as the Community Planning Committee for the Rheola community.

CARRIED

10.4 GROWING REGIONS PROGRAM EOI - PYRAMID HILL COMMUNITY CENTRE - STAGES 2 & 3

File Number: FOL/20/988

Author: Paul Scullie, Acting Manager Community Support

Authoriser: Wendy Gladman, Director Community Wellbeing

Attachments: 1. **Pyramid Hill Community Centre - Stages 2 and 3 budget - Confidential**

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

Pursuant to Section 66 of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council and/or disadvantage a private business. **(under separate cover)**

RECOMMENDATION

That Council:

1. Supports an expression of interest submission to the Growing Regions Program seeking funding support for the development of the Pyramid Hill Community Centre – stages 2 and 3.
2. If the expression of interest is successful at the full 90% of eligible funding, supports a full application to the Growing Regions Program seeking funding for the development of the Pyramid Hill Community Centre – stages 2 and 3.

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

A master plan and feasibility report for the entire Pyramid Hill Community Centre was presented to Council at the 28 April 2020 Council meeting.

An update on the Pyramid Hill Community Centre design was provided to Council at the 9 May 2023 Council Forum.

Funding options for Pyramid Hill Community Centre stages 2 and 3 was discussed with Council at the 25 July 2023 Council briefing.

BACKGROUND

In 2019, Council received funding from the Department of Economic Development, Jobs, Transport and Resources, Regional Development Victoria (Regional Development Victoria (RDV)) for the preparation of a master plan and feasibility study into the redevelopment of the Senior Citizens building into the Pyramid Hill Community Centre. The building was designed to allow the project to be delivered in three stages, if this became necessary.

In 2021, Council received funding through the Regional Infrastructure Fund (RDV) for the development of complete detailed designs for all three stages and construction of stage one, which included the allied health wing and refurbishment of the existing Senior Citizens facility. A \$200,000 contribution was allocated to the project through the Council's 2021/22 annual budget process to support the design component of the project.

The tender for Stage 1 – construction of the community centre, is expected to be released in August 2023, with construction to begin late in 2023.

ISSUES/DISCUSSION

The Federal Government has released an expression of interest process for councils to access funding through the Growing Regions Program (the Program). The purpose of the Program is to *“deliver community and economic benefits by investing in community-focused infrastructure which revitalises regions and enhances amenity and liveability throughout regional Australia”*.

The Program enables applicants to apply for funding of up to 90% of eligible costs, for those locations that were impacted by natural disasters from 1 May 2022, which includes the October floods. The first part of this process is the submission of an Expression of Interest (EOI), with a remaining indicative timeframe provided below:

Activity	Indicative Timeframe
Approval of EOI applications	October 2023
Open for full applications – stage 2	1 November 2023
Close of full applications – stage 2	12 December 2023
Announcement of successful applicants	December 2023 – January 2024
Project commencement	15 May 2024
Project completion date	31 December 2025

The construction of stages 2 and 3 of the community centre is yet to be funded, however, full tender issue floor plans have been finalised. The scope of stages 2 and 3 includes:

- construction of the library and learning centre/neighbourhood house – office, computers and meeting rooms
- construction of cleaning and storage rooms
- construction of a community gym and toilets
- associated landscaping works incorporating a breakout space for events/meetings
- development of carpark, including civil works (kerb and channel, drainage infrastructure)

To ensure that Council can adhere to the indicative timeframes provided above, projects have to be sufficiently developed to be ready to commence to be successful for funding. Pyramid Hill Community Centre – stages 2 and 3, meets this requirement.

COST/BENEFITS

The Pyramid Hill Community Centre project will centralise and co-locate services such as community health, maternal & child health, senior citizens program, United Filipino Organisation, neighbourhood house and the library agency. These services are currently delivered across multiple sites in the community.

Centralising these services will ensure greater integration across all agencies and organisations that contribute to the resident’s overall health and well-being. The centre will provide the opportunity to optimise efficiencies and community use and will provide a modern and functional space to attract visiting services.

Full tender issue designs have been developed as part of stage 1 of the project, enabling Council to be shovel ready for the construction of stages 2 and 3 of the community centre. A confidential budget is provided with indicative costs based on a previously provided quantity surveyor report.

RISK ANALYSIS

Council officers will submit an EOI for the full 90% of eligible funding towards this project. There may be a risk that Council may not be invited to apply as part of stage 2 of the application process. Conversely, the Department may not support the full 90% funding. If this were to occur, officers would return to Council to discuss the progression of this funding application and ultimately stages 2 and 3 of the Pyramid Hill Community Centre.

Despite having detailed tender issue floorplans, the short time frame between signing of funding agreement and the commencement of the project could be a risk to the adherence to the funding agreement of a 15 May 2024 commencement date. Council officers have mitigated all risks by having tender ready plans, hence would be able to commence procurement as soon as funding is received.

CONSULTATION AND ENGAGEMENT

Consultation with relevant community organisations and stakeholders has continued throughout the development of the plans, based on the needs and recommendations outlined in the master plan and feasibility study.

RESOLUTION 2023/89

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council:

1. Supports an expression of interest submission to the Growing Regions Program seeking funding support for the development of the Pyramid Hill Community Centre – stages 2 and 3.
2. If the expression of interest is successful at the full 90% of eligible funding, supports a full application to the Growing Regions Program seeking funding for the development of the Pyramid Hill Community Centre – stages 2 and 3.

CARRIED

10.5 PA5892: USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND CREATION OF NEW ACCESS INTO A TRANSPORT ZONE 2 AT 4194 BRIDGEWATER MALDON ROAD, BRIDGEWATER

File Number:

Author: Darcy Jackson, Statutory Planning Officer

Authoriser: Glenn Harvey, Manager Development and Compliance

Attachments:

1. Decision Report - PA5892
2. Proposed Plans

RECOMMENDATION

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to issue a planning application 5892 for use and development of a dwelling and creation of a new access within Transport Zone 2 subject to the following conditions:

Amended Plans Required

- 1 Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Elevations and dimensions of the garage and car port including materials and finishes
 - b) A five metre fenced tree buffer around the perimeter of the site planted with indigenous species to the satisfaction of the Responsible Authority

Layout not altered

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

Completion of Tree Planting

- 3 Prior to the commencement of the use all tree planting around the property boundaries, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority.

Materials

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

Drainage

- 5 All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Services

- 6 The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the [Environment Protection Act 1970](#) to the satisfaction of the Responsible Authority.
- 7 The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.

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

Erosion

- 9 Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority.

Department of Transport

- 10 Prior to the commencement of use, the following must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority:
- a) The proposed additional crossover to access the development must be provided and available for use and be:
 - i. In accordance with VicRoads Standard Drawing GD4010 for the largest anticipated design vehicle.
 - ii. Formed to such levels and drained so that can be used in accordance with the endorsed plans
 - iii. Treated with an all-weather seal or some other durable surface
- 11 The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Planning Notes

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- For more information regarding working within the road reserve please visit the VicRoads website:

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

Expiry

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

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

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

Within twelve months afterwards if the development started lawfully before the permit expired.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

There have been no previous Council discussions on this matter.

BACKGROUND

The application was lodged on the 31st May 2023 proposing to use and develop the land for a dwelling and create a new access to Transport Zone 2 at 4194 Bridgewater Maldon Road, Bridgewater.

The application was advertised to adjoining and adjacent landowners; with one objection being received.

The application was referred externally to Department of Transport and Planning and internally to Councils Environmental Health Officer, who all provided conditional consent.

The objection raised issues mainly associated with the past operation of the piggery and the non-compliance with the original planning permit. The plans were amended to show the tree planting around all boundaries to screen the piggery, to comply with the original planning permit.

The application is considered to comply with the relevant policies and is consistent with the purpose of the Farming Zone, as the dwelling will support the ongoing use of the land for agriculture/piggery.

It is recommended that a Notice of Decision to grant a planning permit be issued.

ISSUES/DISCUSSION

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

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

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

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

COST/BENEFITS

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

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

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2023/90

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to issue a planning application 5892 for use and development of a dwelling and creation of a new access within Transport Zone 2 subject to the following conditions:

Amended Plans Required

- 1 Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Elevations and dimensions of the garage and car port including materials and finishes
 - b) A five metre fenced tree buffer around the perimeter of the site planted with indigenous species to the satisfaction of the Responsible Authority

Layout not altered

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

Completion of Tree Planting

- 3 Prior to the commencement of the use all tree planting around the property boundaries, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority.

Materials

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

Drainage

- 5 All stormwater discharged from the subject land shall be connected to the legal point of discharge to the satisfaction of the Responsible Authority. No concentrated stormwater shall drain or discharge from the land to adjoining properties.

Services

- 6 The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the [Environment Protection Act 1970](#) to the satisfaction of the Responsible Authority.
- 7 The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the Responsible Authority.
- 8 The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the Responsible Authority.

Erosion

- 9 Building construction must be carried out in accordance with Construction Techniques for

Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority.

Department of Transport

- 10 Prior to the commencement of use, the following must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority:
- a) The proposed additional crossover to access the development must be provided and available for use and be:
 - i. In accordance with VicRoads Standard Drawing GD4010 for the largest anticipated design vehicle.
 - ii. Formed to such levels and drained so that can be used in accordance with the endorsed plans
 - iii. Treated with an all-weather seal or some other durable surface
- 11 The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Planning Notes

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- For more information regarding working within the road reserve please visit the VicRoads website:

<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>

Expiry

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

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

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

Within twelve months afterwards if the development started lawfully before the permit expired.

CARRIED

10.6 GOVERNANCE RULES REVIEW

File Number:

Author: Lisa Clue, Manager Governance

Authoriser: Amanda Wilson, Director Corporate

Attachments: 1. Loddon Shire Council Governance Rules v3

RECOMMENDATION

That Council:

1. revoke Governance Rules v2 adopted by Council on 26 July 2022; and
2. adopt Governance Rules v3 as presented and attached to this Agenda 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 most recently discussed this matter when endorsing the Draft Governance Rules for the purpose of community engagement at the July 2023 Council meeting, and at the August Council Forum, when Councillors considered community feedback on the Draft Governance Rules.

BACKGROUND

The Loddon Shire Council Governance Rules were first adopted by Council on 25 August 2020.

The Governance Rules were reviewed in July 2022 to make provision for holding meetings by electronic means, when it was acknowledged that a more substantial review of the Rules be undertaken 'when there is time to follow a process of community engagement about changes'.

That substantial review has now been undertaken, including a period of community engagement as required under section 60(4) of the Local Government Act 2020.

ISSUES/DISCUSSION

The Governance Rules review process identified a number of existing rules that require amendment in addition to new rules and sub-rules.

In the most part, rules have been added and amended to provide clarity, align to the *Local Government Act 2020* (the Act) and reflect good and best practice.

Following a Council resolution endorsing the Draft Governance Rules for a period of community engagement at the July 2023 Council meeting, members of the community were invited to review and provide feedback on the Draft Governance Rules during a two week period, communicated in local print and social media. Council's Community Reference Group was also invited to review and provide feedback on the draft document.

At the end of the community engagement period, feedback had been received from one member of the community specifically relating to:

- provision for matters to be resolved through circular resolutions
- public speaking and debating a point being limited to three minutes
- the timeframe and format of written responses to questions not able to be dealt with adequately or appropriately during Public Question Time.

These points were considered and discussed by Councillors and officers at the August Forum resulting in Sub-Rule 64(8) being expanded to align with Council's Customer Service Charter:

'If a question cannot be dealt with adequately or appropriately during public question time in accordance with sub-rule (7)(b), the Mayor may request the Chief Executive Officer to provide a written response to the question **in accordance with council's Customer Service Charter.**'

Additionally, the following amendment was suggested by officers and discussed with Councillors, to remove the requirement for a Council resolution regarding the recording of meetings and to clarify when a Council meeting will be adjourned if a livestream of the meeting is not able to be broadcast. This amendment has been incorporated into the Governance Rules attached to this Agenda report:

Current Rule	Suggested amendment
<p>66. Council may record meetings</p> <p>(1) The Council may resolve to:</p> <p>(a) Broadcast a Council meeting in any form;</p> <p>(b) Make a recording of a Council meeting; or</p> <p>(c) Specify how and in what form a recording of a Council meeting will be made available to the public.</p> <p>(2) Despite subclause (1), any part of a meeting that is closed to the public to consider a confidential matter must not be broadcast or a recording made available to the public in any form.</p>	<p>69. Recording of Council meetings</p> <p>(1) Council meeting proceedings will be livestreamed for real-time or on demand access via a Council social media channel.</p> <p>(2) If a meeting, or part of a meeting is closed to the public due to circumstances described in section 66(2)(b) or 66(2)(c) of the Act and the livestream is not able to be broadcast to a Council social media channel, the meeting may be adjourned, or a recording of the proceedings made available on social media as soon as practicable after the meeting.</p> <p>(3) If a meeting, or part of a meeting is open to the public and the livestream is not able to be broadcast to a Council social media channel, the meeting will continue, and a recording of the proceedings may be made available on social media page as soon as practicable after the meeting.</p>

COST/BENEFITS

There are no costs associated with this matter, benefits are associated with process improvement, alignment with good and best practice, and clarity.

RISK ANALYSIS

Clear Governance Rules ensure effective meetings, provide clear direction for meeting protocol and mitigate the risks of unacceptable conduct during meetings and mitigate reputational risk.

CONSULTATION AND ENGAGEMENT

Councillors and Officers participated in workshops to review the current Governance Rules during May, June and July 2023.

Following endorsement by Council, the Draft Governance Rules were made available for members of the community to review and provide feedback over a two week period, communicated via local print and social media, and through Council's Community Reference Group.

This report presents the outcomes of the Governance Rules review, including feedback received from the community.

RESOLUTION 2023/91

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council:

1. revoke Governance Rules v2 adopted by Council on 26 July 2022; and
2. adopt Governance Rules v3 as presented and attached to this Agenda report.

CARRIED

11 INFORMATION REPORTS**11.1 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 fourth 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 fourth quarter (1/04/2023 – 30/06/2023) of the 2022-2023 financial year. In mid-October 2022 Loddon Shire experienced major flooding which significantly impacted Council's road network. Work has commenced in a separate program to restore flood damage.

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. After completing a comprehensive network assessment we are now in a position to reinstate the Road Management Plan (RMP) service standards from 1 July 2023

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 4 (01/04/2023 – 30/06/2023)						
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	127	127	0	0	100.0%	433
Loddon Goldfields	144	127	15	2	88.2%	323
Total	271	254	15	2	93.7%	756

During the fourth quarter of 2022 - 2023 financial year, 93.7% of the programmed inspections were completed according to the schedule. This is 6.3% below the target of 100% set in the RMP, this is due to staff being actively involved in flood impact assessments of the road network. As the RMP was suspended during this period the compliance target is not relevant.

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 4 (01/04/2023 – 30/06/2023)								
Work Group	Number of Defects				Compliant with RMP			
	Ad hoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	1	39	222	262	249	9	4	95.0%
Loddon Plains	7	7	283	297	296	1	0	99.7%
Shire Wide	0	5	295	300	297	3	0	99.0%
Townscape Services	51	4	100	155	146	8	0	94.2%
Total	59	55	900	1014	988	21	4	97.4%

During the fourth quarter of 2022 - 2023 financial year, 97.4% of all date imposed defects were completed before their due date. This is 2.6% below the target of 100% set in the RMP, as the RMP was suspended for this reporting period the compliance target is not relevant. The number of defects reported in Table 2 are slightly higher (65) than during this timeframe last year. These figures exclude the flood damaged parts of the network, these are reported as part of the Flood Restoration Program. There are 4 outstanding work actions to be completed. A plan is in place to complete the outstanding work actions in the next four weeks.

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 4 (01/04/2023 – 30/06/2023)											
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	91	2	15	0	108	107	1	0	99.1%	203	462
Loddon Plains	69	2	17	0	88	88	0	0	100.0%	269	535
Shire Wide	1	0	0	0	1	1	0	0	100.0%	N/A	N/A
Total	161	4	32	0	197	196	1	0	99.5%	472	997

The data in Table 3 indicates that 197 grading work actions were completed for the fourth 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 fourth quarter of 2022 - 2023 financial year of the Local Road Maintenance Program is \$6,929,162. The expenditure for the fourth quarter was \$1,628,532

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 2023/92

Moved: Cr Neil Beattie

Seconded: Cr Gavan Holt

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

CARRIED

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

PREVIOUS COUNCIL DISCUSSION

This is the fourth and final 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 4 (1 April 2023 – 30 June 2023)			
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued
No. actions	2	1	19

(*) 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. Additional resourcing is allocated in the 2023/24 budget.

Table 2: Summary of unsightly properties activities

Quarter 4 (1 April 2023 – 30 June 2023)																
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	2	7	2	19	3	4	4	4	1	1	0	0	54
No. resolved during quarter	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
New action commenced	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3*	3*
No. currently pursuing	2	0	5	2	6	2	19	3	4	4	4	1	1	0	3	56
Progress Activities																
Site meeting / discussion held	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	3
Letter to comply issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Occupier has commenced clean-up work	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	3
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

(*) 3 new properties in the Arnold area were added in response to complaints received.

Animal management

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

Table 3: Summary of animal management activities

Quarter 4 (1 April 2023 – 30 June 2023)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
No. of actions	7	1	3	10	14	26

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

Table 4: Impoundment activities

Quarter 4 (1 April 2023 – 30 June 2023)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	20	19*	0	0
Dogs	5	1	2	2^
Cats	24	2	22	0
Feral Animals	-	-	-	46
Total	49	22	24	48

(*) one sheep remained in the pound as at 30 June 2023

(^) two dogs responsible for a dog attack, not suitable to be rehoused

Planning Compliance and Enforcement

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

Table 5: Planning compliance and enforcement activities

Quarter 4 (1 April 2023 – 30 June 2023)						
Type	No. identified from previous report period	New action	PIN's	Warning Letter	No. resolved during quarter	No. currently pursuing
Land use in contravention of planning scheme without a permit	7	2	2	2	1	8
Native vegetation removal without a permit	5	1	0	1	2	4
Breach of planning permit	0	0	0	0	0	0
Dog breeding / animal keeping	4	0	0	0	2	2
Land used as a store without planning permit	3	2	0	2	1	4
Occupation of a site without a planning permit	4	0	0	1	2	2
Total	23	5	2	6	8	20

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 fourth quarter of 2022-2023 financial year for the local laws and compliance activities contained within this report is \$60,089. 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 2023/93

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

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

CARRIED

11.3 STATUTORY PLANNING QUARTERLY REPORT

File Number:**Author:** Louise Johnston, Statutory Planning Coordinator**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:**

1. Applications processed in the quarter
2. Application completed in the quarter

RECOMMENDATION

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for April to June 2023.

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 fourth 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/DISCUSSION

Planning 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 fourth quarter of the 2022-2023 financial year and compares these to the Victorian rural average.

Table 1: Average timeframes for decisions

Quarter 4 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
April	35	26	100%	65.7%
May	23	15	100%	72%
June	40.8	32	100%	71.6%
Total for the Quarter	34.29	28	100%	70%

During the fourth 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 30% above the rural average. In addition, the average processing days for Council to make a determination on applications is 34 days, well below the rural average of 114 days, a great result for the applicants, Council and its planning team.

COST/BENEFITS

The expenditure for the fourth quarter of 2022-2023 financial year of the statutory planning activities contained within this report is \$91,627. The fees collected for the quarter total \$35,029.00.

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 2023/94

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for April to June 2023.

CARRIED

11.4 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 final report for the 2021-22 financial year, summarising public health activities within the Development and Compliance Department for the months from January 2023 to June 2023.

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/DISCUSSIONMosquito Surveillance Program

Loddon Shire has been included in the state-wide mosquito surveillance and treatment program that is operated by the Department of Health. The program runs from the start of November to the end of April every year. This was Council's first year in the full program and it consumed considerable time.

During the reporting period, 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

Detections of Murray valley Encephalitis, Barmah Forest and West Nile/Kunjin virus occurred in traps located in Boort.

Whilst Ross River was detected in traps in Serpentine and Wedderburn.

The trap in Pyramid Hill returned positive for Murray valley Encephalitis on a single occasion.

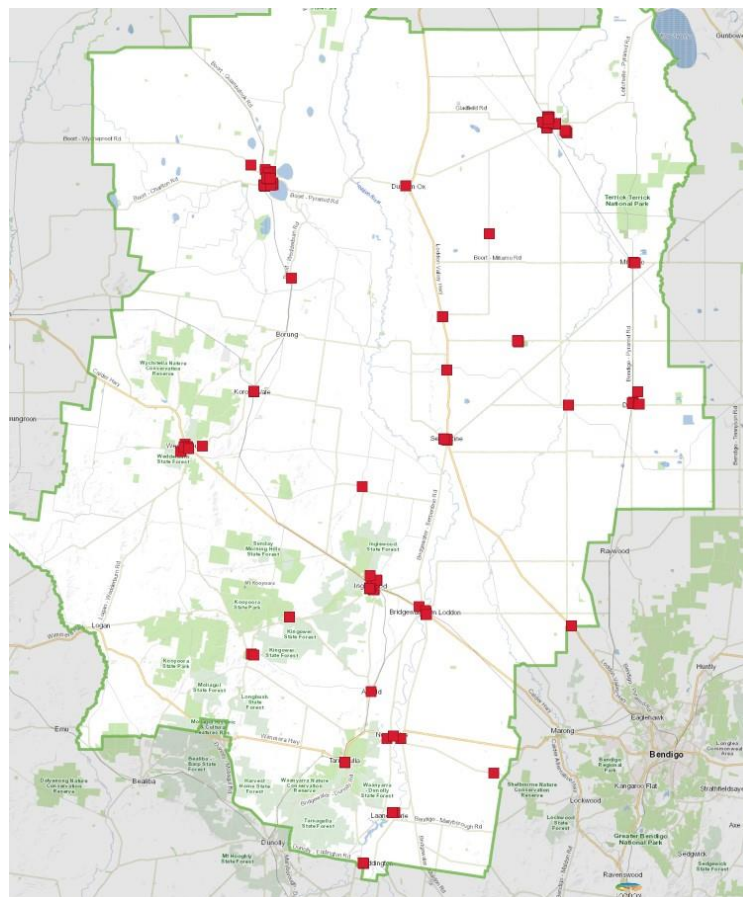
Along with the weekly trapping program, Council undertook treatment of public locations in townships on behalf of the State Government. The treatment methods being undertaken include barrier treatments, adulticiding and larviciding.

With the positive traps much of the work towards the end of the season focused on Boort and Pyramid Hill.

Throughout the whole season 255 treatments of public areas were undertaken, across the entire shire. Multiple visits were required to treated locations, generally visits were undertaken every 6 weeks in line with the retreatment requirements of the products being used.

While this activity has been funded by the State Government, Council co-contributed to this program to ensure successful delivery and protection of public health. This activity and workload is managed with minimal additional resources and has an impact on delivery of all public health activities.

Image 1: Mosquito Treatment Locations 2022-2023 season



As part of the program Council has received spraying equipment from the Department of Health. This equipment places Council in a strong position during future seasons to be able to treat large areas on a regular bases or prior to one off public events. Council must continue to seek adequate resourcing from the State Government to deliver this program.

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 January 2023 to 30 June 2023		
Governing Legislation	Inspection Outcome	Number of inspections
Food Premises	Compliant*	57
	Major Non Compliance	6
Health Premises	Compliant*	12
	Major Non Compliance	0
Swimming Pools	Satisfactory	12
	Unsatisfactory	0
Residential Tenancies	Compliant*	6
Total number of inspections for reporting period		93

* 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.

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 kindergartens, schools, playgrounds and sporting reserves. Table 2 summaries the Tobacco Act activities undertaken during the reporting period.

Table 2: Tobacco Act inspections

1 January 2023 to 30 June 2023	
Inspection Type	Number
Tobacco Retailer (including vending machine)	9
Tobacco – Indoor Dining and drinking area	4
Tobacco – Outdoor Dining and drinking area	4
Outdoors & Other locations	10
Total number of inspections	27

Septic Systems

Table 4 summarises septic system permit applications processed during the reporting period.

Table 4: Septic system permits

1 January 2023 to 30 June 2023	
Permit Type	Number
Installation or alteration	5
Certificate to use	15
Total number of Permits	20

Table 5 summarises the activities associated with management of septic tank applications and installed systems.

Table 5: Septic system activity

1 January 2023 to 30 June 2023	
Activity / Inspection Type	Number
Application Inspection	7
Installation Inspection	13
Final Inspection	17
Total number of inspections	37

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 6 summarises the complaints during the reporting period.

Table 6: Public health complaints

1 January 2023 to 30 June 2023				
Nature of complaint	Number carried over from previous reporting period	Number received	Number resolved	Number currently pursuing resolution
Food Premises	0	4	2	2
Wastewater	0	3	0	3
Other	0	0	0	0
Total		7	2	5

COST/BENEFITS

The actual expenditure for the third and fourth quarter of the 2022-2023 financial year of the public health unit activities contained within this report is \$154,443.

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 2023/95

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

CARRIED

11.5 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 third and fourth 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 third and fourth quarters 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 80 pools and spas and received 117 Complying Barrier Certificates in total.
- 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 four 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 1 2022-23 (01/07/2022 – 30/09/2022)	Quarter 2 2022-23 (01/10/2022 – 31/12/2022)	Quarter 3 2022-23 (01/01/2023 – 31/03/2023)	Quarter 4 2022-23 (01/04/2023 – 30/06/2023)
No. of new Permits	43	36	34	40
Value of Works	\$9,434,360	\$12,575,231	\$8,027,758	\$15,006,840

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 1 2022-23 (01/07/2022 – 30/09/2022)	Quarter 2 2022-23 (01/10/2022 – 31/12/2022)	Quarter 3 2022-23 (01/01/2023 – 31/03/2023)	Quarter 4 2022-23 (01/04/2023 – 30/06/2023)
Certificates of final inspection	35	41	32	17
Occupancy Permits	8	20	11	8

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	1	2	0	0	0	0	0	0

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
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	2	12	6	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 processing 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 third and fourth quarters of the 2022-2023 financial year for building services activities was \$46,125. 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 2023/96

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

CARRIED

11.6 PYRAMID HILL KINDERGARTEN ASSESSMENT AND RATING OUTCOME**File Number:** FOL/23/2804**Author:** Wendy Gladman, Director Community Wellbeing**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Pyramid Hill Assessment and Rating**RECOMMENDATION**

That Council receive and note the report detailing the outcomes of the National Quality Framework assessment conducted at the Loddon Cluster Kindergarten at Pyramid Hill.

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 in relation to this report.

BACKGROUND

The National Quality Framework aims to raise quality and drive continuous improvement in education and care services. All services approved under the Education and Care Services National Law are assessed and rated by their state or territory regulatory authority.

The National Quality Standard (NQS) is a key aspect of the National Quality Framework and sets a national benchmark for early childhood education. The NQS includes seven quality areas that provide important outcomes for children. Services are assessed and rated by the regulatory authority against the NQS, and given a rating for each of the seven quality areas and an overall rating based on those results.

The available ratings are:

- Exceeding National Quality Standard
- Meeting National Quality Standard
- Working towards National Quality Standard
- Significant Improvement Required

ISSUES/DISCUSSION

Correspondence received from the Department of Education Quality Assessment and Regulation Division has advised that following a recent assessment and rating visit, the Pyramid Hill Kindergarten received the following rating outcome:

Quality Area 1	Educational program and practice <i>Educational program and practice of educators are child-centred, stimulating and maximise opportunities for enhancing and extending each child's learning and development.</i>	Meeting NQS
Quality Area 2	Children's health and safety <i>Children have the right to experience quality education and care in an environment that safeguards and promotes their health, safety and wellbeing.</i>	Meeting NQS

Quality Area 3	Physical environment <i>Physical environment is safe, suitable and provides a rich and diverse range of experiences that promote children's learning and development.</i>	Meeting NQS
Quality Area 4	Staffing arrangements <i>Qualified and experienced educators, who develop warm, respectful relationships with children, create predictable environments and encourage children's active engagement in the learning program.</i>	Meeting NQS
Quality Area 5	Relationships with children <i>Relationships with children are responsive, respectful and promote children's sense of security and belonging.</i>	Meeting NQS
Quality Area 6	Collaborative partnerships with families and communities <i>Collaborative relationships with families are fundamental to achieving quality outcomes for children, and community partnerships based on active communication, consultation and collaboration are essential.</i>	Meeting NQS
Quality Area 7	Governance and leadership <i>Effective leadership and governance of the service contributes to quality environments for children's learning and development. Effective leaders establish shared values for the service and set clear direction for the service's continuous improvement.</i>	Meeting NQS
This service is rated overall at:		Meeting NQS

The NQS aims to raise quality and drive continuous improvement and consistency in services. The assessment provides service improvement suggestions that will assist Council's Early Years team to reflect on the assessment and rating experience and to continue to improve the quality of the service provided.

COST/BENEFITS

This assessment indicates that children attending the Loddon Cluster Kindergarten at Pyramid Hill receive a quality program which enhances their learning in the two years prior to primary school.

Research shows quality education and care early in life leads to better health, education and employment outcomes later in life. The early years are critical for establishing self-esteem, resilience, healthy growth and capacity to learn. Quality education and care shapes every child's future and lays the foundation for development and learning.

The work undertaken to satisfy the needs of the assessment and rating visit were undertaken within the existing budget.

RISK ANALYSIS

There are no risks associated with this report.

CONSULTATION AND ENGAGEMENT

The Notice of Rating is displayed in each centre and is published on the Australian Children's Education and Care Quality Authority (ACECQA) national registers and ACECQA's family focused website, Starting Blocks.

RESOLUTION 2023/97

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council receive and note the report detailing the outcomes of the National Quality Framework assessment conducted at the Loddon Cluster Kindergarten at Pyramid Hill.

CARRIED

12 COMPLIANCE REPORTS

12.1 AUDIT AND RISK COMMITTEE UPDATE

File Number:

Author: Lisa Clue, Manager Governance

Authoriser: Amanda Wilson, Director Corporate

Attachments: Nil

RECOMMENDATION

That Council receives and notes the 7 August 2023 Audit and Risk Committee meeting summary.

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 most recently received an update on a Loddon Shire Council Audit and Risk Committee meeting at its May 2023 meeting.

BACKGROUND

This report is provided in accordance with the Local Government Act 2020 (the Act) and the Audit and Risk Committee Charter 2023 – 2025.

Section 9 of the Charter states:

‘A summary of each ARC meeting will be reported at the next meeting of the Council.’

ISSUES/DISCUSSION

Below is a summary of the Audit and Risk Committee (ARC) meeting held on Monday, 7 August 2023 in the Loddon Shire Council Chambers.

Member attendees:

Rod Baker – Independent Member – Chair
Rod Poxon – Independent Member
Rachelle Tippett – Independent Member
Marg Allan – Independent Member
Cr Gavan Holt – Councillor Representative

Officer attendees:

Lincoln Fitzgerald – Chief Executive Officer
Amanda Wilson – Director Corporate
Lisa Clue – Manager Governance
Tracy Hunt – Governance Coordinator
Michelle Hargreaves – Administration Officer Governance
Deanne Caserta – Manager Financial Services

Other attendees:

Brad Ead – AFS & Associates
Kathie Teasdale and Shivam Goel – RSD Audit

Apologies:

Nil

The following matters were considered by the ARC at the meeting:

Report	Discussion points
Review status of actions generated during ARC meetings	The ARC discussed the status of actions arising from both decision and compliance reports as well as those requested by members during the course of the 1 May 2023 meeting, including those that have been acted upon and those that are progressing.
Review and endorse Council's overall risk profile	The ARC was informed of Council's current risk profile, including identified strategic risks and related controls and treatment plans, and progress of risk and risk register reviews across the organisation. Members discussed and provided feedback on the five strategic risks, and while supporting the key themes, requested the risks be further reviewed and clarified; and presented to the next ARC meeting.
Scope for Strategic Internal Audit Plan development	The ARC received an update on internal audits completed during the life of the previous Strategic Internal Audit Plan and endorsed the approach proposed by AFS & Associates to establish a three year risk-based Strategic Internal Audit Program spanning 2023-2025.
Discuss any audit issues encountered during the course of the Final Audit	The ARC considered issues encountered during the most recent financial audit.
Financial and performance statements for endorsing for the year ended 30 June 2023	The ARC was updated on minor adjustments made to the statements presented with the agenda, in accordance with the requests made by the external auditors. The Committee then resolved to endorse the Financial Statements and Performance Statements for the year ended 30 June 2023 and recommended their adoption to Council.
Review outcomes of the external audit with management and auditors	Representatives from external auditors, RSD Audit provided a verbal update on the outcomes of the external audit for the information of the ARC.
Review reimbursement of Councillors expenses	The ARC received, and subsequently noted a report on Councillor expenses, including allowances and reimbursements; and comparative quarterly data.
Ensure that management responses to audit findings are appropriate and timely	The ARC received, and subsequently noted a report: <ol style="list-style-type: none"> 1. advising the current action relating to Information Technology is considered complete by management and is expected to be finalised by the external auditors at the 2023/24 interim audit; and 2. detailing two additional audit findings listed within the Final Management Report from the 2022/2023 external audit relating to Grands Assessment Training and DRP Testing.
Industry update: Regulatory and integrity agency findings relevant to Local Government	The ARC received and noted an update from AFS & Associates on examinations and investigations undertaken by regulatory and integrity agencies, and their findings, relevant to the local government sector.
Review of key policies	The ARC received and noted an update on the review status of key strategic documents and policies that provide a sound internal control environment.

Report	Discussion points
Briefings on any significant compliance matters	The ARC was briefed on one compliance matter relating to a National Quality Standard – Assessment and Rating Report – Pyramid Hill Preschool, when having met all 40 standards, the Preschool received an overall rating of ‘Meeting National Quality Standard’.
Review progress by management on open audit recommendations	The ARC received a report on the status of open internal audit recommended actions noting new software will support the closure of several open actions, while others are being progressed through the implementation of the recently approved IT Strategy.
VAGO report on Fraud Control over Local Government Grants Action Plan Progress	The ARC received a report on the progress of, and acknowledged the priority given by officers working on completing the ten audit recommendations within the VAGO report.
Report on emerging risks and fraud related incidents	The ARC received and noted a report from Council’s CEO on emerging risks and fraud related incidents including those relating to information technology, unethical behaviour, financial risk and reputation risk. The Committee acknowledged the financial impact of the October 2022 flood event and correlations between the impacts of the flood on Council’s road network and the latest Community Satisfaction Survey results.
Update on matters referred by Councillor Representative	The ARC received and noted a verbal update from the Committee’s Councillor representative, Cr Holt.
General Business	<p>The ARC acknowledged the work of the Manager Financial Services and members of the finance team in the lead up to the financial and performance statements.</p> <p>The ARC received an overview of the selection process leading to the appointment of the new Independent Member and the tender evaluation process for the provision of internal audit services.</p>

COST/BENEFITS

This report provides Council with oversight of the work of the ARC, providing a level of surety that services are undertaken efficiently and effectively.

There are no costs associated with development of this report, however there are costs associated with undertaking regular internal and external auditing of Council activities, provided for in Council’s approved budget.

RISK ANALYSIS

The ARC has risk management oversight for the Council and monitors, reviews, endorses and advises Council on the matters as set out in the Charter.

CONSULTATION AND ENGAGEMENT

Officers involved in the conduct of the ARC meeting were consulted in the preparation of this report.

RESOLUTION 2023/98

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council receives and notes the 7 August 2023 Audit and Risk Committee meeting summary.

CARRIED

13 URGENT BUSINESS

Nil

14 CONFIDENTIAL ITEMS

Nil

NEXT MEETING

The next Meeting of Council will be held on 26 September 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 4.07 PM.

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

.....
CHAIRPERSON