



**Date:** Tuesday, 28 May 2024  
**Time:** 3.00pm  
**Location:** Loddon Shire Council Chambers, Wedderburn

# **MINUTES**

## **Council Meeting**

**MINUTES OF LODDON SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN  
ON TUESDAY, 28 MAY 2024 AT 3.00PM**

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

**IN ATTENDANCE:** Lincoln Fitzgerald (Chief Executive Officer), Wendy Gladman (Director Community Wellbeing), Glenn Harvey (Acting Director Operations), Michelle Stedman (Director Corporate) and Lisa Clue (Manager Governance)

**1 OPENING AFFIRMATION**

The Mayor read the Opening Affirmation

**2 ACKNOWLEDGEMENT OF COUNTRY**

The Chief Executive Officer read the Acknowledgement of Country

**3 APOLOGIES**

Nil

**4 DECLARATIONS OF CONFLICT OF INTEREST**

Nil

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

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

1. Council Briefing of 23 April 2024
2. Council Meeting of 23 April 2024
3. Council Forum of 14 May 2024.

**REPORT**

This report seeks Council confirmation of Minutes from the April 2024 Council Briefing and Council Meeting, and the May 2024 Council Forum as previously circulated to Councillors.

**RESOLUTION 2024/53****Moved:** Cr Dan Straub**Seconded:** Cr Linda Jungwirth

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

1. Council Briefing of 23 April 2024
2. Council Meeting of 23 April 2024
3. Council Forum of 14 May 2024.

**CARRIED**

## 6 COUNCIL AUSPICED MEETINGS

### 6.1 RECORD OF COUNCIL AUSPICED MEETINGS

**File Number:** 02/01/001

**Author:** Lisa Clue, Manager Governance

**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer

**Attachments:** Nil

### RECOMMENDATION

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

1. Council Briefing 23 April 2024
2. Council Forum 14 May 2024.

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

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

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

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

This report seeks confirmation of the following Council auspiced meetings as detailed within this report:

1. Council Briefing 23 April 2024
2. Council Forum 14 May 2024.

Meeting details	Briefing
Date	23 April 2024
Councillor Attendees	Cr Holt (Mayor) Cr Beattie Cr Jungwirth Cr Murphy Cr Straub
Staff/ Stakeholder representatives	1. Lincoln Fitzgerald, Chief Executive Officer 2. Brett Flavell, Acting Director Community Wellbeing 3. Steven Phillips, Director Operations 4. Michelle Stedman, Director Corporate 5. Lisa Clue, Governance Manager 6. Christine Coombes, Executive Services Officer – Item 1 and 2 below
Item(s) discussed.	1. Objections to be heard, 2 – 6 Kerr Street Wedderburn 2. Objection to be heard, 12 – 14 Allen Street, Korong Vale 3. Federal Inquiry into Local Government Sustainability 4. General Business <ul style="list-style-type: none"> <li>• Audit and Risk Committee Recruitment</li> <li>• 2024/25 Draft Budget</li> <li>• Inglewood Community Sports Centre Master Plan</li> </ul>
Conflict of Interest Disclosures – Councillor/ officer making disclosure	Nil
Councillor/officer left room	n/a

Meeting details	Forum
Date	14 May 2024
Councillor Attendees	Cr Holt (Mayor) Cr Beattie Cr Jungwirth Cr Straub
Staff/ Stakeholder representatives	<p>7. Lincoln Fitzgerald, Chief Executive Officer</p> <p>8. Wendy Gladman, Director Community Wellbeing</p> <p>9. Glenn Harvey, Acting Director Operations</p> <p>10. Michelle Stedman, Director Corporate</p> <p>11. Lisa Clue, Manager Governance</p> <p>David Stretch, Manager Tourism and Economic Development – Items 1, 2 and 9 below</p> <p>Christine Coombes, Executive Services Officer – Item 1 below</p> <p>Carolyn Stephenson, Senior Strategic Planner and Louise Johnston, Statutory Planning Officer – Item 2 below</p> <p>Inece Bray and Ian Gumley (LG Valuation Services) and Justin Ryan (Valuer General Victoria – Item 3 below</p> <p>Deanne Caserta, Manager Financial Services and Julie Ritchie, Revenue Coordinator – Items 3 and 4 below</p> <p>Ben Bainbridge, Kate Maddock and Sae Patil (Otium Planning Group) – Item 5 below</p> <p>Orrin Hogan, Manager Community Partnerships – Items 5 – 8 below</p> <p>Claire Harrison, Recreation Officer – Item 5 below</p> <p>Laura Naughton, Recreation Officer – Items 5 and 8 below</p> <p>Danai Fadgyas and Christian Demetriou, CoFutures – Item 6 below</p> <p>Nicole Taylor, Aged Care and Inclusive Communities Coordinator – Items 6 and 7 below</p>
Item(s) discussed.	<ol style="list-style-type: none"> <li>1. Economic Development Strategy – Project Update</li> <li>2. Loddon Planning Scheme Review, 2023</li> <li>3. 2024/25 Property Valuations</li> <li>4. Section 181 Sales Update – Sale of properties for unpaid rates and charges</li> <li>5. Recreation, Open Space and Aquatic Strategy – Engagement Findings Report</li> <li>6. Inclusive Communities Plan Update</li> <li>7. Fair Access Policy</li> <li>8. Aquatic Facilities Management Contract Extension</li> <li>9. Tourism and Economic Development – Quarterly Activity Report</li> <li>10. General Business <ul style="list-style-type: none"> <li>• 30 years of Loddon</li> <li>• Federal Budget 2024-25</li> <li>• Inquiry into local government funding and services</li> <li>• Local Government Amendment (Governance and Integrity) Bill 2024</li> <li>• General updates</li> </ul> </li> </ol>

Conflict of Interest Disclosures – Councillor/officer making disclosure	Nil
Councillor/officer left room	n/a

**RESOLUTION 2024/54**

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

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

1. Council Briefing 23 April 2024
2. Council Forum 14 May 2024.

**CARRIED**

**7 REVIEW OF ACTIONS****7.1 REVIEW OF ACTIONS****File Number: 02/01/002****Author: Christine Coombes, Executive Services Officer****Authoriser: Lincoln Fitzgerald, Chief Executive Officer****Attachments: 1. Resolutions acted upon since the April 2024 Council Meeting****RECOMMENDATION**

That Council receive and note resolutions acted upon since the April 2024 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 April Council meeting resolutions is attached to this Agenda report.

There were no outstanding actions from Council meeting resolutions prior to April 2024.

Of the ten actions generated from April 2024 Council meeting resolutions, nine have been completed and one is progressing.

**RESOLUTION 2024/55****Moved: Cr Wendy Murphy****Seconded: Cr Neil Beattie**

That Council receive and note resolutions acted upon since the April 2024 Council meeting as attached to this report.

**CARRIED**



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

That Council receive and note the Mayoral Report.

**REPORT**

Mayor Holt presented a verbal report at the meeting.

<b>Municipal Association of Victoria</b>	
17/05/2024 - State Council Meeting – Melbourne	
<b>Audit and Risk Committee</b>	
06/05/2024 – Meeting - Wedderburn	
<b>Section 65 Community Asset Committees:</b>	
27/05/2024 - Donaldson Park – Meeting	
<b>Other Council activities</b>	
<b>Date</b>	<b>Activity</b>
24/04/2024	Wedderburn Development Association meeting
25/04/2024	ANZAC Day: <ul style="list-style-type: none"> <li>• Wedderburn Dawn Service</li> <li>• Korong Vale Service</li> <li>• Wedderburn Main Service</li> </ul>
01/05/2024	Loddon Shire Council auspiced Tourism Networking Dinner - Bridgewater
13/05/2024	Upper Loddon District Cricket Association – General Meeting
14/05/2024	May Council Forum - Wedderburn
16/05/2024	Loddon Shire Council All Staff Meeting – Serpentine
18/05/2024	Wedderburn Historical Engine and Machinery Society – Swap Meeting
24/05/2024	Wedderburn Community Centre - Biggest Morning Tea - Soldiers Memorial Park
28/05/2024	250 <sup>th</sup> Council Meeting

**RESOLUTION 2024/56**

Moved: Cr Linda Jungwirth

Seconded: Cr Dan Straub

That Council receive and note the Mayoral Report.

**CARRIED**

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

That Council receive and note the Councillors' reports.

**REPORT**

Each Councillor presented a verbal report at the meeting.

**Cr Jungwirth**

<b>Central Victorian Greenhouse Alliance</b>	
02/05/2024 – Advocacy Committee Meeting - Online 09/05/2024 – Board Meeting - Online	
<b>Other Council activities</b>	
<b>Date</b>	<b>Activity</b>
23/04/2023	April Council Briefing and Council Meeting - Wedderburn
25/04/2024	ANZAC Day: <ul style="list-style-type: none"> <li>• Tarnagulla Service</li> <li>• Rheola Service</li> <li>• Newbridge Service</li> </ul>
28/04/2024	Chrysanthemum Show - Laanecoorie
01/05/2024	Loddon Shire Council auspiced Tourism Networking Evening – Bridgewater
14/05/2024	May Council Forum – Wedderburn
16/05/2024	Loddon Shire Council All Staff meeting – Serpentine
	Walk this Way Loop – Inglewood
21/05/2024	CWA Op Shop Fashion Parade – Newbridge
24/05/2024	Goldfields Library Corporation Board Meeting - Online

**Cr Straub**

<b>Council activities</b>	
<b>Date</b>	<b>Activity</b>
25/04/2024	ANZAC Day – Mologa Service
08/05/2024	Dingee Progress Association Meeting
14/05/2024	May Council Forum - Wedderburn
22/05/2024	Launch of Djandak Wi Strategy - Tang Tang Swamp
	Meeting with NCCMA re Local Rural Drainage Strategy
28/05/2024	May Council Briefing and Council Meeting

**Cr Beattie**

<b>Council activities</b>	
<b>Date</b>	<b>Activity</b>
23/04/2024	April Council Briefing and Council Meeting
25/04/2024	ANZAC Day – Boort Service
06/05/2024	Boort Tourism Development Meeting
14/05/2024	May Council Forum
28/05/2024	May Council Briefing and Council Meeting
04/05/2024	Boort v Wedderburn Football Match

**Cr Murphy****Section 65 Community Asset Committees:**

27/05/2024 - Inglewood Community Sports Centre – Masterplan update

24/05/2024 - Inglewood Community Elderly Persons Units - Meeting

**Other Council activities**

<b>Date</b>	<b>Activity</b>
25/04/2024	ANZAC Day: <ul style="list-style-type: none"> <li>• Bridgewater Dawn Service</li> <li>• Inglewood Service</li> </ul>
01/05/2024	Loddon Shire Council auspiced Tourism Networking Event - Bridgewater
02/05/2024	Inglewood Development & Tourism Committee Meeting – Inglewood Town Hall Hub
09/05/2024	Meeting with Council’s Manager Tourism and Economic Development re Inglewood Ward topics
16/05/2024	Walk This Way Launch – Inglewood
21/05/2024	‘Welcome to Inglewood’ documentary launch
22/05/2024	Launch of Djandak Wi Strategy at Gutjin Bulok (Tang Tang Swamp)
28/05/2024	May Councillor Only time, Briefing and Council Meeting

**RESOLUTION 2024/57**

Moved: Cr Dan Straub

Seconded: Cr Neil Beattie

That Council receive and note the Councillors’ reports.

**CARRIED**

## 10 DECISION REPORTS

### 10.1 FINANCE REPORT FOR THE QUARTER ENDING 31 MARCH 2024

**File Number:** FOL/22/4399

**Author:** Deanne Caserta, Manager Financial Services

**Authoriser:** Michelle Stedman, Director Corporate

**Attachments:** 1. Finance Report for the quarter ending 31 March 2024

### RECOMMENDATION

That Council

1. receives and notes 'Finance Report for the quarter ending 31 March 2024
2. approves budget revisions included in the report for internal reporting purposes only
3. approves the supplementary valuations of rateable and non-rateable properties in respect of the 2023/24 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2023/24.

### 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 report was presented and adopted in April 2021 that recommended that Council be provided with finance reports on a quarterly basis. The only exception is when changes to the Council Meeting timetable result in the Council Meeting occurring before the completion of the end of month finance procedures.

The last quarterly report presented was for the December 2023 quarter at the February 2024 Council Meeting. The 2022/23 full financial result was presented to Council at the August 2023 Council Meeting.

### BACKGROUND

The Finance Report for the quarter ended 31 March 2024 includes standard quarterly information about budget variations, cash, investments, interest, debtors and creditors, and provides a comparison of year-to-date actual results to year-to-date budget (by dollars and percentage) and total revised budget (by percentage).

The information is in the format provided in the adopted 2023/24 Budget, and includes operating results, capital expenditure and funding sources. The report also includes a cash flow statement and the community planning program financials.

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

- splitting of parcels into new rateable assessments
- development of vacant or unproductive land (urban and rural)
- consolidation of separate rateable assessments into one assessment
- re-assessment of property valuations arising from objections to the initial valuation
- additions and cancellations of licences (grazing and water frontages)

- change of use
- covenant on Title
- area amendment
- change of Australian Valuation Property Classification Code (AVPCC)
- supplementary valuation corrections.

## ISSUES/DISCUSSION

### Budgeted Surplus

Council's budgeted cash surplus has increased by \$1.06M from December 2023 to **\$7.93M**. The main variations include the increase to the Local Roads Program for 2023/24 of \$1.5M.

### Income Statement (revenue)

Council's year to date (YTD) operating revenue received (\$25.59M) is at 46% of total revised budget, and 55% of the revised YTD budget. Revenue brought to account for the third quarter was **\$3.39M**. Fees and charges, non-recurrent operating grants and recurrent capital grants actuals are lagging behind YTD budget, whereas other income types such as reimbursements, recurrent operating grants and interest income are leading ahead of YTD budget.

### Income Statement (expenditure)

Council's YTD operating expenditure of \$28.27M is at 44% of total revised budget. Expenditure for this quarter totalled **\$6.99M**, including \$2.15M in payments to creditors and contractors. Creditors, contractors and utilities are tracking behind expected budget expenditure and no areas at the moment are tracking ahead. The most significant variances are contractors and creditors.

### Capital Works

The revised budget for capital works is \$29.9M and is 31% (\$9.34M) expended in financial terms for the current financial year, and 45% expended against the revised YTD budget. Works for the quarter totalled **\$1.71M**.

The main variations within capital expenditure relate to:

- 'Local Roads and Community Infrastructure Program' (LRCIP) projects (\$2.12M) which have not yet started; some contractors have been engaged and are expected to commence soon.
- Plant and fleet replacement program (\$750K) with many items on order but delivery has been delayed due to supply issues.
- Council funded infrastructure projects (\$834K) have started, however due to priority of flood restoration work and weather conditions during 23/24 summer period, this has put some projects behind.

### Balance Sheet

Council has a cash total of \$41.3M with \$5.1M in general accounts. Total debtors at the end of the March 2024 are \$1.74M (December 2023 were \$1.8M), this includes \$1.76M in rates. Sundry debtors total \$93K with invoices outstanding for 90 or more days relating to community wellbeing debtors and local community groups totalling approximately \$91K. Towards the end of the month Council received the next Roads to Recovery income payment of \$1.83M, at the time of reporting, the invoice was yet to be raised to offset this payment. This is why the full debtors balance is low at the end of March 2024.

## COST/BENEFITS

The benefit to Council and the community is that accurate and regular financial reporting is disclosed, along with an accurate representation of property valuations being reflected in Council's rating system and the distribution of rate notices for the year 2023/24.

Provision of financial reports on at least a quarterly basis is a requirement of the *Local Government Act 2020*.

### **RISK ANALYSIS**

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

During October 2022 Loddon Shire experienced significant flooding which has resulted in many operational staff being diverted to respond or support flood recovery. This reallocation of human resources limits delivery of programmed services and infrastructure. There is potential that this could continue over the coming years as infrastructure is rebuilt creating variance between budget and delivery.

### **CONSULTATION AND ENGAGEMENT**

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

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

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

### **RESOLUTION 2024/58**

Moved: Cr Neil Beattie

Seconded: Cr Dan Straub

That Council

1. receives and notes 'Finance Report for the quarter ending 31 March 2024
2. approves budget revisions included in the report for internal reporting purposes only
3. approves the supplementary valuations of rateable and non-rateable properties in respect of the 2023/24 financial year, as returned by the Shire Valuer, LG Valuations Pty Ltd, and endorses them being incorporated into the Register of Rateable and Non Rateable Properties and Rate Book for 2023/24.

**CARRIED**



## 10.2 PLANNING APPLICATION 5957: USE AND DEVELOPMENT OF THE LAND FOR TWO DWELLINGS AND AN ASSOCIATED OUTBUILDING IN THE RURAL LIVING ZONE

**File Number:** FOL/24/486

**Author:** Darcy Jackson, Statutory Planning Officer

**Authoriser:** Glenn Harvey, Acting Director Operations

- Attachments:**
1. **Decision Report 5957**
  2. **Proposed Plans**
  3. **Objection - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(f) of the *Local Government Act 2020*. It contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

contains personal contact information **(under separate cover)**

### 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 grant a Permit for the use and development of the land for two dwellings and an associated outbuilding subject to the following conditions:

#### 1. Layout not altered

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.

#### 2. Materials

All external materials must be non-reflective and finished in muted tones to the satisfaction of the Responsible Authority.

#### 3. Drainage

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.

#### 4. Services

Each dwelling must be connected to reticulated sewerage.

Each 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.

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

#### 5. Erosion

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 to the satisfaction of the Responsible Authority.

#### 6. North Central CMA Conditions

**6.1.** The finished floor level of any new dwelling must be constructed no lower than 191.2m AHD.

**6.2.** The area beneath the dwellings must remain unenclosed and must not be used for storage.

**6.3.** Any new development must be setback a minimum of 30 metres from the top bank of all designated waterways in accordance with Clause 14.02-1 of the State Planning Policy Framework of the Planning Scheme.

**6.4.** Water resistant building materials that minimise the physical effects of flooding on the sheds and their contents must be used for foundations, footings, floor and walls up to the Nominal Flood Protection Level of 191.2 metres AHD. In addition:

a. Electrical fittings must be fixed above the Nominal Flood Protection Level of 191.2 metres AHD.

b. All chemicals, oil, fuel, grease, waste or other potential pollutants must be stored above the Nominal Flood Protection Level of 191.2 metres AHD. Adequate storage areas and shelving should be provided for this purpose.

## **7. Expiry**

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years. The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

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

## **CONFLICT OF INTEREST**

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

## **PREVIOUS COUNCIL DISCUSSION**

There have been no previous Council discussion on this matter.

## **BACKGROUND**

The application was lodged on the 27 February 2024 proposing to use and develop the land for two dwellings and associated outbuilding at Lot 10K Calder Highway Wedderburn.

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

The application was also referred internally to the Councils Environmental Health Officer with an external referral to North Central Catchment Management Authority.

In response to objections and a North Central CMA request, the application was amended on 19 April 2024 with changes to the proposed plans.

The amended application was sent to the objector with no further comments received as well as the Environmental Health Officer and North Central CMA both provided conditional consent and advice.

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

## ISSUES/DISCUSSION

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

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

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

Pursuant to Section 52 of the *Planning and Environment Act 1987*, notices were sent to owners and occupiers of adjoining land. 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, the plans can be found at attachment 2. The objection is included in the decision report with the personal information removed. Attachment 3 is the same objection with the personal information intact.

The objection has been included twice, once without any personal information and a second time in confidential items including the personal information. This is to insure Council complies with its obligations for handling personal information under the *Privacy and Data Protections Act 2014*. A complete copy of the objection can be made available to the public via an appointment.

## 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 (attachment 1) for further detail on the application.

## RESOLUTION 2024/59

Moved: Cr Dan Straub

Seconded: Cr Linda Jungwirth

That the Responsible Authority having considered all matters which the Planning and Environment Act, 1987, requires it to consider, decides to issue a Notice of Decision to grant a Permit for the use and development of the land for two dwellings and an associated outbuilding subject to the following conditions:

### 1. Layout not altered

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.

## 2. Materials

All external materials must be non-reflective and finished in muted tones to the satisfaction of the Responsible Authority.

## 3. Drainage

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.

## 4. Services

Each dwelling must be connected to reticulated sewerage.

Each 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.

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

## 5. Erosion

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 to the satisfaction of the Responsible Authority.

## 6. North Central CMA Conditions

**6.1.** The finished floor level of any new dwelling must be constructed no lower than 191.2m AHD.

**6.2.** The area beneath the dwellings must remain unenclosed and must not be used for storage.

**6.3.** Any new development must be setback a minimum of 30 metres from the top bank of all designated waterways in accordance with Clause 14.02-1 of the State Planning Policy Framework of the Planning Scheme.

**6.4.** Water resistant building materials that minimise the physical effects of flooding on the sheds and their contents must be used for foundations, footings, floor and walls up to the Nominal Flood Protection Level of 191.2 metres AHD. In addition:

- a. Electrical fittings must be fixed above the Nominal Flood Protection Level of 191.2 metres AHD.
- b. All chemicals, oil, fuel, grease, waste or other potential pollutants must be stored above the Nominal Flood Protection Level of 191.2 metres AHD. Adequate storage areas and shelving should be provided for this purpose.

## 7. Expiry

This permit will expire if the permitted development is not started within two years of the date of this permit, or is not completed within four years of that date, or the permitted use is not started within two years of the completion of the development, or is discontinued for a period of two years. The responsible authority may extend these periods if a request is made in writing before the permit expires, or:

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

**CARRIED**

### 10.3 FAIR ACCESS POLICY

**File Number:****Author:** Orrin Hogan, Manager Community Partnerships**Authoriser:** Wendy Gladman, Director Community Wellbeing**Attachments:** 1. Draft Fair Access Policy

#### RECOMMENDATION

That Council endorses the draft Fair Access Policy for public display to receive community feedback.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

The Draft Fair Access Policy (the Policy) was presented to Council Forum on May 14, 2024.

#### BACKGROUND

The Victorian Government developed a reform agenda to address gender inequality in sport to occur over a period of time. An inquiry into Women and Girls in Sport and Recreation completed in 2015, included recommendations to ensure fair access and inclusion at all times for women and girls in sport.

The Fair Access Policy Roadmap (the Roadmap) developed by the State Government has been designed to establish a state wide commitment to improve the access to, and use of, community sports infrastructure for women and girls.

The Roadmap is being delivered through the Office for Women in Sport and Recreation in partnership with Sport and Recreation Victoria and Vic Health and aligns with Victoria's Gender Equality Act 2020.

From 1 July 2024, all Victorian Councils will need to have gender equitable access and use policies in place to be considered eligible to receive infrastructure funding.

This report provides the Policy to Council for endorsement to place on public display for community feedback.

#### ISSUES/DISCUSSIONS

The Policy establishes the expectation that gender equality is considered and prioritised in all current and future Council planning, policy, service delivery and practice as they relate to community sports infrastructure.

The policy is about implementing actions which address the barriers that women and girls experience in accessing and using community sports infrastructure. The policy will ensure access to all areas of active recreation either as a participant in sport or an official or spectator.

The Policy and the associated action plan are based on six (6) principles of inclusivity, full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

It is considered that these Principles provide clear direction, provides the flexibility to be locally relevant to the Loddon Shire, whilst achieving the aims of the Fair Access Policy Roadmap.

The Policy applies to all community sports infrastructure that is owned or directly managed by Council.

### **RESOURCING**

The Fair Access Policy has been prepared by Council's Aged Care and Inclusive Communities Coordinator.

Council, volunteers and key sports club stakeholders (for example State Sporting Associations and Regional Sporting Associations) have responsibilities associated with the implementation of the Policy and the action plan.

Council will work closely with sports clubs and facility committees of management when implementing the outcomes of the Policy and the action plan. It is considered that this work will be completed within existing budgets.

### **COST/BENEFITS**

From 1 July 2024, Council is required to have a gender equitable access and use policy (Fair Access Policy) in place to be considered eligible to receive infrastructure funding. Council is highly reliant on state government funding to undertake sport and recreation capital works.

Modifications that are identified as being required to improve women and girl's access to sporting infrastructure may require external funding to proceed.

While acknowledging the complexities around gender equality, by adopting this Policy Council are committing to identifying and, where practical, eliminating gender inequality, and improving access and inclusion in all forms of sport and active recreation within the Loddon Shire.

Council will work closely with sports clubs and facility committees of management when implementing the outcomes of the Policy. It is considered that this work will be completed within existing budgets.

### **RISK ANALYSIS**

Council is required to have this Policy in place to meet eligibility criteria for Victorian Government funding programs relating to community sports infrastructure and risks removing access to a significant funding stream should this Policy not be adopted.

### **CONSULTATION AND ENGAGEMENT**

The draft policy was developed by an internal cross department working group, provided to the Office for Women in Sport and Recreation for feedback, and presented to the Management Executive Group for review prior to presentation to Council.

Council officers will reach out specifically to sports clubs and facility committees of management during the Policy display period to gain their direct input into the policy document.

### **RESOLUTION 2024/60**

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council endorses the draft Fair Access Policy for public display to receive community feedback.

**CARRIED**

**10.4 LODDON PLANNING SCHEME REVIEW, 2023****File Number:** FOL/19/115205**Author:** Carolyn Stephenson, Statutory / Strategic Planner**Authoriser:** Glenn Harvey, Acting Director Operations**Attachments:** 1. Loddon Planning Scheme Review Report**RECOMMENDATION**

That Loddon Shire Council accept this planning scheme review report and forward it to the Minister for Planning as evidence Loddon Shire Council, as the planning authority for the Loddon Planning Scheme, has met its obligations in accordance with Section 12b of the Planning and Environment Act 1987.

**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.

**INTRODUCTION/SUMMARY**

A review of the Loddon Planning Scheme has been undertaken over the last year. This review is a requirement of the Planning and Environment Act (1987). The primary aim of the planning scheme review is to ensure that the scheme remains relevant and responsive to the needs and aspirations of Council, (and therefore the community), in relation to land use and development. It also seeks to ensure that the scheme is efficient and effective, and consistent with State government requirements.

The review has involved:

- Assessment of the local scheme content to ensure that it is contemporary in terms of data and trends, and current State and local policy
- Review of controls to determine if they are delivering the desired outcome
- Identification of new and emerging issues that require a planning response
- Consultation with scheme users including staff and referral agencies
- Assessment of permit applications and turnaround time.

The outcome of this review is the attached report that documents the assessment and findings. Once adopted by Council, the report is submitted to the Minister for Planning to provide information regarding the planning issues at Loddon Shire and the performance of their planning scheme. Provision of the report to the Minister also demonstrates Council's compliance with the Act.

The planning scheme review report provides recommendations to improve the planning scheme and the delivery of the planning function at Loddon Shire. Implementation of the recommendations of the planning scheme review is a subsequent and separate process from the review. The recommendations include proposed changes to the planning scheme and a number of new strategic research projects to better understand issues or the potential for changes to the scheme. Each of these recommendation will be prioritised and progressed individually as resources permit, and will involve the relevant Councillor and community involvement.

## ISSUES/DISCUSSIONS

### Background

The Loddon Planning Scheme identifies the following land use and development priorities for the Loddon Shire:

- Maximising urban growth and development in existing settlements and building viable small communities with strong links to regional centres.
- Enhancing the natural resource base and environmental values.
- Supporting the economy, especially agricultural production and employment opportunities.
- Providing community and recreational facilities to meet the needs of residents.
- Preserving and enhancing cultural heritage.
- Improving the presentation and amenity of the townships to attract and retain residents.

The scheme uses the Township Zone for the urban communities of the shire to provide for residential and commercial activity. The Farming Zone is applied in much of the rural areas of the shire to support agricultural land use. The Rural Conservation Zone is applied in areas where there are significant environmental values that need to be considered when determining land use. The Rural Living and Low Density Residential Zones accommodate demand for this lifestyle in and around the towns of Inglewood and Wedderburn, as well as in some other locations. The Industrial Zone has been used to support industry.

Overlay controls seek to protect heritage, manage flood, bushfire, salinity, erosion and water quality, and protect waterways, wetlands and native vegetation.

### Findings

This review has concluded that the Loddon Planning Scheme is largely responsive to local issues and generally consistent with the aspirations of Council and the community. The scheme supports the key directions of the Council Plan, being population and economic growth. There is the opportunity to update information and data and incorporate new strategic work, however no significant policy shifts are required.

The planning scheme has been able to support new housing development with appropriately zoned vacant land, and this is evidenced by the development that has occurred in recent years. Nearly fifty new dwellings have been constructed in urban areas, and approximately 60 additional residential lots have been created, over the past five years. There is significantly more potential for growth provided within the existing Township zone, and a review of the Rural Living Zone schedule could provide opportunity for some further development in suitable locations.

Planning controls in the rural areas of the shire have enabled substantial investment in agriculture over the past five years. This has included an intensive dairy operation, new and upgraded piggeries, new poultry farms, irrigation set ups, hay storage sheds, new farm dwellings and grain storage. A significant endorsement of the value of the rural planning controls in Loddon Shire is the ability to support intensive animal businesses, where this is a challenge in adjoining municipalities. This is due to strong policy and consistent application of it that has minimised housing and land fragmentation in farming areas. Rigorous management of subdivision and dwellings in the Farming Zone has also supported the ability of farms to continue to expand, and acquire additional land to improved productivity and viability to the benefit of the local and regional economy. A review of the schedule to the Farming Zone could improve efficiency through ensuring that permit triggers are relevant and beneficial. There is no foundation for a change to subdivision and dwelling triggers, however there may be an opportunity to reduce main road setbacks and permit requirements for extensions and outbuildings.

Efficiency of the scheme could also be improved through a review of the environmental overlay controls. Improved mapping and tighter drafting of the schedules could enable these controls to be more targeted and responsive, which could reduce permit requirements.



Flooding has been a significant challenge in recent years. The scheme currently includes flood controls, but the North Central Catchment Management Authority has produced updated flood information for some areas based on more recent events. Incorporation of this new mapping into the planning scheme is important to ensure that the mapping accurately identifies flood risk. There are currently examples of land included in the flood overlay that is not subject to flooding and other places that are subject to flooding that are not included in the flood overlay. The controls associated with the overlay are also outdated, and there is the opportunity to update them to ensure that they only trigger permits for development that could be affected by flooding, or impact flood water.

The review has identified that the key emerging issues and opportunities that the scheme will need to respond to over the next planning period are:

- Provision of housing, including affordable housing and housing for key workers
- Continued growth and facilitation of agriculture
- Responding to the needs of industry
- Support for tourism growth through protection of assets such as heritage (including Aboriginal cultural heritage) and natural resources
- Managing significant weather events including flooding
- Efficient use of infrastructure.

The recommendations of the review include changes to the scheme and further strategic work to enable management of these issues.

The review has further found that implementation of the Loddon Planning Scheme is consistent and efficient. The median number of days taken between receipt of an application and a decision on an application is currently 30 days in Loddon Shire. The average for other similar municipalities (small and medium regional) is 85 days.

## **RESOURCING**

The primary recommendation of the planning scheme review is an “update” amendment that introduces recent strategic work (for example the Settlement Strategy), updates information and data and addresses some issues with referrals that are not required. This amendment would be completed in house within existing budget.

The recommended strategic work is to be considered in conjunction with other projects that have already been identified. Some of these projects that have previously been identified have been further endorsed in the planning scheme review as being of value. A strategic planning action plan is currently being developed to enable a coordinated and considered response to the many opportunities for improvement to the planning scheme and system.

## **COST/BENEFITS**

Delivery and implementation of this planning scheme review will enhance the scheme’s ability to support Council’s population growth and economic development aspirations as expressed in the Council Plan, and improve the efficiency of the local planning function. Undertaking the review and subsequent work from the review uses strategic planning resources.

## **RISK ANALYSIS**

Failure to undertake a planning scheme review and implement the findings will risk the effectiveness, efficiency and relevance of the planning scheme.

## CONSULTATION AND ENGAGEMENT

Direct community consultation was not undertaken as a part of this project. Community views are fed into the review via involvement in other relevant projects. For example community ideas on growth and settlement have been incorporated via the Settlement Strategy, and community perception of the performance of the planning department has been considered in this review via the Community Satisfaction Survey. Direct community consultation is not a requirement of the review (however can be conducted if Council determines it to be necessary). Changes that are not policy neutral arising from the review would be subject to future public consultation and exhibition through the planning scheme amendment process.

## CONCLUSION

This review of the Loddon Planning Scheme has identified the following opportunities for improvement to the content of the scheme and the delivery of the planning function. The recommendations for changes to the scheme and further strategic work has been based on the need to ensure that the scheme is contemporary and supportive of Council's aspirations for population and economic growth.

Implementation of these recommendations will be undertaken as stand alone projects following conclusion of the scheme review process and submission of the report. These recommendations below and in the report provide an overview of the general intention of the suggested changes or projects, with the details to be developed as a part of the subsequent work. There will be councillor and community involvement in the delivery of these recommendations.

### Planning scheme amendment

Prepare a planning scheme amendment to:

- a) Amend the Municipal Planning Strategy (MPS) at Clause 02.01 - Context to include recent data and trends, to recognise the traditional owners of the land on which the Loddon Shire is located and to remove outdated information.
- b) Amend the MPS at Clause 02.02 - Vision to reflect the current Council Plan.
- c) Amend the MPS at Clause 02.03 - Strategic Directions to incorporate the Settlement Strategy and refine directions to ensure they are current and locally specific in relation to farming practices and commodities, flood risk, indigenous heritage, tourism, native vegetation values and wetlands.
- d) Amend the MPS at Clause 02.04 - Framework Plans to include a new framework plan that reflects current policy.
- e) Amend the Planning Policy Framework (PPF) to incorporate the Settlement Strategy (including town structure plans - Clause 11.01-L and recognition of the McIntyre rural living area - Clause 16.01-3); refine the Agriculture policy to remove repetition of State policy and to more clearly reflect Council's desire to protect agricultural land and activity (Clause 14.01); include a policy statement in relation to directing new development to existing roads where possible to minimise infrastructure liabilities (Clause 18.01); and identify and protect significant waste facilities such as tips, transfer stations and recovery and reuse facilities including Biogrow (Clause 19.03).
- f) Amend Clause 42.01s Schedule 2 – Environmental Significance Overlay (ESO) – Laanecoorie Catchment to limit provisions to development that include effluent disposal.
- g) Amend Clause 66.06 to remove notice requirement to DELWP and NCCMA for Clause 4.0 of Schedule 2 to Clause 42.01 (ESO).
- h) Include an updated Clause 74.02 Further strategic work that prioritises the strategic work program based on the findings of this review.

Further strategic work

These recommendations relate to strategic planning projects that should be considered to be undertaken to enhance the effectiveness, relevance and performance of the planning scheme.

- a) Finalise the Industrial Land Review following development of the Economic Development Strategy to ensure that the planning scheme can attract and accommodate industrial land use that is determined to benefit Loddon Shire in terms of employment and business growth.
- b) Prepare a planning scheme amendment to implement the flood studies prepared by the NCCMA and update related provisions to manage flood risk.
- c) Review the schedule to the Farming Zone to ensure permit triggers are of value and relevance including determine the need for permit triggers for timber production, dwelling extension and outbuildings.
- d) Review the minimum subdivision size and dwelling trigger in the Rural Living Zone to provide for consolidation of this land use where appropriate.
- e) Review the application and role of environmental overlays (VPO, SMO, EMO, ESO 1) to ensure that they reflect the value or issue to be responded to, the mapping is accurate and evidence based and related provisions are targeted and proportionate.
- f) Review and update the Heritage Overlay to incorporate heritage places that are currently not included (including those properties identified in the Loddon Heritage Study 2000) and include relevant information in the schedule to assist with assessment.
- g) Work with Djaara to identify opportunities to recognise and protect Aboriginal cultural heritage, including places, landscapes and the associated stories in the planning scheme.
- h) Monitor the need for developer contributions to assist with infrastructure provision.

Process improvement

- a) Develop application guidelines for subdivision in the Township Zone and promote development opportunities through the media.
- b) Provide for the planning staff present their reports to the Councillors at meetings to ensure that accurate planning information is conveyed to Councillors and the community.
- c) Engage in greater consultation with Djaara where there is a risk of impact on cultural heritage, including providing the opportunity to review due diligence reports informing cultural heritage processes under the Act (as currently happens in City of Greater Bendigo).

Advocacy

- a) Advocate for the State Government to take a more significant role in the implementation and enforcement of native vegetation protection controls.
- b) Advocate for State Government support for affordable new housing through investment in water and sewer infrastructure and the sale of unused land in key towns.

**RESOLUTION 2024/61**

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Loddon Shire Council accept this planning scheme review report and forward it to the Minister for Planning as evidence Loddon Shire Council, as the planning authority for the Loddon Planning Scheme, has met its obligations in accordance with Section 12b of the Planning and Environment Act 1987.

**CARRIED**

## 10.5 UPDATE ON THE PROGRESS OF THE ANNUAL INFRASTRUCTURE PROGRAM 2023-2024 AND FLOOD RESTORATION PROGRAM

**File Number:** FOL/19/432644  
**Author:** David Southcombe, Manager Assets and Infrastructure  
**Authoriser:** Glenn Harvey, Acting Director Operations  
**Attachments:**

1. Annual Infrastructure Program 2023-24
2. October 2022 Flood Program 2022-2025
3. Emu Logan Rd Project

### RECOMMENDATION

That Council:

1. Note the update on progress of the Annual Infrastructure Program 2023-2024 and Flood Restoration Program as at March 2024.
2. Approve the addition of the Emu Logan Rd Resheet project in to the Annual Infrastructure Program, to be funded from underspend in the Roads to Recovery program.

### CONFLICT OF INTEREST

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

### PREVIOUS COUNCIL DISCUSSION

The Annual Infrastructure Program was presented at the June 2023 Council Meeting.

The last quarterly report on progress of the Annual Infrastructure Program 2023-2024 and Flood Restoration Program was provided at the February 2024 meeting.

### BACKGROUND

This report is produced quarterly and is provided to Council for the purpose of reporting progress of the Annual Infrastructure Program and the Flood Restoration Program. The information in this report covers progress up until the end of March 2024.

### ISSUES/DISCUSSION

#### Annual Infrastructure Program

There are currently 105 individual projects, including carryovers from previous financial years that form part of the Annual Infrastructure Program 2023-2024. 36 projects have been completed and 64 projects are in progress.

An additional four projects were added to the program in Quarter 3. These were three projects associated with the reconstruction of Pyramid Yarraberb Rd and one for the gravel resheet of Blows Rd.

The Roads to Recovery and Local Roads and Community Infrastructure Program (LRCIP) Phases 1, 2, and 3 require construction for projects funded under these programs to be completed by June 30, 2024. Currently all projects funded under these programs are progressing and will be complete prior to June 30.

There is underspend in the Roads to Recovery Program associated with completion of projects. It is proposed to allocate this underspend to a gravel resheet project for 3km of Emu Logan Rd. Details of this project are in Attachment 3.

Table 1 provides a progress summary for the third quarter of the 2023–2024 financial year of the Annual Infrastructure Program.

*Table 1: Annual Infrastructure Program progress*

Program Category	Total number of projects listed in Annual Infrastructure Program 2023 - 2024	Total number of projects carried over from previous year(s)	Total number of projects	Total number of projects completed to date	Total number of projects in progress	% Complete
Local Roads Gravel Resheet	7	3	10	8	1	80%
Local Roads Gravel Shoulder Resheet	3	0	3	2	1	67%
Local Road Construction - Asset Preservation	3	2	5	1	4	20%
Local Road Construction – Amenity	1	0	1	0	0	0%
Local Road Construction - Safety	0	1	1	0	1	0%
Township Street Improvement	3	7	10	6	4	60%
Local Bridges and Culverts	4	4	8	4	4	50%
Reseals	36	0	36	0	36	0%
Parks and Gardens	4	3	7	6	1	86%
Buildings	9	8	17	7	7	41%
Major Projects	0	7	7	2	5	29%
<b>TOTAL</b>	<b>70</b>	<b>35</b>	<b>105</b>	<b>36</b>	<b>64</b>	<b>34%</b>

As at the end of quarter three, 100 projects are either completed or commenced, that accounts for 95% of the total program. Attachment 1 contains a detailed list of projects that forms the Annual Infrastructure Program.

#### Flood Restoration Program – October 2022 event

All packages of work to rectify the damages required submission to the Disaster Recovery Funding Arrangements (DRFA) for assessment by 31 March 2024. These submissions have all been completed. The Flood Restoration program works must be completed by June 2025.

Inspections following the October 2022 flood event initially identified approximately 1,200 items of damage. This data is continually being assessed as it is processed into DRFA claimable packages of work. Any double ups, errors, ineligible work and non-Council assets are being removed. This process will be ongoing until all items are submitted into DRFA claims. The remaining list totals 675 items of damage which Council officers will continue to work with the DRFA to progress their rectification.

Table 2 provides a summary of progress for the Flood Restoration Program.

*Table 2: Flood Restoration Program summary*

Treatment category	Total number of damages recorded	Total number of damages rectified	Number of damage rectifications currently seeking approval	Number of damage rectifications in progress	% Complete
Unsealed pavements	453	80	373	0	18%
Sealed pavements	174	7	167	0	4%
Clearing and earthworks	3	0	3	0	0%
Road furniture and delineation	1	0	1	0	0%
Drainage structures	44	13	31	0	30%
Others	0	0	0	0	0%
<b>Total</b>	<b>675</b>	<b>100</b>	<b>575</b>	<b>0</b>	<b>15%</b>

Attachment 2 summarises the reimbursement claims for works so far (October 2022 to 31 December) in both, event response and restoration of essential public assets. To date Council has expended \$4,604,899 with \$4,361,751 reimbursed through the DRFA program, with \$9,112 of the claim amount rejected. As works progress further claims for reimbursement will be added.

There are several non-essential public assets that were damaged during the October Flood event, these have been summarised in Table 3. The approximate value of the works listed in Table 3 is \$2.8 Million.

*Table 3 Insurance items*

Item	Asset Owner	Activity	Comments
Newbridge Recreation Reserve	DEECA	100%	Complete.
Bridgewater Caravan Park	Council	95%	Works complete, final inspection identified defects which are being rectified.
Durham Ox Hall	DEECA	100%	Complete.
Fentons Creek Hall	DEECA	20%	Cash settlement has been paid, CoM delivering the works.
Miscellaneous assets	Council	80%	Mix of minor assets on the Loddon River and at Donaldson Park.

Council has also received State Government funding to assist with flood restoration through the Council Flood Support Fund. Several projects have been funded by this program, Table 4 summarises their progress.

*Table 4 Council Flood Support Fund projects*

Item	Activity
Emergency repairs to Skinners Flat Reservoir	Completed – 100%
Repairs to Loddon River, river side walking tracks	Not yet started
Lake Lyndger outflow doors	Completed – 100%
Hydrographical survey of the Loddon River at Bridgewater	Completed – 100%
Bridgewater boat ramp repairs	Completed – 100%
Bridgewater Swimming Hole pontoon	Completed – 100%
Skinners Flat Reservoir Flood damage remediation detailed engineering design	In Progress – 10%

Flood Restoration Program – December 2023 event

Inspections following the December 2023 flood event initially identified approximately 199 items of damage. This data is still being reviewed for accuracy and will be updated as Council officers review each damage as part of scoping process before submitting to the DRFA for funding. Table 5 provides a summary of progress for the December 2023 Flood Restoration Program.

*Table 5: December 2023 Flood Restoration Program summary*

Treatment category	Total number of damages recorded	Total number of damages rectified	Number of damage rectifications currently seeking approval	Number of damage rectifications in progress	% Complete
Unsealed pavements	64	0	0	0	0%
Sealed pavements	23	0	0	0	0%
Clearing and earthworks	0	0	0	0	0%
Concrete	1	0	0	0	0%
Road furniture and delineation	0	0	0	0	0%
Drainage structures	11	0	0	0	0%
Others	1	0	0	0	0%
<b>Total</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>

**COST/BENEFITS**

The Annual Infrastructure Program expenditure in the Second quarter of the 2023–2024 financial year was \$2,023,528 for a total expenditure year to date of \$7,645,736. Attachment 1 lists all projects in the program which have an allocated budget of \$17,773,018 for the 2023-2024 financial year.

**RISK ANALYSIS**

There is still some uncertainty around the methodology adopted by the DRFA for the funding of gravel road resheets. Currently the DRFA is assessing each damage scope of works on a case by case basis to make an evaluation of the claimable amount of funding. Council will be required to fund the gap between the cost of undertaking a 100mm gravel resheet versus the amount funded by the DRFA. Given the significant financial risk of this funding gap, this risk is being managed and reported regularly to Council's independent Audit & Risk Committee.

Long term rectification of the Skinners Flat Reservoir wall and spillway is not eligible for funding under the DRFA. This work is also likely to be beyond the financial capacity of Council without significant financial assistance from State and/or Federal governments. Council has approval to utilise funding from the LGV Council Flood Support Fund for detailed design and costing. In the interim, a range of risk management and monitoring processes are in place to minimise risk.

**CONSULTATION AND ENGAGEMENT**

The report has been completed in consultation with officers from the Works Department, Community Support Department, Manager Governance, Finance Department and other external government agencies.

**RESOLUTION 2024/62**

Moved: Cr Dan Straub

Seconded: Cr Wendy Murphy

That Council:

1. Note the update on progress of the Annual Infrastructure Program 2023-2024 and Flood Restoration Program as at March 2024.
2. Approve the addition of the Emu Logan Rd Resheet project in to the Annual Infrastructure Program, to be funded from underspend in the Roads to Recovery program.

**CARRIED**



## 11 INFORMATION REPORTS

### 11.1 LOCAL LAWS AND PLANNING COMPLIANCE QUARTERLY ACTIVITY REPORT

**File Number:** FOL/19/115192

**Author:** David Price, Manager Community Services

**Authoriser:** Wendy Gladman, Director Community Wellbeing

**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 third report for the 2023-2024 financial year, summarising the animal control, local laws, planning compliance and enforcement actions taken within the Community Services Department for the period 1 January to 31 March 2024. It provides Council with a high level summary for the purpose of monitoring performance.

#### 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
- investigating planning scheme breaches and enforce planning permit conditions

#### ISSUES/DISCUSSION

##### Administrative

Table 1 provides a summary of administrative functions undertaken.

(\*) Council provides a 24 hour emergency call out service in respect to domestic animal management, local law compliance and enforcement, and livestock wandering on council roads. The service agreement with the Department of Transport and Planning to provide services for livestock wandering on the VicRoads arterial road network concluded on 31 December 2023.

Table 1: Administrative

Quarter 3 (1 January 2024 – 31 March 2024)			
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued
No. actions	2	4	2

Unightly properties

A summary of activity statistics and locations that are the subject of unsightly property compliance under Council's local law is provided in Table 2. Identified unsightly properties are assessed and prioritised for compliance action.

Staffing vacancies have previously limited the ability for significant progress to be made in this area. Council has appointed two Community Compliance Officers to specifically address untidy and/or unsightly properties. One officer commenced on 13 December 2023 and progress has been achieved during the quarter as summarised below. A second officer commenced duties on 15 April 2024 (outside of this reporting period). The Community Compliance Team Leader role is currently still vacant.

Table 2: Summary of unsightly properties activities

Quarter 3 (1 January 2024 – 31 March 2024)																
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	6	2	19	3	4	4	4	1	1	0	1	54
No. resolved during quarter	0	0	4	0	1	1	4	1	1	1	3	0	0	0	1	17
New action commenced	0	0	1	1	4	0	0	1	0	1	0	1	0	2	0	11
No. currently pursuing	2	0	2	3	9	1	15	3	3	4	1	2	1	2	0	48
Progress Activities																
Site meeting / discussion held	1	0	0	3	9	1	15	5	3	4	1	2	1	2	1	48
(^) Letter to comply issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Occupier has commenced clean-up work	1	0	0	1	5	1	5	2	2	1	0	2	0	2	1	23
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

(^) As compliance activity had not been actioned for some time, introductory letters were sent to each property owner identified on the previous report. A suitable date and time to meet on site was then arranged as necessary to discuss the current status.

#### Animal management

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

*Table 3: Summary of animal management activities*

Quarter 3 (1 January 2024 – 31 March 2024)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
No. of actions	5	9	3	7	20	33

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

*Table 4: Impoundment activities*

Quarter 3 (1 January 2024 – 31 March 2024)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	2	2	0	0
Dogs	1	0	1	0
Cats	26	3	23	0
Feral Animals	-	-	-	38
<b>Total</b>	<b>29</b>	<b>5</b>	<b>24</b>	<b>38</b>

#### Planning Compliance and Enforcement

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

*Table 5: Planning compliance and enforcement activities*

Quarter 3 (1 January 2024 – 31 March 2024)						
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	5	0	0	0	3	2
Native vegetation removal without a permit	3	2	0	0	3	2
Breach of planning permit	0	0	0	0	0	0
Dog breeding / animal keeping	1	0	0	0	0	1
Land used as a store without planning permit	2	0	0	0	0	2

Occupation of a site without a planning permit	2	0	0	0	2	0
<b>Total</b>	<b>13</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>7</b>

Throughout all of the above compliance activities tabled, the Community Services 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 third quarter of 2023-2024 financial year for the local laws and compliance activities contained within this report is \$70,362, and is within the expected budget expenditure for this period.

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 Council. 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 Community Services 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 law are consulted with at each stage of the process.

**RESOLUTION 2024/63**

Moved: Cr Neil Beattie  
 Seconded: Cr Dan Straub

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

**CARRIED**

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

**File Number:** 14/01/022  
**Author:** Daniel Lloyd, Manager Works  
**Authoriser:** Glenn Harvey, Acting 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 third report for the 2023 - 2024 financial year, summarising road network defect rectification compliance against requirements specified within the Loddon Shire Road Management Plan (RMP).

**BACKGROUND**

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

**ISSUES/DISCUSSION**

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

*Table 1: Inspection summary report*

Quarter 3 (01/01/2024 – 31/03/2024)						
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	121	121	0	0	100.0%	302
Loddon Goldfields	129	127	2	0	98.4%	543
<b>Total</b>	<b>250</b>	<b>248</b>	<b>2</b>	<b>0</b>	<b>99.2%</b>	<b>845</b>

During the third quarter of 2023 - 2024 financial year, 99.2% of the programmed inspections were completed according to the schedule. This is 0.8% below the target of 100% set in the RMP.

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. It is important to note that flood damage is excluded from this report. In the context of the Road Management Plan these sites are considered as made safe through the utilisation of traffic management devices. Progress of the repair of flood damage on Council's road network is reported in a separate Council report titled Update on the progress of the Annual Infrastructure Program 2023-2024 and Flood Restoration Program.

*Table 2: Defect rectification summary report*

Quarter 3 (01/01/2024 – 31/03/2024)								
Work Group	Number of Defects				Compliant with RMP			
	Ad hoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	0	33	429	462	421	41	0	91.1%
Loddon Plains	0	17	508	525	520	4	1	99.0%
Shire Wide	0	13	378	391	358	13	20	91.6%
Townscape Services	0	3	17	20	20	0	0	100.0%
<b>Total</b>	<b>0</b>	<b>66</b>	<b>1332</b>	<b>1398</b>	<b>1319</b>	<b>58</b>	<b>21</b>	<b>94.3%</b>

During the third quarter of 2023 - 2024 financial year, 94.3% of all date imposed defects were completed before their due date. This is 5.7% below the target of 100% set in the RMP. There are 21 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 programed 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.

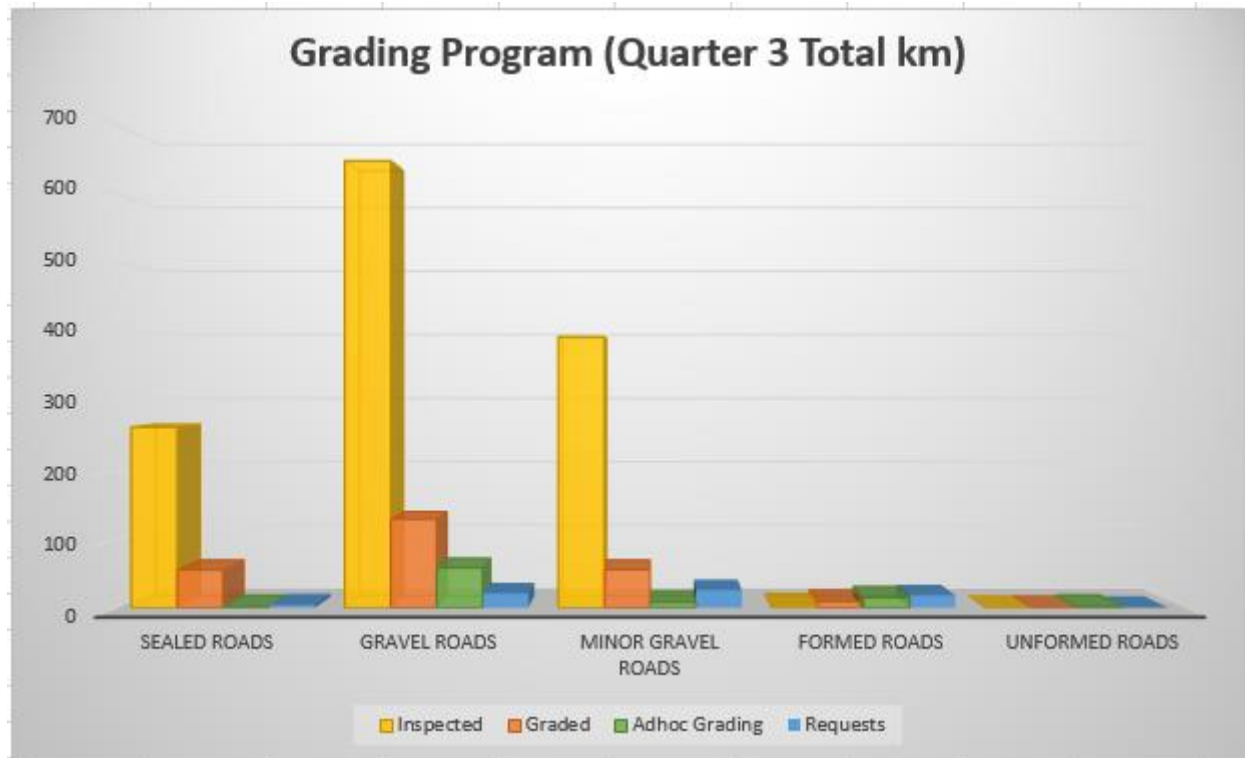
*Table 3: Maintenance grading program*

Quarter 3 (01/01/2024 – 31/03/2024)											
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	59	2	41	20	122	100	22	0	82.0%	143.5	298
Loddon Plains	61	2	22	18	103	103	0	0	100.0%	258.5	1009
Shire Wide	0	0	0	0	0	0	0	0	100.0%	0.0	0
<b>Total</b>	<b>120</b>	<b>4</b>	<b>63</b>	<b>38</b>	<b>225</b>	<b>203</b>	<b>22</b>	<b>0</b>	<b>90.2%</b>	<b>402.0</b>	<b>1306</b>

The data in Table 3 indicates that 225 grading work actions were completed for the third quarter of 2023 - 2024 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 the third of 2023 - 2024 financial year of the Local Road Maintenance Program is \$5,419,283. The expenditure for the third quarter was \$1,377,576.

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 2024/64**

Moved: Cr Neil Beattie  
 Seconded: Cr Dan Straub

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

**CARRIED**

### 11.3 PUBLIC HEALTH QUARTERLY ACTIVITY REPORT

**File Number:** FOL/19/115173  
**Author:** Teresa Arnup, Senior Public Health Officer  
**Authoriser:** David Price, Manager Community Services  
**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 third report for the 2023-2024 financial year which reviews the period 1 January 2024 to 31 March 2024, summarising public health activities within the Community Services Department. It provides Council with a high level summary for the purpose of monitoring performance.

#### BACKGROUND

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

- Food Act 1984
- Public Health and Wellbeing Act 2008
- Residential Tenancies Act 1997
- Environment Protection Act 2017
- 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 include inspecting registered premises, taking food and water samples, issuing septic tank permits and complaint investigations.

#### ISSUES/DISCUSSION

##### Registered Premises

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

*Table 1: Registered premises inspections*

1 January 2024 to 31 March 2024		
Governing Legislation	Inspection Outcome	Number of inspections
Food Premises	Compliant*	18
	Major Non Compliance	0
Health Premises	Compliant*	0
	Major Non Compliance	0
<b>Total number of inspections for reporting period</b>		<b>18</b>

\*Compliant includes sites that were fully compliant and some sites that required minor actions to become compliant



Council officers liaise further with non-compliant premises to address identified issues.

### Tobacco Act

Council is funded to undertake Tobacco Act inspections throughout the year. Most inspections are carried out in conjunction with food premises inspections, however other properties also include 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 2024 to 31 March 2024	
Inspection Type	Number
Tobacco Retailer (including vending machine)	2
Tobacco – Indoor Dining and drinking area	1
Tobacco – Outdoor Dining and drinking area	0
Outdoors & Other locations	0
<b>Total number of inspections</b>	<b>3</b>

### Septic Systems

Table 3 summarises septic system permit applications processed during the reporting period.

*Table 3: Septic system permits*

1 January 2024 to 31 March 2024	
Permit Type	Number
Installation or alteration	6
Certificate to use	1
<b>Total number of permits for reporting period</b>	<b>7</b>

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

Table 4 summarises the activities associated with managing septic tank applications and installed systems.

*Table 4: Septic system activity*

1 January 2024 to 31 March 2024	
Activity / Inspection Type	Number
Application inspection	4
Installation inspection	3
Final inspection	2
Requested	0
Complaint	0
<b>Total number of inspections for reporting period</b>	<b>9</b>

### Mosquito Surveillance Program

Following the 2022 Japanese encephalitis virus (JEV) outbreak that occurred in Victoria, Loddon Shire Council has been included in the state-wide mosquito surveillance and treatment program operated by the Department of Health. The program runs from the start of November to the end of April.

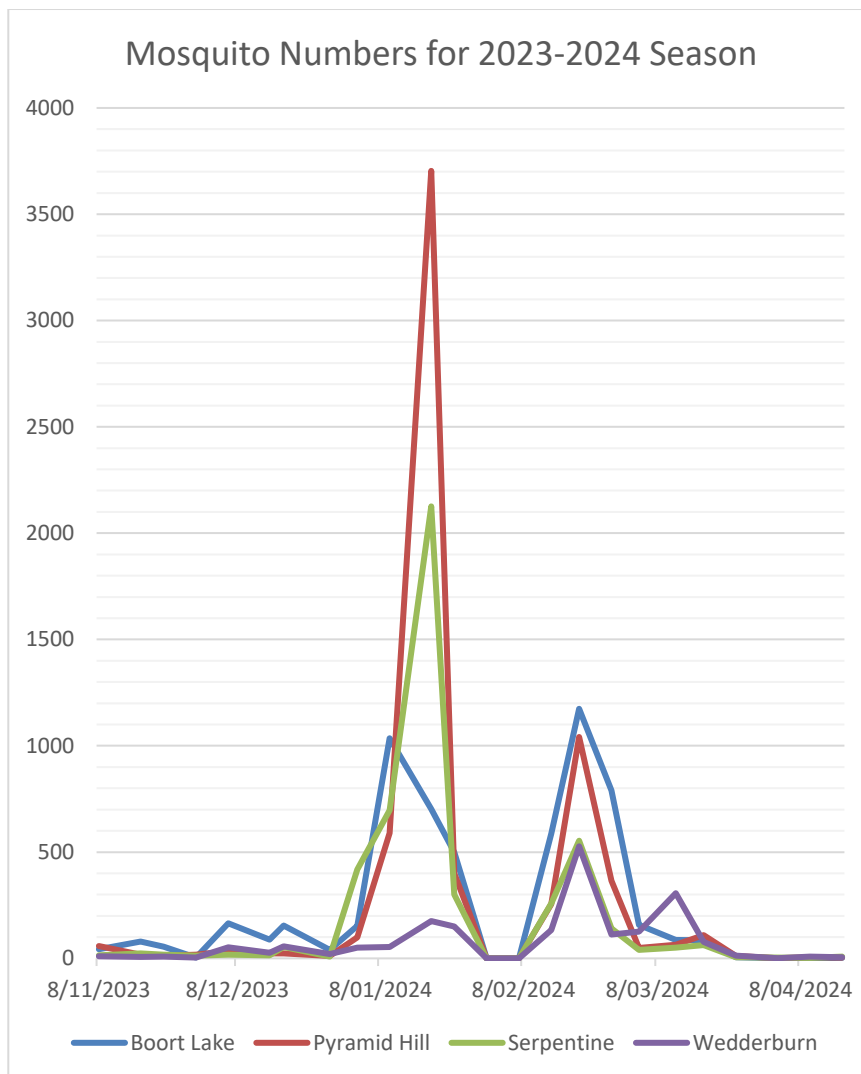
As part of this program, Council’s public health staff set traps in 4 locations across the municipality on a weekly basis. The locations are:

- Boort
- Pyramid Hill
- Serpentine
- Wedderburn

Mosquito numbers were initially low, however immediately following the significant rainfall events late December/early January, the number of mosquitoes increased significantly. As local environments dried out, the number of mosquitoes trapped subsequently decreased.

Graph 1 shows the mosquito numbers for the 2023-2024 mosquito season.

Graph 1: Mosquito Numbers



*Note: No trapping occurred at the end of January / start of February due to unavailable staff resources*

Along with monitoring mosquito numbers, trapped mosquitoes are tested for 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

In addition to the weekly trapping program, Council is also funded to conduct a spraying program that treats several council owned or managed public locations in the applicable township areas. The treatment methods include barrier treatments, adulticiding and larviciding.

### Public Health Complaints

Council is responsible to investigate 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 2024 to 31 March 2024				
Nature of complaint	Number carried over from previous reporting period	Number received	Number resolved	Number currently pursuing resolution
Food Premises	0	0	0	0
Wastewater	3	0	0	3
Other	0	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>

### **COST/BENEFITS**

The expenditure for the third quarter of the 2023-2024 financial year for the public health unit activities contained within this report is \$41,144 and is within the expected budget expenditure for this period.

Administration of the Acts that Council 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 when processing 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 2024/65**

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

**CARRIED**

## 11.4 QUARTERLY ACTIVITY REPORT - STATUTORY PLANNING

**File Number:**

**Author:** Louise Johnston, Statutory Planning Coordinator

**Authoriser:** Glenn Harvey, Acting Director Operations

**Attachments:**

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

### RECOMMENDATION

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for January to March 2024

### CONFLICT OF INTEREST

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

### PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2023- 2024 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 second quarter of the 2023-2024 financial year and compares these against the small to medium regional council's average.

Table 1: Average timeframes for decisions

Quarter 3 of the 2023/2024 financial year				
Month	Average gross days to determine	Median processing days to determine	Completed within 60 days	Rural average completed within 60 days
January	21	26	100%	54%
February	56	60	100%	56%
March	35	53	100%	60%
<b>Total Quarterly average</b>	<b>44</b>	<b>51</b>	<b>100%</b>	<b>56%</b>

During the third quarter of the 2023-2024 financial year 100% of all Planning Permit applications were assessed and issued within the timeframes as set in the *Planning & Environment Act 1987*. This is 44% above the rural average. In addition, the median processing days for Council to make a determination on applications is 51 days, well below the rural median of 112 days, a great result for Council and its planning team.

### **COST/BENEFITS**

The expenditure for the third quarter of 2023-2024 financial year of the statutory planning activities contained within this report is \$85,642

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 2024/66**

Moved: Cr Linda Jungwirth  
Seconded: Cr Neil Beattie

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for January to March 2024.

**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:** Lincoln Fitzgerald, Chief Executive Officer  
**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 report covers the third quarter of this financial.

### 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 quarter of the 2023-2024 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.
- issuing of demolition consents and variations to sitting under Part 5 of the Building Regulations.
- 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 quarter of 2022-2023 and the first three quarters of 2023-2024. 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

	<b>Quarter 4 2022-23 (01/04/2023 – 30/06/2023)</b>	<b>Quarter 1 2023-24 (01/07/2023 – 30/09/2023)</b>	<b>Quarter 2 2023-24 (01/10/2023 – 31/12/2023)</b>	<b>Quarter 3 2023-24 (01/01/2024 – 31/03/2024)</b>
<b>No. of new Permits</b>	40	25	42	30
<b>Value of Works</b>	\$15,006,840	\$2,319,670	\$14,523,408	14,035,638

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

	<b>Quarter 4 2022-23 (01/04/2023 – 30/06/2023)</b>	<b>Quarter 1 2023-24 (01/07/2023 – 30/09/2023)</b>	<b>Quarter 2 2023-24 (01/10/2023 – 31/12/2023)</b>	<b>Quarter 3 2023-24 (01/01/2024 – 31/03/2024)</b>
<b>Certificates of final inspection</b>	17	41	33	23
<b>Occupancy Permits</b>	8	23	11	11

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	2	0	2	2	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)	21	1	22	2	3	1	0	1	1
Carrying out building works without a permit	12	5	17	11	2	0	0	0	1
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 quarter of the 2023-2024 financial year for building services activities was \$16,094.33. The reason for the low cost is that the majority of 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 2024/67**

Moved: Cr Dan Straub  
Seconded: Cr Wendy Murphy

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

**CARRIED**

## 11.6 QUARTERLY ACTIVITY REPORT (JAN, FEB, MAR 2024) TOURISM AND ECONOMIC DEVELOPMENT

**File Number:**

**Author:** David Stretch, Manager Tourism and Economic Development

**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer

**Attachments:** 1. Quarterly Activity Report (Jan, Feb, Mar 2024) Tourism and Eco Dev

### RECOMMENDATION

That Council receives and notes the Tourism and Economic Development, Quarterly Activity Report – January, February, March 2024.

### CONFLICT OF INTEREST

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

### PREVIOUS COUNCIL DISCUSSION

This report (attached) was tabled and discussed at the Council Forum May 14, 2024.

### BACKGROUND

Quarterly Activity Reports are produced by the Manager of Tourism and Economic Development and consider current Council Plan objectives as well as preliminary focus areas, including:

- Financially and environmentally sustainable infrastructure (incl. residential development)
- Employment growth
- Population growth and diversity
- Industry development and investment attraction
- Local business development, retention, and expansion
- The unique visitor economy
- Townships and place-making
- Loddon's live-ability: amenity, affordability, community, environment.

### ISSUES/DISCUSSION

The Tourism and Economic Development Quarterly Activity Reports focus on operational activity under 4 key themes:

1. Support land and residential development
2. Grown business and employment
3. Grow Tourism and the Visitor Economy
4. Support Townships

### COST/BENEFITS

Tourism and economic development programs and activity are funded by Council operational budget, unless stated otherwise.

The Tourism and Economic Development team is uniquely-placed with insight into local opportunities for partnerships, innovation and growth.

Council strategies provide practical and relevant goals to maximize tourism and economic development opportunities.

Place-based policies that identify local synergies and facilitate connection and partnership super-charge local economies and communities.

### **RISK ANALYSIS**

Failure to invest in tourism and economic development programs could potentially lead to Loddon Shire Council businesses becoming more vulnerable to economic downturns and less capable of handling future challenges, thereby affecting the region's long-term sustainability and prosperity.

Negative impacts might include:

- Population decline
- Reduced visitation and losses to tourism businesses
- Limited business growth
- Reduction in local economic output
- Rise in unemployment
- Reduced liveability

### **CONSULTATION AND ENGAGEMENT**

Internal and external stakeholders, influencers, enablers and participants in tourism and economic development are regularly engaged across the unit's work and activity.

The Tourism and Economic Development team regularly consults and engages with business and community stakeholders across the Shire, in Central Victoria and Melbourne, including but not limited to:

- Federal Government and agencies
- State Government departments and agencies
- Regional Development Victoria
- Regional Tourism Board
- Regional Local Governments
- Major business and employers
- Small business and retail
- Tourism, Progress and Community Groups
- Community House network
- Tourism and regional business NFPs and stakeholders

Tourism and Economic Development Quarterly Activity Reports have been presented at Council Forum Meetings since January 2023.

### **RESOLUTION 2024/68**

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council receives and notes the Tourism and Economic Development, Quarterly Activity Report – January, February, March 2024.

**CARRIED**

## 12 COMPLIANCE REPORTS

### 12.1 AUDIT AND RISK COMMITTEE UPDATE

File Number:

Author: Michelle Stedman, Director Corporate

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 

1. Audit and Risk Committee Biannual Report - May 2024
2. Audit and Risk Committee – Annual Performance Assessment (Survey) Report – 2023 - 2024

### RECOMMENDATION

That Council receives and notes the:

1. Summary of the Audit and Risk Committee Meeting - 6 May 2024
2. Audit and Risk Committee – Biannual Report – May 2024
3. Audit and Risk Committee – Annual Performance Assessment (Survey) Report – 2023 - 2024

### CONFLICT OF INTEREST

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

### PREVIOUS COUNCIL DISCUSSION

Council most recently received an update on a Loddon Shire Council Audit and Risk Committee (ARC) meeting at its February 2024 meeting.

The Audit and Risk Committee – Biannual Report – May 2023 and the Audit and Risk Committee – Annual Performance Assessment (Survey) Report – 2022-2023 were presented to Council at its May 2023 meeting.

### BACKGROUND

Council's ARC has been established in accordance with section 53 of the *Local Government Act 2020*, to support it in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit, and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

This report is a requirement of the ARC Charter which states:

*'A summary of each ARC meeting will be reported at the next meeting of the Council.'*

*'The ARC shall undertake a process to evaluate its performance annually in accordance with the survey in Appendix 5 and report the outcome of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement.'*

*'A biannual audit and risk report including the activities of the Committee and its findings and recommendation, will be tabled at the next meeting of Council in accordance with section 54(5) of the Act.'*

**ISSUES/DISCUSSION**Summary of meeting

Below is a summary of the ARC meeting held on Monday, 6 May 2024 in the Loddon Shire Council Chambers.

Member attendees:

Rod Poxon – Independent Member (Chair)  
 Rachelle Tippett – Independent Member  
 Marg Allan – Independent Member  
 Amber Currie – Independent Member  
 Cr Gavan Holt – Councillor Representative

Officer attendees:

Lincoln Fitzgerald – Chief Executive Officer  
 Michelle Stedman – Director Corporate  
 Lisa Clue – Manager Governance  
 Michelle Hargreaves – Administration Officer Governance  
 Deanne Caserta – Manager Financial Services

Other attendees:

Brad Ead – AFS and Associates Pty Ltd  
 Mahesh Silva and Shivam Goel – RSD Audit

Apologies:

Nil

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

<b>Report</b>	<b>Discussion points</b>
Status of actions generated during ARC meetings	The ARC acknowledged and noted all resolutions arising from the 5 February 2024 Audit and Risk Committee meeting; decision and compliance reports have been acted upon; and three actions requested by the Audit and Risk Committee during the course of meetings are deemed complete. Four actions are progressing and five actions have not yet started or are not yet due. The ARC requested target dates for completion be identified and included in future reports.
Report on new and emerging risks and fraud related incidents	The ARC received and noted the CEO's report on new and emerging risks and fraud related incidents and requested the review of the ARC Charter include reviewing the name of this report to better reflect required content.
Meeting Schedule 2024/25	The ARC resolved to endorse the following schedule of meetings for the 2024/25 financial year: <ul style="list-style-type: none"> <li>• 5 August 2024</li> <li>• 11 November 2024</li> <li>• 3 February 2025</li> <li>• 5 May 2025</li> </ul> and communicate the schedule of meetings to Council through this summary of the meeting and the Biannual Report.

ARC Charter Review	The ARC commenced a review of its Charter. It is anticipated the review will be finalised at the next ARC meeting ahead of its presentation to Council to be considered for approval. Matters to be included in the review include documenting the process of independent member recruitment (including panel members), options for reporting to Council, and ensuring the Charter provides a structural perspective for agenda reports and has a focus on providing assurance.
Business Continuity Management Review	The ARC received a report on the recent comprehensive review of Council's Business Continuity Management Policy and Framework and the Business Continuity Plan. The ARC endorsed the Policy and Plan for consideration and adoption of Council, and supported rescission of the Framework by Council. These documents are now being prepared for presentation to Council.
Biannual Audit and Risk Report of Activities	The ARC considered and subsequently endorsed the Audit and Risk Committee Biannual Report – May 2024 which includes assessment against the ARC Charter. [Tabling of the Report to Council is addressed within this Agenda report.]
Strategic Internal Audit Program (SIAP) status update and Internal Audit scope review	The ARC received an update on the delivery status of the Strategic Internal Audit Program 2023-2026 and considered and subsequently endorsed the internal audit planning document relating to an internal audit of Key Internal Controls – New Finance System as presented.
Progress on open audit recommendations	The ARC received a report on the status of actions from past internal audits, endorsing three audit actions deemed complete and requesting a procedure be developed and implemented to guide commentary on action progress and assessment and validation of actions deemed complete.
Audit and Risk Committee Annual Performance Assessment	The ARC considered and noted responses to a survey completed by Committee members relating to Committee performance during 2023/24. [Tabling of the Annual Assessment is addressed within this Agenda report.]
Audit issues encountered during the course of the Interim Audit	The ARC received a report on issues encountered during the Interim Audit conducted during April.
Significant Changes in Accounting Standards and Reporting	The ARC noted there are no changes to accounting standards within the 2023/24 reporting year, and received an overview of key changes for the Local Government Model Financial Report (LGMFR) for 2024/25.



Management Responses to External Audit Findings	The ARC received a report on management responses to audit findings, noting Council has three outstanding actions.
Review reimbursement of Councillors expenses	The ARC received, and subsequently noted a report on Councillor expenses, including allowances and reimbursements; and comparative quarterly data.
Quarterly review of finance reports and performance reports	The ARC received and noted the Finance Report for the quarter ending 31 March 2024 that included information relating to budget revisions, cash, investments, interest, debtors and creditors and a comparison of year-to-date actual results to year-to-date budget.
Overview of the 2024/25 Budget	The ARC received a report on the Draft 2024/25 Budget and Draft Fees and Charges Schedule which Council resolved to seek community feedback on at its April meeting.
Risk Management Review	The ARC received an update on the following risk management matters: <ol style="list-style-type: none"> <li>1. The effectiveness of Council's Risk Management Framework</li> <li>2. Council's Risk Appetite Statement</li> <li>3. Strategic risks to Council's operations</li> <li>4. Operational risks.</li> </ol>
Review of key policies	The ARC received and noted a report on the current status of documents specifically referenced in the ARC Charter, including current target review dates.
Changes to Local Government Performance Reporting Framework (LGPRF)	The ARC received and noted a report on changes to the LGPRF, including cost indicators for Roads and Waste Management and the re-organising of key terms and explanatory notes.
Industry update – regulatory and integrity agency findings relevant to Local Government	The ARC received and noted an update on examinations and investigations undertaken by regulatory and integrity agencies, and their findings, relevant to the local government sector.
Matters referred by Councillor Representative	Cr Holt passed on feedback relating to the independent member recruitment process, ensuring there is a Councillor on the panel.

### Annual Performance Assessment

The survey consisted 39 statements relating to the content of the charter, skills and interactions within the ARC, training/development, risk management, statutory compliance and reporting, agendas and associated reports, conduct of meetings, internal audit function and external audit function. Opportunities for further written feedback were also provided. A report detailing survey responses is attached.

Survey responses have given officers useful feedback to inform continuous improvement on ARC functions and activities such as the Charter, agenda reports, minutes and member development/training.

Areas assessed as performing strongly were in relation to the ARC Charter, skills and experience of members, management commitment and support, meeting administration and conduct, understanding of the business and the external audit function. While the area of skills and experience was considered high performing, further improvements have been identified in how Loddon Shire Council provides ongoing skill development to ARC members.

Further areas identified for improvements included the Internal Audit function – which will likely be enhanced as the relatively recent appointment of new internal auditors progresses with upcoming audits; and communication with Council – which will be explored for strengthening opportunities in the upcoming ARC Charter review.

#### Biannual Audit and Risk Report

The Biannual Report is attached to this report and encompasses the activities of the ARC for the period November 2023 to May 2024.

The Biannual Report includes details on ARC membership, meetings, governance, remuneration, internal audit plan, assessment against the Committee Charter, and focus for the next reporting period.

#### **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 modest costs associated with the Audit & Risk Committee and undertaking regular internal and external auditing of Council activities. These costs are 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 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 2024/69**

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council receives and notes the:

1. Summary of the Audit and Risk Committee Meeting - 6 May 2024
2. Audit and Risk Committee – Biannual Report – May 2024
3. Audit and Risk Committee – Annual Performance Assessment (Survey) Report – 2023 - 2024

**CARRIED**

**13 URGENT BUSINESS**

Nil

**14 CONFIDENTIAL ITEMS****RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(1) and 66(2)(a) of the Local Government Act 2020:

**14.1 AQUATIC FACILITIES MANAGEMENT CONTRACT EXTENSION**

This matter is considered to be confidential under Section 3(1)(g(ii)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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.

Report contains commercial in confidence information relating to a contract extension

**RESOLUTION 2024/70**

Moved: Cr Wendy Murphy

Seconded: Cr Dan Straub

That the meeting be closed to the public to consider the following confidential item:

14.1 Aquatic Facilities Management Contract Extension.

**CARRIED**

**14.1 AQUATIC FACILITIES MANAGEMENT CONTRACT EXTENSION****RESOLUTION 2024/71**

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council:

1. Extend Contract C504 Loddon Shire Aquatic Facilities Management and Operation with Belgravia Leisure for a further three years to 31 May 2027 at the management fee rates provided in Attachment 1 of this report.
2. Authorise the Chief Executive Officer to undertake all administrative actions to execute the contract documents.

**CARRIED**

**NEXT MEETING**

The next Meeting of Council will be held on 25 June 2024 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 4.20 pm.

Confirmed this.....day of..... 2024

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**CHAIRPERSON**