



Date: Tuesday, 23 May 2023
Time: 3.00pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 23 MAY 2023 AT 3.00PM**

PRESENT: Cr Neil Beattie, Cr Gavan Holt, Cr Linda Jungwirth and Cr Wendy Murphy

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

1 OPENING AFFIRMATION

Cr Murphy read the Opening Affirmation

2 ACKNOWLEDGEMENT OF COUNTRY

The Chief Executive Officer read the Acknowledgement of Country

3 APOLOGIES

RESOLUTION 2023/58

Moved: Cr Gavan Holt
Seconded: Cr Linda Jungwirth

That the apology received from the Mayor, Cr Straub be accepted and leave of absence granted.

CARRIED

RESOLUTION 2023/59

Moved: Cr Neil Beattie
Seconded: Cr Linda Jungwirth

That the Order of Business be altered to enable consideration of a late report – Appointment of Acting Mayor.

CARRIED

LATE REPORT**APPOINTMENT OF ACTING MAYOR****File Number:****Author:** Lisa Clue, Manager Governance**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council appoint an Acting Mayor for the purpose of chairing the 23 May 2023 Council meeting.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At its November 2022 Special Council meeting, Council resolved to appoint an Acting Mayor when required, in accordance with section 20B of the Local Government Act 2020 (the Act).

BACKGROUND

Rather than establish an office of Deputy Mayor, over past years Loddon Shire Council has resolved to appoint an Acting Mayor when required, including for the purpose of chairing a Council meeting in the absence of the Mayor.

Council's Governance Rules –

Rule 22 – Absence of the Mayor –

- (1) If the Mayor is absent or otherwise unable to chair a Council meeting and the Council has elected a Deputy Mayor, the Deputy Mayor must chair the meeting.
- (2) If neither the Mayor nor the Deputy Mayor is in attendance and able to chair the meeting, the Council must appoint an Acting Mayor for the purpose of chairing the meeting.

Relevant sections of the Act:

Section 20B – Acting Mayor –

- (1) A Council may appoint a Councillor to be the Acting Mayor when—
 - (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
 - (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
 - (c) the office of Mayor is vacant.
- (2) An appointment under subsection (1) must be for a period specified by the Council.

- (3) If—
- (a) an appointment has not been made under subsection (1) or has expired; and
 - (b) any of the circumstances specified in subsection (1)(a), (b) or (c) apply—
- the Council must appoint a Councillor to be the Acting Mayor for a period specified by the Council.
- (4) An Acting Mayor—
- (a) must perform the role of the Mayor; and
 - (b) may exercise any of the powers of the Mayor—
- until the circumstances specified in subsection (1) no longer apply or the period of the appointment expires, whichever first occurs.
- (5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in this Act (except in sections 20 and 23, Division 4 of this Part and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

Section 61 – Council meetings –

- (3) A Council meeting must be chaired by—
- (a) the Mayor; or
 - (b) if the Mayor is not present at the Council meeting, the Deputy Mayor; or
 - (c) if the Mayor and the Deputy Mayor are not present at the meeting, a Councillor who is present at the Council meeting and is appointed by a resolution of the Council to chair the meeting.

ISSUES/DISCUSSION

As Mayor Straub has submitted an apology to the Chief Executive Officer for the May 2023 Council Meeting, in accordance with the Act and Council's Governance Rules, appointment of an Acting Mayor is required for the purpose of chairing the meeting.

The Chief Executive Officer will open and chair the meeting until an Acting Mayor is appointed.

COST/BENEFITS

Not applicable

RISK ANALYSIS

Not applicable

CONSULTATION AND ENGAGEMENT

Not applicable

RESOLUTION 2023/60

Moved: Cr Neil Beattie

Seconded: Cr Gavan Holt

That Council appoint Cr Murphy as Acting Mayor for the purpose of chairing the 23 May 2023 Council meeting.

CARRIED

4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

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

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

1. Council Briefing of 26 April 2023
2. Council Meeting of 26 April 2023
3. Council Forum of 9 May 2023.

REPORT

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

RESOLUTION 2023/61**Moved:** Cr Gavan Holt**Seconded:** Cr Neil Beattie

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

1. Council Briefing of 26 April 2023
2. Council Meeting of 26 April 2023
3. Council Forum of 9 May 2023.

CARRIED

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

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

1. Council Briefing 26 April 2023
2. Council Forum 9 May 2023

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

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

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

1. Council Briefing 26 April 2023
2. Council Forum 9 May 2023

Meeting details	Briefing	
Date	26 April 2023	
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub	
Staff/ Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lisa Clue, Manager Governance Tracy Hunt, Governance Coordinator Jude Holt David Stretch, Tourism & Economic Development Jonathan Rochwerger , Urban Enterprise Danielle Phyland, Urban Enterprise Deanne Caserta, Manager Financial Services Louise Johnston, A/Manager Development & Compliance	Item(s) discussed 1 Item(s) discussed 2 Item(s) discussed 2 Item(s) discussed 2 Item(s) discussed 6 Item(s) discussed 7
Item(s) discussed.	<ol style="list-style-type: none"> 1. Small Towns Policy Consultation 2. Tourism Service Review Project 3. Notice of Motion - Cr Straub - Select Committee Inquiry into Victoria's Recreational Native Bird Hunting Arrangements 4. Chief Executive Officer Mid-Year Key Performance Indicator Update 5. Notice of Motion - Cr Jungwirth - Climate Impacts Report 6. Section 181 Sales Update - Sale of Properties for Unpaid Rates and Charges 7. Planning Permit Application 5850 - Development of Four Dwellings and a Four Lot Subdivision At 71 Sullivan Street, Inglewood 8. VNI West Consultation Report 	
Conflict of Interest Disclosures – Councillor/ officer making disclosure	Cr Wendy Murphy	Item 7
Councillor/officer left room	Cr Wendy Murphy	Item 7

Meeting details	Forum
Date	9 May 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/ Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Lisa Clue, Acting Director Corporate Tracy Hunt, Governance Coordinator Deanne Caserta, Manager Financial Services Item(s) discussed 2 Inese Bray, LG Valuation Services Item(s) discussed 2 Mick Kelly, Valuer General Victoria Item(s) discussed 2 Chris Earl, Director Loddon Herald Item(s) discussed 3 Martin Mark, Community Development Officer Item(s) discussed 4 Tracey Cox, Mitiamo Progress Association Inc Item(s) discussed 4 Trina Freeman, Mitiamo Progress Association Inc Item(s) discussed 4 Daniel Lloyd, Manager, Works Item(s) discussed 5 Paul Scullie, Acting Manager, Community Support Item(s) discussed 7
Item(s) discussed.	<ol style="list-style-type: none"> 1. Small Towns Policy Consultation 2. 2023/24 Property Valuations 3. Loddon Herald Progress 4. Mitiamo Community Plan 2023 - 2032 Presentation 5. Victorian Road Maintenance Contract (VRMC) VicRoads Agreement 6. Goldfields Library Corporation Service and Funding Agreement 1 July 2023 – 30 June 2025 7. Pyramid Hill Community Centre 8. Governance Rules Review
Conflict of Interest Disclosures - Councillor/officer making disclosure	n/a
Councillor/officer left room	n/a

RESOLUTION 2023/62

Moved: Cr Linda Jungwirth

Seconded: Cr Gavan Holt

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

1. Council Briefing 26 April 2023
2. Council Forum 9 May 2023

CARRIED

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

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

CONFLICT OF INTEREST

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

REPORT

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

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

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

RESOLUTION 2023/63**Moved:** Cr Neil Beattie**Seconded:** Cr Linda Jungwirth

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

CARRIED

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

That Council receive and note the Mayoral Report.

REPORT

Mayoral Straub submitted a written report prior to the meeting, to be tabled in the Minutes.

Cr Straub

Loddon Campaspe Councils	
03/05/2023	MAV Loddon Campaspe Mallee Regional Meeting (Online)
Section 65 Community Asset Committees:	
16/05/2023	Pyramid Hill Memorial Hall
Other Council activities	
Date	Activity
26/04/2023	Council Briefing, Meeting and Citizenship Ceremony
28/04/2023	Meeting with Karen Migrants (on Loddon Shire tour organised by Kooyoora Women's Network)
04/05/2023	VNI West - CEO and Mayor Discussion (Charlton)
05/05/2023	AEMO, VNI West Loddon Herald Forum (Wedderburn)
09/05/2023	Council Forum
11/05/2023	Municipal Flood Recovery Committee Meeting (Newbridge)
12/05/2023	Gaelle Broad MP - Northern Victorian Region Meeting (Dingee)
15/05/2023	St Patrick's Primary School Pyramid Hill Students Meeting (Pyramid Hill)
16/05/2023	Council Volunteer Luncheon (Serpentine)
17/05/2023	ABC radio Interview
17/05/2023	Pyramid Hill Progress Association Meeting

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

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a verbal report at the meeting.

Cr Beattie

Council activities	
Date	Activity
02/05/2023	Korong Vale Flood Study Meeting (Korong Vale)
03/05/2023	Korong Vale Flood Study Steering Committee Meeting (Wedderburn)
12/05/2023	Boort Tourism Development Meeting
23/05/2023	Council Briefing

Cr Holt

Municipal Association of Victoria	
19/05/2023	MAV State Council Meeting – Melbourne
Audit and Risk Committee	
01/05/2023	Meeting – Wedderburn
Section 65 Community Asset Committees:	
01/05/2023	Hard Hill Tourist Reserve Meeting

Cr Holt (continued)

Other Council activities	
Date	Activity
26/04/2023	Wedderburn Development Association Community Development Committee Meeting
03/05/2023	Municipal Association of Victoria Loddon/Campaspe/Mallee Meeting
04/05/2023	Donaldson Park Onsite Meeting – Community Hub Project
05/05/2023	AEMO VNI West Forum
09/05/2023	Council Forum
22/05/2023	Wedderburn Harness Racing Club Meeting

Cr Jungwirth

Municipal Emergency Management Planning Committee	
04/05/2023	Integrated Municipal Emergency Management Planning Committee Meeting
Central Victorian Greenhouse Alliance	
Noted the Alliance has made submissions to the following: <ul style="list-style-type: none"> • Victoria Flood inquiry • National Fuel Efficiency Standards Consultation • Senate Enquiry into Australia’s Preparedness to Host the Commonwealth, Olympic and Paralympic Games 	
Other Council activities	
Date	Activity
26/04/2023	Council Briefing and Meeting
05/05/2023	AEMO VNI West Forum
09/02/2023	Council Forum
11/05/2023	Municipal Flood Recovery Meeting (Newbridge)
11/05/2023	Community Member Meeting
17/05/2023- 20/05/2023	Australian Local Government Women’s Association National Conference 2023

Cr Murphy

Calder Highway Improvement Committee	
Paperwork submitted to become a signatory of the CHIC account.	
Section 65 Community Asset Committees:	
10/05/2023	Campbells Forest Hall Meeting
Other Council activities	
Date	Activity
26/04/2023	Council Briefing and Meeting (incl. Citizenship Ceremony)
27/04/2023	Inglewood Development & Tourism Committee Meeting.
05/05/2023	AEMO VNI West Forum (Online)
05/09/2023	Council Forum
16/05/2023	Loddon Volunteer Luncheon - Serpentine
16/05/2023	Community Member Meeting – Bridgewater
17/05/2023- 20/05/2023	Australian Local Government Women's Association National Conference 2023

RESOLUTION 2023/64

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS

10.1 AUDIT AND RISK COMMITTEE CHARTER

File Number:

Author: Tracy Hunt, Governance Coordinator

Authoriser: Lisa Clue, Manager Governance

Attachments: 1. Audit and Risk Committee Charter - 2023-2025

RECOMMENDATION

That Council approve the Audit and Risk Committee Charter 2023 – 2025.

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 approved a version of the Audit and Risk Committee Charter at its meeting held 23 August 2022.

BACKGROUND

The Audit and Risk Committee Charter (the Charter) is required under Section 54 of the *Local Government Act 2020* (the Act). The Charter is the governing document for the Audit and Risk Committee (ARC), ensuring that all ARC roles and responsibilities under the Act are met.

ISSUES/DISCUSSION

Officers undertook a review of the Charter, including:

- realignment of the Internal Control Environment and Work Plan to be consistent with financial year reporting and compliance,
- providing for a summary of ARC meetings rather than Minutes to be provided to Council,
- a number of administrative amendments, such as consistent use of terminology and language, and
- alignment of the Charter to a number of strategic documents and policies.

The ARC endorsed the Audit and Risk Committee Charter 2023-2025 at its meeting on 1 May 2023.

Since the ARC meeting on 1 May 2023 - in order to clarify the intent of *Section 9 | Reporting to Council* of the Charter - the following wording has been updated:

Wording contained within the ARC endorsed Charter:

A summary of each ARC meeting will be reported at the next meeting of the Council including the activities of the Committee and its findings and recommendations, in accordance with section 54(5) of the Act.

Clarified Wording:

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

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

Appendix 3: 2023-24 Annual Work Plan of the Charter has been updated to reflect this clarification.

Members of the ARC have been advised of the changes.

COST/BENEFITS

The benefit of endorsing the Charter is that it is aligned to the requirements of the Act, and the associated work plan provides a clear roadmap for the ARC activities.

There is no expectation that this report will incur any costs.

RISK ANALYSIS

There are no risks associated with this report.

CONSULTATION AND ENGAGEMENT

A number of Council Officers have been involved in reviewing the current Audit and Risk Committee Charter 2023-2025.

The ARC endorsed the Audit and Risk Committee Charter 2023-2025 at its meeting on 1 May 2023.

RESOLUTION 2023/65

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council approve the Audit and Risk Committee Charter 2023 – 2025.

CARRIED

10.2 GOLDFIELDS LIBRARY CORPORATION SERVICE AND FUNDING AGREEMENT 2023-2025

File Number:

Author: Renae Colls, Executive Assistant

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council authorise the Chief Executive Officer to:

1. Enter into a funding and service agreement with North Central Goldfields Regional Library Corporation; and,
2. Undertake the necessary administrative actions to complete the contract documentation.

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

Goldfields Library Corporation Service and Funding Agreement 2023-2025, was presented to the May 2023 Council Forum for discussion.

BACKGROUND

The North Central Goldfields Regional Library Corporation trading as Goldfields Library Corporation has involved four Councils since its inception in 1996. The Corporation consists of members from City of Greater Bendigo, Loddon Shire, Macedon Ranges and Mount Alexander Shire Council. The Corporation provides library services to the member Municipalities.

The Service and Funding Agreement details the responsibilities and obligations of the Corporation and the Member Councils. The Agreement is an extension of the Regional Library Agreement (RLA) and although it is not required to be gazetted by the Minister, it should be read in conjunction with the Regional Library Agreement.

The Regional Library Agreement (RLA) establishes the framework of the Corporation as a separate legal entity, as part of a sunset agreement covered under the Local Government Act 1989 (s. 197). The sunset agreement allows for the provision of Regional Library Corporations under the Local Government Act 1989 until 2030, by which time it is expected that all Councils will have transitioned to another method and structure for service delivery.

ISSUES/DISCUSSION

The Service and Funding Agreement currently in place, expires on June 30, 2023 and a new agreement is proposed that simply provides for the existing conditions of the service and funding arrangements to be maintained for a 12 month period with an option to roll this over for a further 12 months, pending any decisions by member Councils regarding a new library service delivery model.

This approach is proposed to provide flexibility for Council members undertaking any service review or due diligence in considering the requirements of the Local Government Act 2020, to wind up Regional Library Corporations by 2030 and provide a new way of delivering library services by either directly providing them through an “in-house” Council service, or through a Beneficial Enterprise as defined under s. 110 and s. 111 of the Local Government Act, 2020.

There are no proposed changes to the conditions of the 2023-2025 Funding and Services Agreement.

The timeline of the Agreement is established to allow for review in the 23-24 financial year and for mutually agreed rollover for the 2024-25 financial year, if required for all parties bound to the Regional Library Agreement.

This provides flexibility and a built-in review process as the Regional Library Corporation and member Council’s consider the most suitable new approach to the provision of library services under the Local Government Act 2020.

It may be that no decision on a new service delivery approach is reached by June 30, 2025, which would result in a new agreement for a further time period, given Councils have until 2030 to finalise a new approach to services.

COST/BENEFITS

Council is required financially contribution to the Library Corporation. The formula is not proposed to change within this new service and funding agreement. Council has allocated the necessary funds to meet their contribution within the draft 2023/24 budget.

RISK ANALYSIS

The Regional Library Service and Funding Agreement is in line with current practice of the Library Corporation and represents good governance through the provision of an Agreement that clearly outlines the foundations of service provision and funding responsibilities of all parties. The Service and Funding Agreement has not been changed in any way to the existing Agreement and this process represents a continuation of current services utilising the same legal structure and fee structure.

RESOLUTION 2023/66

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council authorise the Chief Executive Officer to:

1. Enter into a funding and service agreement with North Central Goldfields Regional Library Corporation; and,
2. Undertake the necessary administrative actions to complete the contract documentation.

CARRIED

11 INFORMATION REPORTS**11.1 LOCAL LAWS AND PLANNING COMPLIANCE QUARTERLY ACTIVITY REPORT****File Number:** FOL/19/115192**Author:** David Price, Local Laws \ Planning Compliance Officer**Authoriser:** Louise Johnston, Acting Manager Development and Compliance**Attachments:** Nil**RECOMMENDATION**

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2022-2023 financial year, summarising the animal control, local laws, planning compliance and enforcement actions taken within the Development and Compliance Department. It provides Council with a high level summary for the purpose of monitoring performance within this area.

BACKGROUND

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

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

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

ISSUES/DISCUSSIONAdministrative

Table 1 provides a summary of administrative functions undertaken.

Table 1: Administrative

Quarter 3 (1 January 2023 – 31 March 2023)			
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued
No. actions	1	1	8

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

Unightly properties

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

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

Table 2: Summary of unightly properties activities

Quarter 3 (1 January 2023 – 31 March 2023)																
Town/Locality	Eddington	Rheola	Newbridge	Tarnagulla	Inglewood	Bridgewater	Wedderburn	Korong Vale	Borong	Boort	Pyramid Hill	Mitiamo	Dingee	Serpentine	Rural/Other	Total
No. identified from previous report period	2	0	5	1	6	2	19	3	4	4	4	1	1	0	0	52
No. resolved during quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New action commenced	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
No. currently pursuing	2	0	5	2	7	2	19	3	4	4	4	1	1	0	0	54
Progress Activities																
Site meeting / discussion held	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	3
Letter to comply issued	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	3
Occupier has commenced clean-up work	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Notice to comply issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Contractor engaged for clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Animal management

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

Table 3: Summary of animal management activities

Quarter 3 (1 January 2023 – 31 March 2023)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
No. of actions	6	1	1	6	11	23

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

Table 4: Impoundment activities

Quarter 3 (1 January 2023 – 31 March 2023)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	2	0	0	2 (sold)
Dogs	3	1	2	0
Cats	5	0	5	0
Feral Animals	-	-	-	24
Total	10	1	7	26

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 2023 – 31 March 2023)						
Type	No. identified from previous report period	New action	PIN's	Warning Letter	No. resolved during quarter	No. currently pursuing
Land use in contravention of planning scheme without a permit	7	2	0	2	3	6
Native vegetation removal without a permit	5	1	0	1	2	4
Breach of planning permit	0	0	0	0	0	0
Dog breeding / animal keeping	4	0	0	0	2	2
Land used as a store without planning permit	3	0	0	1	0	3
Occupation of a site without a planning permit	4	0	0	2	0	4
Total	23	3	0	6	7	19

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

COST/BENEFITS

The expenditure for the third quarter of 2022-2023 financial year for the local laws and compliance activities contained within this report is \$54,505. As the identified properties are escalated through the compliance process, costs associated with legal proceedings may also be incurred by Council.

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

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

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

RISK ANALYSIS

Failure of Council to adequately manage the provisions associated with the Loddon Planning Scheme, *Planning and Environment Act 1987* or other applicable legislation including the *Domestic Animals Act 1994*, *Impounding of Livestock Act 1994* or Council's Community Local Law is considered to pose the following risks:

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

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2023/67

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

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

CARRIED

11.2 ROAD MANAGEMENT PLAN DEFECT RECTIFICATION COMPLIANCE REPORT

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

RECOMMENDATION

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2022 - 2023 financial year, summarising road network defect rectification compliance against requirements specified within the Loddon Shire Road Management Plan (RMP).

BACKGROUND

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

ISSUES/DISCUSSION

The information contained in this report is based on the third quarter (1/01/2023 – 31/03/2023) of the 2022-2023 financial year. In mid-October 2022 Loddon Shire experienced major flooding which has impacted on this reporting period. Council's road network is continuing to be assessed for flood damage with two roads still closed.

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

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

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

Table 1: Inspection summary report

Quarter 3 (01/01/2023 – 31/03/2023)						
Work Group	Number of scheduled inspections	Number completed by due date	Number completed after due date	Number not completed	Compliance	Number of Defects Raised
Loddon Plains	22	15	7	0	68.2%	256
Loddon Goldfields	15	10	5	0	66.7%	253
Total	37	25	12	0	67.6%	509

During the third quarter of 2022 - 2023 financial year, 67.6% of the programmed inspections were completed according to the schedule. This is 32.4% below the target of 100% set in the RMP, this is due to staff being actively involved in flood impact assessments of the road network. As the RMP has been suspended the compliance target is not currently relevant.

Table 2 below provides a summary of compliance of actual response times for rectification works of defects as detailed in the defect intervention levels and response timetables of the RMP. The defects have been identified through programmed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as ad hoc work actions.

Table 2: Defect rectification summary report

Quarter 3 (01/01/2023 – 31/03/2023)								
Work Group	Number of Defects				Compliant with RMP			
	Ad hoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	1	30	256	287	266	21	0	92.7%
Loddon Plains	0	12	429	441	431	10	0	97.7%
Shire Wide	0	8	506	514	502	12	0	97.7%
Townscape Services	50	1	25	76	67	9	0	88.2%
Total	51	51	1216	1318	1266	52	0	96.1%

During the third quarter of 2022 - 2023 financial year, 96.1% of all date imposed defects were completed before their due date. This is 3.9% below the target of 100% set in the RMP, as the RMP has been suspended the compliance target is not currently relevant. The number of defects reported in Table 2 are comparable with this time last year as most of these defects will have been in the system before the flooding in October 2022 and subsequent suspension of the RMP. The impact of the flood event on road maintenance will not be fully understood until the defect inspections resume as scheduled. It is expected that normal operations will resume from June 2023 and the exceptional circumstances clause of the RMP can be rescinded.

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

Table 3: Maintenance grading program

Quarter 3 (01/01/2023 – 31/03/2023)											
Work Group	Number of Grading Work Actions					Compliant within scheduled timeframes				KM Graded	KM Inspected
	Roads Graded	Defects	Requests	Ad hoc	Total	Yes	No	Not completed	%		
Loddon Goldfields	76	7	29	0	112	85	27	0	75.9%	226.8	446
Loddon Plains	100	2	3	0	105	105	0	0	100.0%	248.4	1251
Shire Wide	0	2	2	0	4	3	1	0	75.0%	.6	0
Total	176	11	34	0	221	193	28	0	87.3%	475.8	1697

The data in Table 3 indicates that 221 grading work actions were completed for the third quarter of 2022 - 2023 financial year. There is no set level of compliance for the maintenance grading program in the RMP.

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

Chart 1: Maintenance Grading Program



COST/BENEFITS

The year to date actual expenditure to the end of third quarter of 2022 - 2023 financial year of the Local Road Maintenance Program is \$5,300,630. The expenditure for the third quarter was \$1,466,566

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

RISK ANALYSIS

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

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2023/68

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

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

CARRIED

12 COMPLIANCE REPORTS

12.1 AUDIT AND RISK COMMITTEE UPDATE

File Number:

Author: Tracy Hunt, Governance Coordinator

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments:

1. **Audit and Risk Committee - Annual Performance Assessment (Survey) Report - 2022-2023**
2. **Audit and Risk Committee - Biannual Report - May 2023**
3. **Audit and Risk Committee - Minutes - 1 May 2023**

RECOMMENDATION

That Council receives and notes the:

1. Audit and Risk Committee - Annual Performance Assessment (Survey) Report - 2022-2023
2. Audit and Risk Committee - Biannual Report - May 2023, and
3. Audit and Risk Committee - Minutes - 1 May 2023.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

PERFORMANCE ASSESSMENT REPORT

An annual performance report from the Audit and Risk Committee (ARC) is a requirement of the *Local Government Act 2020* (the Act), Council received the previous report at the Council Meeting held on 26 July 2022.

BIANNUAL REPORT

A biannual report from the ARC is a requirement of the Act, the Council received the previous report at the Council Meeting held on 13 December 2022.

MINUTES

Under the Act the Chair of the ARC may request that reports and assessments be tabled at Council meetings, Council received the Minutes from the 13 February 2023 ARC meeting at the Council Meeting held on 28 March 2023.

BACKGROUND

Pursuant to Section 53 of the Act, Loddon Shire Council has established the ARC 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 includes the following ARC legislative and regulatory requirements:

PERFORMANCE ASSESSMENT REPORT

Under Section 54(4) of the Act:

- (4) *An Audit and Risk Committee must—*
- (a) *undertake an annual assessment of its performance against the Audit and Risk Committee Charter; and*
 - (b) *provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.*

BIANNUAL REPORT

Under Section 54(5) of the Act:

- (5) *An Audit and Risk Committee must—*
- (a) *prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and*
 - (b) *provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.*

MINUTES

Under Section 54(6) of the Act:

- (6) *The Chief Executive Officer must—*
- (a) *ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee; and*
 - (b) *table reports and annual assessments of the Audit and Risk Committee at Council meetings when required by this Act and when requested by the chairperson of the Audit and Risk Committee.*

ISSUES/DISCUSSION

The following have been provided as attachments to this report:

- Audit and Risk Committee - Annual Performance Assessment (Survey) Report - 2022-2023
- Audit and Risk Committee - Biannual Report - May 2023
- Audit and Risk Committee - Minutes - 1 May 2023

PERFORMANCE ASSESSMENT REPORT

The survey consisted of 52 statements relating to the content of the charter, skills and interactions within the ARC, training/development, risk management, statutory compliance & reporting, agendas & associated reports, conduct of meetings, internal audit function and external audit function.

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

BIANNUAL REPORT

The biannual report encompasses the activities of the ARC for the November 2022 to May 2023 period.

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.

MINUTES

The ARC 1 May 2023 meeting agenda included a number of reports for information and the following Decision Reports:

- Internal Audit Actions Progress Report
- Endorsement of Meeting Schedule 2023/24
- VAGO report on fraud control over local government grants action plan progress
- Audit and Risk Committee Biannual Report
- Endorsement of Audit and Risk Committee Charter
- Internal audit report: Review of Procurement and Contract Management

The meeting was attended by all Independent Members, the Council representative, the Chief Executive Officer, Director Corporate, Manager Governance, other relevant Officers and representatives from HLB Mann Judd and RSD Audit. As noted in the minutes the ARC currently has one vacant independent member position.

COST/BENEFITS

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

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

RISK ANALYSIS

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

CONSULTATION AND ENGAGEMENT**PERFORMANCE ASSESSMENT REPORT**

Relevant officers were consulted in the preparation of the Annual Performance Assessment (Survey) Report 2022-2023. The report was noted by the ARC at the 1 May 2023 meeting.

BIANNUAL REPORT

Relevant officers were consulted in the preparation of the ARC Biannual Report - May 2023. The report was endorsed by the Audit and Risk Committee at the 1 May 2023 meeting.

MINUTES

Relevant officers were consulted in the preparation of the ARC Minutes - 1 May 2023.

RESOLUTION 2023/69

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council receives and notes the:

1. Audit and Risk Committee - Annual Performance Assessment (Survey) Report - 2022-2023
2. Audit and Risk Committee - Biannual Report - May 2023, and
3. Audit and Risk Committee - Minutes - 1 May 2023.

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 Sale of properties for rate recover under Section 181 of the Local Government Act 1989

This matter is considered to be confidential under Section 3(1)(f) 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 personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Matters of personal financial hardship of a resident or ratepayer

RESOLUTION 2023/70

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That the meeting be closed to the public in accordance with Section 66 of the Local Government Act 2020 while Council considers the confidential report listed below:

- 14.1 Sale of properties for rate recover under Section 181 of the Local Government Act 1989.

CARRIED

14.1 SALE OF PROPERTIES FOR RATE RECOVER UNDER SECTION 181 OF THE LOCAL GOVERNMENT ACT 1989**RESOLUTION 2023/71**

Moved: Cr Neil Beattie

Seconded: Cr Gavan Holt

That Council approves the sale of properties listed in this report under Section 181 of the Local Government Act 1989 and authorises the use of the Council seal on any related documentation.

CARRIED

NEXT MEETING

The next Meeting of Council will be held on 27 June 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 3:47pm.

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

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CHAIRPERSON