



Notice is given that a Meeting of Council will be held on:

Date: Tuesday, 22 November 2022
Time: 3pm
**Location: Loddon Shire Council Chambers,
Wedderburn**

AGENDA

Council Meeting

Order Of Business

1	OPENING AFFIRMATION	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	APOLOGIES	3
4	DECLARATIONS OF CONFLICT OF INTEREST	3
5	PREVIOUS MINUTES	4
	5.1 CONFIRMATION OF MINUTES	4
6	ADVISORY MEETINGS	5
	6.1 RECORD OF ADVISORY MEETINGS	5
7	REVIEW OF ACTIONS	8
	7.1 REVIEW OF ACTIONS	8
8	MAYORAL REPORT	15
	8.1 MAYORAL REPORT	15
9	COUNCILLORS' REPORT	16
	9.1 COUNCILLORS' REPORTS	16
10	DECISION REPORTS	19
	10.1 FUTURE OF AGED CARE SERVICES IN LODDON	19
	10.2 COMMUNITY LOCAL LAW 2022	25
	10.3 MAV REGIONAL GROUPINGS	107
11	INFORMATION REPORTS	128
	11.1 PUBLIC HEALTH QUARTERLY ACTIVITY REPORT	128
	11.2 ROAD MANAGEMENT PLAN DEFECT RECTIFICATION COMPLIANCE REPORT	132
	11.3 LOCAL LAWS AND PLANNING COMPLIANCE QUARTERLY ACTIVITY REPORT	137
	11.4 QUARTERLEY STATUTORY PLANNING PERMIT ACTIVITY REPORTS	141
	11.5 QUARTERLY BUILDING SERVICES ACTIVITY REPORT	148
12	COMPLIANCE REPORTS	152
	12.1 COMMUNITY ASSET COMMITTEE MEMBERSHIP - 2022/23	152
	12.2 COMMUNITY ASSET COMMITTEES - ANNUAL REPORT TO COUNCIL	159
13	URGENT BUSINESS	162
14	CONFIDENTIAL ITEMS	162
	Nil	

OPENING COMMENT

This meeting is being recorded and audio streamed via the Council website and Facebook.

1 OPENING AFFIRMATION

“We, the Councillors of the Loddon Shire, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance.”

2 ACKNOWLEDGEMENT OF COUNTRY

“The Loddon Shire Council acknowledges the Traditional Custodians of the land on which we are gathered and pays its respects to their Elders both past and present.”

3 APOLOGIES**4 DECLARATIONS OF CONFLICT OF INTEREST**

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 confirms the Minutes of the:

1. Council Briefing of 25 October 2022
2. Council Meeting of 25 October 2022
3. Council Forum 8 November 2022.
4. Special Council Meeting of 8 November 2022

REPORT

This report seeks Council confirmation of Minutes from the October 2022 Council Briefing and Meeting, the November 2022 Council Forum and the Special Meeting of Council held 8 November 2022, as circulated to Councillors.

6 ADVISORY MEETINGS**6.1 RECORD OF ADVISORY MEETINGS**

File Number: 02/01/001
Author: Lisa Clue, Manager Governance
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

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

1. Council Briefing 25 October 2022.
2. Council Forum 8 November 2022.

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 Ordinary meeting of Council and detailed within this report:

1. Council Briefing 25 October 2022.
2. Council Forum 8 November 2022.

Meeting details	Briefing
Date	25 October 2022
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
Items discussed.	1. Neighbourhood Safer Places Plan 2022-2023 2. General Business <ul style="list-style-type: none"> • National Electric Vehicle Strategy • Climate Change • Petition from the Rainbow Local Government campaign
Conflict of Interest Disclosures - Councillor/officer making disclosure	Cr Murphy declared a conflict of interest in relation to October Council Meeting Agenda Item 10.4 and advised she would leave the Council meeting for that item.
Councillor/officer left room	Nil

Meeting details	Forum
Date	8 November 2022
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Amanda Wilson, Director Corporate Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Lisa Clue, Manager Governance Louisa McPhee (GHD), Nicola Falcon, Sarah Walsh, Colin Holmes and Catie Low (AEMO) Daniel Lloyd, Manager Works and Works department team members
Items discussed.	<ol style="list-style-type: none"> 1. VNI West 2. Introduction to Works Department 3. Community Asset Committees – Annual Report to Council 4. General Business: <ul style="list-style-type: none"> • Camp ground signage • Waterway management • MAV Rules Review
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

7 REVIEW OF ACTIONS**7.1 REVIEW OF ACTIONS**

File Number: 02/01/002

Author: Lisa Clue, Manager Governance

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. Council resolutions acted upon since the October 2022 Council meeting

RECOMMENDATION

That Council receive and note resolutions acted upon since the October 2022 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 listing 12 Council resolutions acted upon since the October 2022 Council meeting (including four resolutions made while the meeting was closed to the public) is attached to this report.

Council resolutions acted upon since the October 2022 Council meeting

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Caserta, Deanne Wilson, Amanda	Decision Reports	Review of the Financial Hardship Policy v3
RESOLUTION 2022/109			
Moved: Cr Linda Jungwirth			
Seconded: Cr Wendy Murphy			
That Council adopts the Financial Hardship Policy v3.			
CARRIED			
31 Oct 2022 3:35pm Caserta, Deanne			
Document sent to Governance for finalisation and publishing to the website.			
31 Oct 2022 3:35pm Caserta, Deanne - Completion			
Action completed by Caserta, Deanne			

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Jackson, Janine Wilson, Amanda	Decision Reports	Neighbourhood Safer Places (Places of Last Resort)
RESOLUTION 2022/110			
Moved: Cr Gavan Holt			
Seconded: Cr Wendy Murphy			
That Council adopt the Loddon Shire Council Neighbourhood Safer Places Plan - September 2022, which includes and confirms designated Neighbourhood Safer Places within the municipality in the townships of Boort, Bridgewater, Inglewood, Pyramid Hill, Serpentine and Wedderburn.			
CARRIED			
15 Nov 2022 9:33am Clue, Lisa			
Amendments made to plan as discussed at October Council Forum and document prepared for signing and uploading to website.			
15 Nov 2022 9:33am Clue, Lisa - Completion			
Action completed by Clue, Lisa			

Council resolutions acted upon since the October 2022 Council meeting

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Phillips, Steven Fitzgerald, Lincoln	Decision Reports	Bridgewater on Loddon Development Inc. - Fee Waiver Application
RESOLUTION 2022/111			
Moved: Cr Wendy Murphy			
Seconded: Cr Neil Beattie			
That Council resolve to waive the Planning Permit Application fee of \$1,185.00 for Bridgewater on Loddon Development Inc.			
CARRIED			
08 Nov 2022 8:42am Phillips, Steven			
The fee waiver has been processed.			
08 Nov 2022 8:42am Phillips, Steven - Completion			
Action completed by Phillips, Steven			

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Southcombe, David Phillips, Steven	Decision Reports	Annual Infrastructure Program, Amendment to Project Allocations and a Scope Change
RESOLUTION 2022/112			
Moved: Cr Gavan Holt			
Seconded: Cr Neil Beattie			
That Council approve the proposed changes to the project allocations outlined in the attachment of this report and the Community Project scope change detailed in this report.			
CARRIED			
14 Nov 2022 5:26pm Southcombe, David			
Updated allocations sent to Finance to update			
14 Nov 2022 5:26pm Southcombe, David - Completion			
Action completed by Southcombe, David			

Council resolutions acted upon since the October 2022 Council meeting

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Caserta, Deanne Wilson, Amanda	Decision Reports	Finance Report for the quarter 30 September 2022
RESOLUTION 2022/113			
Moved: Cr Gavan Holt Seconded: Cr Wendy Murphy			
That Council			
<ol style="list-style-type: none"> 1. receives and notes 'Finance Report for the quarter ending 30 September 2022 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 2022/23 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 2022/23. 			
			CARRIED
31 Oct 2022 3:35pm Caserta, Deanne			
All items actioned, for information.			
31 Oct 2022 3:36pm Caserta, Deanne - Completion			
Action completed by Caserta, Deanne			

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Wilson, Amanda Wilson, Amanda	Decision Reports	Annual Report for Year Ending 30 June 2022
RESOLUTION 2022/114			
Moved: Cr Linda Jungwirth Seconded: Cr Gavan Holt			
That Council adopt the Loddon Shire Council Annual Report for the Year Ending 30 June 2022			
			CARRIED
11 Nov 2022 12:16pm Wilson, Amanda			
The Annual Report is now available from Council's website. A small number of hard copies have been distributed, and are available to view at Council's office in Wedderburn.			
11 Nov 2022 12:16pm Wilson, Amanda - Completion			
Action completed by Wilson, Amanda			

Council resolutions acted upon since the October 2022 Council meeting

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Perry, Sarah Gladman, Wendy	Motion	Motion
RESOLUTION 2022/118			
Moved: Cr Gavan Holt Seconded: Cr Linda Jungwirth			
That Council:			
<ol style="list-style-type: none"> 1. Deals with this petition in accordance with clause 63 of the Loddon Shire Council Governance Rules. 2. Receives and notes the petition from Rainbow Local Government campaign tabled in relation to flying the rainbow flag on 17 May to mark the Day Against Homophobia, Biphobia, Intersex discrimination and Transphobia. 3. Fly the rainbow flag on 17 May 2023 4. Responds to the person who emailed the petition that Council's Access and Inclusion Plan is due for renewal next year and this idea can be considered as part of renewing that plan. 			
CARRIED			
14 Nov 2022 11:16pm Perry, Sarah			
Notified the person from Rainbow Local Government who originally tabled the petition that Council will fly the rainbow flag on the 17 May 2023 and that the annual flying of the rainbow flag on 17 May (Day Against Homophobia, Biphobia, Intersex discrimination and Transphobia), will be considered in the renewal of Council's Access and Inclusion Plan in 2023.			
14 Nov 2022 11:16pm Perry, Sarah - Completion			
Action completed by Perry, Sarah			

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Fitzgerald, Lincoln Fitzgerald, Lincoln	Urgent Business	Urgent Business
RESOLUTION 2022/116			
Moved: Cr Linda Jungwirth Seconded: Cr Wendy Murphy			
That Council provide support of the Victorian Greenhouse's Alliance submission in response to the Federal government's proposed National Electric Vehicle Strategy Consultation Paper.			
CARRIED			
31 Oct 2022 3:29pm Fitzgerald, Lincoln			
Email sent to VGA per resolution.			
31 Oct 2022 3:30pm Fitzgerald, Lincoln - Completion			
Action completed by Fitzgerald, Lincoln			

Council resolutions acted upon since the October 2022 Council meeting

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Caserta, Deanne Wilson, Amanda	Confidential Items	Finalisation of Sale of Properties for Rate Recovery Under Section 181 of the Local Government Act 1989
RESOLUTION 2022/104			
Moved: Cr Linda Jungwirth Seconded: Cr Wendy Murphy			
That Council write off bad debts, in line with the requirements outlined in the Levels of Authority Delegations, relating to one property sold within the Section 181 process as detailed in the report where there is a shortfall of funds available to service the outstanding rates and charges owing totalling \$2,690.96.			
CARRIED			
31 Oct 2022 3:36pm Caserta, Deanne			
Debt written off and item added to register.			
31 Oct 2022 3:36pm Caserta, Deanne - Completion			
Action completed by Caserta, Deanne			

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Cooper, Adam Phillips, Steven	Confidential Items	Contract 545 - Annual Reseal Program 2022-2023
RESOLUTION 2022/105			
Moved: Cr Wendy Murphy Seconded: Cr Neil Beattie			
That Council:			
<ol style="list-style-type: none"> 1. Award Contract 545 – Annual Reseal Program 2022-2023 to Inroads Pty Ltd 2. Authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the Contract documents 3. Approve a variation to the approved budget of an additional \$50,000 reallocated from underspend from previously completed projects within the Council’s Roads to Recovery budget. 			
CARRIED			
08 Nov 2022 11:20am Cooper, Adam			
Contract agreement and acceptance letter sent to contractor on 8/11/2022			
08 Nov 2022 11:21am Cooper, Adam - Completion			
Action completed by Cooper, Adam			

Council resolutions acted upon since the October 2022 Council meeting

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Lloyd, Daniel Phillips, Steven	Confidential Items	Contract 511 - Quarrying & Production of 20mm Crushed Rock
RESOLUTION 2022/106			
Moved: Cr Gavan Holt Seconded: Cr Linda Jungwirth			
That Council:			
<ol style="list-style-type: none"> award Contract No. 511 – Quarrying and production of 20mm crushed rock to All Stone Quarries Pty Ltd; and authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the Contract documents. 			
CARRIED			
31 Oct 2022 4:19pm Lloyd, Daniel			
Council resolution sent to the procurement coordinator to finalise contract document, the successful contractor has been notified of the outcome.			
31 Oct 2022 4:23pm Lloyd, Daniel - Completion			
Action completed by Lloyd, Daniel			

Meeting	Officer/Director	Section	Subject
Council 25/10/2022	Fitzgerald, Lincoln Fitzgerald, Lincoln	Confidential Items	SCHEDULING OF SPECIAL MEETING FOR THE ELECTION OF MAYOR
RECOMMENDATION			
That Council:			
<ol style="list-style-type: none"> call a Special Meeting to be held on Tuesday 8 November 2022 at 3pm for the purpose of electing the Mayor of the Loddon Shire for 2022/23 nominate a Councillor to be Mayor Elect of the Loddon Shire 2022/23 review its representation on Council Committees and advise of any changes. 			
CARRIED			
31 Oct 2022 3:31pm Fitzgerald, Lincoln			
Special meeting advertised and agenda prepared for 8 November 2022.			
31 Oct 2022 3:32pm Fitzgerald, Lincoln - Completion			
Action completed by Fitzgerald, Lincoln			

8 MAYORAL REPORT**8.1 MAYORAL REPORT**

File Number: 02/01/001
Author: Lisa Clue, Manager Governance
Authoriser: Lincoln Fitzgerald, Chief Executive Officer
Attachments: Nil

RECOMMENDATION

That Council receive and note the Mayoral Report.

REPORT

The Mayor will present a verbal report at the meeting.

Cr Straub

Loddon Campaspe Councils	
Murray River Group of Councils	
North Central Goldfields Regional Library	
North Central Local Learning and Employment Network	
Rural Councils Victoria	
Special Committees Of Council (Section 65 Community Asset Committees):	
East Loddon Community Centre Community Asset Committee	
Pyramid Hill Memorial Hall Community Asset Committee	
Other Council activities	
DATE	Activity

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 will present a report at the meeting.

Cr Beattie

Rail Freight Alliance	
Section 65 Community Asset Committees:	
Boort Aerodrome Community Asset Committee	
Boort Memorial Hall Community Asset Committee	
Boort Park Community Asset Committee	
Korong Vale Mechanics Hall Community Asset Committee	
Korong Vale Sports Centre Community Asset Committee	
Little Lake Boort Community Asset Committee	
Yando Public Hall Community Asset Committee	
Other Council activities	
DATE	Activity

Cr Holt

Municipal Association of Victoria	
Audit and Risk Committee	
Section 65 Community Asset Committees:	
Donaldson Park Community Asset Committee	
Wedderburn Community Centre Community Asset Committee	
Wedderburn Engine Park and Market Square Reserve Community Asset Committee	
Wedderburn Mechanics and Literary Institute Hall Community Asset Committee	
Hard Hill Tourist Reserve Community Asset Committee	
Other Council activities	
DATE	Activity

Cr Jungwirth

Australia Day Committee	
Central Victorian Greenhouse Alliance	
Municipal Emergency Management Planning Committee	
Other Council activities	
DATE	Activity

Cr Murphy

Calder Highway Improvement Committee	
Local Government Women’s Charter	
Australia Day Committee	
Healthy Minds Network	
Section 65 Community Asset Committees:	
Campbells Forest Hall Community Asset Committee	
Inglewood Community Sports Centre Community Asset Committee	
Inglewood Community Elderly Persons Units Community Asset Committee	
Inglewood Town Hall Hub Community Asset Committee	
Other Council activities	
DATE	Activity

10 DECISION REPORTS

10.1 FUTURE OF AGED CARE SERVICES IN LODDON

File Number: PRO/22/20

Author: Wendy Gladman, Director Community Wellbeing

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. **Positive ageing options - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) of the *Local Government Act 2020*. It contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Includes financial information for Council understanding of re-investment costs - final positions and costs will be determined and approved by the CEO. **(under separate cover)**

2. **Service cost calculation - Confidential**

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

Calculations of service costs which could impact Council in a competitive aged care market **(under separate cover)**

RECOMMENDATION

That Council:

1. no longer be a service provider of the following programs from 30 June 2023, including all:
 - (a) Commonwealth Home Support Program services
 - (b) State Home and Community Care Program for Younger People services
 - (c) Veterans Home Care services
 - (d) assessment services
 - (e) brokered services.
2. commits to working with the Commonwealth and Victorian governments to negotiate timing and transition processes that will support the interests of clients, their families, staff, and the broader community.
3. notes that under its service agreements, all processes and matters related to the transition process will remain confidential until the Commonwealth and Victorian governments provide consent for release of information.
4. reaffirms that in taking this decision, Council will maintain an active role in advocating that the new aged care service system delivers high quality service and meets the needs of the community.
5. will provide a transition support role for a period of two years to assist community members to navigate the new aged care service system to access the supports and services which best meet their needs, as identified in Attachment 1.
6. will provide a staff resource to support improved positive ageing outcomes for the broader community, as identified in Attachment 1.
7. delegates authority to the Chief Executive Officer, or their nominee, to undertake or commission all tasks and activities related to the implementation of this council decision.
8. authorises the Chief Executive Officer to negotiate a short term extension if it is identified that this is required to provide better client or staff transition outcomes.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Council have been provided with briefings and updates at Council Forums in April, August, September and October 2022.

BACKGROUND

The Home and Community Care (HACC) program was introduced in Victoria in 1985 and was designed to provide low level assistance to help people to remain independent in their homes and communities. Council delivered the program on behalf of the Commonwealth, via the State Government who established the program criteria and administered the provision of funding. In Victoria, Local Governments provided a co-contribution to ensure the successful delivery of a high quality program.

Since its commencement, Loddon Shire Council has had a team of highly dedicated staff who provided support to our community under this program.

The aged care reforms currently being implemented are a response to the Productivity Commission's report: Caring for Older Australians (August 2011) and came into full effect on 1 July 2015.

The aged care service system in Victoria moved to two systems in 2016 with the introduction of the Commonwealth Home Support Program (CHSP). People over 65 years of age receive services through the commonwealth funded CHSP and those under 65 years of age from the state funded Home and Community Care Program for Younger People (HACCPYP).

With the introduction of this split in the service system, service providers received funding from the Commonwealth for CHSP and from the State for HACCPYP. This coincided with the introduction of the NDIS program as another form of funding for people with a disability eligible to enter that service system.

The original reform timing was due to transition by 30 June 2018; this has been the subject of five extensions: one to 2019, then to 2020, again to 2022, to 2023 and now to 2024.

The Commonwealth Government's continuing reform of the aged care service system will introduce comprehensive changes over the next five years, aimed at creating a nationally consistent and integrated aged care program that provides older Australians with more choice, easier access and better care.

Many of these changes, being progressively introduced, directly impact on the funding and regulation of aged care services currently delivered by Council on behalf of the Commonwealth.

ISSUES/DISCUSSION

Council's current funding agreement as a service provider to the Commonwealth government expires on 30 June 2023.

The new service system will see the combining of CHSP, Home Care Packages and the Short Term Restorative Care Program to become the new In-Home Aged Care program, reforming all aspects of the delivery of in-home aged care.

The introduction of the new In-Home Aged Care program concludes the long-standing funding, service agreements, and contracted roles and responsibilities that Victorian Local Government has participated in for more than 35 years.

The release of the Commonwealth's "5 Pillars over 5 Years" blueprint provides the direction of the reform activities and timeframes, including those that will directly impact Council's current funded aged care service arrangements.

The Commonwealth released the Support at Home Program Overview in January 2022. This provided the first opportunity to assess the architecture of the future aged care program in more detail. The program had been slated for introduction on 1 July 2023; this has since been extended to 1 July 2024. In line with this extension, the Commonwealth will review some components of the previous Support at Home Program model, and released 'A New Program for In-Home Aged Care' discussion paper in October 2022.

The January 2022 overview confirms that the proposed program will be vastly different to the existing CHSP program and will include:

- individualised support plans for clients linked to funding that is based on assessed need
- a new integrated assessment tool that controls access to all aged care services, from home based to residential care services
- an increased reliance on technology and digital services for clients, business systems and payment platforms
- a service list that will better define the outputs and allow flexibility for clients
- clients being provided greater choice and control over the time and place services are provided, this assumes multiple providers being available
- the cessation of block funding and transition to payment in arrears for units of service delivered
- introduction of regulated competition between providers.

The release of the program architecture has lead Council to consider its response to this comprehensive reform of the aged care service system, and to determine its role in contributing to the needs and aspirations of its older residents and ageing community in a positive ageing space, now and into the future.

The review of Council's ability to continue its involvement in the delivery of funded aged care services has been informed by the following considerations:

- The new Aged Care act will embed an extensive range of new provider, system and service level requirements that will be legislated to ensure the delivery of a safe, high quality and sustainable aged care service system.
- The likely investment required to introduce and establish new systems, structures, processes and practices to meet requirements under new governance, accountability and program arrangements.
- The strong orientation of the reform to improve the interface between health and aged care systems signalling a strengthened focus for aged care to align with clinical governance and operating models.
- The introduction of a competitive market driven structure and Council's responsibilities and obligations under the National Competition Policy, the Victorian Competitive Neutrality Policy and the Local Government Act Service Performance principles.
- The reliance on income generated on a fee for service basis with an established schedule of fees, a competitive market and the impact of these on the ability to reach an economy of scale that would support a sustainable business model. The influence of the change in the funding model for CHSP on Council's ability to deliver other funded programs such as HACCPYP and Veterans Home Care programs.
- The program details being provided by the Commonwealth and the ability to participate and influence a smooth transition to the new In-Home model of aged care for the community.
- Recognition of the unique role Council has in the delivery of outcomes for older residents that does not need to be defined only by involvement in delivery of Commonwealth funded aged care services. Considering what opportunity Council has to provide locally responsive positive ageing supports that complement Commonwealth and State funded services.

The information released to date by the Commonwealth, reviewed with consideration of the above points, confirms that Council would not be able to effectively operate under the new In-Home Aged Care program without significant investment in and changes to its operating model and reduction in operating costs.

This report proposes that Council does not enter a new service delivery contract with the Commonwealth government and transitions out of the service delivery function at the end of the current contract period 30 June 2023. Council recognises it has responsibilities to clients and families, staff and the broader community to manage the transition effectively and to continue to participate in service system oversight to ensure the new In-Home Aged Care program improves access and outcomes for its older residents.

Council's recent review identified that in the short term, Council can play an important role in supporting residents who may have enquiries about the introduction of the new In-Home Aged Care program, or who may need some assistance to navigate the changing national system and/or seeking information relevant to their individual support needs.

With the current investment in CHSP supporting less than 4% of the total population, the review also identified that Council could pivot to play an increased role in the identification and implementation of programs and services that improve positive ageing outcomes for a greater number of the 54% of our total population aged over 50. Attachment 1.

COST/BENEFITS

In line with the key directions of the aged care reforms, existing block funding arrangements are being replaced with a competitive market model involving fee for service payments in arrears and full cost reflective pricing (client contributions meeting the gap between funding and service cost).

As a result, there is uncertainty of future funding levels for Council, and as other providers enter the service system Council's market share will likely reduce.

Whilst the schedule of fees has not been finalised by the Commonwealth, information provided at this time has indicated that the unit price for in home services will fall within the current range of unit price funding. Traditionally, Council has budgeted for a co-contribution to offset the difference between the actual cost of the delivery of in-home care services and the funding received.

Based on current information, provided by the Commonwealth, an analysis of the cost per hour of service, compared to the likely unit price range has been completed; this identified that Council will be unable to deliver the service within the likely cost parameters without a co-contribution to this Commonwealth service. Attachment 2.

Council's commitment to service delivery provides support for a little under 4% of the total population per year. With 54% of Council's population aged over 50, Council has the opportunity to consider a broader contribution to improving outcomes for older residents through positive ageing activities available to all older people in the municipality. This reinvestment can be informed through the development of the new access and inclusion strategy.

Council is also asked to consider the benefit of investing in staff resources to support the community to navigate the new service system over the next two years as the transition from CHSP to the new In-Home Aged Care program and to implement the actions relating to positive ageing identified in the new access and inclusion strategy.

Industrial obligations to staff in the form of redundancy payments have been calculated and can be met within the existing adopted Council budget.

RISK ANALYSIS

A number of high level risks associated with this report have been identified, including:

- Service demand and ability to achieve an economy of scale. The current cost structure is based on receipt of block funding and a consistent demand for service. The introduction of competition and consumer directed care will likely increase the cost of future service delivery and reduce Council's service user market share. Council will be challenged by the inability to expand beyond geographic boundaries, the inherent cost structures and the limited range of service offerings able to be made.
- Responsibilities and obligations under the National Competition Policy (NCP) and the Victorian Competitive Neutrality Policy.

The NCP and the Competitive Neutrality Policy would apply to the provision of aged care services by Council under the individualised model of care as Council's aged care services are a 'significant business activity' to which NCP applies. Hence, were Council to remain a provider in the new In-Home Aged Care program, Council would be required to implement competitive neutrality measures, most likely in the form of a public interest test to address its competitive advantage, created by rate payer subsidies, to be able to offer competitive pricing in a commercial industry. Given that the market sounding performed has identified interest from other providers, Council may be challenged to establish a policy position that would be tested through a public interest test. This means that Council would be required to charge cost reflective pricing, which would be cost prohibitive to clients and ultimately unviable for Council.

- Commonwealth Home Support is delivered by Council on behalf of the Commonwealth government. Economic modelling (confidential attachment 2) demonstrates that if Council is to remain a service provider, a funding co-contribution will be required from Council. This could be considered cost shifting to Local Government and exacerbates issues of inequity experienced by small local government areas.
- Ability to deliver the increased level of service. The Royal Commission into Aged Care Quality and Safety recommends that providers of the Care at Home category of services be required to provide a coordinated and integrated range of care and supports across domains not currently reflected in Council's role as a service system entry level provider; care management, clinical oversight, enabling and therapeutic care, nursing care, allied health, palliative and end of life care. Council is not well positioned to move into a clinical model of care, or to implement a broader staffing profile that includes nursing and other allied health disciplines.
- Should Council no longer be a service provider, Council will need to manage the transition of individual clients. Transition at the end of the current contract, 30 June 2023 will provide the opportunity for Council to participate in a structured transition to a Commonwealth and State nominated provider.
- Should Council continue being a provider until 1 July 2024 when the fully commercialised model is implemented it is expected that there will be a degree of turbulence in the industry due to the introduction of many changes in the service system. It is recommended that Council no longer be a service provider from 30 June 2023 to mitigate this risk.
- Addressing vulnerability. Most clients will make a transition with limited support from Council. Clients with higher levels of vulnerability may require additional support to ensure a smooth transition; Council is recommended to invest in staff resources to mitigate this risk to already vulnerable community members. Attachment 1.

- Thin market. A thin market indicates that there are few or no alternative providers to deliver the new In-Home Aged Care program. Council had identified that a thin market created a risk to the client continuity of care, and therefore included market sounding as part of its review of the aged care reforms. As the market sounding identified interest from other agencies in providing services into the Loddon area, this risk has been somewhat mitigated.
- Council's Community Care team of 22 dedicated people are highly valued by the organisation, community and their clients. In accordance with Council's Enterprise Agreement #9 2022, if Council resolves to conclude being a service provider, some redeployment opportunities will be available. If staff seek to enter employment with another provider servicing Loddon Shire, Council would seek to support a smooth transition for those staff.
- Where a decision is made that ends a staff members position, impacted staff may leave at any time after the decision is made, with access to their redundancy provisions. If this occurs, it may have a direct impact on Council's ability to fulfil its service delivery responsibilities to the end of the contract period. Council will work closely with other providers who may be able to assist with short term service support, and will discuss transition options with the Commonwealth and State that may assist in offsetting this risk.

CONSULTATION AND ENGAGEMENT

A representative of the Australia Services Union (ASU) presented to a Council forum prior to the commencement of this review. The ASU outlined the value of the service to clients and the history of Council involvement as well as risks and potential opportunities within the new service model.

Council met with staff who would be affected by this decision and provided information on the current aged care reforms and the impact this will have on Council's ability to remain as a service provider into the future. The Australian Services Union was invited to the staff meeting and was provided with all the information provided to staff and clients.

Staff were invited to provide feedback, which was presented to Councillors for consideration at the October Council Forum.

The September Council Bulletin to residents included an article noting the aged care reforms and advising that Council was considering its response to the reforms.

A letter advising that Council was considering their response to the aged care reforms was distributed to all CHSP and HACCPYP clients, with a survey included seeking to identify the activities that were important to them as they age in Loddon and what they would be seeking from a service provider of their choice.

The results of the returned surveys was presented to Councillors for consideration at the October Council Forum.

Should Council resolve to re-invest into staff resources, further consultation will be conducted as part of the development of the new access and inclusion strategy, to identify what activities or supports would best influence improved positive ageing outcomes in our community.

10.2 COMMUNITY LOCAL LAW 2022

File Number: FOL/19/115191
Author: David Price, Local Laws \ Planning Compliance Officer
Authoriser: Glenn Harvey, Manager Development and Compliance
Attachments: 1. Section 74 Legal Certificate
2. Community submissions (3)
3. Community Local Law 2022

RECOMMENDATION

That the Community Local Law 2022 be adopted.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Presentations and draft versions of the Community Local Law have been discussed at a Council briefing held on 23 March 2021 and a Council forum held on 10 May 2022.

A report was then presented to Council's meeting held on 28 June 2022. Following community engagement, a progress report was presented to the Council forum held on 13 September 2022.

BACKGROUND

At its meeting held on 28 June 2022, Council resolved to place the draft Community Local Law on public exhibition for a period of at least 6 weeks and that following community input, a further report with a revised version be presented to consider its adoption.

Community engagement is now complete. The draft Community Local Law has been revised in response to feedback received and discussion with Council.

ISSUES/DISCUSSION

Local laws balance the safety and amenity needs of the community with those of the landowner and individual. Some clauses manage amenity aspects on private property that are likely to impact on others, whilst other clauses relate to the use of public areas or Council infrastructure and services.

The very nature of local laws create a layer of rules or regulation that would not otherwise exist - including fees, charges and permits. This layer can create issues and challenges within itself in terms of balancing a community's desire to self-manage or self-regulate, and having a community seen as being told what to do and how to do it.

Russell Kennedy Lawyers was engaged to conduct a legal review of the proposed Community Local Law to ensure it satisfies the requirements of the *Local Government Act 2020* ("the Act").

Section 74 of the Act provides that before Council makes a local law, it must obtain a certificate from a qualified person stating that the person is of the opinion that the proposed local law is consistent with the local law requirements. By a qualified person, the Act means a person who is an Australian lawyer who has been admitted to the legal profession for at least 5 years, and who is not a councillor of the Council.

A copy of the appropriate certificate from Russell Kennedy Lawyers is included as Attachment 1.

If Council resolves to adopt the Community Local Law as presented, notice then needs to appear in the Government Gazette before the local law comes into effect. This would occur in early 2023. Any further or late changes to the Community Local Law will require re-commencing the local law review process, further community engagement and another legal review in accordance with the Act.

COST/BENEFITS

Council has engaged Russell Kennedy Lawyers to undertake the required legal review in accordance with the Act. The cost is included in the 2022/23 Budget.

Upon its commencement, the Community Local Law will be administered within existing allocated staff resources. Any change would be subject to the normal Budget review process.

The benefits of having local laws assists Council to achieve its objective of growing a vibrant community.

RISK ANALYSIS

Council officers have followed a risk management approach to the review and subsequent development of the Community Local Law.

The Community Local Law presented for adoption seeks to manage risks through balancing the safety and amenity of the community with an individual's rights. Examples include restrictions on burning off; untidy or unsightly land; and consumption of alcohol, smoking and behaviour in public places.

CONSULTATION AND ENGAGEMENT

Council officers have undertaken an initial review of the previous local laws, including benchmarking with surrounding and similar councils to identify local and emerging issues that need addressing.

Council officers also sought input from various Council staff who reviewed relevant clauses of the local law to their Department. A preliminary overview of a draft Community Local Law was also workshopped at a Council briefing held on 23 March 2021 and a Council forum held on 10 May 2022.

A significant part of the review has been to assess the local law against new and existing State legislation to ensure there are no inconsistencies. Several clauses of the previous local laws have been deleted as these are now covered by State legislation.

Division 3 of the Act outlines the process that Council must follow when making local laws. Section 73 provides that Council must make a local law in accordance with its Community Engagement Policy and outlines the notice to be published, location of available information and the engagement process that applies. Section 74 requires that before making a local law, Council must obtain a certificate from a qualified person stating that the proposed local law is consistent with the local law requirements.

Community consultation is an important part of developing the new local law, and opportunities were provided for the community to have a say in the laws specific to Loddon Shire.

The draft Community Local Law and several supporting documents were placed on Council's website and public notices placed in the Loddon Herald, Gannawarra Times and Bendigo Advertiser newspapers. A hard copy was also available at the Council Office.

Seven community information 'drop-in' sessions were held throughout the shire. Attendance was low and numbers are summarised as follows:

Wedderburn	Newbridge	Inglewood	Pyramid Hill	Boort	Serpentine	Bridgewater
0	1	0	4	0	6	1

Three written submissions were received, which are included in Attachment 2. No one has made a request to make an oral submission to Council.

The community drop-in sessions did however provide an opportunity for discussion and clarification of several aspects of the local law.

Comment on the written submissions, additional feedback from relevant council officers and discussions held during the drop-in sessions are summarised as follows:

Clause	11 – Smoking in municipal places
Issue raised	Specific query about the word "cause" in the context that it reads "Council must cause an acceptable no smoking sign to be displayed...." and whether this word is correct.
Officer comment	Context is deemed correct and appropriate, however Council will confirm this with the further legal review process.
Officer Recommendation	No change to the current clause.

Clause	16 – Use of Council reserves
Issue raised	Written submission received about the requirements for flying drones. Submission outlines existing Civil Aviation Safety Authority (CASA) requirements.
Officer comment	Council is responsible for the enjoyment and shared use of its reserves. Some aspects including horse riding, lighting of fires, driving motor vehicles, certain games or play, and flying model aircraft including drones is best managed with prior consent. There is no intention to adversely impact on the genuine use of drones particularly for commercial, real estate or tourism purposes etc.
Officer Recommendation	Remove any reference to flying "over" council reserves from clause 16(f), but maintain that operating model aeroplanes, drones and similar craft from council reserves requires consent. In practice, this is to assist in the management of potential nuisances where conflicting activities or competing use of areas could exist. Good context for the administration of the local law is to refer back to the objectives at clause 2.

Clause	18 – Stationary heavy vehicles
Issue raised	Why are there restrictions about trucks being parked in residential streets? Where does Council expect operators to park their truck and trailer?
Officer comment	There is a significant change from previous Local Law No. 2, Clause 18 in that the requirements have been relaxed. Previously a truck greater than 3 tonnes gross vehicle mass was prohibited. The proposed change enables a large prime mover without a semi-trailer to be parked in a residential street. Large trucks with trailers create a potential safety issue to residents and other road users.

	The <i>Road Safety Road Rules 2017</i> (rule 200) provides that heavy or long vehicles cannot be parked on a road in a built up area for longer than one hour unless parking signs say that it is allowed or the driver is picking up or setting down goods.
Officer Recommendation	No change to the current clause.

Clause	21 – Camping on Council land or in a public place
Issue raised	Is Council trying to regulate driver's that are parked on the side of the road resting during a long journey?
Officer comment	No. This is not something that Council has attempted to regulate. Rest areas are generally provided by the Department of Transport along its highway infrastructure. However some clarity about what camping is and isn't is warranted. A better definition is used by state government in its regulations.
Officer Recommendation	Provide a clearer definition for camping that is consistent with the <i>Road Management (General) Regulations 2016</i> . Remove reference to highways as these areas are managed by the Department of Transport. Include an explanation that camping is not a person resting in a vehicle in order to manage driver fatigue.

Clause	23 – Closed roads
Issue raised	Specific query that the clause only refers to “the Act” and asking which Act does Council mean?
Officer comment	In the definitions at Clause 8, “the Act” means the <i>Local Government Act 2020</i> , or where applicable, the <i>Local Government Act 1989</i> . This is standard simplified practice when the Local Law refers to these Acts.
Officer Recommendation	No change to the current clause.

Clause	27 - Substances from vehicles, animals and livestock
Issue raised	Does council expect farmers to clean up all manure from sheep when moving their livestock along a road? What about mud coming off vehicles due to the condition of local roads? Should there be a difference applied in rural and township areas?
Officer comment	There is no change from previous Local Law No.2, Clause 40. The intent of the local law is to manage excess or repeated circumstances, particularly where a potential road safety risk or hazard is identified, or where there is potential to damage or impact on Council assets.
Officer Recommendation	No change to the current clause.

Clause	31 – Disposal of water onto roads
Issue raised	What about excess water after heavy rain, including unexpected rainfall after irrigation? Community drains are not being maintained and can't manage significant overflows. These drains are critical and under the proposed changes it seems connection to these would be deemed illegal.

	This affects irrigation farmers too much. Who decides what's reasonable and what's not reasonable?
Officer comment	<p>There is a minor change from previous Local Law No.2, Clause 43 that increases the penalty and includes stormwater discharges.</p> <p>The intent of the local law is to manage circumstances where better farm management practices could prevent discharge of water onto Council roads and assets, as well as unauthorised stormwater discharges.</p> <p>Reference is given to a breach being 'without written consent' and there is an existing permit and approval system in place to regulate appropriate offsite discharges, including to community drains. Existing authorised connections to community drains and good farm management practices are not affected by the new local law (there is no change from the previous local law clause in this respect). Unreasonable discharges are determined by Council's Authorised Officer and take into account weather events including localised flooding.</p>
Officer Recommendation	No change to the current clause.

Clause	36 – Camping on private property
Issue raised	There should be a difference between what you can do in rural and township zones. Could there be a difference based on block sizes? Need to better regulate the 'gypsy' camper set ups and blockies up from Melbourne. Why do I need a permit for my friends to camp on my block? If someone's house burns down, do they need a permit too?
Officer comment	<p>The proposed local law relaxes some of the requirements of previous Local Law No.4, Clause 7.3. It extends the length of time from 28 days to 60 days without needing a permit when a house is on the property. It also allows occasions to camp on vacant land without a permit, subject to performance based conditions (previously a permit was always required to camp on vacant land).</p> <p>The proposed local law balances the various amenity issues that arise from camping on land zoned for both farming and residential purposes.</p>
Officer Recommendation	No change to the current clause.

Clause	39 – Temporary use of shipping containers
Issue raised	Why do shipping containers now need to have a building permit and how much will that cost? They should be exempt from needing a permit if on a farm and you can't see them. A permit should be just for township areas.
Officer comment	The proposed local law now only covers shipping containers used for a short term or temporary use (i.e. up to 6 months). Changes to state legislation and determinations of the Victorian Building Authority mean that shipping containers used as storage sheds are to be treated as sheds under Victoria's building legislation. The fees, charges and the relevant permit approval process applied for long term use of shipping containers is beyond Council's scope of creating a local law.
Officer Recommendation	No change to the current clause.

Clause	53 – Depositing of waste at a municipal waste management facility
Issue raised	The clause proposes that a local law permit could be issued for a person to deposit prescribed industrial waste at Council's landfills and transfer stations. This term is from the <i>Environment Protection Act 1970</i> and is no longer used in the <i>Environment Protection Act 2017</i> . Council cannot receive such waste under its Environment Protection Authority (EPA) permit conditions to operate a landfill or transfer station.
Officer comment	Noted. There is a revised permit and licencing system in the <i>Environment Protection Act 2017</i> as administered by the EPA, that was not updated when drafting the new Community Local Law document.
Officer Recommendation	Delete clause 53 and renumber the subsequent clauses 54 to 78 in the local law as necessary.

Schedules	Schedules 1 to 5 at the end of the Community Local Law
Issue raised	The standard format of an application form is not user friendly and difficult to apply across the various aspects of the local law. Can a better format of forms be created to help applicants when applying for a permit?
Officer comment	The 5 schedules in the earlier draft version list the standard templates for an application form, a local law permit, a notice to comply, a notice of impounding and an infringement notice. Historically, this has been common practice in State legislation and local laws.
Officer Recommendation	Delete the 5 schedules. Rephrase the relevant clauses in Part 6 of the local law so that various formats can be created, including online forms within web based software to enable greater flexibility and tailoring of the information. This will help both applicants and Council staff.

Other

Feedback was also received on the community impact statement contained within the document with respect to measuring success of the local laws such as Council's complaint management processes and the number of valid complaints, customer satisfaction ratings and the level of enforcement etc. These valid points are measured through other local government reporting protocols and are beyond the framework of the local law document itself.

Some minor administrative changes have been made throughout the local law document with some rephrasing or alternate words being used that do not change the overall intent of the clause.

The most significant change is the addition of a new clause at the end of the document (clause 78). This simply encompasses the broad power of delegation for the Chief Executive Officer. The previous draft version referred to the Council, its delegated officer or an Authorised Officer in the administration of the local law. The phrase "its delegated officer" has been deleted and the new clause added with no effective change to the local law's administration.

Closing Comment

The proposed Community Local Law has gone through an appropriate review process and is considered to be an effective document to service the Loddon community for the ensuing 10 years. The public exhibition and community engagement process has enabled the community to have a say in the development of these local rules.

Council has developed the Community Local Law in-house/within existing staff resources and with legal guidance as required by the Act. Upon its commencement, the Community Local Law 2022 will be administered within existing staff resources and budget allocations.

The final version presented for adoption is included as Attachment 3.



**CERTIFICATE PURSUANT TO SECTION 74(1) OF THE
LOCAL GOVERNMENT ACT 2020**

I, Marcus Heath, being a qualified person as defined in section 74(2) of the *Local Government Act 2020 (Act)*, hereby certify pursuant to section 74(1) of the Act that I am of the opinion that the proposed Loddon Shire Council Community Local Law 2022 is consistent with the local law requirements that are set out in section 72 of the Act.

Dated: 27 October 2022

A handwritten signature in blue ink, appearing to read 'Marcus Heath'.

Marcus Heath

Level 12, 469 La Trobe Street, Melbourne, Victoria 3000

An Australian Legal Practitioner within the meaning of The Legal Profession Uniform Law (Victoria)

Feedback on the local laws

11.Smoking - 2) Council must "CAUSE " - is this word correct? doesn't seem to make sense.

23. Closed Roads - 1) and 2) "comply with the Act" ? Which Act are these points referring too?

On the Community impact statement

The proposed measures of success will only measure whether the Council Organisation will enforce, act on monitor the local laws.

The measure of success of the laws must surely be satisfaction on the Community with Councils implementation and enforcement of the laws.

Knowing that Council had 200 (eg) Complaints lodged, does not tell you whether they were managed or addressed satisfactorily.

It is for the protection of the community for Council to enforce these laws, hence it is the sense of protection that Community feels with their application and enforcement by Council that measures their success.

Thanks for the chance to provide feedback

Miki Wilson

3855 Loddon Valley Highway.

David Price

From: noreply@opencities.com
Sent: Friday, 26 August 2022 8:36 AM
To: loddonmail
Subject: Public document submission Submitted

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender's full email address and know the content is safe.

There has been a public document submission made on the Loddon website.

The submission is:

Document name	Draft community local laws
Title	Mr
First name	Robert
Last name	Moon
Company name	RG & FA Moon
Daytime phone number	+61428551292
Email address	r.moon1612@gmail.com
Street address	1288 Boort-Pyramid Rd
Suburb	Pyramid Hill
Postcode	3575
Postal address (or as above)	
Suburb (postal)	
Postcode (postal)	3575
Submission (up to 500 characters)	In the northern irrigation area of the Loddon Shire a number of depression and shire constructed community surface drains run along district roads under the proposed changes seems this would be deemed illegal. These drains are critical to the salinity impact to the shire and also good drainage is beneficial to the roads
Supporting documents	No file attached
All submissions received will be considered by Council at an open meeting. Therefore, submissions will form part of the Council Agenda which is a public document. Please indicate if you wish Council to de-identify your personal information before including it in the Agenda	Council can publish personal information
Do you wish to present your submission to Council	No

Dear Mayor Straub, Councillors, Mr Harvey and Mr Price,

I refer to my previous correspondence with Council back in 2019 wherein I sought clarification as to the validity of your Local Laws given they expired back in 2016. On 4 February 2019 I was advised that Council would be seeking community input into the establishment of a new Community Local Law that will in effect consolidate Local Laws 2-5. I had been regularly checking for updates, ie every 3 weeks since that date, however it has now come to my attention, as the links provided no longer existed, that the time frame for community consultation on the draft Community Local Law 2022 expired some 6 days ago.

I have been denied the right to put in a submission a mere 6 days late however I feel the need to alert Council to an issue with their proposed draft Community Local Laws in relation to Clause 16(f) as Council is trying to regulate in an area where they have no jurisdiction which I will explain below.

My name is Anne Preston and I am part of the administration team of the **Victorian Drone Flyers** Facebook group. We are a state-wide group, with just over 5100 members and we encourage the safe and legal flying of drones. Our members include both aerial and ground-based photographers, people looking at purchasing a drone and members who have an appreciation for photography and videography. I'm a recreational drone owner, and Civil Aviation Safety Authority (CASA) Remote Pilot Licence (RePL) holder i.e., licenced drone pilot, and as mentioned above I'm writing to you because I am concerned that Council is planning to legislate in an area that it has no jurisdiction to legislate. I specifically refer to Clause 16 (f) of the draft Loddon Shire Council Community Local Law 2022 and alert Council to the fact that CASA are the sole federal legislative authority for airspace in Australia and accordingly Council has no jurisdiction over the airspace, details of which I set out below.

For ease of reading, I will provide screenshots where possible as well as links to support this information.

Definition:

reserve	<p>means any of the following:</p> <ul style="list-style-type: none"> a) any land, commons, or public reserve either owned by Council or of which the management is vested in Council; or b) any land purchased or rented or otherwise provided by, granted or given to or vested in Council, for the provision of pleasure grounds or places of public recreation, including playgrounds, car parks, bike trails, gardens and other areas within the land; or c) any tree reserve, garden, lawn or ornamental plantation in or upon any road within the municipal district.
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Proposed local law:

<p>16. Use of Council reserves</p> <p>Except with written consent, a person in or upon any Council reserve, must not:</p> <ul style="list-style-type: none"> a) act contrary to any condition of use set by a Management Committee appointed by Council; or b) engage in, play or practice any games in such a manner as to be a danger to the safety of any person or property or interfere with the reasonable use and enjoyment of the Council reserve, or any part thereof by any other person; or c) ride or drive any horse into or upon any Council reserve; or d) drive any motor vehicle other than on a designated roadway or parking area; or e) ride a bicycle or use a toy vehicle in a manner that interferes with the use or enjoyment of the Council reserve; or f) fly or permit to be flown any model aeroplane, drone, or similar apparatus of any kind (excluding kites) over or from such Council reserve; or g) light any fire except in a permanent fireplace or barbeque provided. <p style="text-align: center;">Penalty: 5 Penalty Units</p>

After looking through the [Local Laws Manual](#) published by Local Government Victoria, in the section on **Preparing for Local Laws**, it states: *Council needs to consider whether there is a possible alternative to a Local Law that might better suit the needs of the community.*

The key role of the **Civil Aviation Safety Authority (CASA)** is to conduct the safe regulation of air operations across all of Australia, and to ensure that Australian airspace is administered and used safely.

[CASA has rules that apply to all drones](#) nationally which are designed to protect people on the ground and in the air.

The dos and don'ts of flying

You must:

- > only fly one drone at a time
- > always fly your drone in visual line-of-sight — this means:
 - > flying only during the day
 - > avoid flying through cloud, fog or smoke
 - > you can always see your drone with your own eyes — not by using goggles, binoculars or another device
 - > not flying behind obstacles that stop you from always seeing your drone. For example, trees, buildings or other structures.

You must not fly your drone:

- > higher than 120 m (400 ft) above ground level — that's about the height of a 35-storey building or length of a football field
- > closer than 30 m to people — other than those helping to control or navigate your drone
- > over or above people at any time or height
- > in a way that creates a hazard to another person, property or aircraft
- > near [emergency operations](#)
- > in prohibited or restricted airspace (use a [CASA-verified drone safety app](#) to help you)
- > closer than 5.5 km to a controlled airport, which usually has a control tower, if your drone weighs more than 250 g. You can operate indoors provided the drone can't get out of the building. If you're a ReOC holder, please see more information on [flight authorisations](#).

You may operate your drone within 5.5 km of a non-controlled airport or helicopter landing site if:

- > there are no manned aircraft flying in the area
- > you see any manned aircraft flying to or from the airport or helicopter landing site you land as soon as safely possible
- > you stay outside the airfield boundary.

The regulations

We classify drones, also known as model aircraft or remotely piloted aircraft (RPA), by [size and type](#).

The drone safety rules simplify the regulations from the [Civil Aviation Safety Regulations Part 101](#)

The Part 101 Plain English Guide for [Micro and Excluded Category RPA](#) also captures the foundational drone safety rules. It is primarily intended for micro and excluded drone operators. However, it is expected all drone users will find it useful.

You should also read the latest Advisory Circulars to make sure you're following all the rules that apply to you.

You can apply for additional flight authorisations for:

- > [recreational drone and model aircraft operators](#)
- > [remotely piloted aircraft operator's certificate \(ReOC\)](#) holders.

Application fees and processing timeframes apply.

Flying for sport or recreation

If you're flying for sport or recreation, you don't need a [remote pilot licence \(RePL\)](#). If the drone or model aircraft weighs more than 25 kg, you'll need to apply for an [approval to fly](#).

Flying for work

If you're flying for work or for your employer, you must have either:

- > an [operator accreditation](#) to fly a drone:
 - > 2 kg or less
 - > more than 2kg but no more than 25 kg and you only fly it over your own land.
- > a [remote pilot licence \(RePL\)](#) and operate for an individual or business that holds a [remotely piloted aircraft operator's certificate \(ReOC\)](#) to fly a drone more than 2 kg.

Age limits

There is no age limit to fly a drone for sport or recreation. To fly for work or for your employer, you must be 16 years or older to:

- > [register a drone](#)
- > get an [operator accreditation](#).

Emergencies and public spaces

[Drones](#) > [Drone rules](#) > **Emergencies and public spaces**

On this page

- [Flying near emergencies](#)
- [Flying in populous area](#)
- [Flying near airports](#)
- [Flying in national parks and forest reserves](#)
- [Flying near marine and wildlife](#)
- [Contact us](#)
- [Related content](#)
- [Related rules and publications](#)

You must consider the people and the environment around you – before you take-off.

Flying near emergencies

You must not fly your drone during emergency operations. Flying your drone near emergencies can cause major safety hazards to response teams in the air and on the ground.

Using your drone to film or see a fire front might be tempting, doing so could hamper emergency services and break the [drone safety rules](#).

If you fly – other firefighting and rescue aircraft can't.

For your safety and others, do not fly your drone during:

- > natural disasters – bushfires, floods, electrical storms, hurricanes and cyclones
- > emergency operations – traffic accidents, tactical response, training or rescue operations.

Check your local fire authority for the latest updates and warnings:

- > [National Aerial Firefighting Centre](#)
- > [New South Wales Rural Fire Service](#)
- > [Australian Capital Territory Rural Fire Services](#)
- > [Victoria Country Fire Authority](#)
- > [Queensland Fire and Emergency Services](#)
- > [Tasmania Fire Service](#)
- > [South Australian Country Fire Service](#)
- > [Western Australia Department of Fire and Emergency Services](#)
- > [Northern Territory Fire and Rescue Services](#)

Flying in populous area

You must not fly your drone in a populous area.

A populous area is anywhere people are living or gathered for a purpose. If your drone were to fall and fall, it could pose a risk to the life, safety or property of a person in the area.

A crowded beach, a busy road, a sporting event, a concert or wedding are all populous areas.

You can't fly over people at any time – no matter how high you fly above them.

Major public events are often policed to make sure the public are safe. Leave your drone at home – live in the moment and enjoy these live events.

Many iconic buildings and tourism sites are also located in restricted airspace, making them no-fly areas. For example, Sydney Harbour and surrounding areas.

Flying near airports

A controlled airport generally has an air traffic control tower. At a controlled airport, there's a lot of air traffic and strict rules about where you can and can't fly.

If your drone weighs more than 250 g, you **must not** fly:

- > over a departure or approach path
- > over a movement area (areas where aircraft can taxi, take off or land on the ground)
- > within 5.5 km (3 NM) from a point along a runway centreline (the measurement point) of a controlled airport.

If your drone weighs 250 g or less, you can fly within 5.5 km (3 NM) from a point along a runway centreline (the measurement point). You **must not**:

- > fly over the movement area
- > fly over or in the departure or approach path.
- > create a collision hazard to other aircraft taking off or landing.

A non-controlled airport does not have an air traffic control tower. Many airports in Australia are non-controlled.

You can fly your drone within 5.5 km (3 NM) from a point along a runway centreline (the measurement point) of a non-controlled aerodrome or the departure and approach paths. Any time you become aware of an aircraft, you **must**:

- > not launch your drone
- > manoeuvre your drone away from the path of the aircraft and land as soon as safely possible.

Contact us

Have a question? Need help? Try asking our virtual assistant in the bottom right hand corner of your screen.


You can also contact us through our online [enquiry form](#).

To keep up to date with the latest drone information and updates [subscribe to our mailing list](#).

Related content

- Drone safety rules >
- Enforcement and penalties >
- Flying first person view >
- Travelling with your drone >
- Drones at school >
- Types of drones >

Related rules and publications

- Civil Aviation Safety Regulations Part 101 
- Plain English Guide for Micro and Excluded RPA operations >

Last updated: 1 Apr 2022

These rules show that CASA has considered the safety of airborne manned and unmanned aircraft and people and property at ground level.

Enforcement and penalties

[Drones](#) > [Drone rules](#) > Enforcement and penalties

On this page

- [Enforcing the rules](#)
- [Penalties](#)
- [Contact us](#)
- [Related content](#)
- [Related rules and publications](#)

We can impose penalties if you break the rules.

Enforcing the rules

Most people do the right thing. Breaking the rules can land you in trouble. You could face operating restrictions, fines or jail.

We get reports of unsafe flying from:

- > members of the public, submitted using our [report unsafe drone operations service](#)
- > police
- > [Australia's national drone detection system](#)
- > authorised representatives of CASA.

We review and assess all complaints and reports of unsafe flying.

If you break the rules, we may:

- > educate – provide you with the [drone safety rules](#) to guide you in the right direction
- > counsel – provide formal advice or a warning about the offence
- > issue an infringement notice – impose fines and operating restrictions.

For serious offences or if you refuse to pay a fine, we will refer your case to the [Commonwealth Director of Public Prosecutions](#) and you may receive a summons to attend court.

Penalties

If you're liable for a penalty, we'll notify you in writing and include:

- > the reason for the penalty
- > the amount of the penalty
- > the due date for payment (at least 30 days after we issue the infringement notice).

We can issue a fine of up to \$1,100 per offence.

We can also restrict your accreditation, licence, certificate, or registration.

If you're summoned to attend a court, you could be:

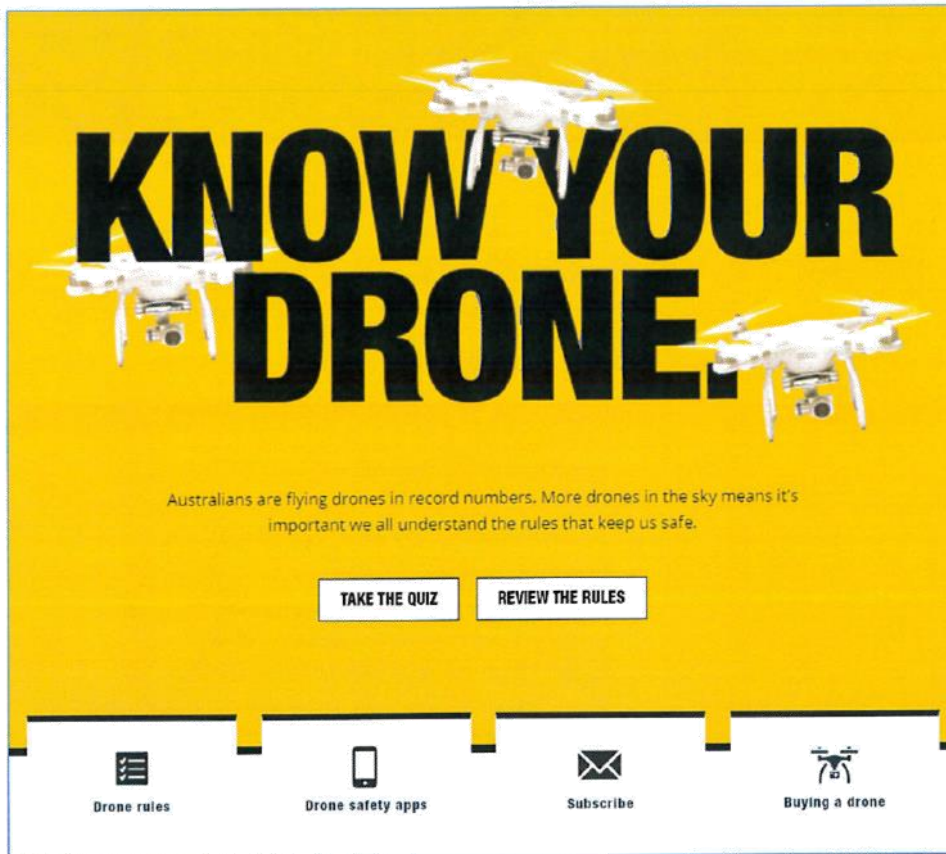
- > convicted of a crime
- > restricted from flying
- > fined up to \$11,100.

If you interfere with a drone or your drone becomes a hazard to other aircraft, you can be:

- > fined up to \$26,640
- > sent to jail for up to two years.

States and territories may have extra laws and penalties that apply to drones.





Education and information is the key for safety and CASA's dedicated educational [Know Your Drone](#) website is updated regularly and provides an online chat facility, a video on the legal use of drones, a knowledge quiz, as well as the option to sign up for CASA's notifications and newsletters.



KNOW YOUR DRONE.

Australians are flying drones in record numbers. More drones in the sky means it's important we all understand the rules that keep us safe.

[TAKE THE QUIZ](#) [REVIEW THE RULES](#)

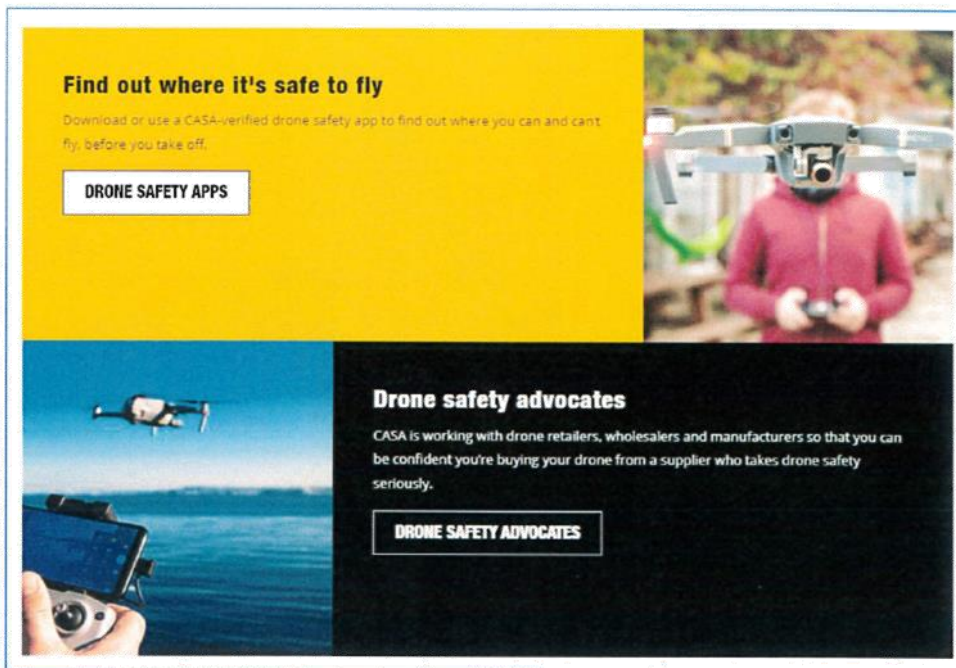
-  Drone rules
-  Drone safety apps
-  Subscribe
-  Buying a drone



CASA Know Your Drone Feature Share

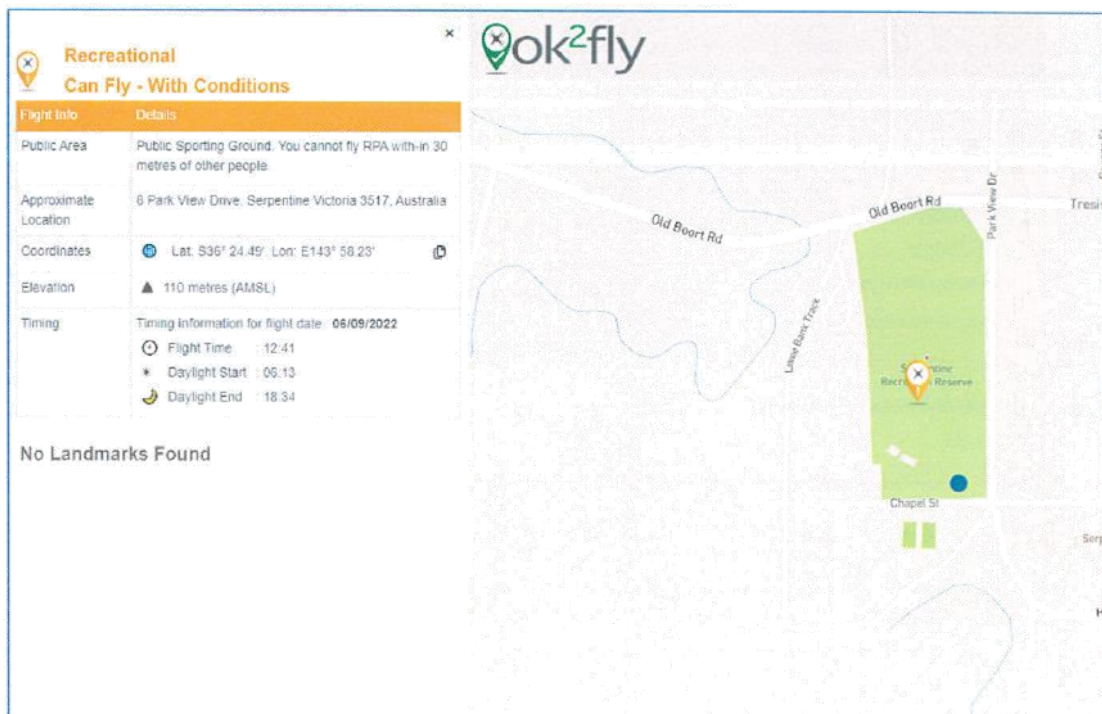
Watch on  [YouTube](#)

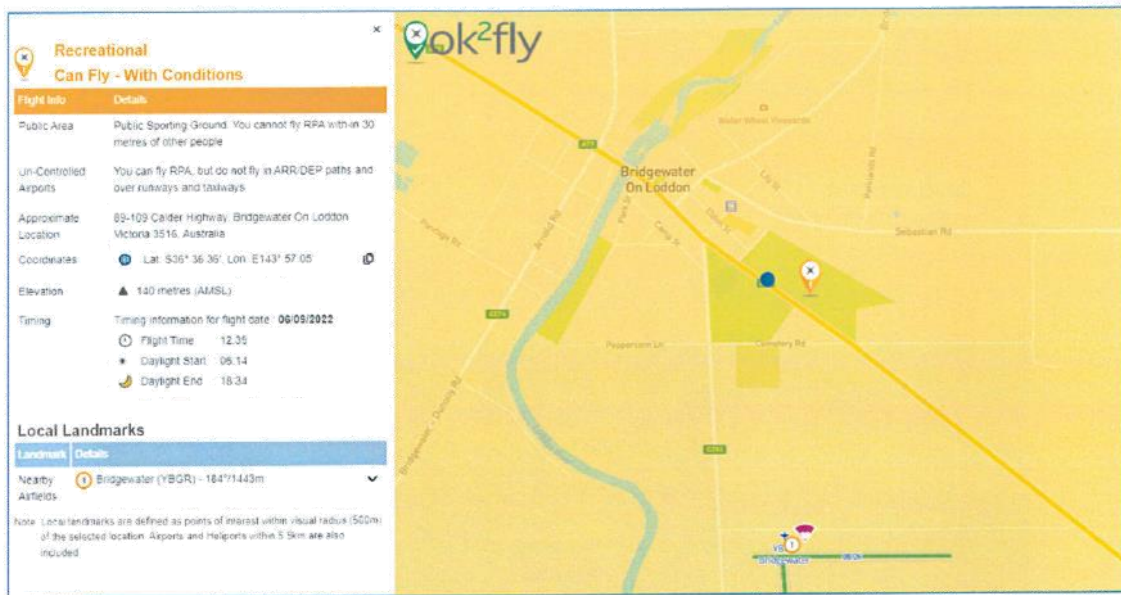
[Watch on YouTube](#) or download [Transcript for know your Drone feature video \(PDF, 95.35 kB\)](#)



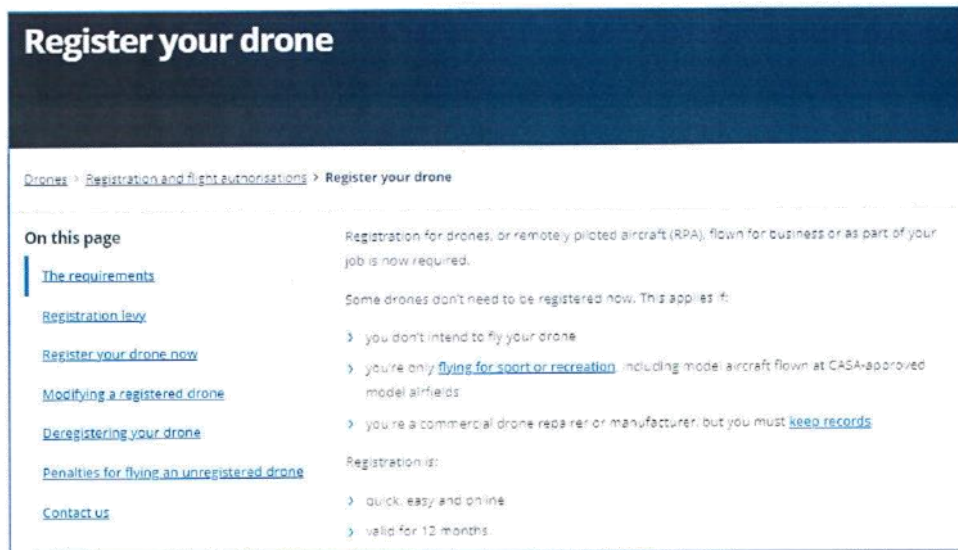
As an additional measure, there are [nine CASA-verified drone safety apps](#) that use location-based maps to show where you can and can't fly your drone according to aviation legislation.

Screenshots from the CASA approved Drone Safety App <https://ok2fly.com.au>





CASA has introduced a registration process for all drones. Operators of **unregistered drones used for commercial purposes** can now be fined up to \$11,100.



The requirements

If you fly a drone, or remotely piloted aircraft (RPA), for business or use one as part of your job, you must register it before you fly.

This applies to all drones that you fly to provide any type of service - no matter how much it weighs. This may include activities such as:

- > selling photos or videos taken from a drone
- > inspecting industrial equipment, construction sites or infrastructure
- > monitoring, surveillance or security services
- > research and development
- > any drone activities on behalf of your employer or business.

You must be 16 or older to register a drone.

You must also get an [RPA operator accreditation](#) if you fly your drone for business or use one as part of your job unless you have a [remote pilot licence \(RePL\)](#) or only [fly for sport or recreation](#).

Registration levy

For drones flown for business or used as part of your job:

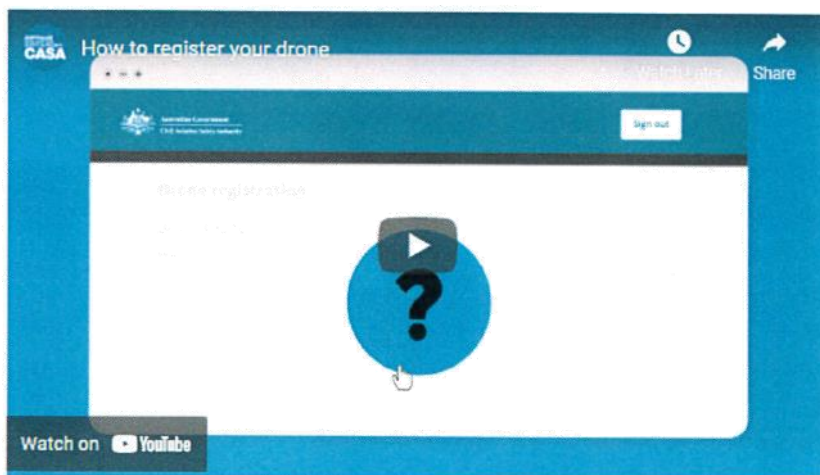
- > 500 g or less, it's free to register
- > more than 500 g, a registration levy of \$40 per drone applies.

Registration is mandatory. In exceptional circumstances, you may be eligible to apply for a [refund of the remotely piloted aircraft \(RPA\) registration levy](#).

Register your drone now

It only takes a few minutes to register your drone using [myCASA](#).

Watch our step-by-step guide on how to register your drone.



[Watch on YouTube](#) or download [Transcript of how to register your drone \(PDF, 91.42 KB\)](#)

To register your drone, you need:

- > to be 16 or older
- > [proof of identity](#), such as an Australian passport, Australian birth or citizenship certificate, or ImmiCard
- > a [myCASA](#) account
- > an [aviation reference number \(ARN\)](#)
- > make, model, [serial number](#), weight and [type of drone](#)
- > download and/or print your certificate of registration from myCASA.

You should also consider whether you need an [organisation ARN](#). If you're a business, this will allow others to manage your fleet of drones.

Penalties for flying an unregistered drone

From 28 January 2021, you can be fined if you fly an unregistered drone for business or as part of your job. The fine is up to \$11,100.

You can be asked to produce your certificate of registration by an authorised representative of CASA or member of the Australian Federal Police or State and Territory police services.

Accreditation of operators and registration of drones being flown for recreational purposes is scheduled to begin on 1 July 2023 with registration required annually.

Recreational drone registration and accreditation deferred to 2023

Date: 4 April 2022

The Australian Government has agreed to defer mandatory recreational drone registration and operator accreditation until 1 July 2023.




Registration for recreational operators was scheduled to commence in mid-2022.

This follows the introduction of registration for commercial and excluded category operators on 30 September 2020.

The new rules for recreational drones will require operators to gain accreditation by watching an online video and successfully answering a short quiz to demonstrate they understand the drone safety rules.

The new registration and accreditation requirements will apply to all drones operated recreationally that weigh more than 250 grams.

To keep up to date, [subscribe to the latest Know Your Drone newsletter](#) and we'll let you know when registration begins.

[View a copy of the amendment to the legislation](#) 

CASA’s comprehensive registration and accreditation requirement, along with checking and enforcing by the police takes away the need for Council to have a local law when the area is already well covered at a federal legislation level, with the [Civil Aviation Safety Regulations 1998](#) in place and updated regularly as required.

Again, Point 2.5 from the [Guidelines for Local Laws Manual](#)

Identifying (and staying within) the power to make a Local Law

Since 1 July 2007, the [CASA Office of Airspace Regulation](#) has been the **Parliamentary appointed airspace regulator**. The use and rules for model aircraft and drones are regulated by CASA. Once a drone is in the air, it comes under CASA’s regulations. The safety rules implemented by CASA are for the protection of the general public.

2.5 Identifying (and staying within) the power to make a Local Law



- A Local Law must identify the authority on which it is based and remain within that authority/power.

2.5.1 Legislative provisions

Section 111(1) of the Act provides:
A Council may make Local Laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

In your proposed local law, once a drone is in the air, it comes under CASA’s regulations.

f) fly or permit to be flown any model aeroplane, drone, or similar apparatus of any kind (excluding kites) over or from such Council reserve; or

Point 2.6 in [Guidelines for Local Laws Manual](#) states:

Identifying existing legislation that might be used instead of a Local Law

CASA have in the last 3 years, substantially increased the amount of advertising they are doing, including print, television, social media, radio and cinema advertising, to the point that many people, including those who don’t own or operate a drone, are now aware of the drone rules.

Wouldn’t the federal legislator of air safety be the best authority to look after this area so that there isn’t an overlap of existing provisions of legislation?

2.6 Identifying existing legislation that might be used instead of a Local Law

- Council needs to fully explore existing legislation to ensure there are no existing provisions that could be used
- Local Laws should not be created unnecessarily

2.6.1 Issues

This is a different exercise to section 2.8 – identifying existing legislative provisions which may be overlapped. The purpose here is to ensure that Local Laws are not unnecessarily made when the objective could be achieved by use of existing legislation.

CASA, as the responsible authority for air space, has the power to investigate and fine drone operators who do the wrong thing. [There is a link on their website where breaches of the rules can be reported.](#)

Drone complaints

Drone complaints

1 The incident 2 Drone operator 3 The drone 4 Supporting evidence 5 Attach files 6 Review and submit 7 Success

Use this form to report drone operations you think might have broken the drone safety rules.

We will use the information you provide us to look into your complaint. We can't provide you with feedback on your complaint or the outcome. The information you provide will not be passed on to the drone operator. We cannot enforce privacy related matters.

Safety breaches can only be investigated where there is sufficient evidence (such as photos or video recordings of the breach and the person controlling the drone at the time).

Nature of the Incident

* indicates a required field

• What was the drone doing?

- Select

Next

Published date: 5 December 2021

In the [Guidelines for Local Laws Resource Book](#), in the section **Preparing for Local Laws** it states the following:

Identifying existing legislative provisions that may be overlapped by a Local Law

As I've shown in earlier pages, Council is trying to regulate in an area that is already regulated at a federal government level by CASA and the drone safety rules simplify the regulations from the [Civil Aviation Safety Regulations Part 101](#)

2.8 Identifying existing legislative provisions that may be overlapped by a Local Law

 Council needs to take steps to ensure a Local Law does not duplicate, overlap, conflict with, or is inconsistent with existing legislation.

2.8.1 Local Government Act 1989
The Act has provisions with which Local Laws must not be inconsistent.

Privacy and Drones: There also seems to be a lot of misinformation about drones operated by individuals and privacy laws. *The Privacy Act covers Australian Government agencies and organisations with an annual turnover of more than \$3 million, and some other organisations. The Privacy Act does not apply to individuals acting in a private capacity.*

Source: <https://www.oaic.gov.au/privacy/your-privacy-rights/surveillance-and-monitoring/drones>



Further reading: **Drones and Privacy: What Are My Rights?** <https://www.gotocourt.com.au/legal-news/drones-privacy-rights/>

Most Councils are now removing any reference to model aircraft when their local laws come up for review, citing CASA as the relevant statutory authority and keeping up with current changes in technology and future advancements of airspace, as you can see from the following examples:

Extract of the agenda of the [Mornington Peninsula Shire Council meeting 23 August 2022](#). Council recognised that remote control aircraft are regulated by CASA and removed "aircraft" from their definition of Toy Vehicles.

Community Amenity Local Law 2022	
Mornington Peninsula Shire Council	26
<hr/>	
Council Meeting Agenda	23 August 2022
3.4 (Cont.)	
As a result of the submissions received, the following amendments have been made to the draft Community Amenity Local Law 2022 that was released for public submissions:	
<ul style="list-style-type: none"> The words 'aircraft or' have been deleted from the definition of 'Toy vehicle' in Clause 8. This amendment was made as remote-control aircraft are regulated by the Civil Aviation Authority (CASA). 	

Extract of the minutes from the [Bass Coast Council meeting on 20 July 2022](#) regarding the proposed local law

Minutes of Council Meeting - 20 July 2022	Bass Coast Shire Council
<ul style="list-style-type: none"> Power to issue a direction (S.106) – now includes verbal direction 	
Major Amendments to Existing Provisions	
<ul style="list-style-type: none"> Permits (S.9-15) – incorporates relevant provisions from guidelines and provides guidance on permit application, granting, refusal, cancellation, appeals etc. Permit conditions removed. Unightly and dangerous properties (S.20) – strengthened provisions. Camping on private property (S.23) – expanded definition. Noxious weeds (S.27) – previously incorporated in unsightly land guidelines. Obstructions from private property (including trees) (S.28) - expanded to include all items obstructing or overhanging Council land, footpaths, or roads. Provided clarity on what constitutes a danger to vehicles or pedestrians (covers bunting). Keeping of animals generally (S.32) - changed table 'land between 0.5ha and 2ha' to 'land 5000 square metres or greater' to better regulate keeping of animals on larger properties (exemptions apply). Housing of animals (S.33) – address animal odour and introduce buffer zones for animal housing. Open air burning (S.36-39) - includes important elements of the guidelines, clearly articulating what Council expects of residents. Clarity around what a resident 'can' do – ie. properly constructed barbeque, pizza oven, chiminea, fire pit used for heating or cooking food. Waste and recycling (S.40-44) – includes important elements of the guidelines, clearly articulating what Council expects of residents. Use of toy vehicles (S.46) - revised to better address nuisance, intimidating, obstructing, damaging or unsafe behaviour in a municipal place. Does not include provisions around drones this is heavily regulated by the Civil Aviation Safety Regulations 1998 (Cth) (Aviation Regulations). 	

In May 2022, Indigo Shire Council removed all reference to “flown” devices from their draft local law.

Carolyn Lingham <carolyn.ingham@indigoshire.vic.gov.au> 26 May 2022, 14:29 ☆ ↶ ⋮

Hi Anne,

Thank you for making contact and for your interest in our local law review. It was great talking to someone that has an knowledgeable interest.

You will be pleased to know that Clause 45.1, as it appears in the local law 2 document on our website, and as below has been removed from our latest draft of Local Law 2, due to the subject matter being covered under the Civil Aviation Safety Authority, along with all references to ‘flown’ devices.

- *‘In a Reserve, a person must not, without the authority of Council or a permit;*
 - *45.1 fly or permit to be flown any powered model aeroplane, helicopter, rocket, or similar’.*

We would still be very interested in any information that you have on this subject, as it will assist us greatly when explaining changes to our Council when we put the local law up for adoption.

Thanks again, Anne

Regards,



Carolyn Lingham
Executive Assistant Planning and Corporate Services
 34 High Street, Yackandandah VIC 3749 | PO Box 28, Beechworth VIC 3747
 Local Call: 1300 365 003 | T: 02 6028 1120
[Website](#) | Follow us on [Facebook](#)

The Ararat Rural City Council at their meeting on 26 April 2022 voted to remove all reference to drones in their proposed new local laws, based on the following information.

<https://www.ararat.vic.gov.au/sites/default/files/CM%20Minutes%20220426.pdf>

Officer response to submissions
 With respect to the submission set out in:

- Item 7 in the above table regarding community information sessions, it is noted; and
- Item 8 in the above table regarding clarification about how Green Hill Lake is affected, Officers have provided an individual response.

Of the other 6 submissions, 5 were made by individuals and 1 was made on behalf of a Victoria-wide organisation of photographers, which includes a number of hobbyist and professional drone users. The concerns raised by these 6 submitters regarding (what was) cl 59 of the proposed Local Law are substantially similar and it is therefore convenient and appropriate to deal with them collectively.

What was cl 59 of the proposed Local Law is reproduced below:

59. Operation of Model Aircraft

- (1) *Council may prescribe Council Land or part of Council Land to be Council Land or part of Council Land on which a person must not operate or allow another person to operate a model aircraft without a permit.*
- (2) *A person must not, without a permit, operate or allow another person to Operate a model aircraft while on any Council Land or any part of Council Land prescribed under sub-clause (1).*

The term ‘model aircraft’ was defined in cl 10 of the proposed Local Law in the following way:

“model aircraft” means any airborne device modelled on an aeroplane or aircraft and which is powered, and includes a drone.

While some of the submissions relating to (what was) cl 59 of the proposed Local Law are more detailed than others, the concerns shared by the submitters can be broadly summarised in the following way:

- the Civil Aviation Safety Authority (CASA), a specialist statutory authority established under the *Civil Aviation Act 1988* (Cth), is better placed than local councils to regulate drone use, particularly in relation to public safety;
- introducing localised restrictions on drone use creates a higher barrier to entry and, given the increased complexity and practical difficulties associated with enforcement, the cost associated with hindering the use of drones in public places would outweigh any perceived benefits; and
- Council does not have the authority to regulate where, and by whom, drones may be operated and a provision of a local law purporting to have such an effect would be inconsistent with the local law requirements and of no effect pursuant to s 72 of the Act.

4572

26 APRIL 2022
COUNCIL MEETING MINUTES



Having considered the feedback opposing (what was) cl 59 of the proposed Local Law, and considered legal advice relating to its operation, Officers have omitted it from the attached proposed Local Law and recommend that Council does not pursue it any further.

Officers note the following in making this recommendation:

- The intent and effect of (what was) cl 59 of the proposed Local Law was not to create a blanket prohibition on the use of drones on Council land, but to preserve the amenity of Council Land by addressing drone use that may be liable to unreasonably interfere with the quiet enjoyment of Council Land by others;
- It is not a forgone conclusion that (what was) cl 59 of the proposed Local Law is inconsistent with the local law requirements in s 72 of the Act and therefore of no effect – this can only be finally determined by a Court of competent jurisdiction and there is at least an argument that there is space for Council to regulate the use of drones;
- CASA regulations are generally adequate to ensure that drones are used responsibly in public, including by:
 - prohibiting a person from operating a drone in a way that creates a hazard to another person or property;
 - prohibiting a person from operating a drone within 30 metres of another person not directly associated with the operation of the drone;
 - prohibiting a person from flying a drone over or above people or in a populous area (including beaches, parks, events, or sport ovals where there is a game in progress); and
 - prohibiting a person from dropping or discharging any thing from a drone in a way that creates a hazard to person or property;
- As regulation in this area continues to mature (including requiring the registration of recreational drones from mid-2023), it is anticipated that regulations will become more widely known to drone users and the general public and that responsible drone usage will continue to increase as a result; and
- Council does not currently regulate drones and the scale of the problem is not such that there is an immediate need to introduce a provision like (what was) cl 59 – if the need should arise, Council can revisit this issue.

Borough of Queenscliffe Council updated their local laws in December 2020, removing the reference to drones.

Bridie Ogle bridie.ogle@queenscliffe.vic.gov.au via gmail.com Mon, 23 Nov 2020, 12:06


to Info. Cr,

Hi Anne,


Thank you for your submission, I intend on responding to all submitters this week. 22 submissions were received, with 18 of those specifically relating to drones. Officers will be recommending that clause 14 (i) be removed from the local law, as you pointed out CASA regulations adequately cover this matter. Unfortunately time has not allowed the draft proposed local law to be reviewed by our lawyers to be able to present it to Council at the November Council meeting, and as such will be presented to Council at the December meeting. The current local law ceases to operate on 24 December 2020

Regards,
Bridie Ogle
 Executive Project Officer
 Available 10.30am – 3pm Mon-Thurs

Borough of Queenscliffe
 50 Learmonth Street (PO Box 93) Queenscliff VIC 3225
 Phone: +61 3 5258 1377 | Fax: +61 3 5258 3315
 Email: info@queenscliffe.vic.gov.au | Website: www.queenscliffe.vic.gov.au



Borough of Queenscliffe
 Queenscliff & Point Lonsdale, Victoria, Australia



Think before you print

In August 2020, **Strathbogie Shire Council** proposed to introduce a permit requirement for drones in their draft local laws. After a significant number of submissions from the public, Council sought legal advice and, recognising that CASA rather than Council is the responsible authority and, that the local law may not be enforceable, removed the permit requirement from the document.

https://strathbogie.vic.gov.au/images/Council_Minutes_and_Agendas/20200915_Agenda_Ordinary%20Council%20Meeting_September%202020.pdf

Strathbogie Shire Council Page 313 15/09/20
 Ordinary Council Meeting Agenda

9.23 Adoption of Strathbogie Shire Council Community Local Law No. 2 of 2020 (cont.)

Use of drones
 The proposal to include a permit requirement for the launching or landing of drones on Council land was met with a significant number of submissions against this provision. This was largely due to the use of drones being governed at a federal level by the Civil Aviation Safety Authority. Concerns were also raised about Council's ability to enforce this provision from both an administrative and community awareness perspective. On legal advice, it is considered that this provision not be included in the document for adoption.

On 9th December 2019, as part of the local law review for [City of Boroondara](#), Councillors voted to accept the officer’s recommendations to remove the requirement for a permit to fly a drone.

City of Boroondara	184
Services Special Committee Agenda	
	11/11/19
<p>In other words, a wedding photographer (commercial) using a tripod in a way that does not cause any obstruction is exempt from a permit in the same way an amateur photographer (non-commercial) would be under the same circumstances.</p> <p>However, a permit would be required for a comparatively large-scale photographic shoot (for commercial purposes or non-commercial purposes) involving the placement of equipment causing an obstruction. In this case, a distinction is made only in relation to the permit cost. There would be no cost for a permit for a group of students, but a permit fee would be applied where the activity was for commercial purposes.</p> <p>In addition, officers are proposing the removal of the requirement for a permit to fly a drone (refer to section 4.5. below). This would enable photographers and filmmakers to use drones for the purpose of filming and photography in accordance with CASA regulations but without the requirement of a permit from Council.</p> <p>To assist filmmakers and photographers to understand Council requirements, guidelines and a checklist will be developed and available via Council’s website.</p>	
<p>4.5. Drones</p> <p>The proposal to introduce a requirement for a permit to fly a drone on, over or above Council-controlled land was based on the need to ensure such devices would not cause danger to or unreasonably interfere with a person’s use and enjoyment of Council land, or adversely impact amenity.</p> <p>Whilst a permit requirement was originally proposed to regulate drone flying, officers have given further consideration to the issue and the role of CASA in regulating drone flying. This has involved additional benchmarking and investigation. There is conceivable risk an inconsistency would be created with the existing State legislation administered by CASA for the regulation of drones. As discussed previously, a local law should not duplicate or conflict with existing legislation.</p> <p>Officers note CASA is in the process of applying mandatory registration for all remotely piloted aircraft systems (RPAS) or ‘drones’ and the requirement for operators to successfully complete a basic competence test regarding the safe use of RPAS. CASA has developed a proposed registration and accreditation scheme for drones weighing 250 grams or less and used for recreational purposes only. Upon adoption in April 2020, the scheme will augment the existing regulations already in place and enforced by CASA.</p> <p>Officers note the City of Casey removed their requirement for a permit to fly a drone in recognition of the CASA regulations. Officers similarly propose to remove the requirement for a permit to fly a drone on or over Council-controlled land. Nonetheless, officers suggest there remains a need to regulate the use of model aircraft on and above Council-controlled land. This can be achieved by treating model aircraft separately from drones and as such officers suggest the definition for ‘model aircraft’ be amended to exclude drones.</p>	
City of Boroondara	188

Pyrenees Council: Local law - [Adopted by Council on 19 February 2019, Commencement Date 7 March 2019.](#)

I sought to clarify some inconsistencies with their proposed local laws and with the information I provided, Council decided there was no need to include any restrictions on the operations of drones.

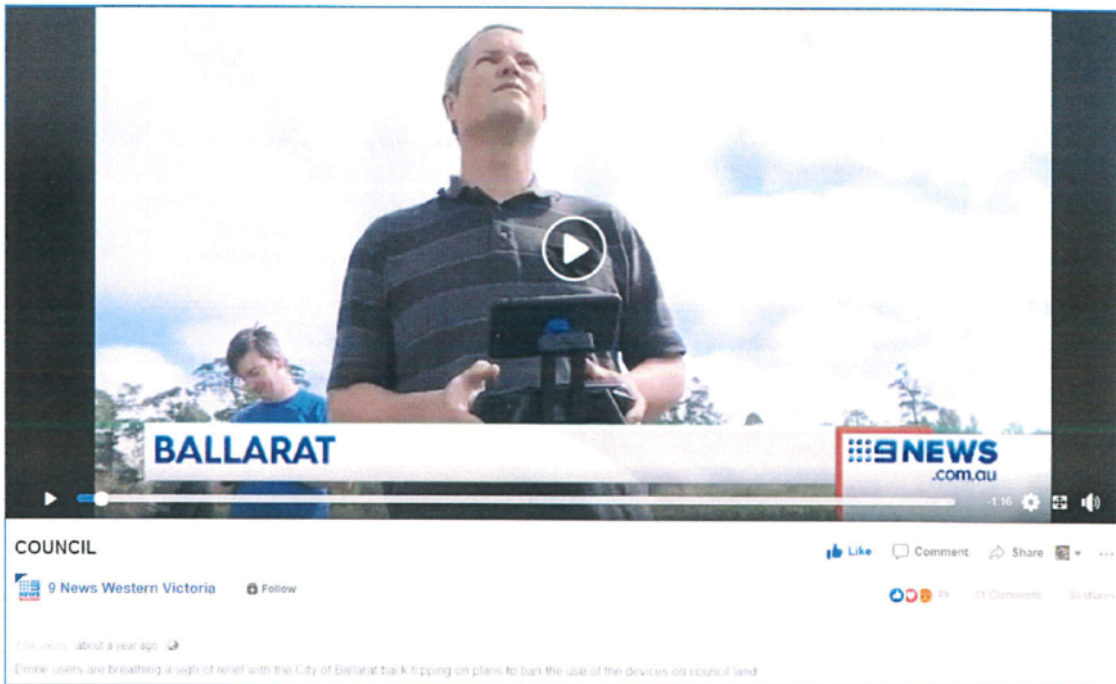
Casey Council [removed a permit requirement](#) when they updated their local laws in 2018.

Flying a drone

You do not need a Council permit to fly your drone. There are [rules around how and when you can fly your drone](#). The Civil Aviation Safety Authority (CASA) also has a mobile application that helps you understand [where you can fly your drone](#).

If you have a large drone or want to fly for commercial reasons, you may need a [certification from CASA](#).

Ballarat Council made new local laws in December 2017, only to suspend them and then [voted to remove the drones regulations from their local laws](#) on 4 April 2018 so that no permits are required. Operators need to abide by the CASA rules and regulations.



Ordinary Council Meeting Minutes

4 April 2018

9.2. LOCAL LAW AMENDMENT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo- Director Infrastructure and Environment

Mr Luke Parker, Ms Rachael Bott, Ms Anne Preston, Mr Brett James, Mr Philip Rowse, Mr Andrew Greg and Mr Peter Risdale made public representations.

RESOLUTION:

Council resolves to:

1. Adopt a modified Local Law to include:
 - a. Modifications to Clause 15.2 such that no permit is required for burning outside fire restriction periods for properties within the farming zone and properties within the rural living zone that exceed 2 hectares in area.
 - b. Remove:
 - Clause 66.1 (A person must not undertake any of the following activities on a Municipal Reserve without first obtaining a Permit): fly or allow to be flown any aircraft (including an RPA or any powered aeroplane but excluding a kite).
 - Clause 71 and 71.1 – A person must not, without a Permit, operate an RPA within 100 metres of an Event on Council Land or a Road within the Municipal district.
2. Publish the altered arrangements for burning in the rural environment for a consecutive period of a month in Council's noticeboard following the formal gazettal of the modified Local Law.
3. Formally engage with representatives of drone stakeholder group in developing the policy position for drone activity.

Moved: Cr Daniel Moloney
 Seconded: Cr Des Hudson

CARRIED
 (R76/18)

EXECUTIVE SUMMARY

Following the adoption of the Draft Community Local Law 2017 report at the Council Meeting held on 13 December 2017, there has been further consideration in relation to the implications of the adopted Local Law as it impacts on the emerging industry/recreational use of drones and also in relation to the impact of the Local Law in respect to permits to burn impacting on farming practices and maintenance associated with rural living allotments.

Having regard to the further consideration of these matters, it is recommended that the Local Law be modified to provide for a policy which explicitly states that a permit for drone activity is only required on public land where an event is underway and adopt a modified provision to allow burning in the farming and rural living environment in line with existing practices.

12

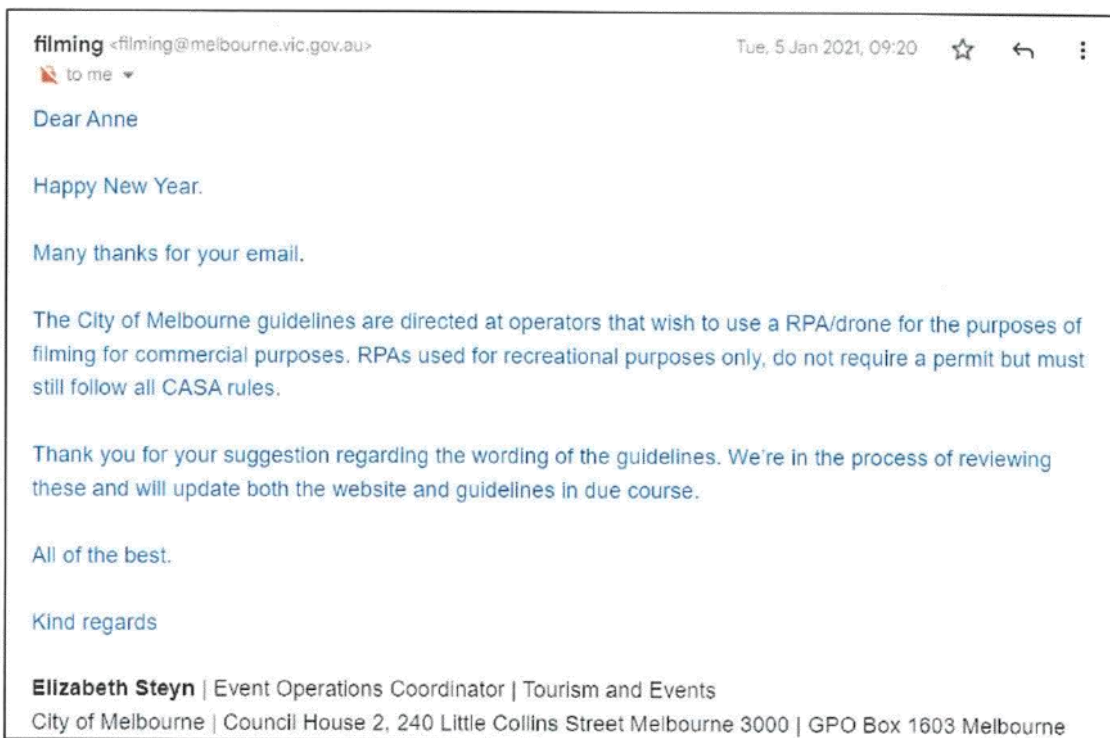
Ordinary Council Meeting Minutes

4 April 2018

Further, it is recommended that Council engage with stakeholders from the drone group in developing the policy position to inform Local Law operation.

The modified provisions of the Local Law have been through a government gazette and local notification process with no submissions received.

City of Melbourne Council does not require recreational drone flyers to have a permit or written consent to use Council land, only to follow the CASA rules. Email clarification 5/1/21



Knox City Council updated their [website](#) after I contacted them with a query.

Filming with a drone

We are not responsible for providing permission for the use of drones, but we recommend reading the [information provided by Civil Aviation Safety Authority \(CASA\)](#).

It is always important to comply with the relevant CASA requirements and be mindful of respecting personal privacy.

Photographing or filming a person without consent may breach Victorian State legislation.

Surf Coast Shire Council [website](#)

The screenshot shows the Surf Coast Shire Council website. At the top left is the council logo. To the right is a search bar with the text "Find almost anything on our website". Below the logo is a navigation menu with links for "About us", "Property", "Community", "Experience", and "Environment". The breadcrumb trail reads "Home / About us / Permits, forms and applications / Drones Guidelines".

In This Section

- Council
- Working with us
- Permits, forms and applications
- Rates and payments
- Works and projects
- News and media
- About the Shire
- Contact Us
- Your Say

Drones Guidelines

Flying/Filming with drones for commercial or recreational purposes

The Civil Aviation Safety Authority (CASA) guidelines apply to all drone and RPA (remotely piloted aircraft) operators. Please see the [CASA website](#) for more information. Council does not have any specific local laws about flying drones, however the CASA guidelines do apply. If you are flying for commercial purposes you might also need a film permit from Council or another authority like the Great Ocean Road Coast Committee.

Here's a snapshot of the CASA guidelines:

- You must not fly your drone higher than 120 metres (400 ft) above the ground.
- You must not fly your drone over or near an area affecting public safety or where emergency operations are underway (without prior approval). This could include situations such as a car crash, police operations, a fire and associated firefighting efforts, and search and rescue operations.
- You must not fly your drone within 30 metres of people, unless the other person is part of controlling or navigating the drone.
- You must fly only one drone at a time.
- You must only fly during the day and keep your drone within visual line-of sight. This means being able to orientate, navigate and see the aircraft with your own eyes at all times (rather than through a device, for example, through goggles or on a video screen).
- You must not fly over or above people. This could include festivals, sporting ovals, populated beaches, parks, busy roads and footpaths.
- You must not operate your drone in a way that creates a hazard to another aircraft, person, or property.
- You must not operate your drone in prohibited or restricted areas.
- Please respect personal privacy.
- Don't record or photograph people without their consent—this may breach state laws.
- There might be local council and/or national park laws prohibiting drone flights in certain areas.
- Research the area you plan to fly and contact your council or national park if you're unsure.
- Don't operate near emergency services aircraft – if you fly, they can't.

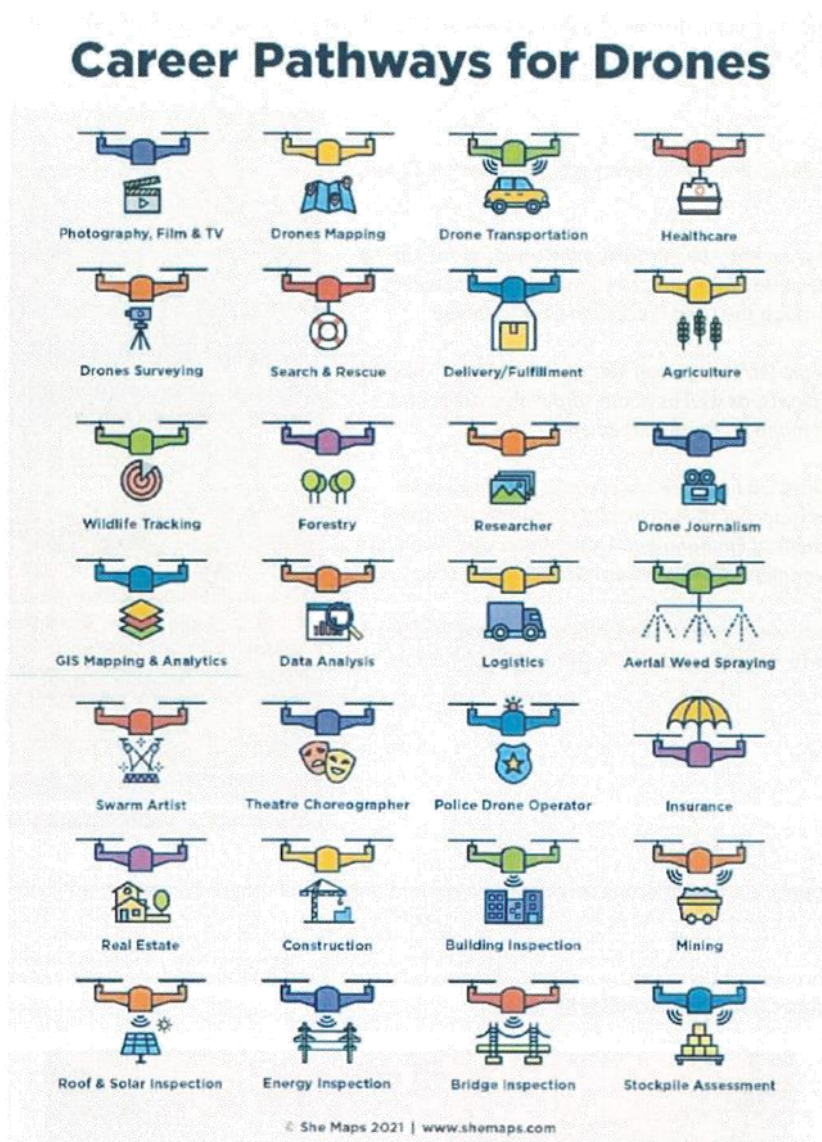
Additional information for drones over 100 grams:

Some other points to consider:

It is essential that Council are all inclusive of the community. Not everyone has an interest in participating in team sports. The use of drones provides people who are less mobile or with a disability the enjoyment of seeing things they would otherwise be restricted from. Flying of drones provides immense educational options. A member of a drone group that I belong to made this comment, after attending an international drone conference in China in 2019, "drones are now a well-recognised stepping stone towards manned aviation careers and we're on the edge of a severe pilot shortage".

In Australia the use of drones, and their technology, is now being used across a variety of industries. CASA is the federal statutory authority to oversee all these activities.

As more industries search for modern, inventive solutions to issues of sustainability, productivity, and other challenges, drone technology has become more prevalent across a wide range of industries. This prevalence offers a growing catalogue of job opportunities in a variety of fields in need of drones — and pilots to fly them.



Chief among these industries is agriculture, where unpredictable weather, irrigation issues, pest control, and even crop disease can have a huge impact on the management and effectiveness of farms across Australia. Whereas traditional methods of managing these issues are still possible, they are expensive, time-consuming, often environmentally harmful, and highly complicated for everyone involved.

Drones in agriculture are being used for: Photo capturing technology, data and monitoring, Pesticide and Fertilizer Distribution, Irrigation and Planting, just to name a few.

Source: [UAV Training Australia](https://www.uavtraining.com.au/)

Drones using thermal imaging are being used to check that the dripper watering system for vineyards and market gardens are all working correctly and efficiently.

Surf Lifesavers are using drones to assist with rescues; and fire fighters are using thermal imaging drones to locate hot spots so they can target their efforts.

Many Councils are now using drones to monitor trees and do building inspections within their municipality, making this safer and more efficient.

Wyndham City Council posted on their [Facebook](#) page on 21 Jan 2022

Wyndham City has recently been trialling the use of drones in the future Western Grassland Reserve, to apply herbicide to weeds in rough terrain, through the Land Protection Grant Scheme.

This state-of-the-art technology can identify weed species and spot spray individual plants, as well as boom spray large areas and produce detailed mapping for management.

*This project targeted 20 hectares of Artichoke Thistle (*Cynara cardunculus*) and is part of the partnership between Wyndham City and Department of Environment, Land, Water and Planning for interim management of the Western Grassland Reserve.*

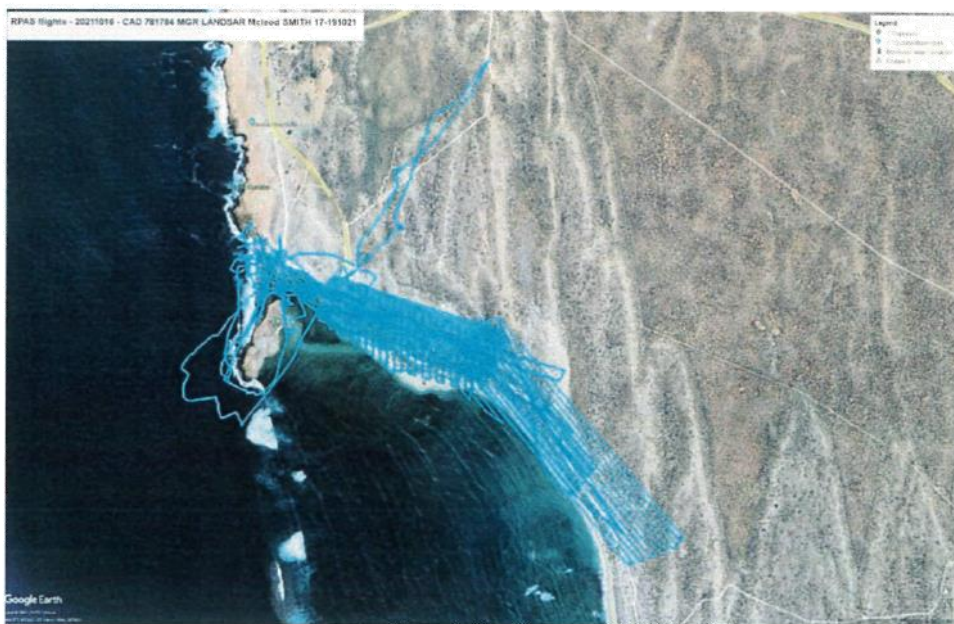
This is one of many weed control works the partnership has been able to help fund to reduce weeds in the future 15,000 hectare reserve.



[City of Hobart Council](#) even offer drone services (Government only) for photography, videography, inspections and mapping.

Police services throughout the country use RPAS (Remotely Piloted Aircraft Systems) for a variety of reasons. Pictured is a member from the WA Police RPAS team.





The image above was provided by a member of the WA Police RPAS team in November 2021. *Over the last few weeks our wonderful capability, RPAS, has been heavily utilised in the initial missing person search for a missing 4 year old, which then turned into an alleged abduction. To give you an idea, the first four days, where we had minimal assets on the ground, we were searching and mapping a potential crime scene. The following images show the first four days of effort. After that, it ramped up, and we managed to cover 100km of coastline and inland up a single 49km road. All completed with 2 x M300's (which are now requiring servicing). Disclaimer: search and rescue operations are completed with specific search patterns and a significant amount of science, testing and consistent reproduction of results to ensure when an area is cleared it doesn't have to be re-searched.*

The Environmental Protection Authority Victoria [operates a drone program](#).

EPA's Remotely Piloted Aircraft System (RPAS) program is commonly known as our 'drones program'. It's part of our Data Analytics and Intelligence unit within our Applied Sciences directorate.

Drones help with all types of investigations for **compliance and enforcement**. They allow us to search sites that are hard to reach or unsafe for vehicles or people to visit.

Through a range of technologies, our drones help us:

- work out the amount and type of waste on a site
- find 'hotspots' in landfills. Hotspots mean there is a risk of fire
- search for buried waste, using a ground penetrating radar.

The **Civil Aviation Safety Authority (CASA)** licenses EPA's drones. We follow all CASA regulations when using our drones.

Parks Victoria use drones to monitor pests, movement of animals and check nests.

Many Councils are encouraging residents and visitors to promote their area by contributing their photos for local calendar competitions, often with several drone shots making the final selection. Social media is huge!

Unmanned traffic management is the next big thing and [CASA continue to consult with all stakeholders](#). They are doing lots of forward thinking and planning which is great to see.

RPAS and AAM Roadmap Consultation

Feedback updated 15 Jun 2022 Closed 19 Apr 2022
Opened 8 Mar 2022

We asked

From 8 March to 19 April 2022, we sought feedback on the draft Remotely Piloted Aircraft Systems (RPAS) and Advanced Air Mobility (AAM) Strategic Regulatory Roadmap. The consultation asked industry if our approach to aviation safety regulations for drones and AAM over the next 10 years and beyond had been captured.

This consultation has now closed, and a summary of feedback is provided below.

About this consultation

On 6 May 2021, the Department of Infrastructure, Transport, Regional Development and Communications released the National Emerging Aviation Technologies (NEAT) Policy Statement.

This statement tasked CASA with producing a safety regulatory roadmap RPAS and AAM.

CASA developed the initial roadmap with industry experts between July 2021 and January 2022 by setting up a technical working group under the Aviation Safety Advisory Panel.

Contact
Remotely Piloted Aircraft Systems
131757
jess.ryan@casa.gov.au

You said

We received 109 responses to the consultation:

- Commercial Remotely Piloted Aircraft: 34
- Model aircraft: 26
- Training organisations: 4
- Industry associations: 4
- Government: 10
- Other aviation: 12
- Other: 19

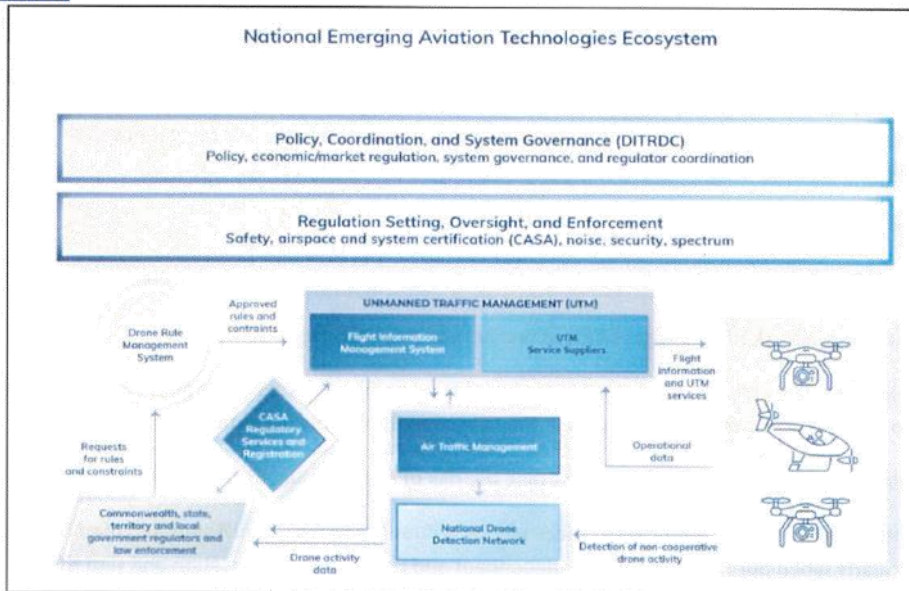
We thank respondents for their contributions and feedback.

Summary of feedback

Responses were positive and constructive. The feedback we received revealed some common themes, including:

- the roadmap should be reviewed regularly to make sure it continues to reflect the needs of industry
- the timelines noted will not keep pace with the anticipated development of technology in these areas
- emergency services should be included as an individual use case
- the needs of the sports and recreation community were not addressed in the roadmap.

The Department of Infrastructure, Transport, Regional Development and Communications (which is a federal agency) is also currently working through drone rule management across all States and Territories of Australia to ensure regulations are uniform across Australia. You might be interested in the information here: <https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/emerging-aviation-technologies/neat-policy-statement>



Drone deliveries are being trialled in several locations around the country. <https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/emerging-aviation-technologies/drone-delivery-operations-australia>

Drone Delivery Operations–Australia

[Listen](#)

The Civil Aviation Safety Authority (CASA) has given approval to Wing Aviation Pty Ltd (Wing) and Swoop Aero Pty Ltd (Swoop Aero) to operate drone delivery services in Australia. Wing is operating in Gungahlin and Belconnen in the Australian Capital Territory, and in Logan in Queensland. Swoop Aero is operating in Goodwindi in Queensland.

Both companies are certified drone operators, and all employees who operate drones hold remote pilot licences.

The aim is to see how drone delivery services work in practice and the effect they have on the community, to inform the Government's consideration of their use more widely.

Further information on CASA's safety approval process is available at www.casa.gov.au.

Under the [Air Navigation \(Aircraft Noise\) Regulations 2018](#) the department also undertook an assessment of both proposed operations.

Wing operations

Canberra operations

The department approved community demonstrations and delivery flights in Belconnen and Gungahlin between 31 March 2022 and 31 March 2023.

Operating conditions were placed on Wing's activities, including that the drone must only fly in daylight, but with the following additional restrictions:

- on weekdays, from 7.30am to 7.00pm
- on Saturdays, from 8.00am to 7.00pm
- on Sundays, from 9.00am to 7.00pm

← Emerging aviation technologies

[Drone Delivery Operations-Australia](#)

Emerging Aviation Technology Partnerships Program

Flying Drones

Managing Drone Noise

NEAT Policy Statement

Sharing Your Views

Australian local councils really need to embrace and support the use of drones by adults and for children under supervision to experience drone flying in open spaces.

There are endless employment opportunities, but our up-and-coming drone pilots are being hampered by Councils with unnecessary restrictions. Allowing drones on Council land without needing written consent makes it easier and safer for everyone.

The other thing to consider is how would any ordinary person have 'reasonable knowledge' that such a local law requiring written consent existed? I imagine Council would have to spend a considerable amount of money to erect signage, however this is totally unnecessary as CASA already have in place rules and regulations that drone operators need to be abide by.

Some further considerations:

Is there really a problem or has there been a lack of knowledge that has brought about Clause 16 (f)?

How many people have asked for consent before the current local law expired?

Is the proposed local law enforceable given CASA's jurisdiction and having regard to identifying and staying within the power to make a local law? What happens in the case of written consent for minors?

Would people even seek written consent or just take the risk of getting caught?

Needing written consent to use public open space will be arduous for both Council staff and members of the public, particularly when our hobby is weather dependant and if we arrive at a location and find there is already an unplanned activity in progress then we need to find an alternative location.

Section 12 Freedom of Movement of the Charter of Human Rights and Responsibilities also needs to be taken into consideration.

Again, as mentioned above, Council providing written consent to a drone operator to fly OVER any land is beyond council's jurisdiction as CASA is the sole federal legislative authority for airspace.

Clause 16(f) is also discriminatory. Whilst there are existing laws in place for the use of remotely controlled aircraft and drones, provided people follow CASA's rules, there is no reason why any drone flying member of the public should be required to obtain written consent to use Council reserves. Families and friends getting together, participants in sporting activities such as cricket, soccer, football and netball are groups of persons using public space or Council reserves, but aren't required to obtain written consent to use it. The camera on a drone should fall into the same category as an iphone or camera and anyone is free to use both on Council land, so requiring authority to use Council land for drone photography (and using other flying devices) is discriminatory.

Finally, CASA can make changes to legislation as and when it is required, whereas Council local laws, once set in place, are normally for a 10-year period and could potentially be voided as they may not keep up with the progression in federal legislation.

I welcome any questions you may have and hope this information provides useful before Council finalises its Community Local Laws 2022.

Kind Regards,

Anne Preston
For and on behalf of the Victorian Drone Flyers Group
victoriandroneflyers@iinet.net.au

65. Conditional permits

- 1) A permit may be subject to conditions which the Council or an Authorised Officer considers to be appropriate in the circumstances, including but not limited to:
 - a) the payment of a fee or charge; and
 - b) a time limit to be applied either specifying the duration, commencement or completion date; and
 - c) the happening of an event; and
 - d) the rectification, remedy or restoration of a situation or circumstance; and
 - e) where the applicant is not the owner of the subject property, the consent of the owner; and
 - f) the granting of some other permit or authorisation.
- 2) The conditions of a permit must be set out in the permit.
- 3) The Council or an Authorised Officer may, subject to agreement with the permit holder, alter the conditions of a permit if it considers it to be appropriate to do so.
- 4) A person who undertakes an activity for which the Council or an Authorised Officer has issued a permit must comply with the conditions of the permit.

Penalty: 20 Penalty Units

66. Cancellation of a permit

- 1) The Council or an Authorised Officer may cancel a permit if it considers that:
 - a) there has been a serious or ongoing breach of the conditions of the permit; or
 - b) a Notice to Comply has been issued, but not complied with within 7 days after the time specified in the notice for compliance; or
 - c) there was a significant error or misrepresentation in the application for the permit; or
 - d) other circumstances, events, omissions or actions exist, requiring cancellation of the permit.
- 2) Before it cancels a permit, the Council or an Authorised Officer must provide to the permit holder an opportunity to make comment on the proposed cancellation.
- 3) If a permit holder is not the owner of the land and the owner's consent was required, the owner must be notified of the cancellation of a permit.

67. Correction of permits

- 1) The Council or an Authorised Officer may at any time correct a permit in relation to:
 - a) an unintentional error or an omission; or
 - b) an evident material miscalculation or mistake in describing a person, thing or property.
- 2) The Council or an Authorised Officer must notify a permit holder in writing of any correction.
- 3) If the permit holder is not the owner of the land and the owner's consent was required, the owner must be notified of any correction to a permit.

LODDON SHIRE COUNCIL

COMMUNITY LOCAL LAW 2022



DOCUMENT INFORMATION

DOCUMENT TYPE:	Local Law
DOCUMENT STATUS:	Draft
POLICY OWNER POSITION:	Manager Development & Compliance
INTERNAL COMMITTEE ENDORSEMENT:	Not applicable
APPROVED BY:	Council
DATE ADOPTED:	Click here to enter date of approval
VERSION NUMBER:	15
REVIEW DATE:	Click here to enter a date.
DATE RESCINDED:	
RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Council Plan Local Laws Enforcement Policy Local Laws Enforcement Procedure
RELATED LEGISLATION:	Local Government Act 1989 Local Government Act 2020 Domestic Animals Act 1994 Impounding of Livestock Act 1994 Public Health and Wellbeing Act 2008 Environment Protection Act 2017 Sentencing Act 1991 Summary Offences Act 1966 Road Management Act 2004 Road Safety Act 1986 Country Fire Authority Act 1958
EVIDENCE OF APPROVAL:	Adopted by Council at its Ordinary Meeting held on XX XXXXXX 2022 Published in the Government Gazette on XX XXXXXX 2022
FILE LOCATION:	TBA

Strategic documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the Loddon Shire website to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

CONTENTS

PART 1 – PRELIMINARY	1
1. Title.....	1
2. Objective.....	1
3. The power to make this Local Law	1
4. Commencement.....	1
5. Previous Local Laws	1
6. Local Law Ceases to Operate	1
7. Application and Scope of this Local Law	2
8. Definitions	2
 PART 2 – COUNCIL LAND, STREETS AND ROADS	 10
9. Roadside trading	10
10. Street furniture and outdoor eating	10
11. Smoking in municipal places	11
12. Consumption of alcohol.....	11
13. Requirement to seal or dispose of an alcoholic beverage.....	11
14. Behaviour in a municipal place or on Council land	12
15. Damage to Council land	12
16. Use of Council reserves	12
17. Motorised vehicles	12
18. Stationary heavy vehicles.....	13
19. Unregistered, abandoned or derelict vehicles.....	13
20. Storage of vehicles.....	13
21. Camping on Council land or in a public place.....	13
22. Circuses, carnivals, festivals and events	14
23. Closed roads.....	14
24. Drainage and pipeline tapping.....	14
25. Bulk rubbish containers on roads	14
26. Repair of vehicles on a road.....	15
27. Substances from vehicles, animals and livestock	15
28. Vehicle crossings	15
29. Constructing, removing or altering a vehicle crossing.....	15
30. Temporary vehicle crossings.....	15
31. Disposal of water on roads.....	16

PART 3 – PRIVATE PROPERTY	17
32. Numbering properties.....	17
33. Dangerous or hazardous properties	17
34. Untidy or unsightly properties.....	17
35. Use of a motorised vehicle on private property.....	18
36. Camping on private property	18
37. Chimneys.....	19
38. Fires in the open air	19
39. Temporary use of shipping containers.....	20
40. Bird scaring devices (scare guns)	21
PART 4 – ANIMALS AND PETS	22
41. Number of animals and pets	22
42. Animal housing	23
43. Positioning of poultry houses	24
44. Pest animals	25
45. Dog and horse excrement.....	25
46. Control of noisy animals.....	25
47. European wasps' and bees' nests to be removed	25
48. Movement of livestock within the municipal district.....	26
49. Keeping or grazing animals on a road or Council land	26
PART 5 – WASTE AND RECYCLING.....	28
50. Council supplied waste receptacles	28
51. Interference with collection.....	28
52. Domestic waste and recyclables	28
53. Presenting, removing or interfering with recyclable materials or hard waste	29
54. Commercial waste.....	30
55. Trade waste, waste hoppers or commercial (non-Council) waste and recycling services.....	30
56. Use of waste management facilities by residents and ratepayers.....	31
57. Use of waste management facilities by non-residents and non-ratepayers	31
58. Depositing waste as directed	31
59. Dumping of ice chests, trunks or similar containers.....	32
60. Scavenging at a municipal waste management facility.....	32

PART 6 – ADMINISTRATION AND ENFORCEMENT 33

Division 1 – Permits and fees..... 33

61. Applying for a permit 33

62. Fees and charges 33

63. Issue of permits..... 33

64. Duration of permits..... 33

65. Conditional permits 34

66. Cancellation of a permit 34

67. Correction of permits..... 34

68. Registers..... 35

69. Utilities 35

70. Exemptions 35

71. Offences 35

Division 2 – Enforcement 35

72. Power of authorised officer to issue a notice to comply 35

73. Time to comply..... 36

74. Failure to comply with a notice to comply 36

75. Power of authorised officer to act in urgent circumstances..... 36

76. Power of authorised officer to impound 37

77. Infringement notices..... 37

Division 3 – Delegations 38

78. Delegation to the Chief Executive Officer 38

PART 1 – PRELIMINARY

1. Title

This is the Community Local Law 2022 of the Loddon Shire Council and is referred to as “this Local Law”.

2. Objective

The objectives of this Local Law are to provide for:

- a) the peace, order and good governance of the Loddon Shire;
- b) a safe and healthy environment in which residents and visitors can enjoy a quality of life that meets their expectations;
- c) the protection and enhancement of community amenity;
- d) the control of activities or land use which may be hazardous, unsafe or detrimental to the quality of life or the environment;
- e) the fair and reasonable use and enjoyment of private land; and
- f) fair and consistent administration of this Local Law.

3. The power to make this Local Law

This Local Law is made pursuant to Section 71 of the *Local Government Act 2020* and Section 42 of the *Domestic Animals Act 1994*.

4. Commencement

This Local Law commences on the day following the gazettal of the Local Law in the Victoria Government Gazette.

5. Previous Local Laws

On the commencement of this Local Law, the following Local Law is revoked:

- a) Local Law No. 4 – Environment (2015)

The following Local Laws have expired:

- a) Local Law No. 2 – Streets and Roads (2010)
- b) Local Law No. 3 – Municipal Places (2006)
- c) Local Law No. 5 – Livestock (2005)

6. Local Law Ceases to Operate

This Local Law will cease to operate in accordance with Section 84 of the *Local Government Act 2020*.

7. Application and Scope of this Local Law

The application and scope of this Local Law is as follows:

- a) This Local Law applies at all times throughout the whole of the municipal district of the Loddon Shire Council except where it is apparent from its wording that a clause or schedule applies to a specific area only;
- b) Where this Local Law applies to a road, it applies to all parts of the road;
- c) The provisions of this Local Law apply to the extent that they are not inconsistent with any Act, Rule or Regulation applicable to the Loddon Shire Council;
- d) Where this Local Law prohibits any act, matter or thing, or provides that such act, matter or thing can only be done or exist with a permit, that prohibition or provision will not apply if the act, matter or thing can be done or can exist by reason of the Loddon Planning Scheme;
- e) References to any land in this Local Law include buildings and other structures permanently affixed to the land and any land covered with water.

8. Definitions

In this Local Law, unless the context or subject matter indicates otherwise, definitions are as in the *Local Government Act 2020*, or where applicable, the *Local Government Act 1989*, indicated by the words "the Act". Other words and phrases have the respective meanings assigned:

Aboriginal person	has the same meaning as in section 4(1) of the <i>Aboriginal Heritage Act 2006</i> .
Aboriginal tradition	has the same meaning as in section 4(1) of the <i>Aboriginal Heritage Act 2006</i> .
acceptable no smoking sign	has the same meaning as in section 3 of the <i>Tobacco Act 1987</i> .
Act	means the <i>Local Government Act 2020</i> , or where applicable, the <i>Local Government Act 1989</i> .
animal	includes any mammal, reptile or bird (excluding humans).
animal housing	means any building or structure used to contain or house an animal.
applicant	means the person who applies for a permit under this Local Law.
appropriate fee	means the appropriate fee determined by the Council in accordance with this Local Law.
authorised officer	means an authorised officer of Council appointed under section 224 of the <i>Local Government Act 1989</i> .

barbeque	means a structure, device or contraption (not enclosed in a building) which is used primarily as a cooking facility.
builder	means a person engaged by or on behalf of the owner or occupier of a building site to carry out building work.
building refuse	means any solid or liquid domestic or commercial waste, debris or other refuse, including any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and like material, substance or thing generated by, or in connection with, building work.
building site	means any land being prepared for or upon which building work is being carried out.
building work	means work for, or in connection with, the construction, demolition or removal of a building.
built-up area	means an area in which there is urban development or in which street lighting is provided on roads.
bulk rubbish container	means a bin, skip or other container used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but excludes containers used in connection with Council's regular domestic rubbish or recycling collections. Includes waste bins, miniskips, shipping containers, pallets and their contents.
business day	means a day that is not: a) a Saturday or Sunday or b) a day that is wholly or partly observed as a public holiday throughout the municipality.
camp	means: a) to erect, occupy or use, for accommodation, a tent, tarpaulin or any similar form of accommodation, shelter or temporary structure; or b) to occupy or use a swag or sleeping bag; or c) to erect, occupy or use, for accommodation, a caravan or movable dwelling within the meaning of the <i>Residential Tenancies Act 1997</i> .
caravan or movable dwelling	has the same meaning as in the <i>Residential Tenancies Act 1997</i> .
car park	means an area which is located on land owned by, occupied by or under the care, management and control of Council and which is designated as being, or set aside for the purposes of the parking of vehicles.

Chief Executive Officer	means the person appointed pursuant to section 44(1) of the Act to be the Chief Executive Officer.
commercial waste	means any refuse, rubbish, slops or other waste matter arising from or generated by any trade, industry or commercial undertaking.
Council	means the Loddon Shire Council.
Council land	means any land either vested in or under the control of Council, and includes a reserve, watercourse and reservation, car park, road and the like, together with any improvements erected thereupon.
dealing in goods	includes selling goods, exposing goods for sale or possessing goods with the intention of selling them or offering them for sale.
e-cigarette	has the same meaning as in the <i>Tobacco Act 1987</i> .
electronic speaker device	means a device broadcasting electronically generated noise for the purpose of scaring pest animals.
ESTA or Triple Zero Victoria	means the <i>Emergency Services Telecommunications Authority</i> or Triple Zero Victoria, Victoria's 24-hour emergency call-taking and dispatch service for police, fire, ambulance and VICSES.
farm animal	means any horse, cattle, camel, donkey, mule, cow, bull, steer, sheep, pig, deer, goat, ox, ostrich, emu, alpaca and any other animal kept for harvest of fleece, hide or meat; irrespective of whether the animal is kept as a companion animal.
farming area	means any part of the municipal district which is in a Farming Zone under the planning scheme.
fire ban day	means a day or partial day of total fire ban declared under section 40 of the <i>Country Fire Authority Act 1958</i> .
garbage	means and includes household refuse and rubbish, food waste, discarded food or any offensive matter (other than sewage, manure and hazardous materials), but does not include hard waste or recyclable material.
habitable room	means any room other than a storage area, bathroom, laundry, toilet or pantry used for domestic activities.
hard waste	means dry and hard rubbish and waste but does not include household refuse or commercial waste.

household refuse	means all refuse, waste, garbage, rubbish and surplus materials produced or accumulated in or about a dwelling which is not considered to be hard waste, garden waste or recyclable materials and is only placed in a household refuse receptacle.
household refuse receptacle	means a Council approved refuse receptacle specifically intended for the collection of household refuse.
horse	includes stallion, colt, gelding, rig, mare, filly, foal, pony, donkey, ass or mule.
large bird	means any cockatoo, parrot, duck, goose, turkey, peafowl, pheasant or any other bird but does not include poultry, pigeon or small bird.
land	means and includes all land within the municipal district and any associated structures permanently affixed to the land, but does not include: <ul style="list-style-type: none">a) a highway within the meaning of the <i>Road Safety Act 1986</i>; andb) any land under the control of a Statutory Authority.
livestock	has the same meaning as in the <i>Impounding of Livestock Act 1994</i> .
minor building works	means building work that has a value of less than \$5,000 but excludes demolition and removal of buildings and structures (regardless of value).
motor vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
motorised vehicle	a vehicle which meets any of the following criteria: <ul style="list-style-type: none">a) a mini-bike, trail bike, go-kart, motor bike, motor scooter, all terrain vehicle, four wheel drive or motor carb) any other vehicle which is propelled by a motor or by mechanical meansc) any vehicle registered with the Head, Transport for Victoria as a recreational vehicle.
municipal building	means any building: <ul style="list-style-type: none">a) owned and occupied byorb) under the care, management and control of Council.
municipal district or municipality	means the municipal district of the Loddon Shire Council.
municipal place	means land or any asset, excluding a road, which is vested in, owned, occupied, managed or controlled by Council.

municipal waste management facility	means a facility that is designated by Council to receive waste materials including household refuse, hard waste and/or recyclable materials.
nature strip	means the area between the carriageway and the property boundary on any road which abuts the property.
nuisance	has the same meaning as that term at common law.
noxious weed	has the same meaning as in the <i>Catchment and Land Protection Act 1994</i> .
obstruction	includes any tree, plant or other item on a nature strip, or otherwise on a road, that has been placed or planted by, or is maintained by, the owner or occupier of adjacent or nearby premises which restricts passage along a road, but does not include any plant planted by Council.
occupier	includes any person who is residing or using a property as its owner or tenant, with or without the consent of the titled owner of the land.
offence	means an offence under this Local Law.
pavement	includes every footpath, lane or other place including part of a nature strip within the municipal district which is habitually used by pedestrians and not by motor vehicles.
penalty unit	has the meaning as defined by section 110 of the <i>Sentencing Act 1991</i> .
permit	means a permit, including any conditions, issued under this Local Law.
permit holder	means a person to whom a permit has been issued under this Local Law.
permit fee	means a fee fixed by resolution of Council or a statutory fee prescribed in legislation by the Victorian government.
person	has the same meaning as in section 38 of the <i>Interpretation of Legislation Act 1984</i> .
poultry	means domestic fowls but does not include ducks, geese, turkeys, peacocks, pheasants and roosters for the purposes of a permit required in clause 41.
poultry house	means a structure or housing in which poultry are kept or intended to be kept.
planning scheme	means the Loddon Planning Scheme as applicable under the <i>Planning and Environment Act 1987</i> .

premises	includes land and building/s, including a building under construction.
prescribed	means specified in a resolution made by Council, the general purport of which is set out in a newspaper generally circulating in the municipality.
procession	means an organised group of people proceeding along a road, or gathering for a ceremony or function, and includes fun runs and bicycle events.
private land	means land that is not Council land, a road or a public place.
public notice	has the same meaning as in the Act.
public place	has the same meaning as in the <i>Summary Offences Act 1966</i> .
public reserve	means a municipal place which is located outdoors and available for recreational purposes.
rally	means a meeting of people making a political protest or showing support for a cause.
recyclable material	means glass bottles and jars (whether broken or unbroken), polyethylene terephthalate (PET), high density polyethylene (HDPE), polyvinyl chloride (PVC), hard plastics coded or uncoded, aluminium cans and foil, steel cans, clean paper and cardboard, liquid paper board and any other materials prescribed by Council.
recyclable materials receptacle	means a Council approved recyclable material receptacle specifically intended for the collection of recyclable materials only.
refuse receptacle	means a refuse receptacle of the type issued or approved by Council for the collection of house refuse.
reserve	means any of the following: <ul style="list-style-type: none">a) any land, commons, or public reserve either owned by Council or of which the management is vested in Council; orb) any land purchased or rented or otherwise provided by, granted or given to or vested in Council, for the provision of pleasure grounds or places of public recreation, including playgrounds, car parks, bike trails, gardens and other areas within the land; orc) any tree reserve, garden, lawn or ornamental plantation in or upon any road within the municipal district.
residence	includes part of a building used or intended to be used as a private residence, including a flat and unit but does not include that part of a residential building used for aged care, hotel or motel.

resident	means a person who has a place of residence within the municipal district.
residential area	means any part of the municipal district which is in a Residential Zone under the planning scheme, including township and low density residential zones.
residential premises	means a building used to permanently or temporarily accommodate persons and includes a dwelling, residential hotel, hostel, motel, boarding house, rooming house and bed and breakfast establishment.
responsible road authority	has the same meaning as in the <i>Road Management Act 2004</i> .
retailer	means a person who sells goods by retail.
road	has the same meaning as in the Act.
rural residential area	means any part of the municipal district which is in a Rural Living Zone or a Rural Conservation Zone under the planning scheme.
scare gun	means a device for producing a loud percussive sound for the purpose of scaring birds from crops, orchards and vineyards (also known as gas guns and scatter guns).
service authority	means any company or Statutory Authority responsible for the installation of telecommunications, gas, electricity, water, sewerage or drainage facilities in or on a road, road related area or easement.
shipping container	means a container that is a large reusable and portable steel box, normally designed and intended for use during intermodal transport shipments to facilitate the packaging and transport of goods, equipment and materials.
small bird	means a small domestic bird such as a canary, finch, budgerigar and the like which is kept by, or under the care or control of a person, but excludes poultry.
smoke	in relation to a tobacco product or an e-cigarette has the same meaning as in the <i>Tobacco Act 1987</i> .
Statutory Authority	means a Government Department, or a body established by an Act of the Parliament of Victoria, any other State or Territory of Australia or the Commonwealth of Australia.
street	has the same meaning as road in this Local Law.
street festival	means an organised recreational, cultural, commercial or social gathering of people which is held on a road.

street stall	means a table, structure, furniture, sign or fixture erected for the temporary display of goods, whether or not for sale.
street furniture	means any sign, notice, structure, or fixture which is owned, erected, or maintained by Council or other responsible road authority and which is located on, or adjacent to a road.
tobacco product	has the same meaning as in the <i>Tobacco Act 1987</i> .
traffic control item	means a major traffic control device or a minor traffic control device, within the meaning of the <i>Road Safety (Traffic Management) Regulations 2019</i> .
vacant land	means a property on which there is no house or other structure approved for human habitation.
vehicle crossing or driveway	means a constructed area that provides for the passage of vehicles from a carriageway to private property and includes the kerb, channel, hardstand areas and infills but not footpath.
vehicle	any conveyance for transporting people, goods etc.
wasp	includes an English or European wasp.
waste hopper	means a bin, skip or other container used for the deposit of waste.

Any term listed throughout this document which has not been specifically defined within the table above, has its ordinary dictionary meaning.

PART 2 – COUNCIL LAND, STREETS AND ROADS

9. Roadside trading

- 1) A person must not, without a permit:
 - a) sell or offer for sale goods or services on a road, footpath or nature strip; or
 - b) sell or offer for sale any goods or services from a property or a public place adjacent to a road, footpath or nature strip to any person who is on that road, footpath, nature strip or public place; or
 - c) sell a raffle ticket, solicit or collect a gift of money or subscription on a road, footpath or nature strip.

Penalty: 10 Penalty Units

- 2) In deciding whether to grant a permit, the Council or an Authorised Officer must take into consideration:
 - a) whether the safety of road users or the passage of vehicles will be affected by the placement; and
 - b) whether permits required by the *Food Act 1984*, *Public Health and Wellbeing Act 2008* or any other legislation have been obtained; and
 - c) whether the activity will disturb, annoy or disrupt adjacent property owners or occupiers; and
 - d) whether the activity will be detrimental to the amenity of the area; and
 - e) whether appropriate arrangements can be made for waste water disposal, litter and garbage disposal, car parking including access and egress, lighting and advertising signs; and
 - f) whether the consent of the Head, Transport for Victoria has been obtained where the road is a road for which it is the responsible road authority under the *Road Management Act 2004*; and
 - g) whether persons who may be liable for injury caused by the activity are insured against that risk; and
 - h) whether the applicant has provided a written indemnification of Council against liability arising from activities authorised by the permit; and
 - i) any other matter relevant to the circumstances of the application.

10. Street furniture and outdoor eating

- 1) A person must not, without a permit, place any seat, umbrella, table, chair, barricade, portable heater, potted plant, visual display or other furniture on any footpath or other part of a road.

Penalty: 10 Penalty Units

- 2) In deciding whether to grant a permit the Council or an Authorised Officer must take into consideration:
 - a) whether the facility would be located where it would obstruct the visibility at an intersection; and
 - b) whether appropriate and safe pedestrian access can be maintained; and
 - c) whether the tables, chairs and other equipment to be used will be a hazard; and
 - d) whether the tables, chairs and other equipment are of a construction that will not cause any damage to the footpath or part of the road; and
 - e) whether the tables, chairs and other equipment might impact on any vehicle parked in the vicinity, including persons accessing and egressing the vehicle; and
 - f) whether persons who may be liable for injury caused by the placing of the facility are insured against that risk; and

- g) whether the applicant has provided a written indemnification of the Council against liability arising from activities authorised by the permit; and
- h) whether the facility is conducted in conjunction with and as an extension of food premises located immediately abutting the facility, and the applicant is the person conducting such food premises; and
- i) whether the food premises are registered in accordance with the *Food Act 1984*; and
- j) any other matter relevant to the circumstances of the application.

11. Smoking in municipal places

- 1) A person must not smoke a tobacco product or an e-cigarette in or on any municipal place or part of a municipal place which has been declared by the Council to be a smoke free area.

Penalty: 5 Penalty Units

- 2) Council must cause an acceptable no smoking sign to be displayed in any municipal place or Council Land which has been declared a smoke free area.
- 3) If an authorised officer believes on reasonable grounds that a person is contravening or has contravened clause 11(1), the authorised officer may direct the person to:
 - a) in the case of a tobacco product, extinguish and then dispose of the tobacco product; or
 - b) in the case of an e-cigarette, cease using the device.
- 4) A person to whom a direction is given under clause 11(3) must comply with that direction.

Penalty: 5 Penalty Units

12. Consumption of alcohol

- 1) A person in a public place or within a motor vehicle which is parked or stopped in a public place, must not:
 - a) consume alcohol; or
 - b) possess alcohol other than in a sealed container.

Penalty: 5 Penalty Units

- 2) Clause 12(1) does not apply in such places as for the time being are:
 - a) licensed premises within the meaning of the *Liquor Control Reform Act 1998*; or
 - b) an area in which Council has issued a permit for the sale or consumption of alcohol.

Note: this clause enables the Council to issue a local law permit to licensed premises to extend their licensed use from adjoining premises onto footpaths and is authorised under clauses 52.27 and 62.01 of the Loddon Planning Scheme.

13. Requirement to seal or dispose of an alcoholic beverage

- 1) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened clause 12(1), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- 2) A person must comply with a direction of an Authorised Officer under clause 13(1).

Penalty: 10 Penalty Units

14. Behaviour in a municipal place or on Council land

A person, in any municipal place, or on any Council land, must not:

- a) behave in a manner that interferes with another person's use or enjoyment of that place; or
- b) act in such a manner which endangers any person; or
- c) use language or behave in a manner which is indecent, offensive or abusive; or
- d) damage, destroy, deface, remove or interfere with anything in or on any building or structure of any kind; or
- e) damage or interfere with any Council land; or
- f) allow any vehicle or equipment to cause damage to or interfere with Council land; or
- g) light or allow to be lit any fire on any council land except in a permanent fireplace, barbeque or temporary barbeque; or
- h) act contrary to any signs that contain conditions that apply to the use of the Council land; or
- i) act contrary to the lawful direction of an Authorised Officer or a person responsible for the Council land.

Penalty: 5 Penalty Units

15. Damage to Council land

A person must not allow any tree or plant on land owned or occupied by them to cause damage to or interfere with any Council land or a road under the control of Council.

Penalty: 10 Penalty Units

16. Use of Council reserves

- 1) Except with written consent, a person in or upon any Council reserve, must not:
 - a) act contrary to any condition of use set by a Management Committee appointed by Council; or
 - b) engage in, play or practice any games in such a manner as to be a danger to the safety of any person or property or interfere with the reasonable use and enjoyment of the Council reserve, or any part thereof by any other person; or
 - c) ride or drive any horse into or upon any Council reserve; or
 - d) drive any motor vehicle other than on a designated roadway or parking area; or
 - e) ride a bicycle or use a toy vehicle in a manner that interferes with the use or enjoyment of the Council reserve; or
 - f) fly or permit to be flown any model aeroplane, drone, or similar apparatus of any kind (excluding kites) from such Council reserve; or
 - g) light any fire except in a permanent fireplace or barbeque provided.

Penalty: 5 Penalty Units

17. Motorised vehicles

A person must not, without a permit, use a motorised vehicle on any Council land or reserve (other than any public highway, gazetted road or designated internal vehicular track) unless that land or reserve has been designated for that purpose.

Penalty: 10 Penalty Units

18. Stationary heavy vehicles

- 1) A person must not, without a permit, park, keep, store, repair or authorise another person to keep, store or repair a prime mover with an attached trailer, a semi-trailer, a heavy combination trailer or multi combination trailer on a road in a residential area or rural residential area.

Penalty: 10 Penalty Units

- 2) Clause 18(1) does not apply in relation to a vehicle which is parked, kept, stored or repaired for less than two consecutive hours.

19. Unregistered, abandoned or derelict vehicles

A person must not abandon, leave or allow to be left, in or on a public place, road, Council reserve or Council land any vehicle or recreational vehicle that is:

- a) not currently registered with, or having a permit from, the Head, Transport for Victoria or any other relevant authority (if it is of a class of vehicle which requires it to be, or is usually registered under the *Road Safety Act 1986*); or
- b) derelict to such an extent as to be unable to move under its own power and is in disrepair.

Penalty: 10 Penalty Units

20. Storage of vehicles

A person must not without a permit use any road or Council land for the purpose of storing any caravan, trailer, boat, damaged vehicle or unregistered vehicle.

Penalty: 10 Penalty Units

21. Camping on Council land or in a public place

- 1) A person must not, without a permit, camp on Council land, a public place, roads or car parks in a tent, vehicle or caravan or any other temporary or makeshift structure unless they are within a caravan park registered under the *Residential Tenancies Act 1997* or an area determined by the Council to be available for camping purposes.

Penalty: 10 Penalty Units

- 2) Clause 21(1) does not prohibit a person from resting or sleeping in a parked vehicle or movable dwelling in order to manage or avoid driver fatigue.

22. Circuses, carnivals, festivals and events

- 1) A person must not, without a permit, conduct a circus, carnival, festival, community market or other similar event on any Council land or in a public place within the municipality.
- 2) A person must not, without a permit, hold a street festival or procession on a road.

Penalty: 20 Penalty Units

- 3) Clause 22(1) does not apply where the organisers or responsible persons for the circus, carnival, festival, community market or other similar event have obtained a planning permit in accordance with the Loddon Planning Scheme.

Note: a permit for a place of public entertainment, or for the siting of a temporary structure under the *Building Act* 1993 may also be required.

23. Closed roads

- 1) Except with written consent, a person must not drive a vehicle on any part of a road, bridge or culvert which has been closed in accordance with the Act.

Penalty: 10 Penalty Units

- 2) A person must not remove, destroy, damage, deface, interfere or tamper with any obstruction or barrier placed on a road in accordance with the Act.

Penalty: 10 Penalty Units

24. Drainage and pipeline tapping

- 1) A person must not, without a permit, tap into or interfere with any drain or pipeline owned by, or under the control of the Council.

Penalty: 20 Penalty Units

- 2) If in the opinion of Council, any of Council's assets may be at risk of being damaged during the course of tapping installation works, the person responsible for the tapping work must, upon request, pay a bond to the Council.
- 3) The amount of the bond required under clause 24(2) must be proportionate to the likely cost of repairing any damage and must be refunded upon satisfactory completion of the works.
- 4) Where appropriate, the bond may be retained by Council to offset the cost of repairing any damage.

25. Bulk rubbish containers on roads

A person must not, without a permit, place or cause another person to place, a bulk rubbish container on a road.

Penalty: 10 Penalty Units

26. Repair of vehicles on a road

A person must not dismantle, paint, repair or carry out maintenance on a vehicle on a road, except to the minimum extent necessary for the purpose of removing it.

Penalty: 10 Penalty Units

27. Substances from vehicles, animals and livestock

A person must not permit any grease, oil, mud, clay or other substance to fall or run off a vehicle or livestock onto a road, into any drain on or under the road or permit or authorise another person to do so.

Penalty: 10 Penalty Units

28. Vehicle crossings

- 1) If required by the Council or an Authorised Officer, the owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing.

Penalty: 10 Penalty Units

- 2) For the purposes of clause 28(1), a vehicle crossing is properly constructed if:
 - a) it was constructed by, or in accordance with, the terms of Council approval; or
 - b) Council has approved the method of construction of the particular vehicle crossing.
- 3) If Council or an Authorised Officer is of the opinion that a vehicle crossing is in a state of disrepair or is otherwise in an unsatisfactory condition, an Authorised Officer may serve a Notice to Comply on the owner or occupier of the property serviced by the crossing.

29. Constructing, removing or altering a vehicle crossing

A person must not, without a permit, construct, install, remove or alter a vehicle crossing, whether temporarily or permanently.

Penalty: 10 Penalty Units

30. Temporary vehicle crossings

- 1) A person responsible for building work must obtain a permit for the construction of a temporary vehicle crossing which protects all of the existing road and Council assets, if it is likely that building work on land will involve vehicles entering or leaving the carriageway from a point other than an existing driveway or vehicle crossing.

Penalty: 10 Penalty Units

- 2) A person responsible for works referred to in clause 30(1) must ensure that the temporary vehicle crossing is maintained in good repair.

Penalty: 10 Penalty Units

- 3) If, in the opinion of Council, an existing driveway crossing, footpath, kerb or other part of the road may be damaged by building works, the person responsible for the works must, when requested to do so by Council, pay a bond to Council.
- 4) The amount of the bond required under clause 30(3) must be proportionate to the likely cost of repairing any damage and must be refunded on satisfactory completion of the building works or, where appropriate, may be retained by Council to offset the costs of repairing any damage.

31. Disposal of water on roads

Without written consent, a person must not cause or permit:

- a) the direct or indirect flow of any stormwater or irrigation water onto any Council land or road reserve; or
- b) the unreasonable discharge of any water onto any Council land or road reserve; or
- c) the unreasonable discharge of any water onto any land (including land owned by that person) so as to cause or permit such water to discharge onto any Council land or road reserve.

Penalty: 10 Penalty Units

PART 3 – PRIVATE PROPERTY

32. Numbering properties

If the Council has allocated a number to a property, the owner or occupier of the property must ensure that:

- a) the property is marked with the number allocated; and
- b) the numbers used are at least 40 millimetres high and have a contrasting colour to the background material on which they are painted or placed; and
- c) the numbers are located so that they are free from obstructions and they can be read under all normal lighting conditions from the road immediately adjacent to the front boundary of the property.

Penalty: 3 Penalty Units

33. Dangerous or hazardous properties

The owner or occupier of any land or premises must not:

- a) permit or allow the land or premises to be kept in a manner, state or condition which is dangerous or likely to cause danger to any person or property; or
- b) permit or allow the growth of any vegetation on the land which constitutes or is likely to constitute a danger, hazard or nuisance to any person or property; or
- c) permit or allow any vegetation, fencing, a sign or anything else on the land or premises to be an obstruction or interfere with pedestrian or vehicular traffic by:
 - i) overhanging a boundary of the land onto a footpath or other part of a road used by pedestrians in a manner that limits safe access, or by otherwise not providing a clearance of at least 1.8m in height over the footpath; or
 - ii) extending over any part of a road so that it obstructs the view of the driver of a vehicle at an intersection, or obstructs the view between the driver of a vehicle and a pedestrian; or
 - iii) obscuring a traffic control item or sign from the view of a driver of an approaching vehicle or pedestrian; or
 - iv) obscuring street lighting; or
- d) permit or allow any land or premises to be a haven for uncontrolled vermin, noxious weeds or insects which constitutes or is likely to constitute a danger, hazard or nuisance to any person or property; or
- e) permit or allow the use of any land or premises for the storage of any materials or other substances which is dangerous or likely to cause danger to life or property.

Penalty: 20 Penalty Units

34. Untidy or unsightly properties

The owner or occupier of any land or premises must not:

- a) permit or allow the land or premises, including immediately adjacent nature strip, to be kept in an untidy or unsightly condition, state or manner which is detrimental to, or detracts from, the general amenity of the neighbourhood; or
- b) permit or allow the land or premises to be used for the storage of unconstrained rubbish or other waste materials; or

- c) permit or allow the land or premises to be used for the purpose of storing any goods, materials or chattels which are detrimental to, or detracts from, the general amenity of the neighbourhood; or
- d) permit or allow the land or premises to be used for the storage of any unregistered vehicle, derelict vehicle, plant or other equipment which are detrimental to, or detract from, the general amenity of the neighbourhood; or

Penalty: 20 Penalty Units

35. Use of a motorised vehicle on private property

A person must not use any motorised vehicle so as to cause a nuisance by way of noise, dust or exhaust fumes, or pose a danger to the health and safety of any other person, on any land in a residential area or rural residential area.

Penalty: 10 Penalty Units

36. Camping on private property

- 1) A person must not, without a permit, camp, place, cause, or permit to be placed on any land, a caravan, mobile home, motor home or tent for the purpose of camping, temporary or permanent accommodation.

Penalty: 10 Penalty Units

- 2) An owner or occupier of private land must not, without a permit, allow or permit another person to camp on that private land.

Penalty: 20 Penalty Units

- 3) Clause 36(1) does not apply:
 - a) to the placing of caravans for sale or hire on any property, subject to the relevant permissions under the Loddon Planning Scheme; or
 - b) to a caravan park registered in accordance with the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*; or
 - c) to private land that is designated, authorised or licenced by the Council as a camping area; or
 - d) where no approved permanent residence exists on the land, 1 caravan, mobile home, motor home or tent may be placed on private land, to be used by the owner, or by another person if the owner has obtained a permit and has provided their consent, and:
 - i) that the camping does not exceed a total aggregate of 60 days in any calendar year; and
 - ii) does not exceed 14 consecutive days within the total aggregate of 60 days in any calendar year; and
 - iii) no rent, fee, licence, charge or other payment (whether in money or in kind) is paid in respect to the camping; and
 - iv) the camping is not offensive and does not cause a nuisance in the opinion of an Authorised Officer, particularly in relation to, but not limited to noise, effluent or waste; and
 - v) that no annexe or similar temporary structure of rigid material is constructed on the property; and
 - vi) any caravan, mobile home, motor home, tent, temporary annexe, shade sail or other structures associated with the camping does not remain on the property

- for more than 14 consecutive days within a total aggregate of 60 days in any calendar year; and
- vii) that a written diary, log book or calendar is maintained to document use of the private property for camping purposes and that such diary, log book or calendar is made available for inspection immediately upon request by an Authorised Officer; and
 - viii) there are adequate sanitary and waste disposal facilities for the camping and that those facilities are maintained to the satisfaction of an Authorised Officer; and
 - ix) the camping is not associated with an event or festival; and
 - x) that the caravan, mobile home, motor home or tent is not sited within a distance of 20 metres from the front, side or rear boundaries of the land.
- 4) Clause 36(2) does not apply:
- a) to a caravan park registered in accordance with the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*; or
 - b) where a planning permit has been obtained for the purpose of camping, however only in respect to the extent to which the planning permit applies; or
 - c) where an approved permanent residence exists on the land, the owner or occupier may place 1 caravan, mobile home, motor home or tent on their land for occupation by immediate family or temporary visitors, for a total period not exceeding 60 days in any 12 month period, provided:
 - i) that no rent, fee, licence, charge or other payment (whether in money or in kind) is paid in respect to the camping; and
 - ii) the occupants of such temporary accommodation have access to proper sanitation, bathing and drainage facilities to the satisfaction of Council; and
 - iii) that no annexe constructed of rigid material shall be attached to a caravan or mobile home; and
 - iv) that a written diary, log book or calendar is maintained to document use of the private property for camping purposes and that such diary, log book or calendar is made available for inspection immediately upon request by an Authorised Officer; and
 - v) that the caravan, mobile home, motor home or tent is not sited within a distance of 6 metres from the frontage of the land; and
 - vi) that the caravan, mobile home, motor home or tent is not sited within a distance of 1 metre from the side or rear boundaries of the land; and
 - vii) the camping is not offensive and does not cause a nuisance in the opinion of an Authorised Officer.

37. Chimneys

An owner or occupier of land must not cause or allow any chimney to discharge dust, grit, ash or smoke to such an extent that it is a nuisance.

Penalty: 10 Penalty Units

38. Fires in the open air

- 1) The owner or occupier of any land must not cause or allow a fire to be lit or to remain alight in the open air (including in an incinerator) on the land.

Penalty: 20 Penalty Units

- 2) Clause 38(1) does not apply to:
- a) a purpose-built barbeque for the purpose of cooking food; or
 - b) a campfire used in compliance with the *Country Fire Authority Act 1958*; or
 - c) a fire in the open air for which a permit has been issued under any government Act, regulation or this Local Law; or
 - d) in the case of land that is 2,000m² or less in size, a fire that meets each of the following requirements:
 - i) the fire is only lit on any Wednesday or Sunday; and
 - ii) the fire is not lit on a fire ban day; and
 - iii) the owner or occupier has notified Triple Zero Victoria, the Emergency Services Telecommunications Authority (ESTA) on 1800 668511 before lighting the fire or by emailing a burn-off notification form to burnoffs@esta.vic.gov.au at least 2 hours before lighting the fire; or
 - e) in the case of land that exceeds 2,000m², a fire that meets each of the following requirements:
 - i) the fire is not lit on a fire ban day; and
 - ii) the owner or occupier has notified Triple Zero Victoria, the Emergency Services Telecommunications Authority (ESTA) on 1800 668511 before lighting the fire or by emailing a burn-off notification form to burnoffs@esta.vic.gov.au at least 2 hours before lighting the fire; or
 - f) a fire lit by an Aboriginal person if the fire is lit for the purpose of conducting or engaging in an Aboriginal tradition.
- 3) Notwithstanding clause 38(2), it is prohibited to burn any of the following:
- a) green or wet material; or
 - b) non timber based building material; or
 - c) rubber or plastic, including plastic mulch, plant pots, plastic wrap and packaging materials; or
 - d) furnishings, a mattress or carpet; or
 - e) manufactured chemicals; petroleum or oil products; paint and painted products, including any container in which paint is kept; or other offensive, noxious or toxic matter; or
 - f) food or animal waste; or
 - g) carcasses of dead animals unless prescribed by the relevant state government department as the only means of disposal.

39. Temporary use of shipping containers

- 1) The owner or occupier of any land must not, without a permit, allow, cause or suffer a shipping container to be placed on the land unless permitted by the Loddon Planning Scheme and/or the *Building Act 1993*.

Penalty: 20 Penalty Units

- 2) In deciding whether to grant a permit under this Local Law, the Authorised Officer must be satisfied that placement of the shipping container will be of a short term or temporary nature, use or purpose.

40. Bird scaring devices (scare guns)

A person must not use, or allow others to use, a scare gun on their property, or any Council land, unless all of the following requirements are satisfied:

- a) all conditions of the *Environment Protection Authority Noise Control Guidelines* for the control of noise from scare guns are satisfied; and
- b) the scare gun is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period; and
- c) the scare gun is positioned in a farming area; and
- d) a sign is displayed in a conspicuous position at the main entrance to the property at all times that a scare gun is in use, containing the following details:
 - i) that a scare gun/s is in use on the land, and
 - ii) the contact telephone number of the owner or occupier of the land.

Penalty: 10 Penalty Units

PART 4 – ANIMALS AND PETS

41. Number of animals and pets

- 1) An owner or occupier of land must not, without a permit:
 - a) keep or allow to be kept more than four (4) different kinds of animals on any one property at any time; or
 - b) keep or allow to be kept any more than the total number of each kind of animal as set out in Table 1.

Table 1: Permitted number of animals per property without a permit being required

Type of animal	Maximum number allowed		
	Residential area or land that is equal to or less than 2,000m ² in any other area*.	Rural residential area or land greater than 2,000m ² but less than 4ha in any other area.	Farming area where land is equal to or greater than 4ha.
dogs	2	2	5
cats	2	2	5
pigeons	12	30	No limit. No permit required
poultry (excl. roosters)	12	20	No limit. No permit required
poultry (roosters)	None. Permit required for any	1	No limit. No permit required
small birds	50	100	No limit. No permit required
ducks	None. Permit required for any	10	No limit. No permit required
large birds	None. Permit required for any	10	No limit. No permit required
domestic mice	10	10	No limit. No permit required
guinea pigs	10	10	No limit. No permit required
ferrets	2	4	No limit. No permit required
domestic rabbits	6	6	No limit. No permit required
horses/donkeys	None. Permit required for any	4	No limit. No permit required
cattle	None. Permit required for any	4	No limit. No permit required
sheep	None. Permit required for any	10	No limit. No permit required
goats	None. Permit required for any	10	No limit. No permit required
pigs	None. Permit required for any	None. Permit required for any	No limit. No permit required
other farm animals	None. Permit required for any	None. Permit required for any	No limit. No permit required

Penalty: 10 Penalty Units

*Note: on rural living and farming zoned land under the Loddon Planning Scheme, that is equal to or less than 2,000m² in size, the requirements of Table 1 as specified for residential area shall apply.

- 2) Table 1 in clause 41(1) does not apply to farm working dogs registered in accordance with the *Domestic Animals Act 1994* that are kept in a farming area where the land is equal to or greater than 4ha.
- 3) Table 1 in clause 41(1) does not apply where a planning permit has been obtained for land used for the purposes of animal keeping, animal boarding, training, breeding or agriculture, however only in respect to the keeping of the type of animal to which the planning permit applies.
- 4) For the purpose of calculating the maximum number of animals specified in Table 1 in clause 41(1), the progeny of any animal kept on the land will not be counted for a period of 12 weeks after birth.
- 5) In determining whether to issue a permit under clause 41(1), the Authorised Officer must have regard to any other requirements of this Local Law.

42. Animal housing

- 1) An owner or occupier of any land on which animals are kept must provide housing which considers :
 - a) the type of animals to be kept; and
 - b) the height of the housing; and
 - c) the number of animals to be kept; and
 - d) the capacity to maintain the housing in a sanitary and inoffensive condition; and
 - e) the location of the housing with respect to the distance from the nearest residential dwelling; and
 - f) the capacity to protect neighbours from noise from animals on the land; and
 - g) the nature of the materials used in the housing and the ability of such material to be readily cleansed; and
 - h) any relevant Council policy, Code of Practice or guidelines; and
 - i) the Loddon Planning Scheme; and
 - j) any relevant Act, regulation or policy; and
 - k) any other matters considered to be relevant.

Penalty: 10 Penalty Units

- 2) Clause 42(1) will be taken into consideration by an Authorised Officer when assessing the suitability of poultry housing pursuant to clause 43.

- 3) All animal housing must be constructed and maintained so that:
- a) it meets the satisfaction of an Authorised Officer; and
 - b) it prevents, as far as practicable, the wandering or escape of the housed animal(s) beyond the boundary of the premises; and
 - c) it meets the welfare needs of the animal(s); and
 - d) all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive odours; and
 - e) all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the Authorised Officer; and
 - f) the housing and surrounding ground is well drained; and
 - g) the area of land within 3 metres of the area or housing in which the animal is kept must be maintained free of long grass, weeds, refuse, rubbish or other material capable of harbouring vermin or which poses a fire hazard; and
 - h) all food, grain or chaff is kept in vermin proof receptacles; and
 - i) the area and housing where animals are kept must be thoroughly cleaned and maintained at all times to the satisfaction of the Authorised Officer; and
 - j) wastewater is prevented from entering the storm water system or discharging onto an adjoining premises, and does not pool or pond on the land.

Penalty: 10 Penalty Units

- 4) An owner or occupier of land on which any animal is kept must not cause, allow or suffer excrement or manure to escape from the land.

Penalty: 10 Penalty Units

- 5) A person who keeps any animal must keep the animal in a manner that does not cause a nuisance to any person.

Penalty: 10 Penalty Units

- 6) For the purposes of clause 42(5), circumstances in which the keeping of an animal constitutes a nuisance may include any of the following:
- a) when the animal makes noises or odours that unreasonably affect the peace, comfort or convenience of any person on any other premises; or
 - b) when the animal produces an unreasonable accumulation of excrement, whether on the animal keeper's premises or on any other premises.

Penalty: 10 Penalty Units

43. Positioning of poultry houses

Other than in accordance with a permit, a person must not construct, reconstruct or allow to remain on any land in a residential area, or on any land less than 2,000m² in size, a poultry house which is:

- a) within 12 metres of the property frontage; or
- b) within 6 metres of any abutting road (other than the property frontage), unless screened by a solid boundary fence of minimum 1.8 metres in height; or
- c) within 1.5 metres of any other common property boundary, unless screened by a solid boundary fence of minimum 1.8 metres in height; or
- d) within 10 metres of any dwelling whether on the same or any adjoining land.

Penalty: 10 Penalty Units

44. Pest animals

A person must not, without a permit, feed or encourage the presence of feral animals, stray animals or foxes, nor allow any such animals access to food.

Penalty: 5 Penalty Units

45. Dog and horse excrement

A person in charge of a dog or horse on a road or in a public place or Council reserve must:

- a) not allow the excrement of the dog or horse (as the case may be) to remain on that road or in that public place or Council reserve; and
- b) carry a device suitable for the removal of any excrement that may be deposited by the dog or horse (as the case may be); and
- c) produce the device on demand by an Authorised Officer.

Penalty: 5 Penalty Units

46. Control of noisy animals

The owner or occupier of any premises where an animal is kept must not allow the animal to make noises or sounds which may adversely impact the amenity of the local area.

Penalty: 5 Penalty Units

47. European wasps' and bees' nests to be removed

- 1) An owner or occupier of any land who keeps or allows bees to be kept on that premises must do so in accordance with the Apiary Code of Practice.

Penalty: 10 Penalty Units

- 2) An owner or occupier of any land must not allow or suffer English wasps or European wasps to nest on the land, and upon becoming aware of the existence of a Wasp nest, must take reasonable steps to cause the nest to be destroyed.

Penalty: 10 Penalty Units

- 3) An owner or occupier of any land must not allow or suffer any feral European honey bees on the land to cause, or be likely to cause, a nuisance to any person.

Penalty: 10 Penalty Units

- 4) For the purposes of clause 47(3), circumstances in which feral European honey bees on the land are causing, or likely to cause, a nuisance include when the feral European honey bees are:

- a) swarming; or
- b) likely to swarm.

- 5) If an Authorised Officer serves a Notice to Comply in relation to a contravention of clause 47(2), the works required to correct the contravention may include the destruction of the English wasps or European wasps.

- 6) If an Authorised Officer serves a Notice to Comply in relation to a contravention of clause 47(3) the works required to correct the contravention may include:
 - a) removal of the feral European honey bees from the land; or
 - b) destruction of the feral European honey bees.
- 7) This clause does not apply to hives forming part of an apiary being operated in accordance with the Apiary Code of Practice.

48. Movement of livestock within the municipal district

- 1) A person must not move livestock along a Council road in the municipal district.

Penalty: 20 Penalty Units

- 2) Clause 48(1) does not apply for the purpose of moving the livestock from one farm or part of a farm to another in the municipal district provided that the following requirements are complied with:
 - a) the livestock are moved on a road only between sunrise and sunset on a single day and in weather conditions for the duration of each movement where the visibility for road users is at least 300 metres; and
 - b) there is a person in charge of the livestock at all times who is competent in handling the livestock being moved and who supervises the livestock for the duration of the movement; and
 - c) there are adequate alerts to motorists, including the presence of an amber flashing light and signs which are placed ahead and behind the livestock while they are being moved and which remain in place until the livestock are confined on the destination property; and
 - d) the signs referred to in clause 48(2)(c) must comply with the requirements of the *Road Safety Road Rules 2017* and must be removed at completion of the movement between farming properties.

49. Keeping or grazing animals on a road or Council land

- 1) A person must not, without a permit, keep or graze any animal on a road or Council land.

Penalty: 10 Penalty Units

- 2) Council must not issue a permit for the grazing of livestock on a road unless:
 - a) the applicant for the permit provides evidence to the satisfaction of an Authorised Officer:
 - i) that the proposed area can be grazed in accordance with Council's *Roadside Management Plan* in a way that protects biodiversity and heritage assets;
 - ii) That the livestock will be adequately supervised and effectively controlled; and
 - iii) that there will be compliance with all conditions of a permit; and
 - iv) of the health and fitness of the livestock; and
 - v) of an ability to adequately feed and water the livestock on the roads proposed; and
 - vi) that the road(s), or part thereof are, at the time proposed, suitable for grazing by livestock which can be undertaken without damage to surface, vegetation or road infrastructure.

- 3) A person who is in charge of livestock which are being grazed on a road must ensure that:
- a) the livestock are supervised and under effective control at all times by a person who is competent in the management of livestock; and
 - b) the carcass of any livestock under that person's charge which dies on a road is properly disposed of; and
 - c) livestock are grazed only during daylight hours; and
 - d) displayed signs must comply with the requirements of the *Road Safety Road Rules 2017*; and
 - e) appropriate precautions are taken to ensure that no damage occurs to road surfaces, furniture, drains, culverts, bridges and private entrance ways or to trees and shrubs growing within the road reserve and that erosion is not caused by excessive grazing; and
 - f) in the event that livestock are causing damage including where overgrazing occurs, they are removed from the road reserve; and
 - g) the livestock are enclosed by an appropriate form of fencing or other control to the satisfaction of an Authorised Officer; and
 - h) the person has a current public liability policy on which the Council's interest is noted, and that proof of such notation is produced to the Council prior to commencement of grazing.

Penalty: 10 Penalty Units

PART 5 – WASTE AND RECYCLING

50. Council supplied waste receptacles

Other than when it is placed out for collection, a person must not remove an approved waste receptacle from the property to which it was supplied and allocated. The approved receptacle remains the property of Council at all times.

Penalty: 10 Penalty Units

51. Interference with collection

- 1) A person must not, without Council permission, remove or interfere with any domestic rubbish, recyclables or hard waste placed out for collection in accordance with this Local Law.

Penalty: 10 Penalty Units

- 2) Clause 51(1) does not apply to a person authorised by Council to remove such materials or an employee of such person acting in the course of employment, the person placing the materials for collection or an officer of Council acting in the course of their duties.

52. Domestic waste and recyclables

A person that is the owner or occupier of a property where the Council provides a kerbside collection service must ensure that:

- a) all household refuse and recyclable material is either placed in the appropriate bin(s) provided, ready for collection on the days specified in accordance with Council requirements, or taken to an approved municipal waste management facility in a timely manner; and
- b) household waste receptacles and recyclable materials receptacles used are of a type approved and supplied by the Council; and
- c) the net weight of waste and recyclables presented for collection does not exceed the design specifications of the approved receptacle; and
- d) household waste receptacles and recyclable materials receptacles are placed on the verge of the vehicle crossing or road abutting the land no earlier than the night before the scheduled collection, with handles facing away from the road; and
- e) any waste or recyclable materials which have spilled onto the road, nature strip or surrounding area, other than in circumstances directly associated with Council effecting the kerbside collection pickup, are removed as soon as practicable; and
- f) household waste receptacles and recyclable materials receptacles are returned to the allocated property as soon as practicable after it has been emptied and does not remain on any road for a period exceeding 24 hours from when it was placed there; and
- g) household waste receptacles and recyclable materials receptacles are maintained in a clean, inoffensive and sanitary condition; and
- h) the following items are not placed, caused, or allowed to be placed in any approved receptacle:
 - i) hot ashes, slops or liquid waste or offensive material; or
 - ii) dirt, dust including any matter from a vacuum cleaner, hair or other like substance, unless the same has been securely wrapped in paper or placed in an impermeable covering or container so that its escape is prevented; or

- iii) glass, wire or other jagged or rough edged material or object unless securely wrapped so as to prevent injury to any person emptying the approved receptacle; or
 - iv) syringes or other sharp objects which may be contaminated with infectious waste including blood; or
 - v) oil, paint, solvents, flammable liquid or similar substances; or
 - vi) matter or substance deemed by an Authorised Officer to be unsuitable for collection; or
 - vii) household rubbish or recyclable waste exceeding the design specifications of any approved receptacle; or
 - viii) the carcass of a dead animal; or
 - ix) industrial or trade waste; or
 - x) nightsoil, sewerage or manure; or
 - xi) disposable nappies unless they have been securely wrapped in impervious material; or
 - xii) any object or matter which is or may be injurious to health or which may damage the household waste receptacle or recyclable materials receptacle or reduce its strength or effectiveness.
- i) only approved recyclable materials are deposited, as specified and published by Council, within the recyclable materials receptacle; and
 - j) any Council approved and supplied waste or recycling receptacle is only used for the purpose for which it has been provided.

Penalty: 10 Penalty Units

Notes:

In addition to the prescribed penalty, placement of non-recyclable materials or general waste within the recycling receptacle may also result in the receptacle not being collected, until such time that all non-conforming materials have been removed.

Clause 52(1)(a) does not apply to material which is recycled on the land, in a manner which causes no nuisance to neighbours, or is kept on the land for recycling in accordance with a Council sponsored recycling program.

Notwithstanding anything contained in clause 52(1)(h)(iv), a person must ensure that infectious waste is placed in a container specifically designed to receive such waste and such container is disposed in accordance with the *Environment Protection Act 2017* and any regulations made under that Act.

Nothing in clause 52(1)(h)(iv) applies to any person who is authorised or licensed to transport, or dispose of, such prescribed waste by the Environment Protection Authority pursuant to the *Environment Protection Act 2017* and any regulations made under that Act.

53. Presenting, removing or interfering with recyclable materials or hard waste

- 1) A person must not remove or interfere with recyclable materials or hard waste, presented on the roadside or at any other collection point, as part of a coordinated collection program.
- 2) A person that is the owner or occupier of a property where the Council provides a kerbside hard waste collection program must comply with, and present items for collection in accordance with Council's instructions.

Penalty: 10 Penalty Units

54. Commercial waste

A person must not place, cause or allow to be placed or deposited any refuse, rubbish or waste from commercial, industrial or trade premises in a bin in a public place or a household refuse receptacle or recyclable materials receptacle.

Penalty: 10 Penalty Units

55. Trade waste, waste hoppers or commercial (non-Council) waste and recycling services

- 1) An owner or occupier of a property, who arranges for the collection of commercial waste or building refuse, or for the placement of a commercially supplied waste hopper or recycling skip, must ensure that all requirements of this clause are complied with.

Penalty: 10 Penalty Units

- 2) Waste hoppers, skips, cages or bins used for the collection and storage of trade or commercial waste and recyclables must:
 - a) be constructed of impervious material to the satisfaction of an Authorised Officer to prevent leakage, absorption or accumulation of any refuse or rubbish that may be deposited in it; and
 - b) in the case of receiving putrescible waste, be water-tight, fly and vermin proof; and
 - c) contain a removable drainage plug, or other mechanism for the purpose of cleaning.
- 3) Waste hoppers, cages, skips or bins must be emptied at regular intervals, or as requested by an Authorised Officer, so as to avoid the contents becoming offensive or impacting upon local amenity.
- 4) The owner or occupier of a property where a commercially supplied waste or recycling hopper, bin or skip is provided, must ensure that:
 - a) the hopper, skip, cage or bin is stored and maintained in a clean, sanitary and inoffensive condition; and
 - b) any material from the hopper, cage, skip or bin, which impacts upon the adjacent footpath, pavement or ground around the container, is removed and that the immediate surrounds are maintained in a manner satisfactory to an Authorised Officer; and
 - c) the surface upon which the container is stored is impervious, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by an Authorised Officer; and
 - d) the storage site is supplied with a tap connection and hose of a size approved by an Authorised Officer; and
 - e) in the case of long term placement, the container is screened to the satisfaction of an Authorised Officer, in such a way and with such material so as to minimise its visual impact; and
 - f) the container is adequately fenced or enclosed in such a way so as to deny access to the public; and
 - g) the receptacle is cleaned thoroughly after each emptying.

Penalty: 10 Penalty Units

56. Use of waste management facilities by residents and ratepayers

- 1) Any active municipal waste management facility is available to residents and ratepayers of the municipal district for the disposal of waste generated from within the municipal district, subject to any fees, charges, terms and conditions as determined by Council.
- 2) A resident or ratepayer using a municipal waste management facility must comply with such conditions as are determined by Council and shall be liable for any applicable fees and charges.
- 3) The Council may refuse entry to a person who fails to pay the required fee or charge, or who fails to comply with the conditions of use of the municipal waste management facility.
- 4) Unless otherwise authorised, access to any of Councils waste management facilities may only occur during nominated operating hours.

Penalty: 10 Penalty Units

57. Use of waste management facilities by non-residents and non-ratepayers

- 1) If the Council considers that it is reasonably practicable to allow non-residents and non-ratepayers to use the municipal waste management facility, having regard to traffic conditions, available space, facility suitability and level of demand from residents and ratepayers, it may allow persons other than residents and ratepayers to use the facility.
- 2) A person who is permitted to use the municipal waste management facility under this provision must pay any relevant fees and charges, and comply with the conditions determined by the Council for use of the facility by such persons.
- 3) The Council may refuse entry to a person who fails to pay the required fee or charge, or who fails to comply with the conditions of use of the municipal waste management facility.
- 4) Unless otherwise authorised, access to any municipal waste management facility may only occur during nominated operating hours.

Penalty: 10 Penalty Units

58. Depositing waste as directed

A person who uses a municipal waste management facility must deposit waste and recyclables in accordance with the directions of any signs erected at the facility and any directions given by an employee of the Council or other person authorised to do so.

Penalty: 10 Penalty Units

59. Dumping of ice chests, trunks or similar containers

A person must not place or leave a disused refrigerator, ice chest, ice box, trunk, chest or any other similar article having a compartment which has a capacity of 0.3 cubic metres or more on any land without first:

- a) removing every door and lid; or
- b) removing every lock, catch and hinge attached to a door or lid; or
- c) otherwise rendering every door and lid incapable of being fastened.

Penalty: 10 Penalty Units

60. Scavenging at a municipal waste management facility

- 1) A person must not, without a permit, remove material of any kind which has been deposited at a municipal waste management facility.

Penalty: 10 Penalty Units

- 2) In deciding whether to grant a permit the Council must take into consideration:
 - a) the nature of the material to be scavenged; and
 - b) the recyclable value of the materials to the Council; and
 - c) the number of other current permits issued for the same purpose; and
 - d) any other matter relevant to the circumstances associated with the application.

PART 6 – ADMINISTRATION AND ENFORCEMENT

Division 1 – Permits and fees

61. Applying for a permit

- 1) A person who wishes to apply for a permit may do so by:
 - a) lodging with the Council an application on a form approved by the Council or an Authorised Officer; and
 - b) paying to the Council the appropriate application fee.
- 2) The Council or an Authorised Officer may require an applicant to provide additional information before approving an application for a permit or for an exemption.
- 3) The Council or an Authorised Officer may require a person making an application for a permit to give public notice of the application, which will entitle any person to make a submission in respect of the proposed activity.

62. Fees and charges

- 1) The Council may, from time to time, by resolution determine fees and charges payable pursuant to this Local Law.
- 2) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- 3) The Council may waive, reduce or alter a non-mandatory fee or charge at its discretion.

63. Issue of permits

- 1) The Council or an Authorised Officer may:
 - a) issue a permit, with or without conditions; or
 - b) refuse to issue a permit.
- 2) A permit issued pursuant to this Local Law shall be on a form approved by the Council or an Authorised Officer.

64. Duration of permits

- 1) A permit is in force until the expiry date indicated on the permit, unless it is cancelled before the expiry date.
- 2) If no expiry date is indicated on the permit, the permit shall expire 12 months from the date of issue.

68. Registers

- 1) The Council or an Authorised Officer must maintain a record of permits issued, including details of corrections and cancellations.
- 2) The Council or an Authorised Officer must maintain a register of determinations made, and of guidelines prepared, for the purposes of this Local Law.

69. Utilities

- 1) A utility provider or their agent shall not be required to obtain a permit under this Local Law in respect of any activities associated with the purposes of their service delivery.
- 2) A person who would, but for this clause, be required to obtain a permit under this Local Law in respect of any activity must notify the Council of the activity prior to its commencement.

70. Exemptions

- 1) The Council or an Authorised Officer may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at specified times.
- 2) An exemption may be granted subject to conditions.
- 3) A person must comply with the conditions of an exemption.

Penalty: 10 Penalty Units

- 4) An exemption may be cancelled or corrected as if it were a permit.

71. Offences

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

Penalty: 20 Penalty Units

Division 2 – Enforcement**72. Power of authorised officer to issue a notice to comply**

- 1) An Authorised Officer, by a written notice given to a person who appears to be in breach of this Local Law, including any permit or other approval issued under this Local Law, may direct that person to remedy any situation which constitutes a breach under this Local Law.
- 2) A notice must be a form approved by the Council or an Authorised Officer.

73. Time to comply

- 1) A notice to comply must state the time and date by which the situation must be remedied.
- 2) The time required by a notice to comply must be reasonable in the circumstances, having regard to:
 - a) the amount of work involved; and
 - b) the degree of difficulty involved; and
 - c) the availability of necessary materials or other necessary items; and
 - d) climatic conditions; and
 - e) the degree of risk or potential risk involved; and
 - f) any other relevant factors.
- 3) If a permit holder is not the owner of the land and the owner's consent was required to be given to the application for the permit, the owner must be notified of any notice to comply and of the reason why it has been served.

74. Failure to comply with a notice to comply

A person who fails to comply with a notice to comply served on that person is guilty of an offence.

Penalty: 10 Penalty Units

75. Power of authorised officer to act in urgent circumstances

- 1) In urgent circumstances arising as a result of a failure to comply with this Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a notice to comply if:
 - a) the Authorised Officer considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a notice, may place a person, animal, property or thing at risk or in danger; and
 - b) wherever practicable, a senior officer of the Council is given prior notice of the proposed action.
- 2) In deciding whether circumstances are urgent, an Authorised Officer must give consideration to:
 - a) whether it is practicable to contact:
 - i) the person by whose default the situation has arisen; or
 - ii) the owner or the occupier of the land or building affected.
 - b) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- 3) The action taken by an Authorised Officer under clause 75(1) must not extend beyond what is necessary to cause the immediate abatement, or minimisation, of the risk or danger.
- 4) An Authorised Officer who takes action under clause 75(1) must ensure that, as soon as practicable:
 - a) details of the circumstances requiring action, and remedial action taken, are forwarded to the owner or occupier of the land or the person in default; and
 - b) a report of the action taken is submitted to the Chief Executive Officer.

76. Power of authorised officer to impound

- 1) An Authorised Officer may seize and impound any item where there has been a contravention of this Local Law.
- 2) If an Authorised Officer has impounded anything in accordance with this Local Law, the Council may refuse to release it until the appropriate fee or charge for its release has been paid to the Council.
- 3) The Council may, by resolution, fix charges (generally or specifically) for the purposes of this clause.
- 4) As soon as possible after the impounding and where practicable to do so, the Authorised Officer must serve a written notice on the owner or person responsible for the item which has been impounded, setting out the fees and charges payable and time by which the item must be retrieved.
- 5) If after the time required in a notice of impounding an impounded item is not retrieved, an Authorised Officer may take action to dispose of the impounded item as follows:
 - a) where the item has no saleable value, it may be disposed of in the most economical way; or
 - b) where the item has some saleable value the item may be disposed of either by tender, public auction or private sale, but failing sale may be disposed of in accordance with clause 76(5)(a).
- 6) When the identity or whereabouts of the owner or person responsible for the impounded item is unknown, the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may proceed to dispose of the impounded item in accordance with clause 76(5), once the Authorised Officer is satisfied that all reasonable efforts have been made to contact the owner or person responsible for the impounded item.
- 7) Any proceeds from the disposal of impounded items under this Local Law must be paid to the owner or to the person who, in the opinion of the Council, appears to be authorised to receive the money, except for the reasonable costs incurred by the Council in the administration of this Local Law.
- 8) If a person described in clause 76(7) cannot be identified or located within 6 months after the date of the notice of impounding, any proceeds of the sale cease to be payable to that person, and may be retained by the Council for municipal purposes.

77. Infringement notices

- 1) Any offence against this Local Law is an infringeable offence as defined by the *Infringements Act 2006*, and an Authorised Officer may issue an infringement notice for the offence.
- 2) The penalty fixed for an infringement notice issued under this Local Law is half (50%) of the number of penalty units set out as a penalty under the corresponding clause of this Local Law.

Division 3 – Delegations

78. Delegation to the Chief Executive Officer

- 1) The Council delegates to its Chief Executive Officer all powers of Council specified in this Local Law, except the power of Council in clause 62 to determine fees and charges payable pursuant to this Local Law.
- 2) The Chief Executive Officer may delegate to the holder of an office or position as a member of Council staff any power delegated to the Chief Executive Officer under clause 78(1).

10.3 MAV REGIONAL GROUPINGS**File Number:****Author:** Renae Colls, Executive Assistant**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. MAV Board Regional Grouping Review - Options Paper**RECOMMENDATION**

That Council:

1. endorse Council's Municipal Association of Victoria representative to nominate Non-Metropolitan Option 1; and
2. delegate authority to the Mayor and MAV representative to determine if the submission includes advocacy for alterations to the councils contained within Option 1.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Councillor Holt, as Council's representative to the Municipal Association of Victoria (MAV), provided an overview of the MAV Regional Grouping Options Paper at the 8 November 2022 Council Forum and indicated a desire to obtain a Council resolution at an upcoming meeting in support of Council's preferred option.

BACKGROUND

Loddon Shire Council is a member of the Municipal Association of Victoria. The MAV is a membership association and the legislated peak body for Victoria's 79 local Councils. The role of the MAV is to:

- Represent and advocate local government interests
- Promote the role of local government
- Build the capacity of councils
- Facilitate effective networks
- Provide policy and strategic advice
- Support councillors
- Provide insurance and procurement services.

In order to represent 79 Councils fairly and equitably the MAV Board consists of 1 Board Director representing each regional grouping of Councils. The need to review the groupings follows a recent decision to reduce the number of Board Directors from 12 to 10 and therefore the regions need to reduce from 12 to 10.

Given the next MAV Board elections will be held on 3 March 2023, the Board is aiming to make its decision about the regional groupings in December this year. This will provide time for the MAV delegates to prepare for the elections and enable the MAV to make the necessary preparations for the elections as required by the MAV Rules 2022.

ISSUES/DISCUSSION

The current MAV grouping is Loddon, Gannawarra, Campaspe, Greater Bendigo, Mount Alexander, Central Goldfields and Macedon Ranges Councils which make up the *Rural North Central* region.

The MAV have proposed two options for member Council groupings relevant to Loddon Shire Council:

Option 1 - *Loddon Campaspe Mallee* – Extend current grouping north-west to include Buloke, Swan Hill and Mildura.

Option 2 - *Central* - Extend the current grouping further south to include Hepburn, Moorabool, Ballarat and Pyrenees councils, and remove Gannawarra.

The MAV Board resolved to apply the following three principles in determining which regional grouping a council will belong to:

1. each region should be of equal electoral size (number of councils)
2. each region should comprise of councils with common interests, be these spatial or by nature of the council's operating environment; and
3. MAV regions should align with other representative structures that engage with councils.

1. Each region should be of equal electoral size (number of councils)

Non-Metropolitan Option 1	Member Councils	Number of Councils
Gippsland (G)	Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland, Wellington	6
Goulburn Ovens Murray (GOM)	Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Murrindindi, Strathbogie, Towong, Wangaratta, Wodonga. Moira	12
Great South Coast Barwon (GSCB)	Colac Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool	10
Loddon Campaspe Mallee (LCM)	Buloke, Campaspe, Central Goldfields, Gannawarra, Loddon, Greater Bendigo, Macedon Ranges, Mildura, Mount Alexander, Swan Hill,	10
Wimmera Southern Mallee Central Highlands (WSMCH)	Ararat, Ballarat, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera, Yarriabiack	10
TOTAL COUNCILS		48

2. Each region should comprise of councils with common interests, be these spatial or by nature of the councils' operating environment.

Officers believe that Loddon Shire shares common interests with municipalities represented within option 1. The rationale is that our economies are largely based upon agriculture, food manufacturing, services and tourism products, as well as the geographic connectivity and regional servicing between these municipalities.

3. MAV regions should align with other representative structures that engage with councils.

Option 1 closely aligns with the existing regional structures which Council currently engages with and is reflected in State agency regions. This includes, Loddon Campaspe Region, Loddon Mallee Region, Murray River Group of Councils.

On 1 December the Mayor and CEO will represent Loddon Shire at the Murray River Group of Councils meeting. All Councils within this partnership are represented within the proposed Option 1 - Loddon Campaspe Mallee grouping with the exception of Moira Shire Council. This meeting will provide an opportunity for these Councils to discuss the MAV regional groupings and understand Moira Shire Council's preferred grouping. As this meeting will occur after the Council meeting and submissions are due prior to the next Loddon Shire Council meeting in December, it is proposed that Council provide delegation to the Mayor and MAV representative to determine if Loddon's submission includes a request to include Moira within the grouping subject to further discussion with Moira Shire.

COST/BENEFITS

Council pays an annual membership fee to the MAV. This membership provides Council with industry information, Councillor training and advocacy on key topics impacting upon local government.

RISK ANALYSIS

Not Applicable

CONSULTATION AND ENGAGEMENT

The MAV is consulting councils for their views on Regional Groupings of Councils as outlined in the attachment *MAV Board Regional Groupings of Councils Review – Options Paper*.



MAV Board Regional Groupings of Councils Review

Options Paper _____



Contents

Page number

2 Foreword

3 1. Introduction
2. Review Principles

4 3. Current Regional Groupings

5 4. Other (Non-MAV Board) Regional Groupings

6 5. Regional Grouping Options

14 How to Provide Feedback

15 Attachment 1

Foreword



From the MAV President

On behalf of the MAV Board, I am pleased to release this Options Paper and invite feedback from councils on the options presented for the new configuration of the MAV regional groupings of councils.

The need for the review of groupings, follows the decision of State Council to alter the number of regions from 12 to 10 and the number of delegates elected to the MAV Board as Directors from 12 to 10.

The regional groupings were last reviewed in the early 2000s. This review provides an opportunity to consider present-day requirements including how to group councils in a way that best serves the sector and the good governance of the MAV. In future, the MAV Rules 2022 provide for regional grouping reviews to be conducted at least once every six years.

Whilst there are many ways to configure the regional groupings, the Board's identification of options was underpinned by the following principles. The principles, applied as a whole and not on a hierarchy, provide that each regional grouping should have an equal number of councils; each regional grouping should comprise of councils with common interests; and regional groupings should align with other representative structures that engage with councils.

The MAV Rules 2022 continue the requirement for State Council to determine the number of regions, and the Board to determine the configuration of regional groupings and the member councils

within each group. The feedback from councils about location and appropriateness of the regional groupings will be a critical consideration to assist the Board to make its decision.

Given the next MAV Board elections will be held on 3 March 2023, the Board is aiming to make its decision about the regional groupings in December this year. This will provide time for the MAV delegates to prepare for the elections and enable the MAV to make the necessary preparations for the elections as required by the MAV Rules 2022.

As demonstrated during our recent review of the MAV Rules, the MAV Board is committed to consultation with our members and we look forward to engaging with councils about this review. We invite and encourage all councils to provide [feedback](#) on the options proposed for the metropolitan and non-metropolitan regional groupings by Wednesday 7 December 2022.

A handwritten signature in black ink that reads 'David Clark'.

Cr David Clark
MAV President

19 October 2022



1. Introduction

The Municipal Association of Victoria (MAV) Rules 2022 (the Rules) were made, subject to Governor in Council approval and publication in the Victoria Government Gazette, at the Special meeting of State Council on Friday 16 September 2022.¹

The Rules create an MAV Board comprised of the President and ten delegates elected to the Board in the office of Director – five from metropolitan councils and five from non-metropolitan councils. Under the former MAV Rules 2013, the MAV Board comprised the President and 12 Board Members – six from metropolitan and six from non-metropolitan councils.

In accordance with the Rules, the MAV Board must now consult participating member councils to determine the regional groupings of councils and classify each member council as belonging to:

- one of the five regional groupings of metropolitan councils; or
- one of the five regional groupings of non-metropolitan councils.

The MAV Board has appointed John Nevins, a former local government CEO and Victorian public sector senior executive, as the independent consultant

to make a recommendation to the Board about the regional groupings of councils following consultation with councils.

A Steering Committee has been appointed to support this project and report to the Board comprising of the MAV President Cr David Clark, and Cr Ruth Gstrein, Deputy President (Rural) and Cr Rohan Leppert, Deputy President (Metro).

This Options Paper invites councils to provide feedback about two options for the regional groupings of metropolitan councils and two options for the regional groupings of non-metropolitan councils.

The MAV Board intends to finalise the review of the regional groupings by making a determination about the classification of each council and the regional groupings in December. This will provide the required time to prepare for the MAV Board elections which will be held on 3 March 2023. Once the determination and classification has been made the Board must, under the Rules, notify each council within 14 days about the decision of the Board.

2. Review Principles

The MAV Board has resolved to apply the following principles in determining which regional grouping a council will belong to:

- each region should be of equal electoral size (number of councils)
- each region should comprise of councils with common interests, be these spatial or by nature of the councils' operating environment; and

- MAV regions should align with other representative structures that engage with councils.

These principles will be applied as a whole and not on a hierarchy.

The Board's intention is to create fairness and equity in the voting system across councils keeping in mind the primary purpose of the regional groupings is to elect the MAV Board Directors.

1. The MAV Rules 2022 will commence on the day the Rules are published in the Victoria Government Gazette. Councils will be notified when this occurs.



3. Current Regional Groupings

Since the early 2000s there have been 12 MAV Board regions, six covering non-metropolitan Victoria and six covering metropolitan Melbourne. The existing groups are shown in [Attachment 1](#).

As demonstrated in *Table 1: Council Numbers - Current MAV Board Regions* (refer below), there is no consistency in the number of councils in the existing 12 regions. Apart from Mornington Peninsula's membership of the Interface Region, all regional groups are based on geographic location, with each group comprised of a cluster of councils that share municipal boundaries.

3.1 Metropolitan Regional Groupings

The existing six metropolitan regional groupings are made up of 31 councils. The regional groupings vary in resident population size from 672,601 to 989,433. The total combined resident population of these councils is 4,890,986, which represents 74.7 per cent of Victoria's resident population.² Three metropolitan regional groupings have five council members, two have six council members and one regional grouping has four council members.

The Metropolitan Southern Region has the smallest number of council members, with four councils, and represents 13.19 per cent of the Victorian resident population. The Interface Region with its six member councils represents

15.11 per cent of the Victorian resident population. These regions represent at least two per cent more of the Victorian resident population than the three metropolitan Board regions with five council members (Metropolitan Central, Metropolitan South-East, Metropolitan East).

It is of interest to note that the current Interface Region does not include all interface councils. A third of the interface councils are members of other metropolitan regions.

3.2 Non-metropolitan Regional Groupings

The existing six non-metropolitan regional groupings include 48 councils. The regions vary in resident population size from 132,880 to 511,979. In total they have a combined resident population of 1,656,108, which represents 25.3 per cent of the Victorian resident population.³ One non-metropolitan regional grouping has six council members, two regional groupings have seven council members, two regional groupings have eight council members and one regional grouping, Rural North-East, has 12 council members.

The non-metropolitan South Central Region with a resident population of 511,979, equal to 7.82 per cent of Victoria's resident population, is the largest non-metropolitan region based on resident population. This region comprises eight council members based around and incorporating Geelong.

Table 1: Council Numbers – Current MAV Board Regions

Metropolitan MAV Board Region	Number of Councils	Non-metropolitan MAV Board Region	Number of Councils
Metropolitan Central	5	Rural North-West	8
Metropolitan South-East	5	Rural South-West	7
Metropolitan East	5	Rural North-Central	7
Metropolitan Southern	4	Gippsland	6
Metropolitan West	6	Rural North-East	12
Interface	6	Rural South-Central	8
Metropolitan total	31	Non-metropolitan total	48
TOTAL COUNCILS			79

2. Data Source: Australian Bureau of Statistics: Regional Population, 2021

3. Data Source: Australian Bureau of Statistics: Regional Population, 2021



4. Other (Non-MAV Board) Regional Groupings

Victorian councils are members of various regional groups. Several of these are determined by the Victorian government. Most of them are established and driven by councils' shared interests and objectives.

In addition to State Upper and Lower House electoral boundaries (which do not align with council boundaries) examples of State Government-instigated council groupings include:

- Regional Development Victoria's nine Regional Partnerships.
 - Department of Health's 28 primary care partnerships (PCPs) - 19 in rural Victoria and nine in the metropolitan Melbourne area.
 - The six metropolitan regions under Plan Melbourne.
- Most regional groups are driven by councils themselves. For the purposes of this Options Paper more than 20 council groupings were reviewed including:
- LeadWest comprising five councils in Melbourne's West
 - G21 Geelong Region Alliance comprising five councils
 - Interface Councils comprising ten councils that form a ring around metropolitan Melbourne
 - M9 - an alliance of nine inner Melbourne councils
 - South East Councils Climate Change Alliance (SECCCA) comprising nine councils
 - Northern Councils Alliance (NCA) comprising seven councils
 - Northern Alliance for Greenhouse Action (NAGA) comprising nine councils
 - Regional Cities Victoria comprising ten councils
 - Association of Bayside Municipalities comprising nine councils
 - Timber Towns Victoria comprising 21 councils
 - Rural Councils Victoria comprising 38 councils
 - Murray River Group of Councils comprising six councils
 - North East Local Government Network comprising 12 councils
 - Eastern Region Group of Councils comprising six councils
 - Inner Southern Metropolitan Mayors Forum comprising six councils.

The size and membership of each group is largely determined by the specific shared purpose(s) of the group.



5. Regional Grouping Options

The draft options for the regional groupings of councils are proposed in sections 5.1 and 5.2. These options have been informed by the following observations and considerations:

- a) the status quo must change. The Rules provide for ten regional groupings – five metropolitan and five non-metropolitan. This necessitates change to the existing 12 regions.
- b) there is no single right way to configure the regional groupings, multiple options exist. The MAV Board will apply the principles in section 2 above.
- c) region configurations do not preclude councils from participating in other regional groups in pursuit of delivering the best possible outcomes for their communities.
- d) spatial connectivity of a regions' member councils continues to be a dominant consideration. Except for Mornington Peninsula's membership of the current Interface Region, spatial connectivity and the associated community and economic interactions this connectivity provides, has been a key feature of existing regions.
- e) there is no consistent Victorian Government regional grouping of councils.
- f) individual councils are members of multiple different regional groups and associations.
- g) the membership of existing council groupings, including those established by the State Government, are primarily structured for the specific purpose or shared interest of each individual group.
- h) the existing regional groupings do not have an equal number of council members. The new groupings will also be unable to have an equal number of councils because 31 metropolitan councils and 48 non-metropolitan councils cannot be evenly divided into five groups each.
- i) there is not and cannot be consistency between metropolitan and non-metropolitan regions in terms of the number of councils in each region.
- j) within each option, some but not all regions can have equal numbers of councils and similar population sizes.
- k) with the Rules requiring each MAV Board Director to regularly meet with the other delegates and participating member councils within the region that they represent, the geographic and landscape features of eastern Victoria impacting the construct of the current Gippsland group of councils are still a significant consideration regardless of recent improvements in online connectivity.

5.1 Options: Metropolitan Regional Groupings

5.1.1 Metropolitan Option 1

This option is based on a variation of Plan Melbourne's six metropolitan regions, which, except for Mitchell Shire Council, align with the Metropolitan Partnership boundaries. Under this option, Plan Melbourne's Inner Metro Region would be merged with the Inner South East Region into a proposed "Inner Metropolitan South East Region". All other regions in this option match the Plan Melbourne regions. This would result in four metropolitan regional groupings each with six member councils and one metropolitan regional grouping with seven member councils.

The assessment of Option 1 against the review principles outlined in section 2 is as follows:

Principle: Each region should be of equal electoral size (number of councils)

Complies as best able. This option provides for four regional groupings with six councils each and one regional grouping with seven councils.



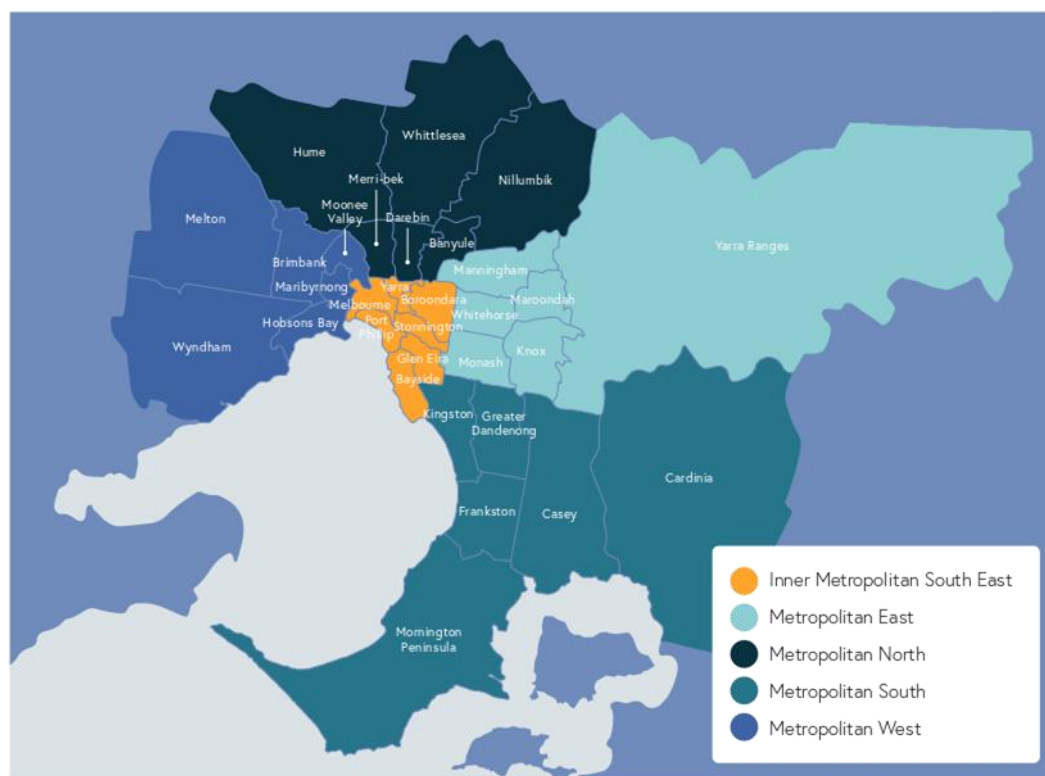
Principle: Each region should comprise of councils with common interests, be these spatial or by nature of the councils' operating environment

This option complies in that all councils in each regional grouping have spatial continuity with associated community and economic interactions across some or all of a region's members.

Principle: MAV regions should align with other representative structures that engage with councils

This option complies as it is based on Plan Melbourne's six metropolitan regions, with the only variation being the joining of two regions.

Metropolitan Option 1



Metropolitan Option 1	Member Councils	Number of Councils
Inner Metropolitan South East (IMSE)	Bayside, Boroondara, Glen Eira, Melbourne, Port Phillip, Stonnington, Yarra	7
Metropolitan East (ME)	Knox, Manningham, Maroondah, Monash, Whitehorse, Yarra Ranges	6
Metropolitan North (MN)	Banyule, Darebin, Hume, Merri-bek, Nillumbik, Whittlesea	6
Metropolitan South (MS)	Cardinia, Casey, Frankston, Greater Dandenong, Kingston, Mornington Peninsula	6
Metropolitan West (MW)	Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley, Wyndham	6
TOTAL COUNCILS		31



5.1.2 Metropolitan Option 2

This option proposes:

- the Metropolitan East Region be the same as Option 1.
- expansion of the existing Metropolitan Central Region to include Moonee Valley and Maribyrnong Councils
- reconfiguration of the remaining three regions.

This option provides for four regions with six councils and one region with seven councils.

The assessment against the review principles outlined in section 2 is as follows:

Principle: Each region should be of equal electoral size (number of councils)

Complies as best able. This option provides for four regional groupings with six councils each and one regional grouping with seven councils.

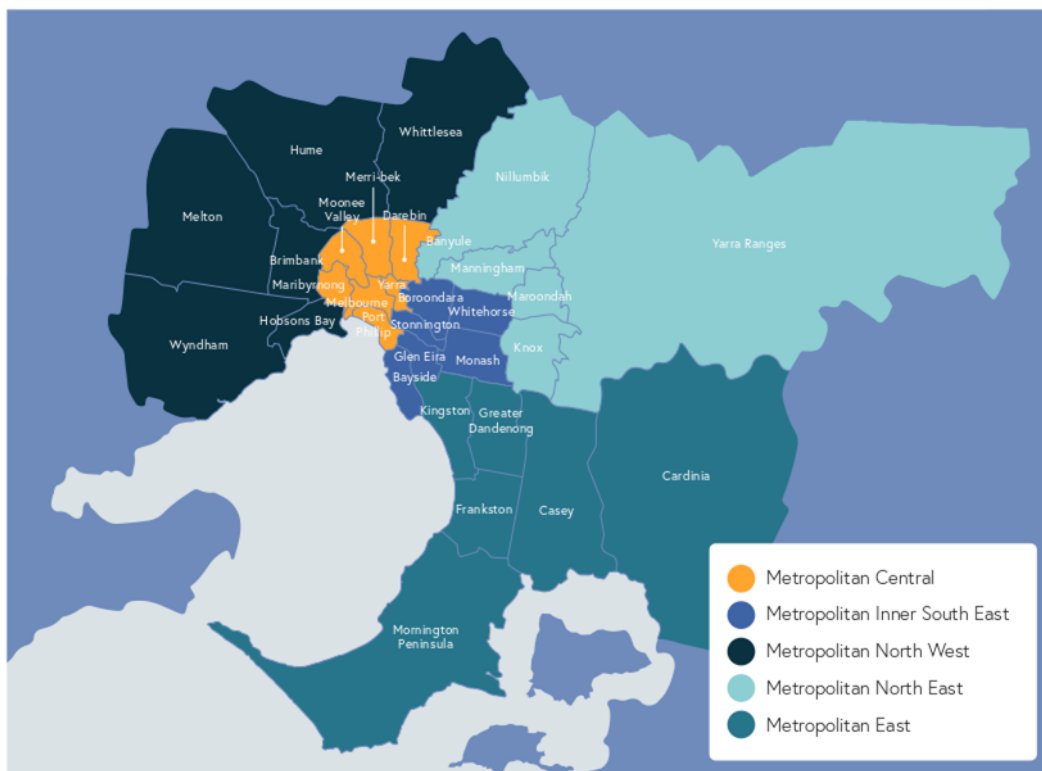
Principle: Each region should comprise of councils with common interests, be these spatial or by nature of the councils' operating environment

This option complies as all councils in each regional grouping have spatial continuity with associated community and economic interactions across some or all of a region's members.

Principle: MAV regions should align with other representative structures that engage with councils

This option is not based on a single existing state or local government grouping of councils. It draws on a range of groupings of metropolitan councils.

Metropolitan Option 2





Metropolitan Option 2	Member Councils	Number of Councils
Metropolitan Central (MC)	Darebin, Maribyrnong, Melbourne, Merri-bek, Moonee Valley, Port Phillip, Yarra	7
Metropolitan North East (MNE)	Banyule, Knox, Manningham, Maroondah, Nillumbik, Yarra Ranges	6
Metropolitan East (ME)	Cardinia, Casey, Frankston, Greater Dandenong, Kingston, Mornington Peninsula	6
Metropolitan Inner South East (MISE)	Bayside, Boroondara, Glen Eira, Monash, Stonnington, Whitehorse	6
Metropolitan North West (MNW)	Brimbank, Hobsons Bay, Hume, Melton, Whittlesea, Wyndham	6
TOTAL COUNCILS		31

Metropolitan Options Comparison vs Current

Option 1		Option 2		Current Metropolitan Regions*	
MAV Board Region	Number of Member Councils	MAV Board Region	Number of Member Councils	MAV Board Region	Number of Member Councils
IMSE	7	MC	7	MC	5
ME	6	MNE	6	MSE	5
MN	6	ME	6	ME	5
MS	6	MISE	6	MS	4
MW	6	MNW	6	MW	6
				I	6
TOTAL COUNCILS	31	TOTAL COUNCILS	31	TOTAL COUNCILS	31

*Refer to Attachment 1



5.2 Options: Non-metropolitan Regional Groupings

5.2.1 Non-metropolitan Option 1

This option is based on the nine Regional Development Victoria's (RDV) Regional Partnerships and proposes retaining RDV's Gippsland Region and combines the other eight regions to form four regions as follows:

- Goulburn and Ovens Murray Regional Partnership Regions combined.
- Loddon Campaspe and Mallee Regional Partnership Regions combined.
- Wimmera Southern Mallee and Central Highlands Regional Partnerships combined, excluding Golden Plains.
- Great South Coast and Barwon Regional Partnership Regions combined, with Golden Plains included.

The assessment against the review principles outlined in section 2 is as follows:

Principle: Each region should be of equal electoral size (number of councils)

Arguably complies as most reasonably practical. This option delivers one regional grouping (Gippsland) with six councils, three regional groupings with ten councils each and one regional grouping with 12 councils.

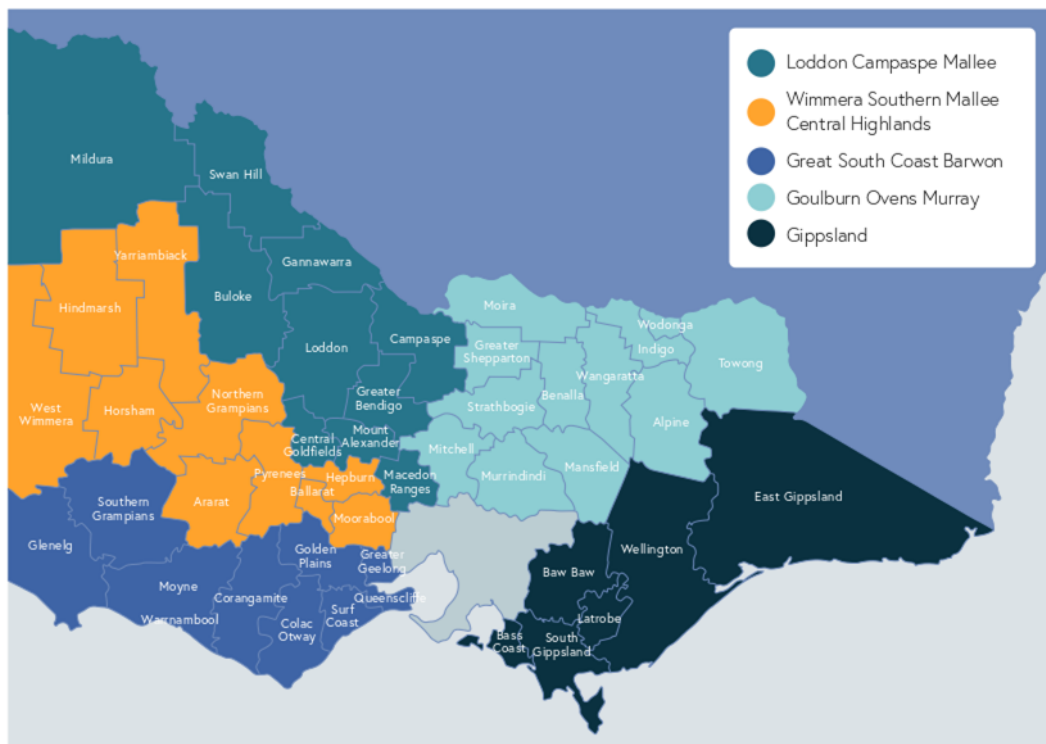
Principle: Each region should comprise of councils with common interests, be these spatial or by nature of the councils' operating environment

This option complies as all councils in each regional grouping have spatial continuity with associated community and economic interactions across some or all of a region's members.

Principle: MAV regions should align with other representative structures that engage with councils

This option substantially complies as it is based on Regional Development Victoria's (RDV) nine Regional Partnership Regions. The Gippsland Region is unchanged and the other eight RDV Regions have been combined to form four MAV Board regional groupings with Golden Plains shifting to a different region.

Non-Metropolitan Option 1





Non-Metropolitan Option 1	Member Councils	Number of Councils
Gippsland (G)	Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland, Wellington	6
Goulburn Ovens Murray (GOM)	Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogrie, Towong, Wangaratta, Wodonga	12
Great South Coast Barwon (GSCB)	Colac Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool	10
Loddon Campaspe Mallee (LCM)	Buloke, Campaspe, Central Goldfields, Gannawarra, Loddon, Greater Bendigo, Macedon Ranges, Mildura, Mount Alexander, Swan Hill	10
Wimmera Southern Mallee Central Highlands (WSMCH)	Ararat, Ballarat, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera, Yarriabiack	10
TOTAL COUNCILS		48



5.2.2 Non-metropolitan Option 2

This option proposes:

- the Gippsland and Rural North East regions are the same as Option 1.
- a different configuration for the three other MAV Board regions.

The assessment against the review principles outlined in section 2 is as follows:

Principle: Each region should be of equal electoral size (number of councils)

All regional groupings under this option have a different number of member councils, with the numbers ranging from six to 12.

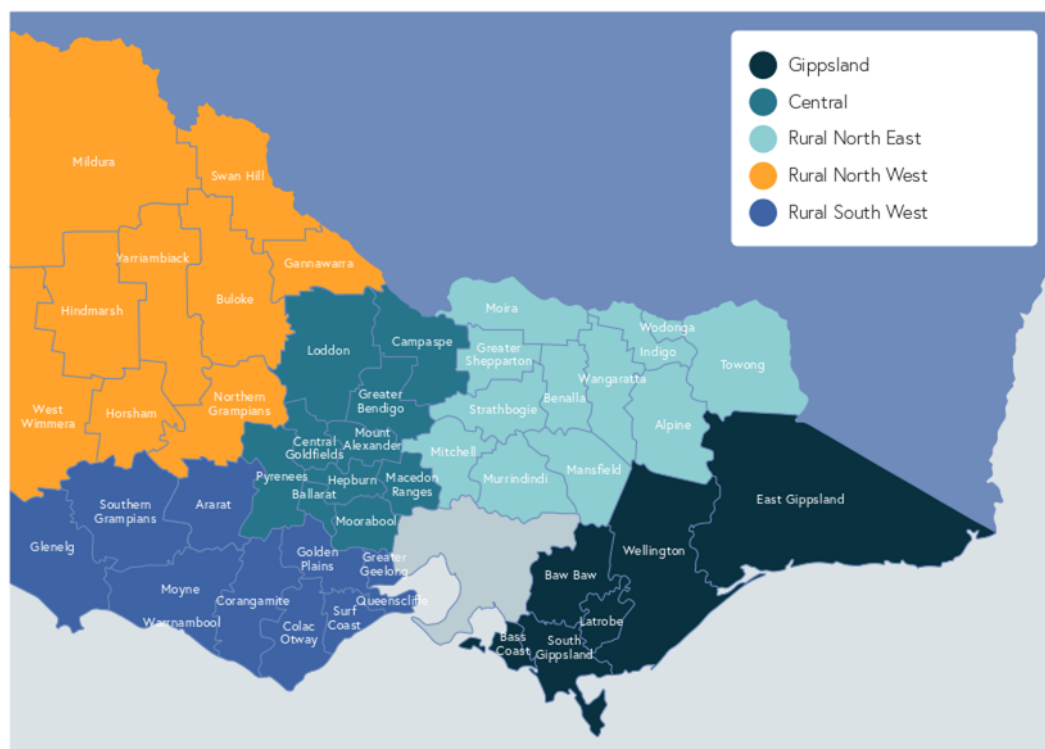
Principle: Each region should comprise of councils with common interests, be these spatial or by nature of the councils' operating environment

This option complies in that all councils in each regional grouping have spatial continuity with associated community and economic interactions across some or all of a region's members.

Principle: MAV regions should align with other representative structures that engage with councils

This option is not based on a single existing State or local government grouping of councils. It draws on a range of groupings of non-metropolitan councils. The Gippsland and Rural North East Regions reflect the existing regional groupings.

Non-Metropolitan Option 2





Non-Metropolitan Option 2	Member Councils	Number of Councils
Central (C)	Ballarat, Campaspe, Central Goldfields, Greater Bendigo, Hepburn, Loddon, Macedon Ranges, Moorabool, Mount Alexander, Pyrenees	10
Gippsland (G)	Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland, Wellington	6
Rural North East (RNE)	Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta, Wodonga	12
Rural North West (RNW)	Buloke, Gannawarra, Hindmarsh, Horsham, Mildura, Northern Grampians, Swan Hill, West Wimmera, Yarriambiack	9
Rural South West (RSW)	Ararat, Colac Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool	11
TOTAL COUNCILS		48

Non-Metropolitan Options Comparison vs Current

Option 1		Option 2		Current Non-Metropolitan Regions*	
MAV Board Region	Number of Member Councils	MAV Board Region	Number of Member Councils	MAV Board Region	Number of Member Councils
G	6	C	10	G	6
GOM	12	G	6	RNC	7
GSCB	10	RNE	12	RNE	12
LCM	10	RNW	9	RNW	8
WSMCH	10	RSW	11	RSC	8
				RSW	7
TOTAL COUNCILS	48	TOTAL COUNCILS	48	TOTAL COUNCILS	48

*Refer to Attachment 1



How to Provide Feedback

Our Members are invited to provide feedback about this Options Paper following a council resolution or if there is no resolution by responding via correspondence from the Mayor or Chief Executive Officer.

Written feedback is requested by 5pm on Wednesday 7 December 2022 and can be emailed to John Nevins via the email address mavboardregions@mav.asn.au.

The written feedback will be published on the MAV's Members extranet site unless requested otherwise.

The MAV Board will consider all feedback. The regional groupings will be determined at a Board meeting in December. All MAV Members and MAV delegates will be advised of the outcome within 14 days of the decision being made.

Queries can be directed to John Nevins by [email](#) or on **0411 191 918**.

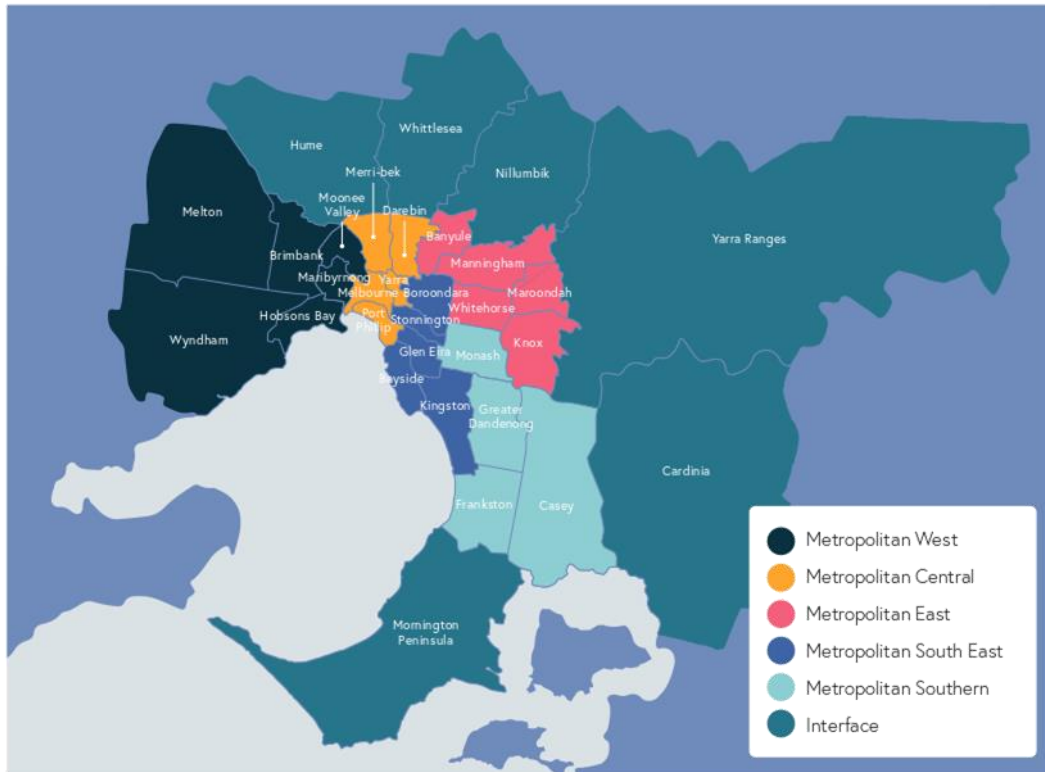
A copy of this Options Paper and the MAV Rules 2022 are available at mav.asn.au.



Attachment 1

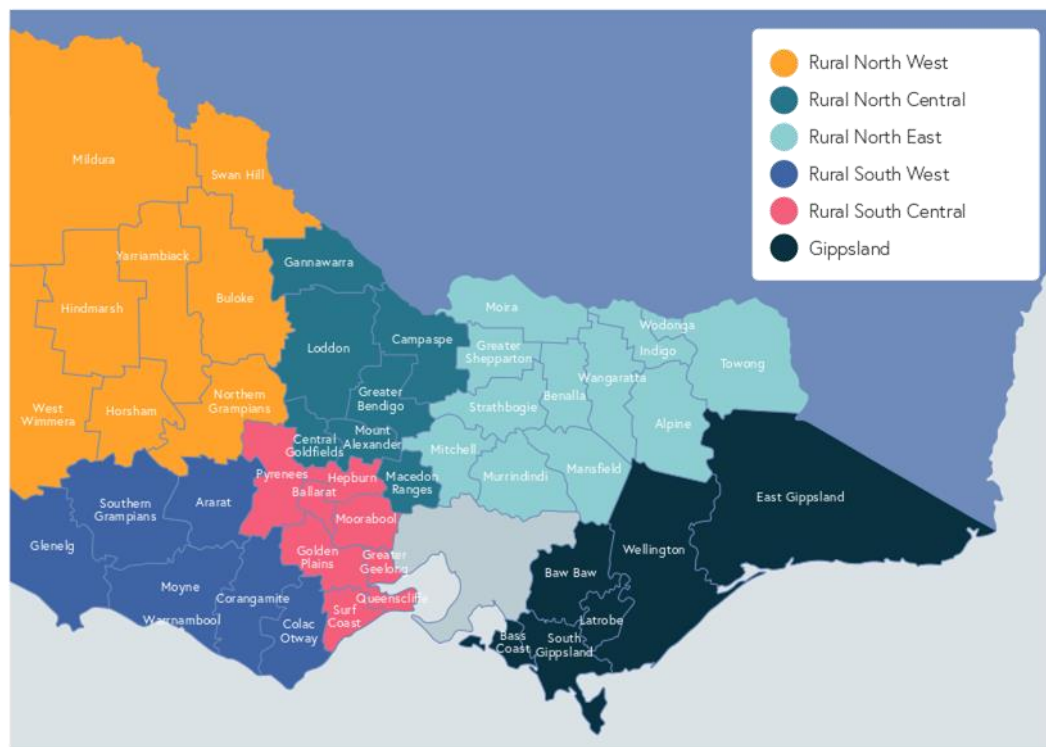
Current MAV Board Regions

Metropolitan Regions





Non-metropolitan Regions





Municipal Association of Victoria
GPO Box 4326, Melbourne 3001
03 9667 5555
inquiries@mav.asn.au
www.mav.asn.au

11 INFORMATION REPORTS**11.1 PUBLIC HEALTH QUARTERLY ACTIVITY REPORT**

File Number: 12/02/001
Author: Teresa Arnup, Senior Public Health Officer
Authoriser: Glenn Harvey, Manager Development and Compliance
Attachments: Nil

RECOMMENDATION

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the first report for the 2022-23 financial year, summarising public health activities within the Development and Compliance Department for the months from July 2022 to September 2022.

BACKGROUND

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

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

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

ISSUES/DISCUSSIONRegistered Premises

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

Table 1: Registered premises inspections

1 July 2022 to 30 September 2022		
Governing Legislation	Inspection Outcome	Number of inspections
Food Premises	Compliant*	24
	Major Non Compliance	4
Health Premises	Compliant*	2
	Major Non Compliance	
Total number of inspections for reporting period		30

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

Council officers are working with the non-compliant premises to address the issues that were identified.

Tobacco Act

Council is funded to undertake a set number of tobacco inspections throughout the year. Most of the inspections are carried out in conjunction with Food Act inspections; however, a number of them are non-smoking public outdoor venues such as kindergartens, schools, playgrounds and sporting reserves. Table 2 summarises the Tobacco Act activities undertaken during the reporting period.

Table 2: Tobacco Act inspections

1 July 2022 to 30 September 2022	
Inspection Type	Number
Tobacco Retailer (including vending machine)	1
Tobacco – Indoor Dining and drinking area	
Tobacco – Outdoor Dining and drinking area	
Outdoors & Other locations	
Total number of inspections	1

Septic Systems

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

Table 4: Septic system permits

1 July 2022 to 30 September 2022	
Permit Type	Number
Installation or alteration	8
Certificate to use	5
Total number of Permits	13

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

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

Table 5: Septic system activity

1 July 2022 to 30 September 2022	
Activity / Inspection Type	Number
Application Inspection	7
Installation Inspection	1
Final Inspection	7
Requested	2
Complaint	1
Total number of inspections	18

Public Health Complaints

Council is responsible for the investigation of nuisance complaints under the Public Health and Wellbeing Act. Complaints of nuisance can be complex and time consuming. Table 6 summaries the complaints during the reporting period.

Table 6: Public health complaints

1 July 2022 to 30 September 2022				
Nature of complaint	Number carried over from previous reporting period	Number received	Number resolved	Number currently pursuing resolution
Food Premises	0	2	2	0
Wastewater	0	1	0	1
Other	0	0	0	0
Total	0	3	2	1

COST/BENEFITS

The actual expenditure for the first quarter of the 2022-2023 financial year of the public health unit activities contained within this report is \$34,576.

Administration of the Acts that the Public Health Officer has responsibility for includes significant fieldwork, with staff regularly in the field engaging with business operators, developers, residents and ratepayers. This investment increases significantly when compliance issues are identified within registered premises and when complaints are received.

The benefits that stem from this investment include:

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

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

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: 1. MEMO, Road Management Plan - Exceptional circumstances

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 first 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 first quarter (1/07/2022 – 30/09/2022) of the 2022-2023 financial year. However, in mid-October 2022 Loddon Shire experienced major flooding and while outside of the reporting period it has had a significant impact.

Loddon Shire has been included in the State Government notification to the Commonwealth for the Victorian Floods following the October event. This means Council is eligible to claim reimbursement for essential public assets that have been damaged in this flood event. Officers are working through the claim process and are capturing the required information for the Disaster Recovery Funding Arrangements.

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

In accordance with Council's Road Management Plan, on 18 October Council's CEO, Lincoln Fitzgerald enacted the exceptional circumstances clause of that Plan. The copy of the MEMO to David Southcombe Manager Asset & Infrastructure can be found in attachment 1. The suspension of the Road Management Plan is to say that Council cannot maintain its road network to its usual standard. The community can expect that it will take longer than it normally would for an issue to be fixed on our road network. Routine maintenance inspections of the network have been put on hold as the staff are now assisting with gathering information for a claim to restore flood damage under the Disaster Recovery Funding Arrangements.

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

For the first quarter of the 2022-2023 financial year performance against the Road Management Plan was tracking at an acceptable level as indicated in the remainder of this report.

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 1 (01/07/2022 – 30/09/2022)						
Work Group	Number of scheduled inspections	Number completed by due date	Number completed after due date	Number not completed	Compliance	Number of Defects Raised
Loddon Plains	19	18	1	0	94.7%	184
Loddon Goldfields	28	27	1	0	96.4%	325
Total	47	45	2	0	95.6%	509

During the first quarter of 2022 - 2023 financial year, 95.6% of the programmed inspections were completed according to the schedule.

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

Table 2: Defect rectification summary report

Quarter 1 (01/07/2022 – 30/09/2022)								
Work Group	Number of Defects				Compliant with RMP			
	Ad hoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	19	30	302	351	347	4	0	98.9%
Loddon Plains	9	21	370	400	400	0	0	100.0%
Shire Wide	2	9	633	644	638	5	1	99.1%
Townscape Services	37	3	42	82	75	7	0	91.5%
Total	67	63	1347	1477	1460	16	0	97.4%

Table 2 comprises a summary of defects that 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. During the first quarter of 2022 - 2023 financial year, 97.4% of all date imposed defects were completed before their due date. This is 2.6% below the target of 100% set in the RMP. In mid-October 2022 Loddon Shire experienced significant flooding, this has impacted on our ability to complete the outstanding defect as it is under floodwater. The defect which is a pothole in a floodway will be completed as soon as practicable.

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 1 (01/07/2022 – 30/09/2022)											
Work Group	Number of Grading Work Actions					Compliant within scheduled timeframes				KM Graded	KM Inspected
	Roads Graded	Defects	Requests	Ad hoc	Total	Yes	No	Now completed	%		
Loddon Goldfields	120	13	5	0	138	138	0	0	100.0%	250	495
Loddon Plains	105	0	7	0	112	112	0	0	100.0%	280	443
Shire Wide	1	1	1	0	3	3	0	0	100.0%	0	0
Total	226	14	13	0	253	253	0	0	100.0%	531	938

The data in Table 3 indicates that 253 grading work actions were completed for the first 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 first quarter of 2022 - 2023 financial year of the Local Road Maintenance Program is \$2,075,511.

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.



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MEMO

To: David Southcombe, Manager Assets & Infrastructure
CC: Steven Phillips (Director Operations), Daniel Lloyd (Manager Works), Councillors
From: Lincoln Fitzgerald, Chief Executive Officer
Date: 18 October 2022
Subject: Road Management Plan – Exceptional circumstances
Doc ID:
Signed:

Dear Mr Southcombe

I write to inform you that due to the natural disaster currently impacting upon Loddon Shire, our organisation will be unable achieve the service levels outlined within the Road Management Plan (RMP). There has been extensive damage recorded throughout our road network which is beyond the operational and financial capacity of Council.

As the current inundation moves through our municipality, a range of resources have been redeployed for preservation of life and assets, to support relief centres or for clean-up and recovery.

Please refer to section **9.10 – Exceptional circumstances** of the Road Management Plan which outlines

...pursuant to Section 83 of the Wrongs Act, the CEO will write to Council's officer in charge, Manager Assets & Infrastructure (MAI) of its plan and inform the officer that some, or all of the timeframes and responses in Council's RMP are to be suspended.

All timeframes of the RMP are suspended until a full assessment of the road network is undertaken and a prioritised plan for rectification works is developed. Additional resources will be allocated to support this inspection and remediation process.

If you have any questions or would like further information please contact me.

Kind regards

Lincoln Fitzgerald
Chief Executive Officer

11.3 LOCAL LAWS AND PLANNING COMPLIANCE QUARTERLY ACTIVITY REPORT

File Number: FOL/19/115192
Author: David Price, Local Laws \ Planning Compliance Officer
Authoriser: Glenn Harvey, Manager Development and Compliance
Attachments: Nil

RECOMMENDATION

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the first 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 local laws 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 laws, 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 1 (1 July 2022 – 30 September 2022)			
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued
No. actions	3	2	5

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

Unightly properties

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

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

Table 2: Summary of unsightly properties activities

Quarter 1 (1 July 2022 – 30 September 2022)																
Town/Locality	Eddington	Rheola	Newbridge	Tarnagulla	Inglewood	Bridgewater	Wedderburn	Korong Vale	Borong	Boort	Pyramid Hill	Mitiamo	Dingee	Serpentine	Rural/Other	Total
No. identified from previous report period	2	0	5	1	6	2	19	3	4	4	4	1	1	0	0	52
No. resolved during quarter	0	0	0	0	1	0	3	0	0	0	0	0	0	0	0	4
New action commenced	0	0	0	0	1	0	3	0	0	0	0	0	0	0	0	4
No. currently pursuing	2	0	5	1	6	2	19	3	4	4	4	1	1	0	0	52
Progress Activities																
Site meeting / discussion held	0	0	0	0	1	0	3	0	0	0	0	0	0	0	0	4
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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Notice to comply issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Contractor engaged for clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Animal management

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

Table 3: Summary of animal management activities

Quarter 1 (1 July 2022 – 30 September 2022)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
No. of actions	4	4	3	5	15	23

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

Table 4: Impoundment activities

Quarter 1 (1 July 2022 – 30 September 2022)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	0	0	0	0
Dogs	2	0	2	0
Cats	7	0	7	0
Feral Animals	-	-	-	46
Total	9	0	9	46

Planning Compliance and Enforcement

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

Table 5: Planning compliance and enforcement activities

Quarter 1 (1 July 2022 – 30 September 2022)					
Type	No. identified from previous report period	New action commenced	PIN's issued	No. resolved during this quarter	No. currently pursuing resolution
Land use in contravention of planning scheme without a permit	4	4	0	3	5
Native vegetation removal without a permit	6	5	0	4	7
Breach of planning permit	1	0	0	0	1
Dog breeding / animal keeping	4	2	0	1	5
Land used as a store without planning permit	2	3	0	1	4

Occupation of a site without a planning permit	5	2	0	3	4
Total	22	16	0	12	26

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

COST/BENEFITS

The expenditure for the first quarter of 2022-2023 financial year for the local laws and compliance activities contained within this report is \$74,588. 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 Local Laws is considered to pose the following risks:

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

11.4 QUARTERLEY STATUTORY PLANNING PERMIT ACTIVITY REPORTS

File Number:

Author: Louise Johnston, Statutory Planning Coordinator

Authoriser: Glenn Harvey, Manager Development and Compliance

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 July to September 2022.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

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

BACKGROUND

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

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

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

ISSUES/DISCUSSIONPlanning permit activities

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

Timeframes

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

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

Table 1: Average timeframes for decisions

Month	Quarter 1 of the 2022/2023 financial year			
	Average gross days to determine	Median processing days to determine	Completed within 60 days	Rural average completed within 60 days
July	44	17	100%	63%
August	38	29	100%	64%
September	46	24	88%	68%
Total Quarterly average	43	24	96%	65%

During the first quarter of the 2022-2023 financial year 96% of all Planning Permit applications were assessed and issued within the timeframes as set in the Planning & Environment Act 1987. This is 31% above the rural average. In addition, the median processing days for Council to make a determination on applications is 24 days, well below the rural average of 78 days, a great result for Council and its planning team.

COST/BENEFITS

The expenditure for the first quarter of 2022-2023 financial year of the statutory planning activities contained within this report is \$57,116

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

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Applications being processed in the quarter

July to September, 2022

Number of Applications								
24								
Number	lodged	Site Address	Site Address suburb	Status	Development Description	Applicant Name	Applicant Organisation	
5275	18/04/2018	Boyd's Road	Newbridge	Referral	Modify road access to property via Yorkshire Rd & Boyd's Rd North & amend location of retarding basin.	Tim Martin		
5407	10/12/2018	18 Park Street	Bridgewater on Loddon	Further Information	two lot subdivision and earthworks	Dave Edwards		
5419	25/01/2019	135 Old Logan-Burkes Flat Road	Burkes Flat	Further Information	Gold Mining and associated buildings and works	K R Johnson	Dunolly Gold Developments	
5521	19/10/2022	565 Calivil Mail Road	Calivil	Referral	Amendment to the approved plans to include Addition of an accommodation barn for calves, sedimentation pond, effluent storage pond. Reduction number of sludge drying bays. Expansion in runoff storage pond to provide fill for shed pads. Accommodating up to 2400 cows in the second freestall shed.	Calmo Farms		
5693	30/07/2021	Bendigo-St Arnaud Road	Moliagul	Further Information	Gold mining and native vegetation removal	Shayne Dixon		
5767	10/03/2022	358 Hills Road	Barraport West	Advertising Complete	Removal of native vegetation (10 Trees) to allow the development of a lateral irrigator	Angus Parry	Airedale	
5768	11/03/2022	Grant Street	Newbridge	Referred	Use and development of the land for a dwelling, removal of native vegetation and associated works	NR Links		
5780	14/04/2022	92 Victoria Street	Pyramid Hill	Further Information	To keep four dogs- two breeding dogs & two pet dogs (inside the dwelling)	Patricia Quaffe	TAQ Mechanical	
5797		Inglewood Railway Station & AJ Mitchell Park, 2 Thompson Street	Inglewood	New Application	Replacement and refurbishment of rail concrete swale and box culvert	V/Line		
5808		6 Main Street	Bridgewater on Loddon	New Application	Extension and alterations to shop front	Patrick O'Toole	Bridgewater Bakehouse	
5811	27/07/2022	Lot 8 Mason Drive	Moliagul	Referred	Use and development of the land for a dwelling and associated outbuilding	Rod Hinton	Bendigo Planning Services	
5814	16/08/2022	75 Southey Street	Inglewood	Planner Assessment	2 Lot Subdivision	Bernard Koolstra		
5815	15/08/2022	Lot 1 Brets Road	Kurraca	Referral	Use of the land for eucalyptus oil distillery and associated buildings and works including the storage of goods and conversion of the existing dwelling to rural workers accommodation	Rod Hinton	Bendigo Planning Services	
5817	15/08/2022	Lot 4 McCoy Street	Eddington	Further Information	Development of a Dwelling	Building Issues		
5818	12/08/2022	Lot 26 Bridgewater-Maldon Road	Bridgewater	Referral	Development of a shed less than 100 metres from a waterway	Warrick Anderson		
5821	25/08/2022	Burke Street	Newbridge	Further Information	Use and development of a dwelling	DMC Drafting & Design		
5823		Lot 1 Calder Highway	Wedderburn	New Application	Mining-use of the land for industry	Vanning Resources Pty		
5826	13/09/2022	17 Park Street	Bridgewater on Loddon	Planner Assessment	Installation of pipe and pump to extract water from Loddon River	Dorothy Slike		
5829	13/10/2022	2007 Mitamo-Kerang Road	Mincha	Advertising	Re-subdivision of four lots into three lots	Andrew Merrett	Price Merrett Consulting	
5831	4/10/2022	174 Penny Lane	Salisbury West	Referral	Use and development of the land for a dwelling	Rod Hinton	Bendigo Planning Services	
5832	13/10/2022	279 Oswalds Road	Campbells Forest	Advertising	Subdivide land into two separate lots	Rod Hinton	Bendigo Planning Services	
5833	18/10/2022	35 Tantalla Street	Wedderburn	Referral	Development of a dwelling (existing dwelling is proposed to be de-commissioned).	Building Issues		
5834	24/10/2022	10-16 Camp Street	Bridgewater	Advertising	Subdivision of the land into four lots	Peter Mitchell	c/o Total Property Developments	
5836	25/10/2022	57 Verdon Street	Inglewood	Referral	Development of a dwelling under the BMO	Building Issues		

Applications completed in the Quarter
1 July, 2022 – 30th September, 2022

Decisions

32

App Number	Lodged	Site Address	Locality	Status	Development Description	Applicant Name	Applicant Organisation
5625	15/06/2022	65 Dalziels Road	Bears Lagoon	Application Complete	Removal of native vegetation	George Weston Foods Ltd	
5711	17/09/2021	Lot 1 Newbridge Road	Newbridge	Application Complete	Amended Application -Use and Development of a Dwelling (amended location) and associated Buildings and Works and creation of a new access into a Transport Zone 2	Darryn & Michelle Phinn	
5753	28/06/2022	Bridgewater-Serpentine Road	Salisbury West	Application Complete	Change and add conditions, alterations to the amended plans	Daniel Thomas	
5769	10/03/2022	317 Curnows Road	Calivil	Notice Of Decision	Installation of a drainage flow control structure and associated works within the north-eastern corner of the land to allow outflow/stormwater discharge point from the land and associated works	Jade Clymo	
5782	28/04/2022	25 Gladstone Street	Tarnagulla	Application Complete	Use of the land for a domestic animal husbandry in the Township Zone	Elaine Soane	
5783	2/05/2022	19 McCoy Street	Eddington	Application Complete	Development of a dwelling under the Environmental Significance Overlay	Jobrian & Helena Trinidad	
5787	17/05/2022	Railway Station House, 12 Erskine Street	Bridgewater on Loddon	Application Complete	Retrospective development of a shipping container on the land	Jenny Hosking	Kooyoora Womens Network
5789	29/06/2022	Inglewood Bowling Green, 3 Market Place	Inglewood	Application Complete	Solar panels to be installed on the clubrooms.	Inglewood Bowls Green Reserve Committee of Management	
5791	15/06/2022	606 Wedderburn-Buckrabanyule Road	Buckrabanyule	Application Complete	Construction of a farm shed within 100m of a waterway.	North Vic Engineering	
5792	29/06/2022	Bridgewater-Dunolly Road	Llanelly	Application Complete	A new roof over two shipping containers for storage	Grazyna Palonek	
5794	7/07/2022	565 Calivil Mail Road	Calivil	Application Complete	Staff room/workers accommodation building 12m x 4m, located behind the office.	Belinda Clymo	
5795	14/06/2022	50 Oxleys Lane	Murphys Creek	Application Complete	Use and development of the land for a dwelling	Muruga Marday	Building Issues
5796	15/06/2022	Calder Highway	Wedderburn	Application Complete	Retrospective development of two Shipping Containers with new roof for storage	Garry Stephenson	
5798	23/06/2022	47 Old Tarnagulla Road	Newbridge	Application Complete	Development of a storage shed	Goulburn Valley Buildings	

5799	5/07/2022	Lot 1 Newbold Street	Wedderburn	Application Complete	Use and development of a dwelling and associated outbuilding	Aspect Planning Services	
5800	7/07/2022	15 Mount Kerang Road	Skinners Flat	Application Complete	Development of a shed (90sqm) less than 20 metres from a road, and less than 100 metres from a waterway	Ricky Pedler	
5801	13/07/2022	Somerset Lane	Newbridge	Application Complete	Development of storage shed	The Shed Guys Bendigo	
5802	11/07/2022	Inglewood Road	Bridgewater	Application Complete	Create a new access into Transport Road Zone (Arnold Road)	Jessica Taelangi	
5803	27/07/2022	Victoria Street	Boort	Application Complete	Removal of redundant rail infrastructure within the Heritage Overlay	V/Line	
5804	13/07/2022	1062 Loddon River Road	Leaghur	Application Complete	Development of a hay shed with a total area of more than 130 metres squared under the Land Subject to Inundation Overlay	Central Steel Build Pty Ltd	
5805	15/07/2022	23 Calder Highway	Wedderburn	Application Complete	Development of a shed less than 100 metres from a waterway in the Rural Living Zone	Amandah Downie	Fair Dinkum Builds Bendigo
5807	19/07/2022	19 Main Street	Bridgewater on Loddon	Application Complete	Storage Shed	Linda Watson	Bridgewater Farmhouse Kitchen
5809	4/08/2022	Lot 3A Marong-Serpentine Road	Bridgewater North	Application Complete	Use and development of the land for a dwelling	Jordan Evely	
5810	27/07/2022	15 Verdon Street	Inglewood	Application Complete	Use of shed to operate automotive electrical business	Tyson Kloester	
5812	2/08/2022	3668 Tandarra Elmore Road	Tandarra	Application Complete	Development of a inground pool in the LSIO	Benjamin Govett	
5813	2/08/2022	Lot 13 Wakefield Street	Wedderburn	Application Complete	Use and development of a Dwelling	Rod Hinton	Bendigo Planning Services
5819	16/08/2022	Lot 27 Wallaby Way	Wedderburn	Application Complete	Development of two storage sheds (shipping containers)	Amber Lukavsky	
5820	19/08/2022	845 Old Boort Road	Bears Lagoon	Application Complete	Use and development of the land for a dwelling	Rod Hinton	Bendigo Planning Services
5822	5/09/2022	Lot 2 Dalmation Road	Moliagul	Application Complete	Use and Development of a dwelling	Anchor Homes	
5824	5/09/2022	7746 Bendigo-Pyramid Road	Pyramid Hill	Application Complete	Section 23 -Removal of Condition	Goulburn Murray Rural Water - Survey & Drafting Section	
5825	5/09/2022	26 Armstrong Street	Boort	Application Complete	Development of a shed 6m x 6m	OT McLoughlan Constructions	

5827	9/09/2022	325 Meering West Road	Meering West	Application Complete	Use of part of the land for a Producers Liquor License	Hamish Chirnside	Lake Meran Farm Pty Ltd
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11.5 QUARTERLY BUILDING SERVICES ACTIVITY REPORT

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

RECOMMENDATION

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Council is provided with information quarterly summarising building services activities relating to permits, certificates and statutory enforcement activity undertaken within the Development & Compliance Department. This is the first quarterly report for the 2022-2023 financial year.

BACKGROUND

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

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

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

ISSUES/DISCUSSION

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

- swimming pool registration requirements and registration of the Complying Barrier Certificates
- inspecting and decommissioning over 74 pools and spas
- 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 three quarters of 2021-2022 and the first quarters of 2022-2023. There is variation in the value of permits throughout any given financial year and this is attributable to the scale and cost of individual projects.

Table 1: Summary of new building permits issued

	Quarter 2 2021-22 (01/10/2021 – 31/12/2021)	Quarter 3 2021-22 (01/01/2022 – 31/03/2022)	Quarter 4 2021-22 (01/04/2022 – 30/06/2022)	Quarter 1 2022-23 (01/07/2022 – 30/09/2022)
No. of new Permits	45	37	47	43
Value of Works	\$5,782,648	\$4,324,892	\$16,258,455	9,434,360

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

Table 2: Summary of final inspections and occupancy permits

	Quarter 2 2021-22 (01/10/2021 – 31/12/2021)	Quarter 3 2021-22 (01/01/2022 – 31/03/2022)	Quarter 4 2021-22 (01/04/2022 – 30/06/2022)	Quarter 1 2022-23 (01/07/2022 – 30/09/2022)
Certificates of final inspection	34	31	25	35
Occupancy Permits	9	18	8	8

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

Statutory enforcement

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

Table 3: Summary of statutory enforcement activities

Type	Actions incomplete from previous report period	New action started	Total actions	Building notice issued	Building order issued	Appeal to Building Appeals Board	Legal action / solicitors letter started this quarter	Legal action ongoing	No. resolved during this quarter
Building damaged by fire	0	1	1	0	0	0	0	0	0

Type	Actions incomplete from previous report period	New action started	Total actions	Building notice issued	Building order issued	Appeal to Building Appeals Board	Legal action / solicitors letter started this quarter	Legal action ongoing	No. resolved during this quarter
Works required to make building safe (including pools)	19	1	20	3	2	1	0	1	0
Carrying out building works without a permit	8	2	10	3	1	0	0	0	0
Works not in accordance with building permit	2	0	2	0	0	0	0	0	0
Illegal occupation of non-habitable building	0	0	0	0	0	0	0	0	0
Building with non-complying essential safety measures	1	0	1	0	0	0	0	0	0

Whilst new issues requiring enforcement are identified regularly, it is also noted there are some longstanding enforcement activities that are ongoing. The time spent on individual items can be significant particularly when it requires escalation to Court. Council officers work to try to resolve matters without legal intervention.

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

COST/BENEFITS

The expenditure for the first quarter of the 2022-2023 financial year for building services activities was \$22,758. The functions associated with the delivery of the Municipal Building Surveyor service have been delivered by the Manager Development and Compliance.

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

RISK ANALYSIS

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

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

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

A significant risk within Loddon Shire is unregulated developments, in particular small allotments which are sold to purchasers that have expectations of using it for a cheap home or "weekender". Often the landholder is unable or unwilling to meet the regulatory requirements to safely utilise the site as they desire. This has led to a number of undesirable and potentially unsafe outcomes of unregulated developments. This remains a matter of concern for Council's Municipal Building Surveyor and Local Laws & Planning Compliance Officer.

CONSULTATION AND ENGAGEMENT

The Municipal Building Surveyor regularly engages with business operators, developers, residents and ratepayers during the administration of the various Acts, which can range from essential safety measures assessments/inspections to the provision of advice relating to the need for building permits and other functions administered by the Municipal Building Surveyor under the Building Act and Building Regulations. Any business operator, developer, resident or ratepayer that is subject to enforcement action is regularly consulted with during the enforcement process to give them the opportunity to avoid the escalation of enforcement action.

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

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

RECOMMENDATION

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

- Boort Aerodrome
- Boort Memorial Hall
- Boort Park
- Campbells Forrest Hall
- Donaldson Park
- East Loddon Community Centre
- Hard Hill Tourist Reserve
- Inglewood Community Elderly Persons Units
- Inglewood Community Sports Centre
- Inglewood Town Hall Hub
- Korong Vale Mechanics Hall
- Korong Vale Sports Centre
- Pyramid Hill Memorial Hall
- Wedderburn Community Centre
- Wedderburn Engine Park and Market Square Reserve
- Wedderburn Mechanics and Literary Institute Hall
- Yando Public Hall

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Council last appointed members to the Community Asset Committees in 2021.

BACKGROUND

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

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

ISSUES/DISCUSSION

Community Asset Committees listed in this report have conducted Annual Meetings and received nominations for membership. Members nominated for appointment by Council for 2022/23 are:

Name	Position
Boort Aerodrome	
Peter Eicher	Chair/Secretary
Campbell Chalmers	Deputy Chair
Jamie Whitmore	Treasurer
Ken Loader	Airport reporting officer
Ray Stomann	Booking officer
Adam Wright	Committee Member
Dick Lanyon	Committee Member
Geoff Boutcher	Committee Member
Boort Memorial Hall	
Ian Potter	Chair
Neil Gardner	Deputy Chair
John Vernon	Secretary
Narelle Vernon	Treasurer
Cindy Brown	Booking officer
Allen Stringer	Committee Member
Isobel Loader	Committee Member
Jeanette Wagner	Committee Member
Judy Parker	Committee Member
Ken C Loader	Committee Member
Kevin Sutton	Committee Member
Marj Potter	Committee Member
Paul Haw	Committee Member
Stephen Vanderkaay	Committee Member
Boort Park	
Madeleine Scott	Boort Agricultural and Pastoral Society
Marjory Potter	Boort Agricultural and Pastoral Society
Vacant	Boort District Harness Racing Club
Vacant	Boort District Harness Racing Club
Gordon Parker	Boort Football Club
Kane Arnold	Boort Football Club
Kelly Henderson	Boort Hockey Club
Jess Pink	Boort Hockey Club
Karen Coutts (Secretary/Treasurer)	Boort Netball Club
Vacant	Boort Netball Club
Lee Anne Sherwell	Boort P12 College

Name	Position
Boort Park (Continued)	
Tom Bleicher	Boort P12 College
Alister Knight	Boort Yando Cricket Club
Garry Zanker	Boort Yando Cricket Club
Neil Beattie (Chair)	Community Member
Kelly Henderson (Deputy Chair)	Community Member
Sharon Pickering (Booking officer)	Community Member
Stacey Streader	Community Member
Jacquie Verley	Community Member
Stacey Williamson	Community Member
Campbell's Forest Hall	
Don Wilson	Deputy Chair
Shaun Cattanach	Chair
Fred Shea	Secretary
Gaye Larson	Treasurer
Glenda Wilson	Booking Officer
Garry Davis	Committee Member
Janine Cornish	Committee Member
Rae Broadbent	Committee Member
Robyn Shea	Committee Member
Toni Shea	Committee Member
Donaldson Park	
Gavan Holt (Chair)	
Jon Chandler (Secretary/ Treasurer)	Community Member
Alan Holt	Wedderburn Bowls Club
Lance Stanfield	Wedderburn Bowls Club
Danny Fowles	Wedderburn College
Vacant	Wedderburn College
Bruce Hargreaves (Deputy Chair)	Wedderburn Harness Racing Club
Tom Nisbet	Wedderburn Harness Racing Club
Peter McHugh	Wedderburn Lawn Tennis Club
Tim Lockhart	Wedderburn Lawn Tennis Club
Alex Holt	Wedderburn Redbacks Inc.
Andrew Caserta	Wedderburn Redbacks Inc.
Jake Hayes	Wedderburn Redbacks Inc.
Julie Benaim	Wedderburn Redbacks Inc.
Sharyn Lockhart	Wedderburn Redbacks Inc
Trudie Van de Wetering	Wedderburn Redbacks Inc.

Name	Position
East Loddon Community Centre	
Vacant	Chair
Nick Marlow	Secretary /Booking Officer
Heather Atkinson	Treasurer
Chris Barter	Committee Member
Linden Barry	Committee Member
Marg Gledhill	Committee Member
Nadine Ray	Committee Member
Peta Lorenz	Committee Member
Hard Hill Tourist Reserve	
Robyn Vella	Chair
Murray Smythe	Deputy Chair
Wendy Luttgens	Secretary / Booking officer
Karen Fazzani	Treasurer
Darren Baugh	Committee Member
Geoffrey Rogers	Committee Member
Greg Canfield	Committee Member
Jude Raftis	Committee Member
Richard Stephenson	Committee Member
Rob Guelfo	Committee Member
Trevor Bailey	Committee Member
Trevor Pleydell	Committee Member
Warren Smith	Committee Member
Inglewood Community Elderly Persons Units	
Robert Condliffe	Chair
Cassandra Van de Ven	Secretary
Trevor Puckey	Treasurer
N/A	Booking Officer
Colleen Condliffe	Committee Member
Dallas Coghill	Committee Member
Deb Coon	Committee Member
Eddie Iob	Committee Member
Frank Stoel	Committee Member
Inglewood Community Sports Centre	
Andrew Nevins	Chair Secretary
Leigh Lamprell	Deputy Chair
Natalie Rodwell	Secretary
Belinda Hawkins	Treasurer
Colleen Condliffe	Booking Officer
Alan Last	Committee Member
Chris Cohalan	Committee Member
Gordon McNaughton	Committee Member

Name	Position
Inglewood Community Sports Centre (continued)	
Helen Canfield	Committee Member
Les Miller	Committee Member
Tony Noonan	Committee Member
Inglewood Town Hall Hub	
Enzo Scafati	Chair
Brian Rodwell	Deputy Chair
Kirsten Ward	Secretary
Lisa Calandro	Treasurer
Louise Bewley	Booking officer
Colleen Condliffe	Committee Member
Diana Zhangda	Committee Member
ICNH representative	Vacant at the moment
Pauline Wellman	Committee Member
Korong Vale Mechanics Hall	
Glenda Brooker	Chair
Darren Quigley	Secretary
Lyn Chapman	Treasurer
Heather Charry	Booking Officer
Fred Brooks	Committee Member
John Charry	Committee Member
Ken Hunter	Committee Member
Rita Tosch	Committee Member
Robert Chapman	Committee Member
Korong Vale Sports Centre	
Joan Earl	Chair / booking officer
Robert Day	Deputy chair
Faye Day	Secretary/ Treasurer
Andrew Day	Community member
John Murnane	Community member
Judy Matthews	Community member
Peter Gibson	Community member
Pyramid Hill Memorial Hall	
Andrew Scott	Chair
Bill Quinn	Deputy Chair
Jean Mann	Secretary
Carolyn Ryan	Treasurer
Raeleen Fletcher	Booking officer
Adam Caspani	Committee Member
Allan Mann	Committee Member
Betty Mann	Committee Member

Name	Position
Pyramid Hill Memorial Hall (continued)	
Cheryl McKinnon	Committee Member
Jan Vincent	Committee Member
Kate Wood	Committee Member
Sherrie Gumley	Committee Member
Wedderburn Community Centre	
Richard Stephenson	Community member
Kara Mamouny-Brown (Secretary)	Inglewood and Districts Health Services
Dallas Coghill (Chair)	Inglewood and Districts Health Services
Vacant	Loddon Shire Council Community Wellbeing
Vacant	Loddon Shire Council Community Wellbeing
Vacant	Loddon Shire Council Tourism
Vacant	Loddon Shire Council Tourism
Coralie Lockhart (Treasurer)	Wedderburn Community House
Marg Van Veen (Deputy Chair/Booking officer)	Wedderburn Community House
Wedderburn Engine Park and Market Square Reserve	
Bruce Hargreaves	Chair
Neville White	Deputy Chair
Gary Roberts	Secretary
Trevor Bailey	Treasurer
N/A	Booking Officer
Barry Finch	Committee Member
Ian Gould	Committee Member
Jeff Rogers	Committee Member
Jordan Hargreaves	Committee Member
Roy Man	Committee Member
Wedderburn Mechanics and Literary Institute Hall	
Jon Chandler	Chair
Vacant	Deputy Chair
Dede Williams	Secretary
Julie Ritchie	Booking Officer
Coralie Lockhart	Treasurer
Barry Finch	Committee Member
Jeff Loone	Committee Member
Joan Bartlett	Committee Member
Robert Steel	Committee Member
Yando Public Hall	
Anna Beamish	Chair
Ashley Gawne	Deputy Chair
Rosalyn Gawne	Secretary /Treasurer
Bradley Haw	Booking officer

Name	Position
Yando Public Hall (continued)	
Amanda Whykes	Committee Member
Craig Slatter	Committee Member
Damien Lanyon	Committee Member
Emma Gawne	Committee Member
Paul Haw	Committee Member

COST/BENEFITS

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

RISK ANALYSIS

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

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

CONSULTATION AND ENGAGEMENT

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

12.2 COMMUNITY ASSET COMMITTEES - ANNUAL REPORT TO COUNCIL**File Number:** FOL/20/7622**Author:** Michelle Hargreaves, Administration Officer**Authoriser:** Lisa Clue, Manager Governance**Attachments:** 1. Community Asset Committees - Annual Report to Council**RECOMMENDATION**

That Council note the CEO report on the 2021/22 Activities and Performance of Community Asset Committees.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The activities and performance of Council's Community Asset Committees was most recently discussed by Councillors at the November Council Forum.

BACKGROUND

The *Local Government Act 2020* (the Act) provides for councils to establish Community Asset Committees for the purpose of managing community assets within the municipality, and requires the CEO to submit an annual report to Council in relation to the activities and performance of Community Asset Committees.

This report relates to the activities and performance of Council's 18 Community Asset Committees, established in August 2020.

ISSUES/DISCUSSION

The following Community Asset Committees were established by Council resolution in August 2020:

Boort Aerodrome	Inglewood Town Hall Hub
Boort Memorial Hall	Korong Vale Mechanics Hall
Boort Park	Korong Vale Sports Centre
Campbell's Forest Hall	Little Lake Boort
Donaldson Park	Pyramid Hill Memorial Hall
East Loddon Community Centre	Wedderburn Community Centre
Hard Hill Tourist Reserve	Wedderburn Engine Park and Market Square Reserve
Inglewood Community Elderly Persons Units	Wedderburn Mechanics and Literary Institute Hall
Inglewood Community Sports Centre	Yando Public Hall

In accordance with section 47 of the Act, the CEO has delegated a range of powers, duties and functions to members of the Community Asset Committees to facilitate management of each community asset.

To support compliance with the Act, Community Asset Committees were requested to report on their 2021/22 activities and performance. Reporting includes:

- Provision of financial statements which are then audited by Council officers
- Minutes from Annual meetings.
- Committee members
- Fees and charges
- Casual and seasonal bookings
- Maintenance/improvements completed.

A summary of report data received is attached to this report.

The Little Lake Boort Community Asset Committee will provide a report on its activities and performance following its Annual Meeting, scheduled for 19 November 2022.

Reports received indicate Community Asset Committees are achieving the objectives documented in their respective Instruments of Delegation, being:

- a) to co-ordinate, manage, and develop for community benefit, the community asset identified within the Instrument in accordance with the principles of sound financial management,
- b) to raise funds, receive rental fees, admission charges, donations and any contributions and expend same for objective (a) above,
- c) to advise and liaise with Council and Council staff in relation to the achievement of the foregoing objectives and in the planning of works and programs for community assets.

Council acknowledges and appreciates the commitment of the volunteers in supporting the management of these important community assets, particularly during the COVID-19 pandemic and the current flood event across the municipality.

Officers will maintain contact with, and provide support to each Community Asset Committee including the provision of assistance with compiling financial statements; sourcing funding opportunities and applying for funding; and compliance with instruments of delegation.

COST/BENEFITS

Community Asset Committee volunteers manage Council assets to reduce the resource burden on Council. Assistance to and support of the committees is managed by Council officers in the Corporate directorate.

RISK ANALYSIS

Risks are somewhat mitigated through the Instruments of Delegation from the CEO; the annual reporting process; and maintaining contact with the Committees. Financial risk is monitored through the provision of financial statements from the Committees.

CONSULTATION AND ENGAGEMENT

Community Asset Committees have provided activity and performance data and information for the purpose of preparing this report.

Name	Seasonal users	Casual hirers - 2021/22	Fees and charges	Maintenance/improvements completed over last 12 months	Report received	Financial report received
HALLS						
Boort Aerodrome	Nil		Hire fees - hangar hire per aircraft, per year \$300, camping at airfield and use of lounge per day \$15, lounge hire per event \$50, overnight stay in lounge \$15	Taxi maintenance, runway maintenance, new ridge top for hangar, new gutters for hangar, tree removal around hangar, new fridge for lounge	27-Sep-22	YES
Boort Memorial Hall	3 - Boort Indoor Bias Bowls, RSL Boort, Boort Dance Group	128 booked, 43 cancelled	Hire fees - room hire per day - setting up of hall \$50, entire building \$200, Auditorium \$80, Bar \$30, Function Room \$40, stage and old cloak room \$10, East/west cloak rooms \$10 each plus hire of equipment and cleaning fee	Clad three west doors, spider spraying, piano tuning, supply roof tiles for LSC to fix on west cloak room roof, new batteries for defib	4-Oct-22	YES
Campbell's Forest Hall	Nil	10	Hire fees - meetings \$10, kitchen \$20, short day (1-3 hours) \$30, long day (3-6 hours) \$40, night time rate \$60, bond \$300	regular mowing and spraying, watering and maintaining trees, rabbit proofing hall, prepared and rehang toilet door, installed Wifi, installed security cameras	21-Sep-22	YES
Inglewood Town Hall Hub	2 CVGT and AXIS enterprises			Air conditioning and lift maintenance	22-Sep-22	YES
Korong Vale Mechanics Hall	Nil	3	Hire of hall \$100 plus \$100 refundable deposit.	Hall currently having major renovations	10-Nov-22	YES
Pyramid Hill Memorial Hall	Nil	7	Hire fees - entire facility \$250, supper/meeting room with facilities and toilet \$75, commercial kitchen use \$50, event package \$350		22-Sep-22	YES
Wedderburn Mechanics and Literary Institute Hall	Nil		Hire fees - hall hire \$200	Ongoing roof leak maintenance, issues from floor due to leak	1-Oct-22	YES
Hard Hill (Tourist) Reserve	1 - Wedderburn Tourism	51	N/A	Replacement old Eucy Stew Pot, maintenance of walking tracks and roads within the reserve, general cleaning and tidying up of reserve	28-Sep-22	YES
Yando Public Hall	Nil	2	Hire fees \$25 per hire	Unblocked downpipes	24-Sep-22	YES
COMMUNITY CENTRES						
East Loddon Community Centre	Nil	3	Meeting room (incl tea and coffee usage) \$20/day Outdoor usage \$20/day Kitchen (for cooking) \$50/day School usage \$50/month Foodshare usage \$50/month		8-Nov-22	YES
Wedderburn Community Centre	6 - Wedderburn Community House, Inglewood and District Health Services, LSC Maternal and Child Health Services and Tourism, Bendigo Health, Goldfields Library	143	Hire fees - Private room \$80 full day, \$50 half day, community rates \$15	Hand dryers in toilets replaced, leaks in roof sealed, leaks around air conditioning units silicone replaced, Aircon in op shop building/craft room replaced, door locks repaired in craft room/dining room	10-Oct-22	YES
RECREATIONAL RESERVES						
Donaldson Park Wedderburn	5 - Wedderburn Bowls, Wedderburn College, Wedderburn Harness Racing Club	0	Tennis Clubrooms \$50, Bowls Club \$100, Redbacks Room \$165	Routine mowing and watering of the oval/ hockey field	27-Sep-22	YES
Inglewood Community Sports Centre	3 - Inglewood Football/Netball Club, Inglewood Lawn Tennis, Inglewood District Health Service	2	Hire fees - Hall \$150, \$100 bond	Finished tiling project, ground seeding	30-Sep-22	YES
Korong Vale Sports Centre	2 - Korong Vale Tennis Club, Korong Vale Bowls Club	Nil	Nil		29-Sep-22	YES
Boort Park	6 - Boort Football club, Boort Hockey Club, Boort Netball Club, A&P Society, Boort Trotting Club, Boort/Yando Cricket Club	12	Hire fees - user groups pay a set fee	Update floors in change rooms, new carpet TAB rooms	13-Oct-22	YES
MISCELLANEOUS						
Little Lake Boort				Meeting scheduled for 19 November		YES
Wedderburn Engine Park and Market Square Reserve	3 - Wedderburn Historical Engines and Machinery Society, Wedderburn Band, Cricket Club, Wedderburn Mens Shed	Nil	N/A	General mowing and tidiness of the park	28-Sep-22	YES
Inglewood Community Elderly Persons Units	2 - tenants	N/A	N/A	Unit 1 - new carpet in living area, ant damage repairs in laundry, hot water service, access door repaired, external blind serviced. Unit 2 - airconditioning unit serviced, internal blinds living area replaced, new gates to verandah, ridge capping on roof, pest control, installation of a gazebo for the whole complex to share	30-Sep-22	YES

13 URGENT BUSINESS

In accordance with Council's Governance Rules, Clause 53 provides that at a scheduled or special meeting of Council, business that is not included in the agenda notice must only be considered if no more than one Councillor is absent and the Council resolves that the matter is urgent.

Despite this requirement, a matter that is not included in the agenda notice must not be considered at a Council meeting if it will:

- (a) directly and significantly affect the exercise of a person's rights;
- (b) alter the Council Plan or the budget; or
- (c) commit the Council to expenditure exceeding \$20,000.

14 CONFIDENTIAL ITEMS

Nil

NEXT MEETING

The next Ordinary Meeting of Council will be held on 13 December 2022 at Wedderburn commencing at at 3pm.

There being no further business the meeting was closed at .

Confirmed this.....day of..... 2022

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