

Date:Tuesday, 25 May 2021Time:3pmLocation:Loddon Shire Council Chambers (entry from<br/>Peters Street), behind Wedderburn office

# MINUTES

# **Ordinary Council Meeting**

# 25 May 2021

#### MINUTES OF LODDON SHIRE COUNCIL ORDINARY COUNCIL MEETING HELD AT THE LODDON SHIRE COUNCIL CHAMBERS (ENTRY FROM PETERS STREET), BEHIND WEDDERBURN OFFICE ON TUESDAY, 25 MAY 2021 AT 3PM

- **PRESENT:** Cr Neil Beattie (Mayor), Cr Gavan Holt, Cr Linda Jungwirth, Cr Wendy Murphy, Cr Dan Straub
- **IN ATTENDANCE:** Phil Pinyon (Chief Executive Officer), Wendy Gladman (Director Community Wellbeing), Sharon Morrison (Director Corporate Services), Steven Phillips (Director Operations), Lynne Habner (Manager Executive and Commercial Services)

#### 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

Nil

#### 4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

#### 5 PREVIOUS MINUTES

5.1 CONFIRMATION OF MINUTES	
File Number:	02/01/001
Author:	Lynne Habner, Manager Executive and Commercial Services
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	Nil

#### RECOMMENDATION

That Council confirm:

- 1. The minutes of the Council Briefing of 27 April 2021.
- 2. The minutes of the Ordinary Council Meeting of 27 April 2021.
- 3. The minutes of the Confidential Council Meeting of 27 April 2021.
- 4. The minutes of the Council Forum of 11 May 2021.

#### REPORT

Seeking approval of the unconfirmed minutes of the previous meetings.

#### **RESOLUTION 2021/102**

Moved: Cr Wendy Murphy Seconded: Cr Dan Straub

That Council confirm:

- 1. The minutes of the Council Briefing of 27 April 2021.
- 2. The minutes of the Ordinary Council Meeting of 27 April 2021.
- 3. The minutes of the Confidential Council Meeting of 27 April 2021.
- 4. The minutes of the Council Forum of 11 May 2021.

# 6 ASSEMBLY OF COUNCILLORS

### 6.1 RECORD OF ASSEMBLY OF COUNCILLORS

File Number:	02/01/001
Author:	Christine Coombes, Executive and Commercial Services Officer
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	Nil

#### RECOMMENDATION

That Council note the Assembly of Councillors records for the following meetings:

- 1. Council Briefing 27 April 2021.
- 2. Council Forum 11 May 2021.

In accordance with Clause 51 of Council's Governance Rules, records of Councillor briefings and forums must be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

The record is therefore presented for Council's noting.

### RECORD OF ASSEMBLIES OF COUNCIL

Assembly details	Briefing
Date	27 April 2021
Councillor	Cr Beattie
Attendees	Cr Holt
	Cr Jungwirth
	Cr Murphy
Staff/Stakeholder	Cr Straub
representatives	Phil Pinyon, Chef Executive Officer Wendy Gladman, Director Community Wellbeing
representatives	Sharon Morrison, Director Corporate Services
	Steven Phillips, Director Operations
	Lynne Habner, Manager Executive and Commercial Services
	Janine Jackson, Manager Organisation Development
	Glenn Harvey, Manager Development and Compliance
	Murray River Group of Councils representatives
Items discussed.	1. Murray River Group of Councils update
	<ol> <li>Planning permit application 5631 – use and development of the land for a free range intensive broiler farm</li> </ol>
	3. Strategic workforce planning
	<ol> <li>Salary cap – impact on draft budget</li> </ol>
	5. General business:
	Child care
	Wheel cactus
	Catto Lodge
Conflict of	Nil
Interest	
Disclosures - Councillor/officer	
making	
disclosure	
Councillor/officer	
left room	

Assembly details	Forum
Date	11 May 2021
Councillor	Cr Beattie
Attendees	Cr Holt
	Cr Jungwirth
	Cr Murphy Cr Straub
Staff/Stakeholder	Phil Pinyon, Chef Executive Officer
representatives	Wendy Gladman, Director Community Wellbeing
	Sharon Morrison, Director Corporate Services
	Lynne Habner, Manager Executive and Commercial Services
	David Southcombe, Manager Assets and Infrastructure
	Peter Williams, Manager Information and Business Transformation Sarah Perry, A/Manager Community Support
	Kirsten McKay, Community Planning Officer
	Grant Banks, Strategic Plan Writer
	North Central Local Learning and Employment Network representatives Rural Councils Victoria representative
	Calivil Community Plan representatives
Items discussed.	1. Economic Development and Tourism monthly progress report
	2. Update on the implementation of the Local Government Act 2020
	3. North Central Local Learning and Employment Network (NCLLEN)
	update - including Strong Youth Strong Communities and Youth
	Pathways initiatives
	4. Information Technology and Information Security Policies
	5. Rural Councils Victoria Update
	6. Community Plan Presentation - Calivil Community Planning
	<ol> <li>Community Planning – update report</li> </ol>
	8. Draft Skinners Flat Reservoir Master Plan
	9. Review of Councillor Allowances
	10. Section 65 Committee – Korong Vale Mechanics Hall
	11. Invitation to join Class Action
	12. Victorian Local Government Association Membership
	13. Signing of Councillor Code of Conduct
	14. General business:
	Pyramid Hill Community Centre
	Tarnagulla Library Services
	Bridgewater Recreation Reserve
	Councillor-only discussion
Conflict of	Nil
Interest	
Disclosures -	
Councillor/officer	
making disclosure	
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Councillor/officer left room

#### **RESOLUTION 2021/103**

Moved: Cr Linda Jungwirth Seconded: Cr Wendy Murphy

That Council note the Assembly of Councillors records for the following meetings:

- 1. Council Briefing 27 April 2021.
- 2. Council Forum 11 May 2021.

# 7 REVIEW OF ACTION SHEET

7.1 REVIEW	OF ACTIONS
File Number:	02/01/002
Author:	Christine Coombes, Executive and Commercial Services Officer
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	1. Action sheet

#### RECOMMENDATION

That Council receive and note the action sheet.

#### 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

Refer attachment.

#### **RESOLUTION 2021/104**

Moved: Cr Gavan Holt Seconded: Cr Linda Jungwirth

That Council receive and note the action sheet.

### 8 MAYORAL REPORT

8.1 MAYORA	L REPORT
File Number:	02/01/001
Author:	Lynne Habner, Manager Executive and Commercial Services
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	Nil

# RECOMMENDATION

That Council receive and note the Mayoral Report

#### REPORT

The Mayor will present a report at the meeting.

#### **Cr Beattie**

#### **Rail Freight Alliance**

Loddon Campaspe Councils

#### **Murray River Group of Councils**

#### Special Committees Of Council (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

DATE	Activity
27/4/21	Council meeting Wedderburn
29/4/21	Boort Park meeting
30/4/21	Attended John Piccoli funeral

6/5/21	Attended and opened "Birds Eye View" Wedderburn
7/5/21	Attended meeting of Probus at BRIC
11/5/21	Attended Council Forum at Wedderburn
17/5/21	Participated in Zoom meeting – Volunteers week
18/5/21	Presented volunteers certificates at Piccoli Gardens
20/5/21	Attended Volunteer Week event at Silks Bendigo Racecourse
20/5/21	Meeting with Paul Scullie Loddon Rec Officer
25/5/21	Working together training, Citizenship ceremony, Council meeting

# **RESOLUTION 2021/105**

Moved: Cr Linda Jungwirth Seconded: Cr Dan Straub

That Council receive and note the Mayoral Report

# 9 COUNCILLORS' REPORT

9.1 COUNCILLORS' REPORTS	
File Number:	02/01/001
Author:	Lynne Habner, Manager Executive and Commercial Services
Authoriser:	Phil Pinyon, 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 Holt

#### **Municipal Association of Victoria**

#### Audit and Risk Committee

#### Special Committees Of Council (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
2/5/21	Attended an afternoon of food and entertainment at the Wedderburn museum as a fundraiser for the Birds Eye View project
6/5/21	Attended the official launch in the gardens of the Wedderburn Uniting Church of the Wedderburn Open Air Gallery Committee Birds Eye View project
11/5/21	Attended the Council Forum in Wedderburn
17/5/21	Chaired meeting of the Donaldson Park Committee of Management
18/5/21	Participated in online MAV Insurance and Volunteer Risk Management seminar

20/5/21	Attended meeting of Councillors to discuss the appointment of consultants to work with Council to undertake the process of appointing a new Chief Executive Officer
21/5/21	As Council's delegate, attended the MAV State Council meeting in Melbourne.

# Cr Jungwirth

Loddon Mallee Local Government Waste Forum	
Central Victorian Greenhouse Alliance	
Municipal Emer	gency Management Plan Committee
Other Council a	ctivities
DATE	Activity
27/4/21	Citizenship ceremony
	Council Briefing and meeting
	Community Bank Inglewood Board meeting
29/4/21	North Central LLEN AGM in Bridgewater
30/4/21 – 1/5/21	Attended the ALGWA Vic Conference in Fitzroy
3/5/21	Tarnagulla Parks Committee meeting
5/5/21	Kooyoora Womens Network Dinner – speaker Elizabeth Borg, Aussie Hands Foundation
6/5/21	Integrated Municipal Emergency Management Planning Committee
11/5/21	Council Forum
12/5/21	Webinar – Child Safety Standards and Reportable Conduct Scheme – While a difficult subject it's one we need to keep at the forefront of our minds
13/5/21	Tarnagulla Parks Committee meeting
15/5/21	Tarnagulla Golf Club – Kangaroo caddy – got a great photo of 2 inspirational women

19/5/21	Meeting with Councillors	
22/5/21	Opera in Tarnagulla – Don Pasquale by GBD Productions	
24/5/21	Tarnagulla Community Centre Committee meeting	
25/5/21	Councillor training, briefing and meeting and citizenship ceremony	

# Cr Murphy

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Calder Highway Improvement Committee			
14/5/21: Attended a meeting at Gisborne			
Local Goverr	nment Womens Charter		
Australia Day	/ Committee		
Healthy Mind	ls Network		
Special Com	mittees Of Council (Section 65 Community Asset Committees):		
Bridgewater on	Loddon Memorial Hall Community Asset Committee		
Campbells For	est Hall Community Asset Committee		
Inglewood Com	nmunity Sports Centre Community Asset Committee		
Inglewood Com	nmunity Elderly Persons Units Community Asset Committee		
Inglewood Tow	n Hall Hub Community Asset Committee		
Jones Eucalypt	tus Distillery Site Community Asset Committee		
3/5/21: Attende	3/5/21: Attended Inglewood Town Hall Hub CAC meeting at Inglewood Town Hall		
12/5/21: Apology for the Campbells Forest Hall CAC meeting due to a meeting clash			
16/5/21: Attend	16/5/21: Attended Inglewood Community Sports Centre CAC meeting at Inglewood		
Other Council activities			
DATE Activity			
5/5/21	Attended the Campbells Forest Community Policing information evening at Campbells Forest Hall		
6/5/21	Attended the Inglewood Development and Tourism Committee meeting at the Inglewood Town hall		
8/5/21	Met with Lisa Langley at the Bridgwater Recreation Reserve to look at the		

	clubrooms and discuss grant options for getting them re-painted
11/5/21	Attended the Council Forum at Wedderburn
12/5/21	Participated in the MAV Child Safety Standards online workshop
17/5/21	Participated in Loddon Shire's online volunteer committee training session #1
18/5/21	Participated in Loddon Shire's online insurance and public liability workshop for committee members
19/5/21	Sat in on the Australian Local Government Womens Association AGM online
19/5/21	Attended the Councillor discussion at Wedderburn office
23/5/21	Attended the community childcare discussion at Wedderburn
25/5/21	Attended the Values and Behaviours Workshop for Councillors by Malcolm Lazenby
25/5/21	Attended the Citizenship Ceremony at Wedderburn Council Chambers
25/5/21	Attended the Council Briefing and Meeting

# Cr Straub

North Central Goldfields Regional Library				
North Central Loc	al Learning and Employment Network			
2020 AGM 29/4/21				
Special Committe	es Of Council (Section 65 Community Asset Committees):			
East Loddon Commu	unity Centre Community Asset Committee			
Pyramid Hill Memoria	al Hall Community Asset Committee			
Pyramid Hill Swimmi	ing Pool Kiosk Community Asset Committee			
Pyramid Hill Memoria	al Hall Community Asset committee			
Other Council act	ivities			
DATE Activity				
27/4/21 Citizenship ceremony (Council Chambers) Council Briefing and Council meeting at Wedderburn				
28/4/21	Pyramid Hill Community Planning walk and talk (Council staff and community members)			
29/4/21	NCLLEN 2020 AGM, which I am currently a Board member, Bridgewater			

	Hotel	
4/5/21	Ienindee Lakes webinar, online	
11/5/21	Council Forum, Council Chambers Wedderburn	
13/5/21	Tour of Mitiamo gold mine site and drill rigs with Tom Burrowes, Mitiamo	
18/5/21	Pyramid Hill Memorial Hall Asset Committee, Pyramid Hill	
19/5/21	Pyramid Hill Progress meeting, Pyramid Hill	
19/5/21	Councillors special meeting, CEO recruitment agency discussion, Wedderburn	

# **RESOLUTION 2021/106**

Moved: Cr Dan Straub Seconded: Cr Wendy Murphy

That Council receive and note the Councillors' reports

#### 10 DECISION REPORTS

10.1	REVIEW OF COUNCILLOR ALLOWANCES		
File Nu	mber:	FOL/19/127662	
Author	:	Sharon Morrison, Director Corporate Services	
Author	iser:	Phil Pinyon, Chief Executive Officer	
Attach	ments:	Nil	

#### RECOMMENDATION

That Council:

- 1. Note that one submission was received in respect of the review of Councillor and Mayoral allowances
- 2. determine that the Councillor allowance continue at the maximum for Councillors at Category One municipalities, currently \$21,049 per annum
- 3. determine that the Mayoral allowance continue at the maximum for Mayors at Category One municipalities, currently \$62,884 per annum
- 4. note that the allowances are payable from the date of this resolution.

#### 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 matter was discussed at the Council forum in May 2021.

#### BACKGROUND

Under section 74(1) of the Local Government Act 1989, which is still in force, Councils must review and determine the level of mayoral and councillor allowances within six months of the general election or by 30 June, whichever is later.

Councillor allowance categories are divided into three categories based on the income and population of each Council. Loddon Shire is a Category One municipality. This means that the current range of allowances as at 1 December 2020 is:

- Councillors \$8,833 to \$21,049
- Mayor up to \$62,884

Councillors and the Mayor are currently paid at the top of these ranges in accordance with a resolution following the 2016 election.

At the March 2021 Council meeting Councillors provided in principle support of the allowances and approved seeking community feedback. The community feedback period of 14 days from 26 March to 9 April approved by Council was extended by Council staff for a further 14 days to ensure compliance with section 223 of the 1989 Local Government Act.

#### **ISSUES/DISCUSSION**

The Local Government Act 2020 provides for the responsibility for determining mayoral, deputy mayoral and councillor allowances to transfer to the Victorian Independent Remuneration Tribunal (the Tribunal).

The Tribunal, which is also responsible for setting remuneration for Members of Parliament and executives in the Victorian public sector, will be required to make its first determination on allowances within six months of being requested by the Minister for Local Government. The latest advice is that no request has been received by the Tribunal yet.

As a result of no request being made by the Minister, Councils must conduct a review and determine the level of mayor and councillor allowances within six months of the general election or by 30 June, whichever is later.

As Council is already paying allowances at the top of the range of allowances, it is recommend that this continue at least until the Tribunal makes its first determination.

#### COST/BENEFITS

There is a budget for Councillor and Mayoral allowances adequate to meet the maximum level of allowance.

#### **RISK ANALYSIS**

The risk of not setting the allowance at the maximum of the range for Category One municipalities is that Councillors and the Mayor will not be adequately recognised for the considerable commitments they undertake as Councillors and as the Mayor.

#### CONSULTATION AND ENGAGEMENT

Public comment was sought, from 26 March 2021 to 23 April 2021, on the recommendation that the level of mayoral and councillor allowance be set at the top of the range for a Category One municipality prior to Council making a final determination. One submission was received which was supportive of the maximum allowance as a minimum.

#### **RESOLUTION 2021/107**

Moved: Cr Wendy Murphy Seconded: Cr Gavan Holt

That Council:

- 1. Note that one submission was received in respect of the review of Councillor and Mayoral allowances
- 2. determine that the Councillor allowance continue at the maximum for Councillors at Category One municipalities, currently \$21,049 per annum
- 3. determine that the Mayoral allowance continue at the maximum for Mayors at Category One municipalities, currently \$62,884 per annum
- 4. note that the allowances are payable from the date of this resolution.

#### 10.2 RECOGNITION OF COMMUNITY PLANNING COMMITTEES

File Number:	DOC/21/0000
Author:	Kirsten McKay, Community Planning Officer
Authoriser:	Sarah Perry, A/Manager Community Support
Attachments:	Nil

#### RECOMMENDATION

That Council formally recognises the groups noted in this report as the Community Planning Committees for the nominated communities.

#### 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 establishment of an eligibility criteria to be met by community groups to accompany a request for recognition as their nominated community's Community Planning Committee was discussed at the April 2019 Council Forum and included in the Community Planning Framework (the Framework) endorsed at the November 2019 Ordinary Council Meeting.

Five community planning groups were formally recognised at the February 2021 Council meeting.

#### BACKGROUND

The Framework was developed to assist communities as they develop local community plans and to formalise the relationship between the community planning committees and Council. As detailed in the Framework, community groups who are incorporated, have community planning detailed in their constitution's purpose, and who have a membership structure that allows wider community participation, are eligible to request formal recognition from Council as a community planning committee.

Following this initial transition period, access to Council's annual community planning funding program will be prioritised to those groups who have received formal recognition and who have developed their community plan consistent with the principles of the Framework. It was planned that groups would be in a position to meet the requirements of the Framework and request Council recognition by the end of 2020. Due to delays caused by COVID19 restrictions, it is more likely that the requirements to be eligible for formal recognition will now be completed by the remaining groups during and up to the end of 2021 allowing them to seek recognition from Council as community planning committees.

This report identifies those groups who are seeking formal recognition and provides a recommendation for approval based on information provided as outlined above.

#### **ISSUES/DISCUSSION**

The following groups have requested Council recognition as a community planning committee and have demonstrated that they meet the minimum requirements as detailed in the Community Planning Framework:

Community Comm group	f	Request for formal recognition received	Incorporated	Constitution purpose includes community planning	Open membership
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Campbells Forest- Yarraberb- District	Campbell's Forest Yarraberb and District Community Planning Inc.	Yes	Yes	Yes	Yes
Newbridge, Arnold and Llanelly	Newbridge Arnold Llanelly Community Planning Committee Inc.	Yes	Yes	Yes	Yes

Council's Community Planning Officer continues to liaise with the following communities to progress additional requests for recognition:

Boort	Bridgewater	Eddington
Kingower	Korong Vale	Laanecoorie
Pyramid Hill	Tarnagulla	Yarrawalla

#### **COST/BENEFITS**

Formal recognition signals to the community that the group has agreed to develop a community plan in accordance with the principles outlined in the Framework, that membership is open to community members and acknowledges that the group will be representative of their community. The community plan committee, in turn, provides the conduit for the community to represent their collective views, ideas and strategic direction to Council and beyond.

Council resolved at the February 2021 Council meeting to provide an allocation to community planning groups to assist with costs associated with administration and insurance. The allocations to be provided include \$200 or \$500 for administration (depending on size of community the group operates in), and \$1050 for insurance costs.

#### **RISK ANALYSIS**

The COVID19 pandemic halted early 2020 momentum for all groups as they transitioned to meet the recognition requirements of the Framework and commence the review and/or redevelopment of their community plan. This has delayed the initial transition timeframe with the likely completion now being the end of 2021, meaning that these will not be in place for the 2021/22 application assessment and funding allocation. To ensure that no communities are disadvantaged the 2021/22 application and assessment round will operate similar to the 2020/21 round which occurred during the transition phase and did not enforce prioritisation based on compliance with the Framework components as an assessment criteria.

#### CONSULTATION AND ENGAGEMENT

The requirement of a letter and details for request of formal recognition has been explained to each potential group, and followed up with written information and a template to support the process. During the initial transition period, groups were supported by a project officer for 12 months. This position has now ended, with a Community Planning Officer role now in place to provide ongoing support and guidance.

#### **RESOLUTION 2021/108**

Moved: Cr Linda Jungwirth Seconded: Cr Dan Straub

That Council formally recognises the groups noted in this report as the Community Planning Committees for the nominated communities.

#### 10.3 APPOINTMENT OF AUDIT COMMITTEE CHAIR FOR 2021

File Number:	06/02/003
Author:	Sharon Morrison, Director Corporate Services
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	Nil

#### RECOMMENDATION

That Council endorses the Audit and Risk Committee's recommendation to appoint Mr Rod Baker as Audit Committee Chair to 28 February 2022 or the date of the Ordinary Meeting of Council in February 2022 where a resolution for appointment of Chair for the new term will be made, whichever is the earlier.

#### CONFLICT OF INTEREST

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

#### **PREVIOUS COUNCIL DISCUSSION**

Nil

#### BACKGROUND

The Audit Committee Charter v9 at 5.2(g) states:

(a) At the first Audit Committee meeting each year an election of Chair from the external members of the committee will be held. (Note section 53(6) of the 2020 Act.)

At the first Council Meeting following the election, the Chair will be appointed by Council on advice of the committee.

The term of the new chair will commence at the conclusion of the current Chair's term, and will be until the date of the February Council meeting.

#### **ISSUES/DISCUSSION**

This report seeks Council's approval of the Audit and Risk Committee recommendation from the meeting held on 18 February 2021 that Mr Rod Baker be Chair of Audit and Risk Committee.

#### COST/BENEFITS

The chair of the Audit and Risk Committee receives an additional payment per year equivalent to one meeting attendance allowance.

#### **RISK ANALYSIS**

Appointment of the Chair by Council will ensure compliance with the Audit and Risk Committee's Charter.

Appointment of an external member of the committee as Chair is in line with good governance principles, and increases transparency and accountability of the committee.

#### CONSULTATION AND ENGAGEMENT

The Audit and Risk Committee has been consulted in the preparation of this report.

#### **RESOLUTION 2021/109**

Moved: Cr Gavan Holt Seconded: Cr Dan Straub

That Council endorses the Audit and Risk Committee's recommendation to appoint Mr Rod Baker as Audit Committee Chair to 28 February 2022 or the date of the Ordinary Meeting of Council in February 2022 where a resolution for appointment of Chair for the new term will be made, whichever is the earlier.

#### 10.4 LODDON SHIRE COUNCIL CHAMBERS

FOL/21/28
Lynne Habner, Manager Executive and Commercial Services
Phil Pinyon, Chief Executive Officer
Nil

#### RECOMMENDATION

That Council confirm the new location of the Loddon Shire Council Chambers is in Peters Street Wedderburn.

#### 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

Whilst this matter has been discussed on numerous occasions informally with Councillors and senior staff, it has not been formally resolved.

#### BACKGROUND

Loddon Shire Council has traditionally held its meetings in chambers adjoining the Serpentine Council offices.

In recent years, senior staff had been considering the lack of available office space to meet current staffing requirements, and organisational changes have led to the understanding from an efficiency perspective, for some staff from the Serpentine office to relocate to Wedderburn. This culminated in a decision to convert the large meeting room (Kooyoora Meeting Room) in the Wedderburn Council office into office work spaces.

It was also recognised that it was not ideal for visitors attending meetings with Councillors and staff to walk through the "back office" spaces in order to reach the Kooyoora Meeting Room.

The room at the rear of the Council-owned Wedderburn Senior Citizens building was identified as a suitable location to renovate as a new Council meeting room, for use by staff and Councillors. The room was underutilised in its original format, and staff consulted with representatives from the Senior Citizens group about the potential for use by Council. The use of this space provides greater seating capacity for larger meetings which at times exceed the capability of the Serpentine Chambers. It is recognised that the Wedderburn Senior Citizens group have some continuing use of this space which will restrict other Council uses.

It was also recognised that digital connectivity was significantly more reliable in Wedderburn than in the meeting room facilities at Serpentine, which was particularly important during 2020 when COVID restrictions called for livestreaming of Council meetings and people attending meetings remotely by videoconference.

Renovation of the Wedderburn room commenced in 2020 and was completed early in 2021. Councillors first met in the room for the 2021 March Council Forum and have been using it as a meeting location since that time. The name of the Kooyoora Meeting Room has been transferred to this new meeting space.

#### **ISSUES/DISCUSSION**

This report provides for Council to formally confirm the new location of the Loddon Shire Council Chambers is in Peters Street in Wedderburn.

#### **COST/BENEFITS**

There are no significant costs identified in shifting the location of Council meetings from Serpentine to Wedderburn. Costs of renovating the room and installation of technology were met operationally and with grant assistance in order to address the additional office work spaces as a priority.

Benefits of changing the Council meeting venue include improved digital connectivity and reliability, closer access to key staff for meeting engagement who are located in the Wedderburn office, and a more spacious venue that is appropriate for the function of a Council Chambers.

#### **RISK ANALYSIS**

There are no significant risks associated with the recommendation of this report.

#### CONSULTATION AND ENGAGEMENT

Councillors and staff have been kept informed about the development of the building as a new Council meeting room.

#### **RESOLUTION 2021/110**

Moved: Cr Dan Straub Seconded: Cr Linda Jungwirth

That Council confirm the new location of the Loddon Shire Council Chambers is in Peters Street Wedderburn, with that space being named "the Loddon Shire Council Chambers".

#### 10.5 DRAFT COUNCIL ADVOCACY POLICY

File Number:	19/19408
Author:	Phil Pinyon, Chief Executive Officer
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	1. Draft Council Advocacy Policy v4

#### RECOMMENDATION

That Councils adopts the Council Advocacy Policy version 4.

#### 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 draft policy was presented to the May 2021 Council Briefing for discussion.

#### BACKGROUND

Council policies are those policies that relate to, or may impact, our customers and community.

The Council Advocacy Policy was adopted in August 2016 and is now due for review.

#### **ISSUES/DISCUSSION**

The Council Advocacy Policy provides direction for Council's advocacy efforts in working in partnership with our community to influence public policy and resource allocation decisions by other levels of Government, and other key stakeholders, to fulfil responsibilities in the delivery of services and assets to our existing and future community.

Councillors, the CEO and senior management of Council play a key role in the development and maintenance of political relationships to pursue Council's advocacy on behalf of the community. Council senior management support the Council in the development and resourcing of the advocacy effort and providing an evidence base to assist the determination of priorities and approach.

Minor changes have been made to the policy as advocacy is no longer specifically referenced as a Council function under the Local Government Act 2020. Council will develop an advocacy document that aligns with the Council Plan once adopted later in 2021. This document will be subordinate to the Advocacy Policy.

#### COST/BENEFITS

No costs to Council are associated with this policy.

#### **RISK ANALYSIS**

No risks have been identified as a result of this proposal.

#### CONSULTATION AND ENGAGEMENT

The Management Executive Group and Councillors were consulted about the review of this policy.

#### **RESOLUTION 2021/111**

Moved: Cr Wendy Murphy Seconded: Cr Dan Straub

That Council adopts the Council Advocacy Policy version 4.

#### 10.6 INFORMATION TECHNOLOGY AND INFORMATION SECURITY POLICIES

File Number:

Author:	Peter Williams, Manager Information and Business Transformation
Authoriser:	Sharon Morrison, Director Corporate Services
Attachments:	1. Cloud Computing Policy

- 2. Cyber Security Policy
- 3. Internet Use Policy
- 4. Information Security Policy

#### RECOMMENDATION

That Council adopt the following Council policies:

- 1. Cloud Computing Policy
- 2. Cyber Security Policy
- 3. Internet Use Policy
- 4. Information Security Policy

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

At the May Council Forum, councillors were provided the opportunity to review and provide any feedback on the policies that are recommended for adoption.

#### **ISSUES/DISCUSSION**

As part of a number of Information Technology audit recommendations, the above policies have been prepared as part of the management actions associated with those audits.

#### **COST/BENEFITS**

The cost of implementing these policies is contained within Council's operational budget and implementation relies upon information technology staff. The benefit of adopting these policies is managing risks identified in various internal and external audits.

#### **RISK ANALYSIS**

Non-adherence to the policies presents Council with information security risk, which is not acceptable in order to effectively manage Council's obligations in relation to information security.

#### CONSULTATION AND ENGAGEMENT

Councillors and all staff are the key stakeholders for these documents and have been consulted prior to them being recommended for adoption. The Management Executive Group, the Policy Review Group and the Loddon Leaders have all reviewed and approved the policies for adoption.

#### **RESOLUTION 2021/112**

Moved: Cr Dan Straub Seconded: Cr Linda Jungwirth

That Council adopt the following Council policies:

- 1. Cloud Computing Policy
- 2. Cyber Security Policy
- 3. Internet Use Policy
- 4. Information Security Policy

#### 10.7 ELECTION REPORT

File Number:	FOL/19/97
Author:	Sharon Morrison, Director Corporate Services
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	1. 2020 Local government elections - Loddon Shire Council - Election Report

#### RECOMMENDATION

That Council note the section 83 election 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

Nil

#### BACKGROUND

Section 83(3) of the Local Government Act 2020 (the Act) states that the CEO must ensure that, the report prepared by the Victorian Electoral Commission (VEC) pursuant to section 83(1) of the Act (the election report, is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the CEO.

#### **ISSUES/DISCUSSION**

The CEO received the election report on 19 April 2021, after the cut off for reports to the April Council meeting. The report is attached.

#### COST/BENEFITS

The cost of the election is estimated by the VEC prior to the election and Council enters into a contract with the VEC based on the estimated cost. The estimated cost for the 2020 election was \$111,396.04. The benefit of the election report is transparency of the election process and accountability of the VEC in conducting the election.

#### **RISK ANALYSIS**

There is a risk that Council will incur additional costs associated with the election due to the compulsory voting enforcement costs unmet by the fines/income from notices issued for failing to vote. This risk is addressed by budgeting for the full costs of enforcement rather than the net cost.

#### CONSULTATION AND ENGAGEMENT

Relevant staff have been consulted in the development of this report.

#### **RESOLUTION 2021/113**

Moved: Cr Gavan Holt Seconded: Cr Wendy Murphy

That Council note the section 83 election report.

#### 10.8 CEO EMPLOYMENT AND REMUNERATION POLICY

File Number:	FOL
Author:	Sharon Morrison, Director Corporate Services
Authoriser:	Phil Pinyon, Chief Executive Officer
Attachments:	1. Proposed CEO Employment and Remuneration Policy version 1

#### RECOMMENDATION

That Council adopt the CEO Employment and Remuneration Policy version 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

A draft policy was workshopped at the April Council Forum.

#### **ISSUES/DISCUSSION**

Section 45 of the Local Government Act 2020 states that a Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy which must:

- provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
- provide for the following:
  - The recruitment and appointment process
  - o Provisions to be included in the contract of employment
  - Performance monitoring;
  - An annual review; and
- include any other matters prescribed by the regulations.
- have regard to:
  - any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and
  - any determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 in relation to remuneration bands for executives employed in public service bodies.

A draft policy was workshopped with Councillors at the April Council Forum and the policy has been reviewed by Council industrial relations lawyers.

The attached policy is recommended for adoption.

#### COST/BENEFITS

The costs associated with the implementation of this policy include the cost of the independent professional advisor and cost of the inclusions in the CEO contract of employment.

#### **RISK ANALYSIS**

There is a risk that Council will develop a policy inconsistent with sector expectations due to Council being ahead of Local Government Victoria (LGV) which is facilitating co-design of the policy with councils later in the year. This risk is being minimised by seeking policies from other councils and also seeking advice from Council's industrial relations lawyers after Councillor consultation at the April forum. The review date for the policy has also been set at 1 year to enable updates arising from LGV co-design sessions.

#### CONSULTATION AND ENGAGEMENT

Councillors and key staff have been consulted prior to this policy being recommended for adoption. The Policy Review Group has reviewed the policy.

#### **RESOLUTION 2021/114**

Moved: Cr Dan Straub Seconded: Cr Linda Jungwirth

That Council adopt the CEO Employment and Remuneration Policy version 1.

#### 11 INFORMATION REPORTS

Y VALUATIONS
1/001
nne Caserta, Manager Financial Services
on Morrison, Director Corporate Services

#### RECOMMENDATION

That Council receives and notes the 2021 Property Valuations report.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

Nil.

#### BACKGROUND

From 1 July 2018 land valuations were centralised under Valuer-General Victoria (VGV), with a new annual cycle of valuations for land tax, the Fire Services Property Levy and council rates setting purposes.

Previously, land valuations were carried out by a valuation authority, either a council or VGV, on nomination by a council, and revaluations were completed in each of Victoria's 79 municipalities every two years.

The Valuation Best Practice Specifications Guidelines is a legislated requirement. The document provides a framework to assist valuation authorities prepare for and conduct revaluations. It provides templates and information about:

- the deliverables and stages required for certification
- improving the quality of valuations and property databases
- audit procedures and legislative requirements
- the roles, responsibilities and relationship between the council, the valuer and Valuer-General Victoria.

#### **ISSUES/DISCUSSION**

Valuation Best Practice Specifications Guidelines outline the timeframe for completion of the annual valuation process as detailed below:

**Stage 1** – Preparation – **Due 31 July 2020** – Consists of general planning and preparation for the revaluation

Stage 2 - Analysis – Due 31 December 2020 – Consists of data collection, analysis and value level setting

Stage 3 – Application – Due 28 February 2021 – Consists of the valuation of all properties

**Stage 4** – Review – **Due 30 April 2021** – Consists of quality checks, exception reporting, final adjustments.

VGV has re-appointed Council's previous external contractor, LG Valuations Pty Ltd to undertake the valuation process for Loddon. This valuation process is now complete and certification was recommended by the Minister on 10 May 2021.

Below is the approved data comparison from 2020 and 2021.

	Residential	Commercial	Rural	Non- Rateable	Total
Number of assessments	2,902	279	4,743	225	8,149
2021 Capital Improved Value	\$456,032,100	\$195,314,800	\$2,021,104,200	\$39,862,400	\$2,712,313,500
2020 Capital Improved Value	\$417,014,200	\$179,092,500	\$1,813,836,600	\$39,216,500	\$2,449,159,800
% variance	109%	109%	111%	102%	111%

#### COST/BENEFITS

The revaluation process has a budgetary allocation each year.

Council receives a contribution from the State Revenue Office for the supplementary data sold, which assists in defraying costs associated with the revaluation process.

Council had a reserve specifically for revaluations which assists in evening out the costs over the full two-year period of the revaluation process. As this process is now undertaken yearly the valuation reserve was no longer required and was closed in 2019/20.

#### **RISK ANALYSIS**

By undertaking the revaluation process Council is ensuring:

- that it complies with the Valuation of Land Act 1960 requirements
- that valuation data is up to date and relevant so that valuations used for rating purposes are current and accurate.

This reduces the financial and reputational risk that could be experienced by Council if valuations did not reflect current levels, and a large number of ratepayers were successful in objecting to valuations.

#### CONSULTATION AND ENGAGEMENT

Council advises property owners of the revaluation process in the Mayoral Column.

Information about valuations for rating purposes and how property owners can object to their valuation are included on Council's rates notices.

#### **RESOLUTION 2021/115**

Moved: Cr Linda Jungwirth Seconded: Cr Wendy Murphy

That Council receives and notes the 2021 Property Valuations report.

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

Manager Works
s, Director Operations

#### Recommendation

That Council receive and note the Road Management Plan Defect Rectification Compliance Report.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2020 - 2021 financial year, summarising road network defect rectification compliance against requirements specified within Council's Road Management Plan (RMP).

#### BACKGROUND

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

#### **ISSUES/DISCUSSION**

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

Quarter 3 (01/01/2021 – 31/03/2021)									
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	18	18	0	0	100.0%	498			
Loddon Goldfields	28	27	1	0	96.4%	730			
Total	46	45	1	0	97.8%	1228			

Table 1: Inspection summary report

During the third quarter of 2020 – 2021 financial year, 97.8% 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 3 (01/01/2021 – 31/03/2021)									
		Numb	er of Defects		Compliant with RMP				
Work Group	Adhoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%	
Loddon Goldfields	50	118	<mark>528</mark>	696	692	4	0	99.4%	
Loddon Plains	7	18	<mark>563</mark>	588	588	0	0	100.0%	
Shire Wide	15	14	<mark>390</mark>	419	417	2	0	99.5%	
Townscape Services	22	7	<mark>43</mark>	72	70	2	0	97.2%	
Total	94	157	<mark>1524</mark>	1775	1767	8	0	99.5%	

Table 2 comprises a summary of defects that have been identified through programed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as adhoc work actions. During the third quarter of 2020 - 2021 financial year, 99.5% of all date imposed defects were completed before their due date. This is 0.5% below the target of 100% set in the RMP. All defects have now been rectified.

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

	Quarter 3 (01/01/2021 – 31/03/2021)										
	Nu	Number of Grading Work Actions         Compliant with scheduled timeframes									
Work Group	Roads Inspected	Roads Graded	Defects	Requests	Total	Yes	No	Not completed	%	Programmed Localities	
Loddon Goldfields	724	94	4	1	823	823	0	0	100.0%	30	
Loddon Plains	380	195	2	13	590	590	0	0	100.0%	25	
Shire Wide	0	0	0	1	1	1	0	0	100.0%	0	
Total	1104	289	6	15	1414	1414	0	0	100.0%	55	

#### Table 3: Maintenance grading program

The data in Table 3 indicates that 1414 grading work actions were completed for the third quarter of 2020 – 2021 financial year. There is no set level of compliance for the maintenance grading program in the RMP.

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

## Chart 1: Maintenance Grading Program



## **COST/BENEFITS**

The year to date actual expenditure to the end of third quarter of 2020 – 2021 financial year of the Local Road Maintenance Program is \$3,461,615. The expenditure for the third quarter was \$917,957.

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

#### **RISK ANALYSIS**

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

## CONSULTATION AND ENGAGEMENT

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

## **RESOLUTION 2021/116**

Moved: Cr Wendy Murphy Seconded: Cr Gavan Holt

That Council receive and note the Road Management Plan Defect Rectification Compliance Report.

# 11.3 QUARTERLY REPORT: ANNUAL INFRASTRUCTURE PROGRAM 2020-2021 AND OTHER PROJECTS

File Number:	14.0	1.001
Author:	Ada	m Cooper, Project Management Coordinator
Authoriser:	Dav	id Southcombe, Manager Assets and Infrastructure
Attachments:	1.	Annual Infrastructure Program March - 2021
	2.	Other Projects - March 2021

# RECOMMENDATION

That Council note the update on progress of the Annual Infrastructure Program 2020-2021 and Other Projects as at the end of March 2021.

#### 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 report is for the third quarter of 2020-2021 financial year, providing an update on the progress of the Annual Infrastructure Program. The statuses of other projects that are delivered by the Assets & Infrastructure Department but are not part of the Annual Infrastructure Program are also included in the report.

## BACKGROUND

This report is produced quarterly and is provided to Council for the purpose of reporting progress of the Annual Infrastructure Program and other projects that the Assets & Infrastructure Department is responsible for delivering. The information in this report covers progress up until the end of March 2021.

#### **ISSUES/DISCUSSION**

#### Annual Infrastructure Program

Attachment 1 provides a progress summary of the Annual Infrastructure Program for the Third quarter of the 2020-2021 financial year.

#### Other Projects

In addition to the Annual Infrastructure Program, the Assets & Infrastructure Department is responsible to oversee the delivery of a number of different projects. Attachment 2 provides a summary of the other projects at the end of third quarter of 2020-2021 financial year. All completed projects are removed from subsequent quarterly progress reports.

#### COST/BENEFITS

The total proposed expenditure for the 2020-2021 financial year for the Annual Infrastructure Program is \$10,839,558 as reported in the February 2021 Council report. The expenditure for the third quarter is \$2,068,330 and \$4,646,684 for the year to date.

Attachment 1 gives a summary of progress of individual projects within this program as at 31 March 2021.

The Assets & Infrastructure Department is currently managing other significant projects covered in Attachment 2 which are in different stages of progress. The combined value of such projects is in excess of \$3.83 million. Expenditure to date on these projects is \$660,013.

## **RISK ANALYSIS**

There are a number of risks associated with the delivery of the Annual Infrastructure Program and other significant projects. The following is a list of some but not all of the associated risks:

- delivering within timeframe and budget
- meeting community expectations
- delivering projects in accordance with engineering standards
- compliance with procurement legislation.

Council officers are committed to monitoring and managing the risks associated with the Annual Infrastructure Program and other significant projects to ensure that any issues are minimised.

## CONSULTATION AND ENGAGEMENT

The information provided in this report is presented after consultation with the Manager Assets and Infrastructure and the Works Department.

## **RESOLUTION 2021/117**

Moved: Cr Dan Straub Seconded: Cr Wendy Murphy

That Council note the update on progress of the Annual Infrastructure Program 2020-2021 and Other Projects as at the end of March 2021.

# 11.4 QUARTERLY LOCAL LAWS AND PLANNING COMPLIANCE ACTIVITY REPORT

File Number:	FOL19/115192
Author:	David Price, Local Laws \ Planning Compliance Officer
Authoriser:	Glenn Harvey, Manager Development and Compliance
Attachments:	Nil

## RECOMMENDATION

That Council receive and note the quarterly local laws and planning compliance activity report.

## CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2020-2021 financial year, summarising the local law and 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, local law compliance and fire prevention 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
- assessment of properties for potential fire risk/fire prevention measures
- control of roadside activities, occupation and utilisation
- investigate planning scheme breaches and enforce planning permit conditions
- intervention in public nuisance issues.

## **ISSUES/DISCUSSION**

Administrative and fire prevention

Table 1 provides a summary of administrative actions undertaken.

Table 1: Administrative activities
------------------------------------

	Quarter 3 (1 January 2021 – 31 March 2021)						
Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued				
No. actions	2	4	8				

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

## Unsightly 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.

	Quarter 3 (1 January 2021 – 31 March 2021)															
Town/Locality	Eddington	Rheola	Newbridge	Tarnagulla	Inglewood	Bridgewater	Wedderburn	Korong Vale	Borung	Boort	Pyramid Hill	Mitiamo	Dingee	Serpentine	Rural/Other	Total
No. identified from previous report period	3	0	4	2	4	2	15	7	3	2	2	2	1	0	0	47
No. resolved during quarter	1	0	1	1	2	2	0	4	0	0	2	1	1	0	0	15
New action commenced	0	0	2	0	4	2	4	0	1	2	4	0	1	0	0	20
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	2	0	2	2	7	3	6	2	2	3	1	1	1	0	0	32
Letter to comply issued	0	0	0	1	5	0	4	0	1	2	2	0	1	0	0	16
Occupier has commenced clean-up work	1	0	1	1	4	3	5	3	2	2	2	2	0	0	0	26
Notice to comply issued	0	0	0	0	1	0	4	0	1	2	2	0	0	0	0	10
Contractor engaged for clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Table 2: Summary of unsightly properties activities

Achieving resolution of unsightly property issues can be difficult, with many property owners committing to attend to the issue and in some cases starting the process of cleaning up only to relapse. This requires an approach of escalation of interventions until compliance is reached. Many of these issues involve longstanding patterns of behaviour that will require continual intervention and time to establish significant change in individual's behaviour in order for lasting compliance to be reached.

## Animal management

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

Table 3: Summary of animal management activities
--

Quarter 3 (1 January 2021 – 31 March 2021)							
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other	
No. of actions	6	1	1	25	20	46	

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

## Table 4: Impoundment activities

Quarter 3 (1 January 2021 – 31 March 2021)							
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed			
Livestock	-	-	-	0			
Dogs	10	6	4	0			
Cats	2	-	2	0			
Feral Animals	-	-	-	28			
Total	12	6	6	28			

# Planning Compliance and Enforcement

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

Table 5: Planning compliance and enforcement activities

	Quarter 3 (1 January 2021 – 31 March 2021)								
Туре	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	6	2	0	4	4				
Native vegetation removal without a permit	7	1	0	3	5				
Breach of planning permit	2	0	0	0	2				
Dog breeding / animal keeping	2	1	0	0	3				
Land used as a store without planning permit	1	0	0	0	1				
Occupation of a shed without a planning permit	6	0	0	1	5				
Total	24	4	0	8	20				

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

## **COST/BENEFITS**

The expenditure for the third quarter of 2020-2021 financial year for the local laws and compliance activities contained within this report is \$56,777. 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 bushfire 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, Country Fire Authority Act 1958 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 bushfire hazards.

## CONSULTATION AND ENGAGEMENT

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

## **RESOLUTION 2021/118**

Moved: Cr Linda Jungwirth Seconded: Cr Gavan Holt

That Council receive and note the quarterly local laws and planning compliance activity report.

# 11.5 QUARTERLY STRATEGIC PLANNING ACTIVITY REPORT

File Number:	13/01/002
Author:	Carolyn Stephenson, Statutory / Strategic Planner
Authoriser:	Glenn Harvey, Manager Development and Compliance
Attachments:	Nil

## RECOMMENDATION

That Council receive and note the Strategic Planning Activity report.

# CONFLICT OF INTEREST

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

## PREVIOUS COUNCIL DISCUSSION

This is the second report for the 2020-2021 financial year summarising the strategic planning activities undertaken within the Development and Compliance Department.

## BACKGROUND

Council undertakes strategic land use planning projects to ensure that its planning scheme is robust, relevant and is consistent with the Council Plan.

This report provides an overview of the current activities of the Strategic Planner. The Strategic Planner's time is divided between statutory planning (10 hours per week) and strategic planning (8 hours per week) activities. It is the strategic planning activities that are the subject of this report.

## **ISSUES/DISCUSSION**

#### Current Strategic Planning Projects

Table 1 provides a summary of current strategic planning projects and the activities undertaken as part of these projects during the third quarter of the 2020-2021 financial year.

## Table 1: Current Strategic Planning Projects

Current Strategic Planning Projects Quarter 3 (1 Jan 2021 – 31 March 2021)						
Project	Tasks undertaken during the quarter	Future tasks	Estimated project completion			
Planning Scheme Review	Preparation of a draft is well underway, however due to current workloads in Statutory Planning and staff vacancies in Planning and Building, work on this project has been delayed.	Circulation to policy review committee. Presentation and adoption of report by Council. Submission of report to Minister for Planning.	Completion of strategic planning projects is uncertain until a statutory planner is employed.			

Planning Scheme Amendment – Bridgewater Flood controls	Advice sought from NCCMA regarding progress as Council is partnering with them for this amendment.	Exhibition of the planning scheme amendment. Dates have not yet been set due to the situation with COVID-19.	TBA
Planning Scheme Amendment – Dunolly Flood controls	Advice sought from NCCMA regarding progress as Council is partnering with them for this amendment.	Exhibition of the planning scheme amendment. Dates have not yet been set due to the situation with COVID-19.	ТВА
New dwelling information sheet to provide advice to new residents/existing residents on the requirements and issues associated with use and development of land for a dwelling in different parts of Loddon Shire. Incorporates some of the directions from the Settlement Strategy and highlights the areas where dwelling development can be supported.	Preparation of a draft is well underway, however due to current workloads in Statutory Planning and staff vacancies in Planning and Building, work on this project has been delayed.	Publish on Council website.	ТВА
Industrial Land Strategy. A recommendation of the Settlement Strategy was to undertake an Industrial Strategy to ensure a suitable supply of industrial land as employment is key to population growth.	A draft contract brief to engage a consultant to assist in the development of an Industrial Land Strategy is ready for distribution to suitable consultants.	Distribute contract brief to suitable consultants with an invitation to submit a fee proposal.	ТВА
Heritage loan policy	Preparation of a draft that provides conditions and criteria for applications is well underway, however due to current workloads in Statutory Planning and staff vacancies in Planning and Building, work on this project has been delayed.	Policy committee review and Council adoption.	TBA
Loddon Planning Scheme – Planning Policy Translation. Incorporation of local planning policy into the restructured Statewide planning policy framework. This	Assisting DELWP staff with the translation and review of draft documents.	Review of final document by Council staff.	June 2021

translation is policy neutral.			
Investigate development of Stage 2 of Ridge Street residential development.	A contact brief is being prepared.	Invitation to submit fee proposal to be distributed.	ТВА
Undertake detailed investigation of identified residential growth opportunities in the priority towns to determine yield and estimated development cost.	A contract brief is being prepared.	Seek tenders for the project.	ТВА

The strategic planner has primarily been involved in statutory planning tasks over the past six months due to the resignation of the senior planner last year. Limited time has been available for strategic planning due to the need to focus on a number of significant statutory planning applications, including Bears Lagoon Piggery, Boort Poultry Farm and Bridgewater avionics. Activities in Strategic Planning have also been inhibited due to the Manager Development & Compliance performing the role of Municipal Building Surveyor. Staff members are prioritising the processing of permit applications over other activities. These two staff vacancies are currently open for recruitment.

# COST/BENEFITS

The expenditure for the third quarter of the 2020-2021 financial year for the strategic planning activities contained within this report is \$ 5,603

Benefits derived from investing in strategic planning managed by the Development and Compliance Department include:

- clearly defined directions for land use and development that are underpinned by research and supported by the community
- a relevant and effective planning scheme that provides for economic development, population growth, attractive townships and protection of heritage and the environment.

## **RISK ANALYSIS**

Failure of Council to undertake strategic planning includes:

- outdated planning controls that do not respond to current issues and opportunities
- inappropriate development that compromises the amenity of towns and undermines economic development opportunities
- loss of opportunities for population and residential growth.

## CONSULTATION AND ENGAGEMENT

The strategic planning staff member consults with a number of stakeholders on a regular basis including:

- community members and organisations
- government agencies including Department of Environment Land Water & Planning, Department of Economic Development Jobs Transport & Resources, North Central Catchment Management Authority
- other Loddon Shire Council departments
- other municipalities.

# **RESOLUTION 2021/119**

Moved: Cr Wendy Murphy Seconded: Cr Dan Straub

That Council receive and note the Strategic Planning Activity report.

## 11.6 QUARTERLY STATUTORY PLANNING PERMIT ACTIVITY REPORT

File Number:	13/0	01/002			
Author:	Gle	nn Harvey, Manager Development and Compliance			
Authoriser:	Stev	Steven Phillips, Director Operations			
Attachments:	1.	Planning applications completed in the quarter			
	2.	Planning applications being processed in the quarter			

#### RECOMMENDATION

That Council receive and note the planning application and permit activity report for January – March 2021.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

This is the third quarter report for the 2020- 2021 financial year summarising planning application activities undertaken within the Development and Compliance Department.

#### BACKGROUND

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

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

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

#### **ISSUES/DISCUSSION**

#### Planning permit activities

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

#### <u>Timeframes</u>

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

Table 1 provides a summary of the average timeframes in which the Development and Compliance Department assessed and issued Planning Permits during the third quarter of the 2020-2021 financial year and compares these to the Victorian rural average.

Quarter 3 of the 2020/2021 financial year							
Month	Average gross days to determine	Completed within 60 days	Rural average completed within 60 days				
January	69	80%	69%				
February	85	83%	69%				
March	69	62%	69%				
	Total Quarterly average	75%	69%				

Table 1: Average timeframes for decisions

During the third quarter of the 2020-2021 financial year 75% of all Planning Permit applications were assessed and issued within the timeframes as set in the Planning & Environment Act 1987. This is 19% below the first quarter result for this financial year of 94%. The lower result is largely due to the Senior Planning Officer role vacancy. Council's remaining Planning staff, Junior Planning Officer (part time) and Strategic Planning Officer (part time) are prioritising the processing of permit applications in order to limit impacts on the community. The Manager Development & Compliance is also filling the role of Municipal Building Surveyor further impacting Council's ability to process applications. Recruitment for the two vacant positions continues.

## COST/BENEFITS

The expenditure for the third quarter of 2020-2021 financial year of the statutory planning activities contained within this report is \$25,251. This is significantly lower than normal and reflects the current staffing levels.

Benefits derived from investing in the planning process managed by the Development and Compliance Department include:

- well managed and appropriate development
- well informed community members who understand the value of planning within local government
- applications processed in a timely manner
- correct implementation of regulations and standards.

#### **RISK ANALYSIS**

Failure of Council to adequately implement the planning scheme poses the following risks:

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

Insufficient investment in resources in the Development and Compliance Department may result in extended timeframes for the processing of applications.

## CONSULTATION AND ENGAGEMENT

The Planning Staff consult with a number of stakeholders on a regular basis including:

- applicants
- surrounding land owners
- regulatory authorities
- other Loddon Shire Council departments

• other municipalities.

## **RESOLUTION 2021/120**

Moved: Cr Linda Jungwirth Seconded: Cr Wendy Murphy

That Council receive and note the planning application and permit activity report for January – March 2021.

# 11.7 QUARTERLY BUILDING SERVICES ACTIVITY REPORT

13/06/001, 13/08/001 & 13/08/003
Glenn Harvey, Manager Development and Compliance
Steven Phillips, Director Operations
Nil

#### Recommendation

That Council receive and note the quarterly Building Services Activity report.

#### CONFLICT OF INTEREST

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

#### PREVIOUS COUNCIL DISCUSSION

Council is provided with information quarterly summarising building services activities relating to permits, certificates and statutory enforcement activity undertaken within the Development & Compliance Department. This is the third quarterly report for the 2020-2021 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 & 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 & Regulations including keeping records relating to the activity of private building surveyors issuing permits within Loddon Shire
- regulatory enforcement of relevant Acts.

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

#### **ISSUES/DISCUSSION**

Throughout the third quarter of the 2020-2021 financial year, items of significance relating to the activity of Council's Building Services Staff include:

- ongoing measures relating to Covid-19 (as with all staff and the community)
- implementation of swimming pool registration requirements
- follow up on enforcement activities including following up Court & Building Appeals items
- ongoing implementation and improvement of software changes.

1.

# Building permits

Table 1 provides the number and total value of building permits issued for the last quarter of the 2019-2020 financial year and the three quarters of 2020-21. 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.

|--|

	Quarter 4 2019-20 (01/4/2020 – 30/6/2020)	Quarter 1 2020-21 (01/07/2020 – 30/09/2020)	Quarter 2 2020-21 (01/10/2020 – 31/12/2020)	Quarter 3 2020-21 (01/01/2021 – 31/03/2021)	
No. of new Permits	33	50	51	44	
Value of Works	\$2,944,362.81	\$4,297,563.41	\$10,199,564.50	\$2,467,359.00	

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 4 2019-20 (01/04/2020 – 30/06/2020	2020-21 2020-21 20 – (01/07/2020 – (01/10/202		Quarter 3 2020-21 (01/01/2021 – 31/03/2021)
Certificates of final inspection	40	33	30	18
Occupancy Permits	16	2	8	17

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.

# **ORDINARY COUNCIL MEETING MINUTES**

Туре	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	0	0	0	0	0	0	0
Works required to make building safe (including pools)	15	4	19	3	1	1	0	1	0
Carrying out building works without a permit	4	0	4	1	0	0	0	0	1
Works not in accordance with building permit	2	0	2	0	0	0	0	0	0
Illegal occupation of non- habitable building	0	0	0	0	0	0	0	0	0
Building with non- complying essential safety measures	1	0	1	0	0	0	0	0	0

# Table 3: Summary of statutory enforcement activities

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 & 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 may be some delays in processing their applications due to our current situation. They are also being informed of the alternative of engaging a Private Building Surveyor.

## **COST/BENEFITS**

The expenditure for the second quarter of the 2020-2021 financial year for building services activities was \$43,043 and the third quarter was \$ 18,744. The reduction in expenditure is due to the vacant Municipal Building Surveyor position.

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 endeavours 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 / inspection 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 & Building Regulations. Any business operator, developer, resident or ratepayer that is subject to enforcement action is regularly consulted with during the enforcement process to give them the opportunity to avoid the escalation of enforcement action.

# **RESOLUTION 2021/121**

Moved: Cr Dan Straub Seconded: Cr Gavan Holt

That Council receive and note the quarterly Building Services Activity report.

# 12 COMPLIANCE REPORTS

Nil

## 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

## **RESOLUTION 2021/122**

Moved: Cr Wendy Murphy Seconded: Cr Linda Jungwirth

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

## 14.1 REVIEW OF CONFIDENTIAL ACTIONS

This matter is considered to be confidential under Section 3(1)(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, may disclose confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

#### 14.2 Appointment of Audit and Risk Committee member

This matter is considered to be confidential under Section 89(2)((a)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters

CARRIED

Closing of Meeting to the Public

## **RESOLUTION 2021/123**

Moved: Cr Wendy Murphy Seconded: Cr Linda Jungwirth

That the meeting be closed to the public at 3.38pm.

# 14.1 REVIEW OF CONFIDENTIAL ACTIONS

#### **RESOLUTION 2021/124**

Moved: Cr Wendy Murphy Seconded: Cr Linda Jungwirth

That Council receive and note the action sheet.

CARRIED

# 14.2 APPOINTMENT OF AUDIT AND RISK COMMITTEE MEMBER

#### **RESOLUTION 2021/125**

Moved: Cr Gavan Holt Seconded: Cr Wendy Murphy

That Council appoint the person named in the report to the Audit and Risk Committee for the period 1 May 2021 to 30 April 2025.

# NEXT MEETING

The next Ordinary Meeting of Council will be held on 24 June 2021 at Wedderburn commencing at 3pm.

There being no further business the meeting was closed at 3.50pm.

Confirmed this...... day of..... 2021

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**CHAIRPERSON**