



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

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 22 NOVEMBER 2022 AT 3PM**

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

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

1 OPENING AFFIRMATION

The Opening Affirmation was read by the Mayor

2 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the CEO

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

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

That Council confirm the Minutes of the:

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.

RESOLUTION 2022/113**Moved: Cr Wendy Murphy****Seconded: Cr Linda Jungwirth**

That Council confirm 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

CARRIED

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.	<ol style="list-style-type: none"> 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.	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

RESOLUTION 2022/114

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

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

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

CARRIED

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.

RESOLUTION 2022/115**Moved:** Cr Neil Beattie**Seconded:** Cr Linda Jungwirth

That Council receive and note resolutions acted upon since the October 2022 Council meeting as attached to this report.

CARRIED

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

That Council receive and note the Mayoral Report.

REPORT

The Mayor, Cr Straub provided a verbal report at the meeting commencing with an update on the major flood event impacting Loddon Shire including acknowledging the community who continue working together to respond and support each other; re-establishment of Council services; and coordination of Council resources. He thanked Council staff and volunteers for their efforts.

Cr Straub noted Council officers and contractors will focus on repairing high risk areas whilst also inspecting and prioritising works required across the remainder of Council's road network. Council will continue working with VicRoads on the repair of school bus routes as well as roads supporting harvest and tourism to bring people back into the region.

Cr Straub acknowledged State government support for individual businesses, noting further information and links are available from the flood relief page of Council's website.

Cr Straub further reported:

- Council's five swimming pools are now open for the 2022/23 season
- Pyramid Hill Progress Association met last week, with Cr Straub chairing the Association Annual General Meeting
- North Central Local Learning and Employment Network (NCLLEN):
 - Contract negotiation with Department of Education and Training (DET) for better outcomes for the region and young people
 - Contract with DET to transport students to the Charlton Trade Training Centre
 - Negotiations for rural child care.

RESOLUTION 2022/116

Moved: Cr Dan Straub (Mayor)

Seconded: Cr Gavan Holt

That Council receive and note the Mayoral Report.

CARRIED

9 COUNCILLORS' REPORT**9.1 COUNCILLORS' REPORTS**

File Number: 02/01/001

Author: Lisa Clue, Manager Governance

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a verbal report at the meeting.

Cr Jungwirth

Australia Day Committee	
14/11/2022 - Meeting	
Central Victorian Greenhouse Alliance	
17/11/2022 – AGM and Board Meeting	
Municipal Emergency Management Planning Committee	
Nothing to report.	
Other Council activities	
Date	Activity
25/10/2022	October Council Briefing and Meeting
27/10/2022	Tarnagulla Community Centre Committee Inc meeting
03/11/2022	Newbridge Flood Steering Committee meeting
04/11/2022	Meeting with CEO
08/11/2022	Council Forum and Special Meeting (Election of Mayor)
10/11/2022	Meeting with Manager Tourism and Economic Development
15/11/2022	Tarnagulla Community Centre Committee Inc meeting
17/11/2022	Newbridge Flood Steering Committee meeting

Cr Murphy

Calder Highway Improvement Committee	
Nothing to report	
Local Government Women's Charter	
Nothing to report	
Healthy Minds Network	
Nothing to report	
Section 65 Community Asset Committees:	
07/11/2022 - Inglewood Town Hall Hub Community Asset Committee meeting	
Other Council activities	
Date	Activity
25/10/2022	October Council Briefing and Meeting
08/11/2022	Meeting with Manager Tourism and Economic Development
08/11/2022	Council Forum and Special Meeting (Election of Mayor)
11/11/2022	Remembrance Day Service – East Loddon P-12 College
17/11/2022	Bridgewater on Loddon Inc Meeting

Cr Holt

Municipal Association of Victoria	
Nothing to report	
Audit and Risk Committee	
07/11/2022 - Meeting	
Section 65 Community Asset Committees:	
20/11/2022 - Hard Hill Tourist Reserve Community Asset Committee – Launch of the new Eucalyptus Stew Pot and speaker on volunteering within the Loddon community,	
Other Council activities	
Date	Activity
26/10/2022	Coach House Gallery send off for Wedderburn residents
31/10/2022	Funding announcement - Victorian Racing Industry Fund to the Donaldson Park project
02/11/2022	Wedderburn Development Association meeting
08/11/2022	Council Forum and Special Meeting (Election of Mayor)

Cr Beattie

Rail Freight Alliance	
Nothing to report	
Section 65 Community Asset Committees: 19/11/2022 - Little Lake Boort Community Asset Committee AGM	
Other Council activities	
Date	Activity
03/11/2022	Loddon Campaspe Group meeting
04/11/2022	Flood tour with CEO and Director Operations
05/11/2022	Parkrun – Boort
08/11/2022	Council Forum and Special Meeting (Election of Mayor)
10/11/2022	Flood tour with the Hon Jaala Pulford
22/11/2022	November Council Meeting

RESOLUTION 2022/117

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council receive and note the Councillors' reports.

CARRIED

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.

RESOLUTION 2022/118

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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.

CARRIED

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.

RESOLUTION 2022/119

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That the Community Local Law 2022 be adopted.

CARRIED

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*.

RESOLUTION 2022/120

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

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.

.CARRIED

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/DISCUSSION

Registered Premises

Council undertakes annual inspections of premises that are registered under the Food Act, Public Health and Wellbeing Act and Residential Tenancies Act. Inspections are also undertaken of public swimming pools and of properties that 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 summaries 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.

RESOLUTION 2022/121

Moved: Cr Wendy Murphy
Seconded: Cr Linda Jungwirth

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

CARRIED

11.2 ROAD MANAGEMENT PLAN DEFECT RECTIFICATION COMPLIANCE REPORT

File Number: 14/01/022

Author: Daniel Lloyd, Manager Works

Authoriser: Steven Phillips, Director Operations

Attachments: 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.

RESOLUTION 2022/122

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

CARRIED

Unconfirmed

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.

RESOLUTION 2022/123

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

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

CARRIED

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/DISCUSSION

Planning permit activities

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

Timeframes

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

Table 1 provides a summary of the average timeframe in which the Development and Compliance Department assessed and issued Planning Permits during the 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

RESOLUTION 2022/124

Moved: Cr Linda Jungwirth
Seconded: Cr Neil Beattie

That Council receive and note the Quarterly Statutory Planning Permit Activity Report for July to September 2022.

CARRIED

Unconfirmed

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.

RESOLUTION 2022/125

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

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

CARRIED

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
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.

RESOLUTION 2022/126

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

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

CARRIED

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.

RESOLUTION 2022/127

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

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

CARRIED

13 URGENT BUSINESS

Nil

14 CONFIDENTIAL ITEMS

Nil

RESOLUTION 2022/128

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That the meeting close at 4.28 pm.

CARRIED

NEXT MEETING

The next Ordinary Meeting of Council will be held on 13 December 2022 at Wedderburn commencing at 3pm.

Confirmed this.....day of..... 2022

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CHAIRPERSON