



Date: Tuesday, 24 May 2022
Time: 3pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

24 May 2022

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 24 MAY 2022 AT 3PM**

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

IN ATTENDANCE: Jude Holt (Acting Director Community Wellbeing), Steven Phillips (Director Operations/Acting Chief Executive Officer), Amanda Wilson (Director Corporate), Lynne Habner (Manager Executive and Commercial Services)

1 OPENING AFFIRMATION

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Nil

5 PREVIOUS MINUTES**5.1 CONFIRMATION OF MINUTES****File Number:** 02/01/001**Author:** Christine Coombes, A/Manager Executive and Commercial Services**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council confirm:

1. The minutes of the Council Briefing of 26 April 2022.
2. The minutes of the Council Meeting of 26 April 2022.
3. The minutes of the Confidential Council Meeting of 26 April 2022.
4. The minutes of the Council Forum 10 May 2022.

REPORT

Seeking approval of the unconfirmed minutes of the previous meetings.

RESOLUTION 2022/72

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council confirm:

1. The minutes of the Council Briefing of 26 April 2022.
2. The minutes of the Council Meeting of 26 April 2022.
3. The minutes of the Confidential Council Meeting of 26 April 2022.
4. The minutes of the Council Forum 10 May 2022.

CARRIED

6 ADVISORY MEETINGS**6.1 RECORD OF ADVISORY MEETINGS****File Number: 02/01/001****Author: Christine Coombes, Executive and Commercial Services Officer****Authoriser: Lincoln Fitzgerald, Chief Executive Officer****Attachments: Nil****RECOMMENDATION**

That Council note the record of the following advisory meetings :

1. Council Briefing 26 April 2022.
2. Council Forum 10 May 2022.

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

The record is therefore presented for Council's noting.

Meeting details	Briefing
Date	26 April 2022
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Jude Holt, Acting Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lynne Habner, Manager Executive and Commercial Services Louise Johnston, Statutory Planning Coordinator Glenn Harvey, Manager Development and Compliance
Items discussed.	<ol style="list-style-type: none"> 1. PLANNING PERMIT APPLICATION 5652 – WILD GAME PET MEAT PROCESSING FACILITY, 194 DUNOLLY INGLEWOOD ROAD, INGLEWOOD 2. COUNCIL MEMBERSHIPS – VLGA AND ALGWA 3. General business: <ul style="list-style-type: none"> • Caravan Park leasing • March 2026 Regional Victoria Commonwealth Games • Serpentine and Mitiamo Recreation Reserves • Japanese Encephalitis Virus
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	

Meeting details	Forum
Date	10 May 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 Lynne Habner, Manager Executive and Commercial Services Deanne Caserta, Manager Financial Services Jude Holt, Project Officer David Southcombe, Manager Assets and Infrastructure Louise Johnston, Statutory Planning Coordinator Glenn Harvey, Manager Development and Compliance Phillip Walker, Project Officer Amy Holmes, Manager Community Wellbeing Kate Pallister, Community Wellbeing Officer Birchip Cropping Group representatives
Items discussed.	<ol style="list-style-type: none"> 1. DRAFT COMMUNITY LOCAL LAW 2022 2. ENDORSEMENT OF RISK MANAGEMENT POLICY AND RISK MANAGEMENT FRAMEWORK 3. 2022 NATIONAL GENERAL ASSEMBLY 4. 2022/23 PROPERTY VALUATIONS 5. MAV RULE REVIEW 6. General business: <ul style="list-style-type: none"> • Ambulance response times • Commonwealth Games 2026 • Councillor only meetings • Leave of absence • Victoria Police Loddon Safety Committee • Candidate Forum
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	

RESOLUTION 2022/73

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council note the record of the following advisory meetings :

1. Council Briefing 26 April 2022.
2. Council Forum 10 May 2022.

CARRIED

7 REVIEW OF ACTION SHEET

7.1 REVIEW OF ACTIONS

File Number: 02/01/002

Author: Christine Coombes, Executive and Commercial Services Officer

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. Action sheet May 2022

RECOMMENDATION

That Council receive and note the action sheet.

CONFLICT OF INTEREST

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

REPORT

Refer attachment.

RESOLUTION 2022/74

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council receive and note the action sheet.

CARRIED

8 MAYORAL REPORT**8.1 MAYORAL REPORT**

File Number: 02/01/001

Author: Christine Coombes, Executive and Commercial Services Officer

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council receive and note the Mayoral Report

REPORT

The Mayor will present a report at the meeting.

Cr Straub

Loddon Campaspe Councils	
Murray River Group of Councils	
North Central Goldfields Regional Library	
North Central Local Learning and Employment Network	
17/5/22: AGM and 20 year dinner	
Special Committees Of Council (Section 65 Community Asset Committees):	
East Loddon Community Centre Community Asset Committee	
Pyramid Hill Memorial Hall Community Asset Committee	
Pyramid Hill Swimming Pool Kiosk Community Asset Committee	
Other Council activities	
DATE	Activity
26/4/22	CEO and Mayor catch-up, Citizenship Ceremony, Council Briefing and Council Meeting
29/4/22	Online Course AICD

3/5/22	East Loddon Lions Club meeting
6/5/22	Online Course AICD
7/5/22	Working Bee ELLC
10/5/22	Council Forum at Boort Resource Information Centre
	Chaired Dingee hall AGM
13/5/22	Online course AICD
17/5/22	Volunteer Week presentations, Visitor Information Centre in Wedderburn
	Mayor and CEO discussion meeting
	North Central LLEN, AGM and 20 year dinner, Inglewood
18/5/22	Pyramid Hill Progress Association meeting
20/5/22	Online course AICD and opening night of Legacies of Conflict Exhibition from the Shrine of Remembrance and organised by local volunteer groups and volunteers.

RESOLUTION 2022/75

Moved: Cr Dan Straub (Mayor)

Seconded: Cr Neil Beattie

That Council receive and note the Mayoral Report

CARRIED

9 COUNCILLORS' REPORT**9.1 COUNCILLORS' REPORTS****File Number:** 02/01/001**Author:** Christine Coombes, Executive and Commercial Services Officer**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**1. Recommendation**

That Council receive and note the Councillors' reports

REPORT

Each Councillor will present a report at the meeting.

Cr Beattie

Rail Freight Alliance	
Special Committees Of Council (Section 65 Community Asset Committees):	
Boort Aerodrome Community Asset Committee	
Boort Memorial Hall Community Asset Committee	
Boort Park Community Asset Committee	
Korong Vale Mechanics Hall Community Asset Committee	
Korong Vale Sports Centre Community Asset Committee	
Little Lake Boort Community Asset Committee	
Yando Public Hall Community Asset Committee	
DATE	Activity
26/4/22	Council Wedderburn attended via Webex
4/5/22	Boort Park meeting
10/5/22	Attended Forum at BRIC
10/5/22	Attended meeting with Barry Kennedy and Steve Phillips re Little Lake Boort
18/5/22	Attended meeting with Paul Scullie, Stuart Hooper and Barry Kennedy, discussion on Lake Boort Recreation precinct project
24/5/22	Council meeting Wedderburn

Cr Holt

Municipal Association of Victoria	
Audit and Risk Committee	
Special Committees Of Council (Section 65 Community Asset Committees): Donaldson Park Community Asset Committee Wedderburn Community Centre Community Asset Committee Wedderburn Engine Park and Market Square Reserve Community Asset Committee Wedderburn Mechanics and Literary Institute Hall Community Asset Committee Hard Hill Tourist Reserve Community Asset Committee	
Other Council activities	
DATE	Activity
27/4/22	Attended a meeting of the Wedderburn Development Association / Community Planning Committee
2/5/22	Attended meeting of Loddon Shire's Internal Audit and Risk Committee
10/5/22	Attended Council Forum in Boort
23/5/22	Chaired a meeting of the Donaldson Park Committee of Management
23/5/22	Attended a meeting of the Fentons Creek hall and Recreation Reserve Crown Land Committee of Management
24/5/22	With Councillors and staff, visited Wedderburn Goldfields Ltd's exploration site at Queens Gully Wedderburn

Cr Jungwirth

Loddon Mallee Local Government Waste Forum
Central Victorian Greenhouse Alliance
Municipal Emergency Management Plan Committee
Other Council activities

DATE	Activity
26/4/22	Council Briefing and meeting
29/4/22	Victorian Greenhouse Alliance Annual Conference
3/5/22	All staff meeting
5/5/22	Met with an urban design consultant at Tarnagulla
6/5/22	Online meeting re Goldfields World Heritage bid
9/5/22	Candidates forum
10/5/22	Council Forum
12/5/22	LMWRRG Forum at Swan Hill – taking over responsibility
17/5/22	North Central LLEN AGM
20/5/22	Negotiation and Influencing Capabilities
22/5/22	Community Planning BBQ Tarnagulla

Cr Murphy

Calder Highway Improvement Committee
Local Government Women's Charter
Australia Day Committee
Healthy Minds Network
4/5/22: Chaired the LHMN meeting at Tarnagulla hall
Special Committees Of Council (Section 65 Community Asset Committees):
Campbells Forest Hall Community Asset Committee
Inglewood Community Sports Centre Community Asset Committee
Inglewood Community Elderly Persons Units Community Asset Committee
Inglewood Town Hall Hub Community Asset Committee
Jones Eucalyptus Distillery Site Community Asset Committee
11/5/22: Campbells Forest Hall CAC meeting

Other Council activities	
DATE	Activity
6/5/22	Online meeting with Minister of Regional Development Mary-Anne Thomas promoting the Central Goldfields World Heritage Bid
9/5/22	Attended the Mallee Electorate Federal Candidate Forum at the Council Chambers at Wedderburn
10/5/22	Attended the Council Forum at Boort Resource and Information Centre
11/5/22	Attended the online round table for the proposed changes to the MAV Rules
12/5/22	Attended an online webinar Leading the prevention of violence against women in Local Government
17/5/22	Attended the North Central LLEN AGM at Inglewood Town Hall
18/5/22	Attended online AGM for Australian Local Government Womens Association
19/5/22	Attended the Bridgewater on Loddon Development Committee meeting
20/5/22	Attended the opening of the Changed Forever exhibition at Pyramid Hill
24/5/22	Site visit to the Wedderburn Goldfields Ltd exploration drill rig at Queens Gully Wedderburn
24/5/22	Attended the Council Briefing and meeting
22/5/22	Attended Inglewood Development and Tourism Committee volunteer expo on the lawns of the Inglewood Town Hall

RESOLUTION 2022/76

Moved: Cr Wendy Murphy

Seconded: Cr Linda Jungwirth

That Council receive and note the Councillors' reports

CARRIED

10 DECISION REPORTS

10.1 RECOGNITION OF COMMUNITY PLANNING COMMITTEE - KINGOWER

File Number: FOL/21/2952

Author: Martin Mark, Community Development Officer

Authoriser: Sarah Perry, Manager Community Support

Attachments: Nil

RECOMMENDATION

That Council formally recognise the Kingower Development and Tourism Committee Inc. as the Community Planning Committee for the Kingower community.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At the Council Forum of April 2019, the criteria and framework for community groups to become the recognised *Community Planning Committee* was discussed. Following further work the Community Planning Framework (the Framework) including criteria was endorsed at the Council Meeting of November 2019.

BACKGROUND

The Framework was developed to assist communities as they develop local community plans, and to formalise the relationship between the community planning committees and Council.

As detailed in the Framework, community groups that:

- are incorporated,
- have community planning detailed in their constitution's purpose, and
- who have a membership structure that allows wider community participation,

are eligible to request formal recognition from Council as a community planning committee.

Following this initial transition period, access to Council's annual community planning funding program will be prioritised to those groups who have received formal recognition, and who have developed their community plan consistent with the principles of the Framework.

It was intended that groups would be in a position to meet the requirements of the Framework and request Council recognition by the end of 2020. Due to delays caused by COVID-19 restrictions, it is more likely that the requirements to be eligible for formal recognition will now be completed by the remaining groups during and up to the end of 2022, allowing them to seek recognition from Council as community planning committees.

ISSUES/DISCUSSION

The Kingower Development and Tourism Committee Inc. (Committee) has requested Council recognition as a community planning committee and have demonstrated that they meet the minimum requirements as detailed in the Community Planning Framework:

Community	Community planning group	Request for recognition received	Information request form received	Incorporated	Constitution purpose includes community planning	Open membership
Kingover	Kingover Development and Tourism Committee Inc.	Yes	Yes	Yes	Yes	Yes

The Committee has finalised the development of their new Community Plan and representatives plan to attend the June 2022 Council Forum to present this plan and its priorities to Council.

COST/BENEFITS

Formal recognition signals to the community that the group has agreed to:

- develop a community plan in accordance with the principles outlined in the Framework,
- have open membership for community members, and
- be representative of their community.

The community plan committee, in turn, provides the conduit for the community to represent their collective views, ideas and strategic direction to Council and beyond.

The cost to Council has been determined based on incorporation fees, general administration, and the insurance coverage required by the incorporated association.

The table below outlines the monetary support to be provided to the Kingover Development and Tourism Committee Inc. on an annual basis:

Community Planning Committee	Proposed allocation – Administration	Proposed allocation - Insurance	Total
Kingover Development and Tourism Committee Inc.	\$200	\$1,050	\$1,250

RISK ANALYSIS

The COVID-19 pandemic halted momentum early in 2020 for all groups as they transitioned to meet the recognition requirements of the Framework and commence the review and/or redevelopment of their community plan.

This has delayed the initial transition timeframe with the likely completion for all groups now being at the end of 2022.

By transitioning to the parameters around Council's framework, the community planning committee for Kingover will be operating in the spirit of the framework and providing assurance around open membership and representation of the Kingover community's views.

CONSULTATION AND ENGAGEMENT

The requirement of a letter and details for request of formal recognition has been explained to the Kingover Development and Tourism Committee Inc., and followed up with written information and a template to support the process.

RESOLUTION 2022/77

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council formally recognise the Kingower Development and Tourism Committee Inc. as the Community Planning Committee for the Kingower community.

CARRIED

10.2 INGLEWOOD EUCALYPTUS DISTILLERY MUSEUM - FEE WAIVER APPLICATION**File Number:** FOL/21/6877**Author:** Steven Phillips, Director Operations**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION**

That Council resolve to reimburse Inglewood Eucalyptus Distillery Museum Inc. the planning permit application fee of \$1,570.60 from its Community Planning Project Budget allocation.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

At its July 2021 Ordinary meeting, Council resolved to adopt the Fees and Charges – Waiver or Reduction Policy.

BACKGROUND

Council's Fees and Charges – Waiver or Reduction Policy applies to any not for profit organisation, incorporated association or unincorporated community group which provides a community benefit to the Shire and wishes to apply to have a fee and or charge waived or reduced.

Applications over \$1,000 are reviewed by the Chief Executive Officer and submitted to Council for approval via a formal resolution.

ISSUES/DISCUSSION

The Inglewood Eucalyptus Distillery Museum Inc. have applied for a planning permit for the development of an extension to the museum building by adding an Annex to the western elevation of the existing building. They have requested that Council waive the planning permit application fee of \$1,570.60. There stated benefits to the community includes tourism and housing items of heritage significant to Loddon Shire. They have paid the planning application fee and are seeking that it be reimbursed. The planning application has been assessed and a permit has been issued.

Council has allocated \$114,158 from its Community Planning Program to support this project. This is insufficient to complete this project and the Inglewood Eucalyptus Distillery Museum Inc. are seeking the remaining required funds to complete this project from other sources.

Having given this matter due consideration there are three options that could resolve this application as follows:

1. refuse the application for a fee waiver as it has been paid, demonstrating a capacity to pay.
2. reimburse the fee from the Planning Application Fees – Statutory Fees.
3. reimburse the fee from the Community Planning Project Budget of \$114,158 as Council has set these funds aside to support this project (recommended).

It is Council officer's recommendation that option 3 is the most reasonable course of action as Council has allocated significant funds to support this project.

The granting of a fee waiver in no way affects or influences Council's obligations to assess the planning permit application on its merits against the Loddon Planning Scheme.

COST/BENEFITS

The reimbursement of the planning application fee will be covered by Council funds that are set aside to support this project.

RISK ANALYSIS

The risks associated with this fee waiver is considered low.

CONSULTATION AND ENGAGEMENT

Council officers have discussed this matter with the Manager Community Support.

RESOLUTION 2022/78

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council resolve to reimburse Inglewood Eucalyptus Distillery Museum Inc. the planning permit application fee of \$1,570.60 from its Community Planning Project Budget allocation.

CARRIED

10.3 RISK MANAGEMENT POLICY AND RISK MANAGEMENT FRAMEWORK

File Number: FOL/19/426637

Author: Amanda Wilson, Director Corporate

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments:

1. Risk Management Policy v6
2. Risk Management Framework v3
3. Risk Management Implementation Plan v1

RECOMMENDATION

That Council:

1. Approves the Risk Management Policy
2. Approves the Risk Management Framework
3. Notes the Risk Management Implementation Plan

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

There have been many discussions over the past year about development of a suite of risk management documents, which includes presentation of consultancy work by CT Management.

BACKGROUND

In February 2020, the Audit and Risk Committee received an internal audit report "*Review of Risk Management Framework ISO 31000:2018 (incl. Risk Awareness Survey)*." There were six improvement recommendations in the audit:

1. Risk Management Policy and Framework did not incorporate key aspects or great details about ISO31000:2018 (this standard replaces the 2009 Standard)
2. Risk management induction process is required to reinforce new staff understanding of Council's risk management processes
3. A Risk Appetite Statement has not been established
4. Risk management register has some shortfalls
5. There is no Risk Management Implementation Plan
6. KPI's for risk management have not been identified.

ISSUES/DISCUSSION

Effective risk management promotes an environment where everyone can make informed decisions that support achievement of Council's vision and strategic objectives.

A risk management system for the organisation has been developed that includes five key documents:

- Risk Appetite Statement
- Risk Management Policy
- Risk Management Framework

- Risk Management Implementation Plan
- Risk Management Procedure.

Approval of the Risk Management Policy and Risk Management Framework addresses dot point 1 in the abovementioned internal audit report and provides two of the key documents in the risk management system.

The Risk Management Policy includes a commitment to assign authority, responsibility and accountability for managing risk at appropriate levels within the organisation. This is documented in the Risk Management Framework which outlines how risk management aligns to ISO31000:2018.

COST/BENEFITS

The benefits of having current risk management documents is the guidance that management has around risk management for Council.

There are no costs related to the approval of the documents presented.

RISK ANALYSIS

The documents are part of a suite of core risk management documents for Council designed to promote best practice risk management.

CONSULTATION AND ENGAGEMENT

The draft documents were presented to the Loddon Leaders and relevant staff with risk management responsibilities, the Policy Review Group, and Management Executive Group for review prior to presentation to the Audit and Risk Committee. The Audit and Risk Committee endorsed the documents for Council's approval at the 2 May 2022 meeting.

RESOLUTION 2022/79

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council:

1. Approves the Risk Management Policy
2. Approves the Risk Management Framework
3. Notes the Risk Management Implementation Plan

CARRIED

10.4 RISK APPETITE STATEMENT

File Number:**Author:** Amanda Wilson, Director Corporate**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Risk Appetite Statement v1**RECOMMENDATION**

That Council approves the Risk Appetite Statement.

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

There have been many discussions over the past year about development of a suite of risk management documents, which includes presentation of consultancy work by CT Management.

BACKGROUND

In February 2020, there was an internal audit report “*Review of Risk Management Framework ISO 31000:2018 (incl. Risk Awareness Survey)*.” There were six improvement recommendations in the audit:

1. Risk Management Policy and Framework did not incorporate key aspects or great details about ISO31000:2018 (this standard replaces the 2009 Standard)
2. Risk management induction process is required to reinforce new staff understanding of Council’s risk management processes
3. A Risk Appetite Statement has not been established
4. Risk management register has some shortfalls
5. There is no Risk Management Implementation Plan
6. KPI’s for risk management have not been identified.

This risk appetite statement addresses dot point 3 in the report.

ISSUES/DISCUSSION

Risk appetite statements have become more common over time as one of the key risk management documents in organisations.

“Risk appetite is the amount of risk you are willing to take in pursuit of your strategic objectives. Defining risk appetite establishes boundaries for prudent decision making and risk taking”¹ as the risk appetite statement documents Council’s appetite for risk.

This provides important information to management when they are developing budget bids, reviewing services, programs, and projects, etc. about Council’s willingness to take risk in pursuit of achieving strategic objectives outlined in the Council Plan.

To implement the risk appetite statement operationally, risk tolerances are provided around each of the individual risk areas, which determines the maximum risk the organisation is willing to take for a particular strategic objective or category of risk.

¹ Risk-appetite-overview---iia-presentation.pdf, EY, Data unknown

This risk appetite statement provides an overarching risk appetite statement and individual risk appetite statements for various risks. The introduction of risk tolerance (and other risk items such as risk target and risk capacity) will be introduced as risk management matures within Council.

The overarching risk appetite statement covers Council's obligations under Section 9 of the Local Government Act 2020, *Overarching Governance Principles*.

COST/BENEFITS

The benefit of a risk appetite statement is communicating to management the Council's willingness to take risk in pursuit of its strategic objectives.

There are no costs associated with approving or implementing a risk appetite statement.

RISK ANALYSIS

The risk appetite statement is designed to communicate the Council's willingness to take risk in achieving its strategic objectives. This should provide management with the freedom to operate within those boundaries, resulting in a consistent approach across the organisation.

CONSULTATION AND ENGAGEMENT

Internal consultation with the Loddon Leaders management group has occurred in the development of the risk appetite statement and it was then presented to the Audit and Risk Committee who endorsed the document for Council approval at the 2 May 2022 meeting.

RESOLUTION 2022/80

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council approves the Risk Appetite Statement.

CARRIED

10.5 STRATEGIC RISK REPORT

File Number:**Author:** Amanda Wilson, Director Corporate**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Strategic Risk Report as at 31 March 2022**RECOMMENDATION**

That Council approve the Strategic Risk 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

The Strategic Risk Report is a six-monthly requirement under the Local Government Performance Reporting Framework.

BACKGROUND

The Victorian Government established the Local Government Performance Reporting Framework in 2014 to ensure that all Councils are measuring and reporting on their performance in a consistent way.

“The primary objective of the LGPRF is to provide comprehensive performance information that meets the needs of a number of audiences. In meeting this objective:

- Councils will have information to support strategic decision-making and continuous improvement.
- Communities will have information about council performance and productivity.
- Regulators will have information to monitor compliance with relevant reporting requirements.
- State and federal governments will be better informed to make decisions that ensure effective, efficient and sustainable system of local government.”¹

1.

Council has an annual reporting obligation under the Local Government Performance Reporting Framework to provide a response in relation to Risk Reporting. The indicator is: “*six-month reports of strategic risks to Council’s operations, their likelihood and consequences of occurring and risk minimisation strategies*”.

ISSUES/DISCUSSION

Council experiences many different types of risks, and generally, they can be divided into two categories; operational risks or strategic risks.

Generally operational risks are those which would impact achievement of the current objectives or strategy and they are managed within the organisation. Project risks are a form of operational risk. Whereas strategic risks are those risks that may require a change in current strategy and they are managed by the Council.

The Strategic Risk Report provides a list of the current strategic risks, an assessment of the inherent risk level for each risk, the controls in place to reduce or mitigate the risks and their effectiveness, and the residual risk level for each risk.

This report provides the Strategic Risk Report as at 31 March 2022.

The Strategic Risk Register can be found at Section 9 of the report. It contains the type of risk (or external environment that may affect Council), a risk statement for five strategic risks, and the inherent and residual risk levels.

Section 10 contains details about the controls for each of the five risks.

COST/BENEFITS

The benefit of developing the report is an awareness across the organisation of the external environment that may impact Council's ability to achieve its strategic objectives.

It is not anticipated that any costs will occur from development of this report.

RISK ANALYSIS

This report is provided to assess the strategic risks that may impact Council achieving its strategic objectives outlined in the Council Plan 2021-2025. It also addresses the legislative obligations under the Local Government Performance Reporting Framework.

CONSULTATION AND ENGAGEMENT

The Audit and Risk Committee reviewed the Strategic Risk Report at the meeting on 2 May 2022. The Committee endorsed the report and moved a recommendation that Council approve the report.

RESOLUTION 2022/81

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council approve the Strategic Risk Report

CARRIED

11 INFORMATION REPORTS**11.1 QUARTERLY ROAD MANAGEMENT PLAN DEFECT RECTIFICATION COMPLIANCE REPORT**

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

RECOMMENDATION

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

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2021 - 2022 financial year, summarising road network defect rectification compliance against requirements specified within the Loddon Shire Road Management Plan (RMP).

BACKGROUND

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

ISSUES/DISCUSSION

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

Table 1: Inspection summary report

Quarter 3 (01/01/2022 – 31/03/2022)						
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	18	18	0	0	100.0%	314
Loddon Goldfields	23	23	0	0	100.0%	337
Total	41	41	0	0	100.0%	651

During the third quarter of 2021 – 2022 financial year, 100.0% of the programmed inspections were completed according to the schedule.

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

Table 2: Defect rectification summary report

Quarter 3 (01/01/2022 – 31/03/2022)								
Work Group	Number of Defects				Compliant with RMP			
	Ad hoc	Requests	Defects from inspections	Total	Yes	No	Not complete	%
Loddon Goldfields	27	34	473	534	531	3	0	99.4
Loddon Plains	0	21	349	370	370	0	0	100.0
Shire Wide	7	13	422	442	433	9	0	97.9
Townscape Services	17	3	51	71	71	0	0	100.0
Total	51	71	1295	1417	1405	12	0	99.3

Table 2 comprises a summary of defects that have been identified through programed inspections, customer requests and works crews identifying and rectifying defects as they find them, known as ad hoc work actions. During the third quarter of 2021 – 2022 financial year, 99.3% of all date imposed defects were completed before their due date. This is 0.7% below the target of 100% set in the RMP. All defects have now been completed.

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

Table 3: Maintenance grading program

Quarter 3 (01/01/2022 – 31/03/2022)											
Work Group	Number of Grading Work Actions					Compliant with scheduled timeframes				KM Graded	KM Inspected
	Roads Graded	Defects	Requests	Ad hoc	Total	Yes	No	Now completed	%		
Loddon Goldfields	109	0	5	0	114	114	0	0	100.0%	291	1033
Loddon Plains	105	0	23	0	128	128	0	0	100.0%	353	869
Shire Wide	0	0	0	0	0	0	0	0	100.0%	0	0
Total	214	0	28	0	242	242	0	0	100.0%	644	1902

The data in Table 3 indicates that 242 grading work actions were completed in the third quarter of 2021 – 2022 financial year. There is no set level of compliance for the maintenance grading program in the RMP.

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

Chart 1: Maintenance Grading Program



COST/BENEFITS

The year to date actual expenditure to the end of third quarter of 2021 – 2022 financial year of the Local Road Maintenance Program is \$4,865,796. The expenditure for the third quarter was \$1,687,704

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 2022/82

Moved: Cr Neil Beattie
 Seconded: Cr Gavan Holt

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

CARRIED

11.2 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 third report for the 2021-22 financial year, summarising public health activities within the Development and Compliance Department for the months from January 2022 to March 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/DISCUSSIONPandemic Response

Council's Senior Public Health Officer is currently on secondment into the role of Pandemic Coordinator. The Pandemic Coordinator role is a requirement of Council's Municipal Pandemic Plan which was activated in March 2020 due to the declaration of the Coronavirus Pandemic.

Considerable time has been devoted to both roles including community messaging, visiting businesses impacted by the restrictions, management of funding applications, provision of advice to community groups and attendance at briefings. There has been a significant number of enquiries regarding the restrictions and the impacts that they have on community gatherings, community facilities and businesses, and this increases each time changes to the restrictions are announced. This has affected the normal functions significantly of Council's Public Health staff.

When available an additional staff member has been supporting the public health activities in order to address urgent public health duties such as enquiries, complaints and applications.

Japanese Encephalitis Virus (JEV)

Council was advised in early March 2022 that the presence of JEV had been confirmed at a piggery within the Shire. This is the first time that JEV has been detected in Australian and on

March 4th the Federal Government declared JEV to be a communicable disease of national significance.

Japanese encephalitis virus (JEV) is a rare but potentially serious infection of the brain caused by a virus spread to humans through mosquito bites. Most JEV infections are asymptomatic, however those with severe infection (less than one per cent) may experience headache, vomiting, disorientation, seizures, coma, and more rarely, permanent neurological complications or death

The presence of JEV has now been confirmed in three piggeries within Loddon Shire, at the request of the Department of Health, Council's Senior Public Health Officer with the assistance of 2 staff members has been undertaking mosquito trapping at the piggeries and around the Bridgewater on Loddon township. Spraying has also been undertaken within Bridgewater Township to reduce the number of adult mosquitos.

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 January 2022 to 31 March 2022		
Governing Legislation	Inspection Outcome	Number of inspections
Food Premises	Compliant*	39
Health Premises	Compliant*	6
Swimming Pools	Satisfactory	4
	Unsatisfactory	1
Residential Tenancies	Compliant*	3
Total number of inspections for reporting period		53

*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 January 2022 to 31 March 2022	
Inspection Type	Number
Tobacco Retailer (including vending machine)	5
Tobacco – Indoor Dining and drinking area	5
Tobacco – Outdoor Dining and drinking area	3
Total number of inspections	13

Septic Systems

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

Table 4: Septic system permits

1 January 2022 to 31 March 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 January 2022 to 31 March 2022	
Activity / Inspection Type	Number
Application Inspection	8
Installation Inspection	3
Final Inspection	5
Total number of inspections	16

Sampling Program

At the commencement of the swimming season all public pools are assessed for water quality, with water samples taken from each pool. Council maintains five public swimming pools and one pool at a caravan park. There are a varying number of pools at each site with each pool being sampled individually.

Table 6 summarises the sampling program activities undertaken during the reporting period.

Table 6: Sampling program summary

1 January 2022 to 31 March 2022				
Sample Type	Number	Testing	Outcome	
Swimming Pool	12	Microbiological	Complies	10
			Does not comply	2
Total number of Samples	27			

In general, all unsatisfactory samples were followed up with the businesses that produced and/or sold the product including the swimming pools to ensure remedial actions are taken.

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 summarises the complaints during the reporting period.

Table 6: Public health complaints

1 January 2022 to 31 March 2022				
Nature of complaint	Number carried over from previous reporting period	Number received	Number resolved	Number currently pursuing resolution
Food Premises	0	0	0	0
Wastewater	1	0	1	0
Other	0	0	0	0
Total	1	0	1	0

COST/BENEFITS

The actual expenditure for the third quarter of the 2021-2022 financial year of the public health unit activities contained within this report is \$29,546

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 2022/83

Moved: Cr Gavan Holt
Seconded: Cr Wendy Murphy

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

CARRIED

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 third report for the 2021-2022 financial year, summarising the local law and planning compliance and enforcement actions taken within the Development and Compliance Department. It provides Council with a high level summary for the purpose of monitoring performance within this area.

BACKGROUND

Council is responsible for a range of advisory, compliance and enforcement services to the community and maintains powers under various legislation and Council local laws to enable effective animal management, planning enforcement 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

Activity	After hours call outs (*)	Littering or illegal rubbish dumping	Local law permits issued
No. actions	0	2	2

(*) 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.

Table 2: Summary of unsightly properties activities

Quarter 3 (1 January 2022 – 31 March 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	1	0	1	1	10	0	17	2	2	2	2	1	0	0	1	40
No. resolved during quarter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New action commenced	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
No. currently pursuing	1	0	1	1	10	0	17	2	2	2	2	1	0	0	1	40
Progress Activities																
Site meeting / discussion held	0	0	0	0	2	0	3	0	0	1	0	0	0	0	0	6
Letter to comply issued	0	0	0	0	2	0	1	0	0	1	0	0	0	0	0	4
Occupier has commenced clean-up work	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Notice to comply issued	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Contractor engaged for clean-up work	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

The Local Laws officer dedicated to the function was on extended leave throughout most of the reporting period, and then resigned in March 2022. The position is currently vacant, hindering progress in resolving unsightly properties. This is a temporary position that was for a fixed period of two years. There is 12 months of funding remaining for this position.

Animal management

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

Table 3: Summary of animal management activities

Quarter 3 (1 January 2022 – 31 March 2022)						
Activity	Wandering livestock	Trespassing livestock	Dog attack	Domestic animal at large	Distribution of cat traps	General complaints / other
No. of actions	4	2	1	7	3	34

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

Table 4: Impoundment activities

Quarter 3 (1 January 2022 – 31 March 2022)				
Animal type	Impoundments	Returned to owners	Animals rehoused	Animals disposed
Livestock	4	1	3	0
Dogs	3	3	-	0
Cats	1	-	1	0
Feral Animals	-	-	-	4
Total	8	4	4	4

Planning Compliance and Enforcement

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

Table 5: Planning compliance and enforcement activities

Quarter 3 (1 January 2022 – 31 March 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	2	2	0	1	3
Native vegetation removal without a permit	3	2	0	1	4
Breach of planning permit	2	0	0	0	2
Dog breeding / animal keeping	4	1	0	0	5
Land used as a store without planning permit	1	0	0	0	1

Occupation of a site without a planning permit	4	0	0	0	4
Total	16	5	0	2	19

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

COST/BENEFITS

The expenditure for the third quarter of 2021-2022 financial year for the local laws and compliance activities contained within this report is \$44,823. 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 2022/84

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

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

CARRIED

11.4 STRATEGIC PLANNING QUARTERLY ACTIVITY REPORT**File Number:** 13/01/002**Author:** Carolyn Stephenson, Statutory / Strategic Planner**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Strategic Planning Quarterly Activity report.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

This is the third report for the 2021-2022 financial year summarising the strategic planning activities undertaken within the Development and Compliance Department.

BACKGROUND

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

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

ISSUES/DISCUSSIONCurrent Strategic Planning Projects

Table 1 provides a summary of current strategic planning projects and the activities undertaken as part of these projects during the third quarter of the 2021-2022 financial year.

Table 1: Current Strategic Planning Projects

Current Strategic Planning Projects Quarter 3 (1 January 2022 – 31 March 2022)			
Project	Tasks undertaken during the quarter	Future tasks	Estimated project completion
Heritage loan policy	Preparation of a draft that provides conditions and criteria for applications is continuing.	Policy committee review and Council adoption.	October 2022
Ridge Street Residential Development (Stage 2) feasibility assessment.	A report containing concept design and estimated costing has been completed. An additional economic analysis is currently being	Presentation to Council.	August 2022

Current Strategic Planning Projects Quarter 3 (1 January 2022 – 31 March 2022)			
Project	Tasks undertaken during the quarter	Future tasks	Estimated project completion
	prepared to improve the understanding of the cost / benefit of the project.		
Industrial Land Strategy.	A modified brief has been prepared as we were unable to secure a consultant with capacity to respond to the original brief. The modified brief involves some elements of the strategy being undertaken in house and this work has commenced. A consultant is currently preparing a quote for those elements of the project that require outside expertise.	Engage suitable consultant. Complete a discussion paper for consultation.	December 2022
Detailed feasibility assessment of key residential development sites identified in the Settlement Strategy.	Preliminary assessment of the sites has commenced in house.	Seek suitable consultant to provide additional assessment following refinement of the issues.	To be determined
Planning Scheme Review	A draft review report (which provided an assessment of the scheme's performance and currency, and identified the areas for review) was completed in 2020. This report is currently being revisited and discussions have commenced with DELWP to update the review report and prioritise the planning scheme amendments required. DELWP has completed the first step in the revision of the Loddon Planning Scheme. This included a redraft of the planning policy framework (PFF).	Circulation to policy review committee. Presentation and adoption of report by Council. Submission of report to Minister for Planning. Implement the changes.	December 2022

Current Strategic Planning Projects Quarter 3 (1 January 2022 – 31 March 2022)			
Project	Tasks undertaken during the quarter	Future tasks	Estimated project completion
	The updated PPF was approved by DELWP and incorporated into the Loddon Planning Scheme in February 2022.		
Updated flood controls planning scheme amendment (Land Subject to Inundation Overlay and Floodway Overlay).	Council is partnering with North Central Catchment Management Authority (NCCMA) for this project. NCCMA have advised that the updated mapping for the entire Shire will be completed within the next 4-6 weeks and this will be the basis of the planning scheme amendment.	Exhibition of the planning scheme amendment.	December 2022

COST/BENEFITS

The expenditure for the third quarter of the 2021-2022 financial year for the strategic planning activities contained within this report is \$5,023.

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

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

RISK ANALYSIS

Failure of Council to undertake strategic planning includes:

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

CONSULTATION AND ENGAGEMENT

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

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

RESOLUTION 2022/85

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council receive and note the Strategic Planning Quarterly Activity report.

CARRIED

11.5 QUARTERLY STATUTORY PLANNING PERMIT ACTIVITY REPORT**File Number:****Author:** Louise Johnston, Statutory Planning Coordinator**Authoriser:** Glenn Harvey, Manager Development and Compliance**Attachments:**

1. Planning Applications Completed in the Quarter
2. Planning Applications Being Processed in the Quarter

RECOMMENDATION

That the Council receive and note the Quarterly Statutory Planning Permit Activity Report for January to March 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 third report for the 2021- 2022 financial year summarising planning application activities undertaken within the Development and Compliance Department.

BACKGROUND

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

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

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

ISSUES/DISCUSSIONPlanning permit activities

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

Timeframes

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

Table 1 provides a summary of the average timeframe in which the Development and Compliance Department assessed and issued Planning Permits during the third quarter of the 2021-2022 financial year and compares these to the Victorian rural average.

Table 1: Average timeframes for decisions

Month	Quarter 3 of the 2021/2022 financial year			
	Average gross days to determine	Median processing days to determine	Completed within 60 days	Rural average completed within 60 days
January	54	53	80%	72.3%
February	51	55	87.5%	68.6%
March	45	35	92%	68.9%
Total Quarterly average	50	53	86.5%	69.9%

During the third quarter of the 2021-2022 financial year 86.5% of all Planning Permit applications were assessed and issued within the timeframes as set in the Planning & Environment Act 1987. This is 16.5% above the rural average, a great result for Council and its planning team.

COST/BENEFITS

The expenditure for the third quarter of 2021-2022 financial year of the statutory planning activities contained within this report is \$55,566.

The total value of application fees generated during this period was \$30,205.

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

Cr Neil Beattie left the meeting at 3:54 pm.

RESOLUTION 2022/86

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

CARRIED

Cr Neil Beattie returned to the meeting at 3:57 pm.

11.6 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 third quarterly report for the 2021-2022 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 third quarter of the 2021-2022 financial year, items of significance relating to the activity of Council's building services include:

- implementation of swimming pool registration requirements
- follow up on enforcement activities including following up Court and Building Appeals items
- ongoing implementation and improvement of software changes.

Building permits

Table 1 provides the number and total value of building permits issued for the last quarter of 2020-2021 and the first, second and third quarters of 2021-2022. 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 4 2020-21 (01/04/2021 – 30/06/2021)	Quarter 1 2021-22 (01/07/2021 – 30/09/2021)	Quarter 2 2021-22 (01/10/2021 – 31/12/2021)	Quarter 3 2021-22 (01/01/2022 – 31/03/2022)
No. of new Permits	41	39	45	37
Value of Works	\$4,527,209	\$3,144,433	\$5,782,648	\$4,324,892

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

Table 2: Summary of final inspections and occupancy permits

	Quarter 4 2020-21 (01/04/2021 – 30/06/2021)	Quarter 1 2021-22 (01/07/2021 – 30/09/2021)	Quarter 2 2021-22 (01/10/2021 – 31/12/2021)	Quarter 3 2021-22 (01/01/2022 – 31/03/2022)
Certificates of final inspection	24	21	34	31
Occupancy Permits	10	9	9	18

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	4	0	4	1	0	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 may be some delays in processing their applications due to our current situation. They are also being informed of the alternative of engaging a Private Building Surveyor.

COST/BENEFITS

The expenditure for the third quarter of the 2021-2022 financial year for building services activities was \$3,357. 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 2022/87

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

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

CARRIED

11.7 QUARTERLY REPORT: ANNUAL INFRASTRUCTURE PROGRAM 2021-2022 AND OTHER PROJECTS.**File Number:** 14.01.001**Author:** Adam Cooper, Project Management Coordinator**Authoriser:** David Southcombe, Manager Assets and Infrastructure**Attachments:** 1. **Annual Infrastructure Program 2021-2022 - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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; AND 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.

Pursuant to Section 66 (5)(b) of the Local Government Act 2020, If released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council and/or disadvantage a private business, as various negotiations remain pending. **(under separate cover)**

2. **Annual Infrastructure Program 2021-2022, No Budget**3. **Other Projects - Confidential**

This attachment is designated as confidential in accordance with Section 3(1)(a) and (g(ii)) 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; AND 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.

Pursuant to Section 66 (5)(b) of the Local Government Act 2020, If released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council and/or disadvantage a private business, as various negotiations remain pending. **(under separate cover)**

4. **Other Projects - No Budget****RECOMMENDATION**

That Council note the update on progress of the Annual Infrastructure Program 2021-2022 and Other Projects as at the end of March 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 report is for the third quarter of 2021-2022 financial year, providing an update on the progress of the Annual Infrastructure Program. The status of other projects that are delivered by the Assets & Infrastructure Department, but are not part of the Annual Infrastructure Program, are also included in the report.

The Annual Infrastructure Program 2021-2022 was approved at the July 2021 Council meeting with a budget expenditure of \$3,985,985.

BACKGROUND

This report is produced quarterly and is provided to Council for the purpose of reporting progress of the Annual Infrastructure Program and other projects that the Assets & Infrastructure Department is responsible for delivering.

ISSUES/DISCUSSION

Annual Infrastructure Program

Attachment 1 provides a progress summary of the Annual Infrastructure Program for the third quarter of the 2021-2022 financial year.

There are 73 individual projects listed including carryovers from the previous financial year 87% of these are either complete or have commenced. Of these projects, 31 are complete and 33 have commenced and/or are under contract. Three projects had been awarded and now require re-quoting due to the contractor withdrawing.

Other Projects

In addition to the Annual Infrastructure Program, the Assets & Infrastructure Department is responsible to oversee the delivery of a number of different projects. Attachment 2 provides a summary of the other projects at the end of second quarter of 2021-2022 financial year. All completed projects are removed from subsequent quarterly progress reports.

Community Support Projects of Donaldson Park upgrade, Pyramid Hill streetscape and Pyramid Hill Community Centre Design and Construct (stage 1) have been added to the list.

COST/BENEFITS

Attachment 1 gives a summary of progress of individual projects within this program as at 31 March 2022. Please note that the attachment includes additional projects such as new grants and carry over projects in addition to the 2021-2022 Annual Infrastructure Program. This brings the total value of projects being delivered to \$9,800,149. The attachment is including recently completed projects with expenditure figures to be finalised. The expenditure at the end of the third quarter is \$4,688,754, this includes payments made against projects completed just after the end of the last financial year.

The Assets & Infrastructure Department is currently managing other significant projects covered in Attachment 2, which are in different stages of progress. The combined value of such projects is \$11,845,196. Expenditure to date on these active projects is \$1,401,896.

RISK ANALYSIS

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

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

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

CONSULTATION AND ENGAGEMENT

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

RESOLUTION 2022/88

Moved: Cr Linda Jungwirth

Seconded: Cr Gavan Holt

That Council note the update on progress of the Annual Infrastructure Program 2021-2022 and Other Projects as at the end of March 2022.

CARRIED

11.8 AUDIT AND RISK COMMITTEE BIENNIAL REPORT**File Number:****Author:** Amanda Wilson, Director Corporate**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Audit and Risk Committee Biannual Report: February 2022**RECOMMENDATION**

That Council notes the Audit and Risk Committee Biannual Report: February 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

A biannual report from the Audit and Risk Committee is a requirement of the Audit and Risk Committee Charter and the Local Government Act 2020.

BACKGROUND

The Audit and Risk Committee provides support to Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

Section 9 (c) of the Charter states:

The Chairperson (through the Director Corporate) will prepare a report to Council through the Chief Executive Officer on the Committee's activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities as set out in this Charter for the previous year.

Under Section 54(5) of the *Local Government Act 2020*:

An Audit and Risk Committee must—

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

ISSUES/DISCUSSION

The Audit and Risk Committee Biannual Report: February 2022 is provided as an attachment.

The report encompasses the activities of the Audit and Risk Committee for the November 2021 to February 2022 period. Activities reported on includes the internal audit program, meetings, outstanding audit actions and the focus areas for upcoming six months.

Assessment against the Committee Charter is provided within the report and includes status updates for financial and performance reporting; internal control environment, risk management, fraud prevention systems and controls; internal audit; external audit and compliance management.

COST/BENEFITS

The benefit of this report is providing all Councillors with oversight of the work of the Audit and Risk Committee.

There is no costs associated with development of this report.

RISK ANALYSIS

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

The report has been presented to the Audit and Risk Committee at the 2 May 2022 meeting.

RESOLUTION 2022/89

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council notes the Audit and Risk Committee Biannual Report: February 2022

CARRIED

12 COMPLIANCE REPORTS

Nil

13 URGENT BUSINESS

In accordance with Council's Governance Rules, Clause 53 provides that at a scheduled or special meeting of Council, business that is not included in the agenda notice must only be considered if no more than one Councillor is absent and the Council resolves that the matter is urgent.

Despite this requirement, a matter that is not included in the agenda notice must not be considered at a Council meeting if it will:

- (a) directly and significantly affect the exercise of a person's rights;
- (b) alter the Council Plan or the budget; or
- (c) commit the Council to expenditure exceeding \$20,000.

14 CONFIDENTIAL ITEMS**RECOMMENDATION**

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

14.1 REVIEW OF CONFIDENTIAL ACTIONS

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

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

14.2 Request to write off bad debt

This matter is considered to be confidential under Section 3(1)(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This report contains information relating to a ratepayer.

14.3 C528 - Pyramid Hill Streetscape

This matter is considered to be confidential under Section 3(1)(a) and (g(ii)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and 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.

Pursuant to Section 66 (5)(b) of the Local Government Act 2020, If released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council and/or disadvantage a private business, as various negotiations remain pending.

Closing of Meeting to the Public

RESOLUTION 2022/90

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That the meeting be closed to the public at 4.08pm.

CARRIED

14.1 REVIEW OF CONFIDENTIAL ACTIONS**RESOLUTION 2022/91**

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council receive and note the action sheet.

CARRIED

14.2 REQUEST TO WRITE OFF BAD DEBT**RESOLUTION 2022/92**

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council

1. Resolve to write off the bad debt as outlined in this report to the amount of \$1,630.90; and
2. Authorise the Chief Executive Officer to extend this application for waiver under the Financial Hardship Policy where the hardship status still exists and the ratepayer has complied with all conditions of the agreement including debt repayment schedules.

CARRIED

14.3 C528 - PYRAMID HILL STREETScape**RESOLUTION 2022/93**

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council

1. increase the budget allocation as described in the report;
2. subject to receipt of satisfactory Quality Assurance, OHS and Environmental Plans, award Contract 528 – Pyramid Hill Streetscape for \$1,580,858.30 to Capeng Pty Ltd; and
3. authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the Contract documents and deliver the project.

CARRIED

NEXT MEETING

The next Ordinary Meeting of Council will be held on 28 June 2022 at Wedderburn commencing at 3pm.

There being no further business the meeting was closed at 4.35pm.

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

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CHAIRPERSON