



Date: Tuesday, 25 July 2023
Time: 3.00pm
Location: Loddon Shire Council Chambers, Wedderburn

MINUTES

Council Meeting

**MINUTES OF LODDON SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS, WEDDERBURN
ON TUESDAY, 25 JULY 2023 AT 3.00PM**

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 Mayor read the opening affirmation.

2 ACKNOWLEDGEMENT OF COUNTRY

The CEO read the Acknowledgement of Country.

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Cr Beattie – refer to Agenda Item 12.1

Cr Holt - refer to Agenda item 12.1

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

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

1. Council Briefing of 27 June 2023
2. Council Meeting of 27 June 2023
3. Council Forum of 11 July 2023.

REPORT

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

RESOLUTION 2023/70**Moved:** Cr Gavan Holt**Seconded:** Cr Wendy Murphy

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

1. Council Briefing of 27 June 2023
2. Council Meeting of 27 June 2023
3. Council Forum of 11 July 2023.

CARRIED

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

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

1. Council Briefing 27 June 2023
2. Council Forum 11 July 2023

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

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

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

1. Council Briefing 27 June 2023
2. Council Forum 11 July 2023

Meeting details	Briefing
Date	27 June 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Dan Straub
Staff/ Stakeholder representatives	1. Lincoln Fitzgerald, Chief Executive Officer 2. Wendy Gladman, Director Community Wellbeing 3. David Southcombe, Manager Assets and Infrastructure 4. Amanda Wilson, Director Corporate 5. Lisa Clue, Manager Governance 6. Glenn Harvey, Manager Development and Compliance and Louise Johnston, Statutory Planning Coordinator - for Item 1 below
Item(s) discussed.	1. PA 5869 19 Main St, Bridgewater 2. General Business: <ul style="list-style-type: none"> • Road conditions • VNI West meeting updates • Loddon Valley Football Netball League • Freedom of Information requests • VAGO Report actions status update • Flood Restoration Program • Council expense claims • Federal Assistance Grant funding • Priority Projects for external funding • Child Care • Visitor Information Centre survey • Light tower permit fees
Conflict of Interest Disclosures – Councillor/ officer making disclosure	Nil
Councillor/officer left room	N/A

Meeting details	Forum
Date	11 July 2023
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Dan Straub
Staff/ Stakeholder representatives	<ol style="list-style-type: none"> 1. Lincoln Fitzgerald, Chief Executive Officer 2. Wendy Gladman, Director Community Wellbeing 3. Steven Phillips, Director Operations 4. Amanda Wilson, Director Corporate 5. Lisa Clue, Manager Governance 6. Tracy Hunt, Governance Coordinator 7. Paul Scullie (Acting Manager Community Support) and Martin Mark (Community Development Officer) – Item 1 below 8. Deanne Caserta (Manager, Finance) – Items 2 and 3 below 9. John Scales and Katrina Cox (JWS Research) – Item 6 below
Item(s) discussed.	<ol style="list-style-type: none"> 1. Rheola Community Planning Incorporated - New Community Planning Committee 2. Water trading policy v2 3. Section 181 Sales Update - Sale of properties for unpaid rates and charges 4. Strategic Risk Review 5. Service Reviews 6. Community Satisfaction Survey results 7. Governance Rules Review 8. General Business: <ul style="list-style-type: none"> • Small Towns Strategy update • 2023/24 Fees & Charges
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

RESOLUTION 2023/71

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

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

1. Council Briefing 27 June 2023
2. Council Forum 11 July 2023

CARRIED

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

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

CONFLICT OF INTEREST

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

REPORT

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

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

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

RESOLUTION 2023/72**Moved:** Cr Linda Jungwirth**Seconded:** Cr Wendy Murphy

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

CARRIED

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

That Council receive and note the Mayoral Report.

REPORT

The Mayor presented a verbal report at the meeting.

Murray River Group of Councils	
20/07/2023 - Meeting re VNI West (online)	
Rural Councils Victoria	
14/07/2023 – Forum - Echuca	
Section 65 Community Asset Committees:	
29/06/2023 - Korong Vale Mechanics Hall - meeting	
12/07/2023 - Campbells Forest Hall - meeting	
18/07/2023 - Pyramid Hill Memorial Hall - meeting	
Other Council activities	
Date	Activity
11/07/2023	July Council Forum
13/07/2023	Grand Opening – Loddon Inclusive Precinct - Bridgewater
18/07/2023	Commonwealth Games Briefing (online)
19/07/2023	Pyramid Hill Progress Association meeting

RESOLUTION 2023/73

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council receive and note the Mayoral Report.

CARRIED

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

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a verbal report at the meeting.

Cr Murphy

Section 65 Community Asset Committees:	
12/07/2023 - Campbells Forest Hall	
16/07/2023 - Inglewood Community Sports Centre	
Other Council activities	
Date	Activity
27/06/2023	June Council Briefing and Council Meeting
29/06/2023	Inglewood Development and Tourism Committee meeting
10/07/2023	Loddon Valley Tourism: Business Networking Dinner - Inglewood
11/07/2023	July Council Forum
13/07/2023	Official launch of the Sportz Rulz Loddon Inclusive Precinct - Bridgewater
14/07/2023	Rural Councils Victoria Forum - Echuca
20/07/2023	Bridgewater On Loddon Development Inc Meeting

Cr Beattie

Council activities	
Date	Activity
28/06/2023	Boort Park – Boort Trotting Club meeting
03/07/2023	Boort Tourism Development meeting
11/07/2023	July Council Forum
14/07/2023	Rural Councils Victoria Forum – Echuca
25/07/2023	July Council Briefing and Council meeting

Cr Jungwirth

Council activities	
Date	Activity
27/06/2023	July Council Briefing and Council Meeting
10/07/2023	Loddon Valley Tourism Business Networking Dinner
11/07/2023	July Council Forum
13/07/2023	Opening of Sportz Rulz
14/07/2023	Rural Councils Victoria Conference
19/07/2023	Meeting with Council officers
21/07/2023	Meeting with Newbridge business owner
24/07/2023 and 25/07/2023	Lessons in Disaster by Gender and Disaster Australia

Cr Holt

Council activities	
Date	Activity
28/06/2023	Wedderburn Development Association meeting
01/07/2023	Ten year reunion of the 2013 Wedderburn Senior Eighteen football premiership team
10/07/2023	Meeting with Council officers and the Executive of the Wedderburn Historical Engine and Machinery Society
11/07/2023	July Council Forum
14/07/2023	Rural Councils Victoria Annual Forum – Echuca
17/07/2023	Meeting with Council officers and the Wedderburn Harness Racing Club
24/07/2023	Meeting with Council CEO and Director Community Wellbeing

RESOLUTION 2023/74

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS

10.1 GOVERNANCE RULES REVIEW

File Number:

Author: Lisa Clue, Manager Governance

Authoriser: Amanda Wilson, Director Corporate

Attachments:

1. Draft Loddon Shire Council Governance Rules
2. Summary of amendments

RECOMMENDATION

That Council endorse the Draft Loddon Shire Council Governance Rules as attached to this report for the purpose of community engagement in accordance with section 60(4) of the *Local Government Act 2020*.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

Council most recently discussed the Governance Rules at its meeting in July 2022 when the document was reviewed to make provision for holding meetings by electronic means.

BACKGROUND

The Loddon Shire Council Governance Rules were adopted by Council on 25 August 2020 after a period of community engagement. The Governance Rules were reviewed in July 2022 to make provision for holding meetings by electronic means, when it was acknowledged that a more substantial review of the Rules be undertaken 'when there is time to follow a process of community engagement about changes'.

That substantial review has now been undertaken, including workshops with Councillors and Officers at Council Forums and Briefings during May, June and July 2023.

ISSUES/DISCUSSION

The review process identified a number of existing rules that require amendment in addition to new rules and sub-rules. A list of amendments, in their order of appearance in the Governance Rules, and the Draft reviewed Governance Rules are attached to this Agenda report.

In the most part, rules have been added and amended to provide clarity, align to the *Local Government Act 2020* (the Act) and reflect good and best practice.

This report seeks Council endorsement of the Governance Rules for the purpose of community engagement, as required under section 60(4) of the Act.

Following a period of community engagement, and consideration by Councillors of feedback received, the Governance Rules will be finalised and prepared for Council adoption.

COST/BENEFITS

There are no costs associated with this matter, benefits are associated with process improvement, alignment with good and best practice, and clarity.

RISK ANALYSIS

Clear Governance Rules ensure effective meetings, provide clear direction for meeting protocol and mitigate the risks of unacceptable conduct during meetings and reputational risk.

CONSULTATION AND ENGAGEMENT

This report seeks Council endorsement of the Draft Governance Rules for the purpose of community engagement.

Councillors and Officers participated in workshops to review the current Governance Rules during May, June and July 2023.

Following endorsement by Council, the Draft Governance Rules will be made available for members of the community to review and provide feedback over a two week period.

Community feedback will be considered by Councillors, after which time the Governance Rules will be presented to Council for adoption.

RESOLUTION 2023/75

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council endorse the Draft Loddon Shire Council Governance Rules as attached to this report for the purpose of community engagement in accordance with section 60(4) of the *Local Government Act 2020*.

CARRIED

10.2 WATER TRADING POLICY V2

File Number: FOL/19/432511
Author: Deanne Caserta, Manager Financial Services
Authoriser: Amanda Wilson, Director Corporate
Attachments: 1. Water Trading Policy v2

RECOMMENDATION

That Council adopts the Water Trading Policy v2.

CONFLICT OF INTEREST

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

PREVIOUS COUNCIL DISCUSSION

The previous version (version 1) was adopted by Council in June 2019 and is now due for review.

The draft Water Trading Policy version 2 (the Policy) was presented to Council for discussion at the July Council Forum.

BACKGROUND

The Policy sets the principles for the trading (buying and selling) of water rights by Council. Minor administrative adjustments have been made to the policy to provide further clarification and remove any unnecessary procedural sections from the Policy.

ISSUES/DISCUSSION

The Water Act 1989 (the Act), in part, governs the nature of water shares, the way in which water shares are issued and transferred, and the assignment of water allocations. While some rules in relation to the trading of water are set out in Act, a policy position is required to determine how and when water rights might be bought or sold, and in what circumstances water may be transferred.

Council's objectives in trading water rights as provided in the policy are:

- to secure water for operational and strategic needs of the Shire
- to provide or maintain a community benefit such as maintenance of facilities that are of economic or social importance to the community
- to generate a financial benefit to the Council that would not otherwise have been available.

This policy sets the principles for the trading or transfer of water rights by Loddon Shire Council. It applies to both temporary and permanent water controlled by Council.

COST/BENEFITS

Any costs associated with the trade or transfer of water will need to be funded from the budget in accordance with the Policy. The benefits of having a Water Trading Policy is that it provides staff and management with clear expectations in regard to the management of water as it is a significant Council asset.

RISK ANALYSIS

Water rights are a significant tradeable asset for Council.

This Policy mitigates risk by ensuring that water is secure for the operational needs of the Shire and also for the strategic direction of Council. There is a financial risk to Council should water rights be lost or reduced. Permanent water trading can only be made via a Council resolution.

CONSULTATION AND ENGAGEMENT

The Policy has been through a review process with the Loddon Leaders, prior to consultation occurring with the Management Executive Group. Councillors discussed the proposed policy updates at the July Council Forum.

RESOLUTION 2023/76

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council adopts the Water Trading Policy v2.

CARRIED

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS

Cr Neil Beattie declared a Conflict of Interest in relation to Agenda Item 12.1 and left the meeting at 3.29pm.

Cr Gavan Holt declared a Conflict of Interest in relation to Agenda Item 12.1 and left the meeting at 3.29pm.

12.1 NOTICE OF MOTION - ADOPTED FEE WAIVER

File Number:

Attachments: Nil

MOTION

That Council waive the adopted fees as prescribed at 3.5.4 Community Local Law / Road Management Act 2004 of the Loddon Shire *Fees and Charges for the year 1 July 2023 to 30 June 2024* strategic document for the 2023/24 financial year.

RATIONALE

The Objectives of the Community Local Law 2022 are to provide for:

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

A letter with the subject 'Application for a permit to place items on the footpath or naturestrip' was sent to businesses and residents who were identified placing items on the footpath or nature strip notifying them of the need to obtain a permit and pay the adopted fee associated with 3.5.4 Community Local Law / Road Management Act 2004 in *Fees and Charges for the year 1 July 2023 to 30 June 2024* for the 2023/24 financial year. This letter was signed by Loddon Shire Local Laws Officers and dated 06 July 2023. There was a 21-day timeframe for recipients of the letter to apply for a permit.

Feedback from the community has indicated the nature of this letter came as a surprise to most of the recipients. It is acknowledged a number of businesses already comply with this local law requirement, with many others not currently complying.

The requirement in the letter to apply for a permit is supported, but with an extended timeframe of June 30, 2024. It is felt that waiving the fee for the 2023/24 financial year will enable letter recipients to review and amend their budgets for the 2024/25 financial year to plan for future permit costs and allow the recipients to focus on understanding their requirements, engaging with Local Laws Officers and filling in the permit application satisfactorily without a constrained timeframe.

MOTION

Moved: Cr Wendy Murphy

That Council waive the adopted fees as prescribed at 3.5.4 Community Local Law / Road Management Act 2004 of the Loddon Shire *Fees and Charges for the year 1 July 2023 to 30 June 2024* strategic document excluding the fee for roadside / public place trading for the 2023/24 financial year.

The Motion lapsed for want of a seconder

Cr Neil Beattie returned to the meeting at 3:33 pm

Cr Gavan Holt returned to the meeting at 3:33 pm.

13 URGENT BUSINESS

Nil

14 CONFIDENTIAL ITEMS**RECOMMENDATION**

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

14.1 Appointment of Audit and Risk Committee Independent Member

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.

Personal information regarding recruitment and selection

14.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

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.

Chief Executive Officer Performance Review

RESOLUTION 2023/77

Moved: Cr Wendy Murphy
Seconded: Cr Linda Jungwirth

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

- 14.1 Appointment of Audit and Risk Committee Independent Member
- 14.2 Chief Executive Officer Performance Review

CARRIED

14.1 APPOINTMENT OF AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER**RESOLUTION 2023/78**

Moved: Cr Gavan Holt
Seconded: Cr Neil Beattie

That Council appoint Marg Allan as an Independent Member of the Audit and Risk Committee for a four-year term from 26 July 2023 to 30 June 2027.

CARRIED

14.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

RESOLUTION 2023/79

Moved: Cr Dan Straub (Mayor)

Seconded: Cr Wendy Murphy

That Council:

- 1. receive and note the Chief Executive Officer Performance Review Report 2023; and
- 2. seek external advice and guidance on the setting of the Chief Executive Officer KPIs for 2023/24.

CARRIED

RESOLUTION 2023/80

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council:

- 1. review the salary component of the CEO remuneration Package in accordance with clause 5.7.1 and 5.7.2 of the CEO contract of employment; and
- 2. authorise the Mayor to apply an amendment to schedule two of the CEO employment contract, aligned to the applicable salary increase percentage in Council’s current Enterprise Agreement, for a period of twelve months, effective 1 November 2023.

CARRIED

NEXT MEETING

The next Meeting of Council will be held on 22 August 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 5.00pm.

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

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CHAIRPERSON