



**Date:** Tuesday, 14 December 2021  
**Time:** 3pm  
**Location:** Loddon Shire Council Chambers (entry from Peters Street), behind Wedderburn office

# **MINUTES**

## **Council Meeting**

**14 December 2021**

**MINUTES OF LODDON SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE LODDON SHIRE COUNCIL CHAMBERS (ENTRY FROM PETERS STREET),  
BEHIND WEDDERBURN OFFICE  
ON TUESDAY, 14 DECEMBER 2021 AT 3PM**

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

**IN ATTENDANCE:** Lincoln Fitzgerald (Chief Executive Officer), Wendy Gladman (Director Community Wellbeing), Sharon Morrison (Director Corporate Services), Steven Phillips (Director Operations), Lynne Habner (Manager Executive and Commercial Services)

**1 OPENING AFFIRMATION**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

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

**3 APOLOGIES**

Nil

**4 DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**SUSPENSION OF STANDING ORDERS**

**SUSPENSION OF STANDING ORDERS**

**RESOLUTION 2021/277**

Moved: Cr Dan Straub (Mayor)

A motion was moved that Council suspend standing orders in accordance with Governance 61 to enable members of the public to address the meeting.

**CARRIED**

**RESUMPTION OF STANDING ORDERS**

**RESOLUTION 2021/278**

Moved: Cr Neil Beattie

A motion was moved that Council resume standing orders.

**CARRIED**

**5 PREVIOUS MINUTES****5.1 CONFIRMATION OF MINUTES****File Number:** 02/01/001**Author:** Lynne Habner, 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 23 November 2021.
2. The minutes of the Council Meeting of 23 November 2021.
3. The minutes of the Confidential Council Meeting of 23 November 2021.

**REPORT**

Seeking approval of the unconfirmed minutes of the previous meetings.

**RESOLUTION 2021/279**

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council confirm:

1. The minutes of the Council Briefing of 23 November 2021.
2. The minutes of the Council Meeting of 23 November 2021.
3. The minutes of the Confidential Council Meeting of 23 November 2021.

**CARRIED**

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

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

1. Council Briefing 23 November 2021

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.

**RECORD OF ASSEMBLIES OF COUNCIL**

Assembly details	Briefing
Date	23 November 2021
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 Sharon Morrison, Director Corporate Services Steven Phillips, Director Operations Lynne Habner, Manager Executive and Commercial Services Deanne Caserta, Manager Financial Services
Items discussed.	<ol style="list-style-type: none"> <li>1. Review of the Procurement Policy v11</li> <li>2. Business Continuity Management - Framework and Plan</li> <li>3. SRV Country Football Netball program application – discussion on cost estimates and options</li> <li>4. General business: <ul style="list-style-type: none"> <li>• Petitions about processing plant</li> <li>• Swimming pools</li> <li>• Wedderburn site for industrial estate</li> </ul> </li> </ol>
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	

**RESOLUTION 2021/280**

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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

1. Council Briefing 23 November 2021

**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

**RECOMMENDATION**

That Council receive and note the action sheet.

**CONFLICT OF INTEREST**

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

**REPORT**

Refer attachment.

**RESOLUTION 2021/281**

Moved: Cr Gavan Holt

Seconded: Cr Wendy Murphy

That Council receive and note the action sheet.

**CARRIED**

**8 MAYORAL REPORT****8.1 MAYORAL REPORT****File Number:** 02/01/001**Author:** Lynne Habner, Manager Executive and Commercial Services**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**

<b>Loddon Campaspe Councils</b>	
<b>Murray River Group of Councils</b>	
2/12/21: MRGC meeting, Wedderburn Council Chambers	
<b>North Central Goldfields Regional Library</b>	
Ordinary Board meeting	
<b>North Central Local Learning and Employment Network</b>	
FAR committee via Zoom, Board Meeting, Charlton	
<b>Special Committees Of Council (Section 65 Community Asset Committees):</b>	
East Loddon Community Centre Community Asset Committee	
Pyramid Hill Memorial Hall Community Asset Committee	
Pyramid Hill Swimming Pool Kiosk Community Asset Committee	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
23/11/21	Council Briefing and Council Meeting, Wedderburn Council Chambers
24/11/21	NCLLEN FAR Committee meeting via Zoom
25/11/21	Loddon Mallee Local Government Waste Forum online (sat in for Cr

	Jungwirth)
26/11/21	Pyramid Hill Mens Shed meeting, night
	Phone call catch up with Cr Jungwirth
30/11/21	Mitiamo Progress Association meeting (Chaired AGM)
1/12/21	DELWP and Vic Grid briefing regarding Kerang Link (online)
2/12/21	Murray River Group of Councils Wedderburn Council Chambers, dinner at Wedderburn Hotel
3/12/21	Catch up with Cr Murphy in Pyramid Hill (walk and talk)
4/12/21	Advanced Energy Tech, interest group meeting (Pyramid Hill landfill) (meet with community members)
7/12/21	NCLLEN Board Meeting and Xmas dinner, Charlton
8/12/21	Official site visit and presentation with Advanced Energy Tech and Council (Pyramid Hill landfill site)
9/12/21	18 <sup>th</sup> Annual Politicians Clay Target Shoot (great networking event, held at the Melbourne Gun Club)
10/12/21	GLC Ordinary Board Meeting and AGM (online), Loddon Plains Landcare network AGM and dinner (Inglewood goods shed)
14/12/21	Council Briefing, meeting and Citizenship ceremony

**RESOLUTION 2021/282**

Moved: Cr Neil Beattie

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: Lynne Habner, Manager Executive and Commercial Services

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

**RECOMMENDATION**

That Council receive and note the Councillors' reports

**REPORT**

Each Councillor will present a report at the meeting.

**Cr Beattie**

<b>Rail Freight Alliance</b>	
<b>Special Committees Of Council (Section 65 Community Asset Committees):</b>	
<b>Boort Aerodrome Community Asset Committee</b>	
<b>Boort Memorial Hall Community Asset Committee</b>	
<b>Boort Park Community Asset Committee</b>	
<b>Korong Vale Mechanics Hall Community Asset Committee</b>	
<b>Korong Vale Sports Centre Community Asset Committee</b>	
<b>Little Lake Boort Community Asset Committee</b>	
<b>Yando Public Hall Community Asset Committee</b>	
<b>DATE</b>	<b>Activity</b>
25/11/21	Attended Boort Tourism Development AGM
2/12/21	Attended Boort Angling Club meeting with Loddon Shire representatives
2/12/21	Meeting at Boort Croquet Club with Glenn Harvey
9/12/21	Attended Boort Trotting Club AGM
14/12/21	Attended Forum and Council meeting

**Cr Holt**

<b>Municipal Association of Victoria</b>	
<b>Audit and Risk Committee</b>	
<b>Special Committees Of Council (Section 65 Community Asset Committees):</b> 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	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
26/11/21	Had an enjoyable afternoon touring the Wedderburn Ward with Chief Executive Officer Lincoln Fitzgerald.
	Participated in a Municipal Association of Victoria online forum which was primarily focussed on the issues and procedures to conduct the MAV Rules review.
29/11/21	Chaired a meeting of the Donaldson Park Community Asset Committee
	Attended the Annual General Meeting of the Wedderburn Harness Racing Club
9/12/21	Attended the Wedderburn College Awards Night at the Korong Leisure Centre
10/12/21	Met with Louise Staley, State member for Ripon electorate to discuss various issues in the Shire including the problem we have with lack of child care services.

**Cr Jungwirth**

<b>Loddon Mallee Local Government Waste Forum</b>
<b>Central Victorian Greenhouse Alliance</b>
<b>Municipal Emergency Management Plan Committee</b>

<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
23/11/21	Council Briefing and meeting
24/11/21	Understanding Council Finances – online
25/11/21	Meeting procedures – online
30/11/21	Laanecoorie Hall Committee Triannual General Meeting
1/12/21	Robert Scholes – Kooyoorra State Park
2/12/21	Central Victorian Greenhouse Alliance AGM and Board Meeting
3/12/21	Met with Ironbark Mining
8/12/21	Aust Services Union – Aged Care in Council webinar
8/12/21	Advanced Energy Tech – demonstration site, Pyramid Hill
10/12/21	Loddon Plains Landcare Network AGM
12/12/21	Chaired Friends of Kooyoorra AGM at Kooyoorra State Park
	I have great respect for communities who collaborate to keep their towns functioning well. In late December many community members gathered at the Tarnagulla Cemetery to take part in a working bee to ensure the cemetery was ready for the fire season and looking good. CFA attended and community members donated food and drinks. The reason I'm so impressed is that it wasn't a working bee organised by any one committee but rather townfolk coming together to care for their town which was wonderful to see. People working together in this way keeps our area vibrant.
	I was very sad to hear that Newbridge lost a special man last Tuesday. Graeme Erbs was a very involved and committed community member and a friend to many. He will be missed greatly and I'd like to express my condolences to his family and friends.

**Cr Murphy**

<b>Calder Highway Improvement Committee</b>
26/11/21: Attended the CHIC meeting online
<b>Local Government Women's Charter</b>

<b>Australia Day Committee</b>	
6/12/21: Attended and Chaired the Australia Day Committee meeting	
<b>Healthy Minds Network</b>	
1/12/21: Chaired the LHMN meeting but could not stay for the network lunch at Bridgewater	
<b>Special Committees Of Council (Section 65 Community Asset Committees):</b>	
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	
29/11/21: Attended the Jones Eucalyptus Distillery Site CAC meeting	
6/12/21: Attended the Inglewood Town Hall Hub CAC meeting.	
<b>Other Council activities</b>	
<b>DATE</b>	<b>Activity</b>
26/11/21	Conducted an Inglewood Ward Tour with Loddon Shire CEO Lincoln Fitzgerald
1/12/21	Attended a meeting with Sebastian Klein from Wood4Good, and Mall Brown and Danny and John from Loddon Plains Landcare Network to discuss options to assist a local timber industry to transition from Crown land harvesting.
8/12/21	Represented Loddon Shire at the Central Victorian Goldfields World Heritage Bid media event.
8/12/21	Attended the online Aged Care in Council conversation of challenge and opportunities workshop.
10/12/21	Met with Ripon MP Louise Staley
10/12/21	Attended the Loddon Plains Landcare Network AGM at the Inglewood Railway Station Goods Shed.
14/12/21	Attended the Loddon Shire Council briefing, citizenship ceremony and meeting.
3/12/21	Met with Mayor Straub at Pyramid Hill to look at aspects of the Pyramid Hill streetscape proposal.

**RESOLUTION 2021/283**

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council receive and note the Councillors' reports

**CARRIED**

**10 DECISION REPORTS****10.1 TABLING OF PETITION RECEIVED - OPPOSING PROPOSED MEAT PROCESSING FACILITY**

**File Number:** FOL/2128

**Author:** Lynne Habner, Manager Executive and Commercial Services

**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer

**Attachments:** 1. **Petition from Friends of Mother Earth objecting to Planning Permit 5652**

**RECOMMENDATION**

That Council:

1. Resolves to deal with this agenda item in accordance with clause 63(5) of the Loddon Shire Council Governance Rules.
2. Receives and notes the petition from Friends of Mother Earth tabled in relation to opposition to a proposed (rural industry) Licensed Wild Game Pet Meat Processing Facility in Inglewood.
3. Respond to the person who forwarded the petition that Council is only able to make decisions relating to planning considerations and that petitions/joint letters and any matters raised will be considered as part of the assessment of the planning permit application, along with other objections and submissions.
4. Note that a response in regard to the petition submitted to the November 2021 Council Meeting, was unable to be forwarded to Coalition for Australian Wildlife due contact details via website link provided, being no longer current.

**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 petition has not been discussed by Council previously.

Petitions were tabled at the November 2021 Council meeting.

**BACKGROUND**

Council officers are currently assessing a planning application for a proposed (rural industry) Licensed Wild Game Pet Meat Processing Facility in Inglewood, in adherence with the Loddon Planning Scheme. Following the completion of the assessment process, the application will proceed to a future meeting of Council for its consideration.

As the responsible authority under the Loddon Planning Scheme, Loddon Shire Council must assess all planning applications under this Planning Scheme. Council is also bound by the Planning and Environment Act 1987, which sets out responsibilities for both Council officers and Councillors.

The Loddon Shire Council Governance Rules set out requirements for dealing with petitions received by Council, as follows.

### 63. Petitions and joint letters

- (1) A member of the public may give a petition or a joint letter to a Councillor, the Chief Executive Officer or the delegated officer.
- (2) A petition or joint letter must:
  - (a) state the name of the person forwarding the petition and an address to which notice of Council's response may be forwarded;
  - (b) contain the name, address and signature of each person signing the petition or letter;
  - (c) clearly state the request or describe the action that the Council is asked to do on each page of the petition or in the joint letter (whichever is applicable);
  - (d) not include any statement that is offensive, defamatory or disrespectful to Council;
  - (e) be legible;
  - (f) not contain alterations; and
  - (g) not have any letters or other documents attached to it.
- (3) A petition or joint letter that complies with subclause (2) must be tabled at an ordinary Council meeting at the first reasonable opportunity.
- (4) A petition or joint letter may be tabled by any Councillor or by the Chief Executive Officer. It does not have to be tabled by the person to whom it was given.
- (5) A petition or joint letter tabled at a Council meeting must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson unless the Council resolves to deal with it earlier.

### ISSUES/DISCUSSION

The attached petition received from Friends of Mother Earth is asking that Council does not approve the application for the Inglewood facility.

It is noted that the petition does not strictly meet the definition of a petition, as the current Governance Rules require a signature and address from each person joining the petition.

However, so that Council is responding in good faith, it is tabled for the purpose of this Council report.

Objections to the planning permit application will be managed in accordance with the usual permit assessment process.

It is noted that clause 63(5) of the Governance Rules allow for petitions to lay on the table until the next ordinary meeting of Council, but that Council may resolve to deal with them earlier. It is proposed that Council consider dealing with this item on the day of tabling the petitions/joint letters.

In relation to the requests in the petitions/joint letters that Council does not approve the planning permit application, it is noted that Council, as the responsible authority under the Loddon Planning Scheme, must assess all planning applications under this Planning Scheme. Council is also bound by the Planning and Environment Act 1987, which sets out responsibilities for both Council officers and Councillors.

Council's decisions about a planning permit application can only be in accordance with the Loddon Planning Scheme and the Planning and Environment Act 1987. This will determine whether the application can be approved or refused.

It is proposed that Council resolve to respond to the petition that Council is only able to make decisions relating to planning considerations and that petitions/joint letters and any matters raised will be considered as part of the assessment of the planning permit application, along with other objections and submissions.

In response to the petitions tabled at the November 2021 meeting, responses have been forwarded to People for the Ethical Treatment of Animals (PETA) and Lois Tattershall. Due to contact details via website link provided by Coalition for Australian Wildlife, a response was unable to be forwarded.

**, COST/BENEFITS**

There are no costs or benefits associated with the matters discussed in this Council report.

**RISK ANALYSIS**

The Governance Rules are clear about the requirements for dealing with petitions, however, it is recognised that online options for petitions do not strictly meet these current rules requiring a signature from each person on the petition. This matter will be considered further when the Governance Rules are reviewed in the near future.

It is considered reasonable for Council to accept online petitions without a signature, and this addresses potential reputational risks around being seen to ignore currently accepted practices.

**CONSULTATION AND ENGAGEMENT**

Consultation has been undertaken between Council officers in relation to the tabling of petitions and the proposed response.

**RESOLUTION 2021/284**

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

That Council:

1. Resolves to deal with this agenda item in accordance with clause 63(5) of the Loddon Shire Council Governance Rules.
2. Receives and notes the petition from Friends of Mother Earth tabled in relation to opposition to a proposed (rural industry) Licensed Wild Game Pet Meat Processing Facility in Inglewood.
3. Respond to the person who forwarded the petition that Council is only able to make decisions relating to planning considerations and that petitions/joint letters and any matters raised will be considered as part of the assessment of the planning permit application, along with other objections and submissions.
4. Note that a response in regard to the petition submitted to the November 2021 Council Meeting, was unable to be forwarded to Coalition for Australian Wildlife due to contact details via the website link provided being no longer current.

**CARRIED**



**10.2 PROPOSED VERSION 7 COUNCILLOR EXPENSES AND SUPPORT POLICY****File Number:** FOL/19/101**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Proposed Councillor Expenses and Support Policy version 7**RECOMMENDATION**

That Council adopt version 7 of the Councillor Expenses and Support Policy.

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

This policy was discussed at the November 2021 Councillor forum.

**BACKGROUND**

Version 6 of the policy was adopted on 27 January 2021.

**ISSUES/DISCUSSION**

The Council Expenses Policy is a requirement of the Local Government Act 2020. Since the adoption of version 6 on 27 January 2021, feedback has been received on suggested changes to the Policy. Council officers have reviewed the policy in light of this and made tracked changes in response.

Changes include:

- Inclusion of reference to executive support available to Councillors
- Addition of information relating to treatment of the Councillor allowance for tax purposes
- Inclusion of reference to superannuation
- Clarification of computer types
- Inclusion of the option for a Council approved printer
- Addition of screens and docks
- Addition of peripherals

The policy provides for Councillor feedback midway through the Council term. This review will fulfil that requirement.

**COST/BENEFITS**

Expenses referred to within the policy are generally met by Council's operating budget. The benefit of the policy is compliance with legislation and a consistent and transparent approach to managing Councillor expenses and support.

**RISK ANALYSIS**

There is a risk that expenses may exceed budget allocations. This risk is managed by monitoring of the budget on a monthly basis.

**CONSULTATION AND ENGAGEMENT**

Councillors and relevant officers have been engaged in the revision of this draft. Further consultation included circulation to Loddon Leaders, and review by the Policy Review Group.

**RESOLUTION 2021/285**

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

That Council adopt version 7 of the Councillor Expenses and Support Policy.

**CARRIED**

**10.3 SECTION 65 COMMUNITY ASSET COMMITTEE - REVOKE INSTRUMENT OF DELEGATION - JONES EUCALYPTUS DISTILLERY SITE**

**File Number:** FOL/20/7154

**Author:** Michelle Hargreaves, Administration Officer

**Authoriser:** Sharon Morrison, Director Corporate Services

**Attachments:** Nil

**RECOMMENDATION**

That Council revoke the instrument of delegation to Jones Eucalyptus Distillery Site Community Asset Committee, resulting in the Community Asset Committee being dissolved, effective upon the signing of a Management Agreement by Inglewood Eucalyptus Distillery Museum Inc.

**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 approved the current list of committee members for Jones Eucalyptus Distillery Site Community Asset Committee (CAC) on 23 February 2021.

**BACKGROUND**

Under section 65 of the Local Government Act 2020 (Act) Councillors establish community asset committees and appoint their members. Under section 47 of the Act the CEO issues their instrument of delegation. Under subsection 3.7 of Council's Community Asset Committee Policy, a committee can be disbanded by resolution of Council.

Incorporated bodies can be issued a Management Agreement on similar terms and conditions to an Instrument of Delegation, also signed by the CEO.

**ISSUES/DISCUSSION**

Over the years, the Jones Eucalyptus Distillery has been associated with numerous bodies either delegated, incorporated or unincorporated, all involved an aspect of the management and use of the Jones Eucalyptus Distillery Site (the Site). In an effort to reduce demand on volunteers and increase clarity of roles and responsibilities, over the past six months the committee has endeavoured to amalgamate the numerous bodies. One key change is the intention to register incorporation of one body with one of its purposes being to manage the Site.

By email dated 12 November 2021, Council was advised that the CAC wished to proceed with a formal Management Agreement between Council and the registered incorporated body to replace the Instrument of Delegation to the CAC. The CAC intends to resolve at its meeting on 29 November to proceed with incorporation of Inglewood Eucalyptus Distillery Museum Inc and to sign a management agreement over the Site.

A draft Management Agreement will be issued to Inglewood Eucalyptus Distillery Museum Inc and if acceptable, can be finalised and signed by Inglewood Eucalyptus Distillery Museum Inc and the CEO.

**COST/BENEFITS**

There are no direct costs associated with this recommendation.

The benefit of the transition from Community Asset Committee to Incorporated Association of the committees is a reduced need for volunteers and increased clarity in roles and responsibilities.

**RISK ANALYSIS**

There is a reduced risk of lack of volunteers and a reduced risk of the incorrect body managing or authorising activities.

**CONSULTATION AND ENGAGEMENT**

The section 65 committee has been consulted regarding the revocation of the instrument of delegation. The committee has indicated that it supports the recommendations made in this report.

**RESOLUTION 2021/286**

Moved: Cr Neil Beattie

Seconded: Cr Wendy Murphy

That Council revoke the instrument of delegation to Jones Eucalyptus Distillery Site Community Asset Committee, resulting in the Community Asset Committee being dissolved, effective upon the signing of a Management Agreement by Inglewood Eucalyptus Distillery Museum Inc.

**CARRIED**

**10.4 REVIEW OF THE PROCUREMENT POLICY V11****File Number:** FOL/19/612**Author:** Deanne Caserta, Manager Financial Services**Authoriser:** Sharon Morrison, Director Corporate Services**Attachments:** 1. Procurement Policy v11**RECOMMENDATION**

That Council adopts the Procurement Policy v11.

**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 last version of the Procurement Policy was adopted by Council on 25 August 2020.

**BACKGROUND**

The purpose of the Procurement Policy (the Policy) is to outline Council's approach to the procurement of goods, services and works by Council in the delivery of services to the community and the operations of the organisation.

Previously this was a Council only approved document, but with the additions and alterations made which impact on staff, Councillors, contractors and the community, it is appropriate to request further approval layers of Audit and Risk Committee and then Council.

**ISSUES/DISCUSSION**

This Policy has been updated to include any changes as a result of the introduction of the Local Government Act 2020 (the Act). It has also been restructured to improve flow and follow best practice principles to:

- promote open and fair competition and provide value for money
- provide clear guidance to enable consistency, control and continuous improvement in the provision of goods, services and works for the community
- demonstrate to the community, and achieve high standards in, probity, transparency, accountability and risk management in all procurement activities
- provide guidance on ethical behaviour in public sector procurement
- demonstrate the consideration of sustainability in procurement with respect to social, economic and environmental factors
- achieve compliance with relevant legislative requirements
- encourage and promote use of local businesses wherever practical
- ensure that Council resources are used effectively and efficiently to improve the overall quality of life of people in the local community
- achieve Best Practice in accordance with the Victorian Local Government Best Practice Guidelines and the Act
- help identify opportunities to facilitate or participate in collaborative procurement alternatives.

Other major changes include:

- additional section for panel contracts
- additional section for collaborative procurement
- addition of Appendix 1 – Procurement thresholds – has clarification of thresholds within one easy to understand table
- addition of Appendix 2 – Exemptions from thresholds and competition – rather than this being contained within the wording of the policy, it has been taken out and placed in to an appendix to give greater clarification and transparency
- addition of Appendix 3 – Key performance indicators – new section added to increase reporting within procurement
- addition of Appendix 4 – Financial delegations – this provides a summary of recommended approval levels to simplify approval delegations and allow for streamlining of the Levels of authority delegation.

### **COST/BENEFITS**

There are no direct costs associated with the adoption of this policy. The simplified and higher delegation levels will of benefit in streamlining the purchasing and approval processes.

### **RISK ANALYSIS**

The policy will assist in providing guidance for all procurement activities at Council and is binding upon all Councillors, staff, volunteers, contractors, consultants and persons employed or engaged by, or acting on behalf of Council.

### **CONSULTATION AND ENGAGEMENT**

The document has been subject to the approval process of the Policy Review Group and discussion at Management Executive Group and Loddon Leaders prior to presentation to the Audit and Risk Committee and Council Forum/Briefing.

### **RESOLUTION 2021/287**

Moved: Cr Linda Jungwirth

Seconded: Cr Neil Beattie

That Council adopts the Procurement Policy v11.

**CARRIED**

**10.5 BUSINESS CONTINUITY MANAGEMENT - FRAMEWORK AND PLAN**

**File Number:** FOL/20/613

**Author:** Sharon Morrison, Director Corporate Services

**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer

**Attachments:** 1. Business Continuity Framework version 3  
2. Business Continuity Management Plan version 4

**RECOMMENDATION**

That Council:

1. Adopt the Business Continuity Management Framework version 3
2. Receive and note the Business Continuity Management Plan version 4

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

The draft documents were discussed at the November 2021 briefing.

**BACKGROUND**

Council adopted the Business Continuity Management Policy on 27 July 2021.

**ISSUES/DISCUSSION**

The Audit and Risk Committee has reviewed the Business Continuity Management Framework and Plan, which are consistent with the Policy.

The Audit and Risk Committee noted the changes in the documents and referred the documents to Council.

**COST/BENEFITS**

Costs associated with business continuity management are contained in the operational budget. The benefit of having the documents in place is capturing knowledge for the benefit of situations where designing an approach would take valuable time which is not available in many business continuity management situations.

**RISK ANALYSIS**

Risk is minimised with the adoption and implementation of these documents.

**CONSULTATION AND ENGAGEMENT**

Numerous staff have been consulted in the development of these documents. The documents have also been through consultation with Risk Management Committee Audit and Risk Committee and Policy Review Group.

**RESOLUTION 2021/288**

Moved: Cr Wendy Murphy

Seconded: Cr Linda Jungwirth

That Council:

1. Adopt the Business Continuity Management Framework version 3
2. Receive and note the Business Continuity Management Plan version 4

**CARRIED**



**10.6 ADOPTION OF THE COMPLAINT HANDLING POLICY V1****File Number:****Author:** Peter Williams, Manager Information and Business Transformation**Authoriser:** Sharon Morrison, Director Corporate Services**Attachments:** 1. Complaint Handling Policy V1**RECOMMENDATION**

That Council adopts the Complaints Policy V1

**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 Complaints Policy was reviewed by Council in the November Councillor Forum.

**BACKGROUND**

The purpose of the policy is to provide guidance in relation to how Council will manage customer complaints, complementing the Complaint Handling Framework and the Complaint Handling Procedure.

**ISSUES/DISCUSSION**

Complaints are currently handled within the Complaints Handling Framework adopted in 2017, but Council is required under Section 106 (Service Performance Principles) and Section 107 (Complaints Policy) of the Local Government Act 2020 to have this Policy adopted prior to 31 December 2021.

The policy is designed to provide reassurance to complainants that Council has in place a complaints process that is governed by good and fair policy, with review mechanisms in place.

**COST/BENEFITS**

The only direct costs associated with the adoption of this policy are the time taken to record, manage and respond to the customer complaints in accordance with the Framework, Policy and Procedure. The benefit of the policy is compliance and good governance.

**RISK ANALYSIS**

By adopting the Policy prior to 31 December 2021, Council will comply with Section 106 (Service Performance Principles) and Section 107 (Complaints Policy) of the Local Government Act 2020.

**CONSULTATION AND ENGAGEMENT**

The document has been subject to the approval process of the Policy Review Group and discussion at Management Executive Group and Loddon Leaders after Councillor review in the November 2021 Briefing.

**RESOLUTION 2021/289**

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council adopts the Complaints Policy V1

**CARRIED**

**11 INFORMATION REPORTS****11.1 SECTION 47(6) CEO ACTIVITIES AND PERFORMANCE REPORT REGARDING COMMUNITY ASSET COMMITTEES****File Number:** FOL/20/2517**Author:** Sharon Morrison, Director Corporate Services**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Summary of CAC reporting for 2020/21**RECOMMENDATION**

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

**CONFLICT OF INTEREST**

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

**PREVIOUS COUNCIL DISCUSSION**

Nil

**BACKGROUND**

Section 47(6) of the Local Government Act (Act) requires the CEO to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee (CAC).

**ISSUES/DISCUSSION**

To meet the requirements of the Act, Council asked CACs to report on their activities and performance for the 2020/21 financial year. Activity is measured in terms of bookings while performance is measured by the extent to which income covers maintenance and operating costs. At the time of this report, final reports were outstanding from only four CACs. Attached is a summary of activities and performance for the CACs.

Activities in 2020/21 were abnormal due to COVID restrictions and do not represent business as usual data. Financial performance was equally impacted and does not represent a typical year.

Based on the data provided by the CACs, expenditure (\$216,062.82) slightly exceeded income (\$215,650.44).

Of the 20 CACs, 10 (50%) report having casual users, and 12 (60%) report having seasonal users. Seasonal users are positive and help to ensure regular income.

Council provides a small allocation to CACs in accordance with its Halls and Recreation Reserves Policy. Some CACs have reported either not receiving the allocation or have recorded the allocation as part of general income rather than a grant. An additional COVID Cleaning grant was also available during the reporting year, which increased the amount of income by the CAC from Council. Asset hire and Council allocation represent 100% income for only four CACs, meaning that 80% of CACs raise income from other sources.

For those CACs reporting the Council allocation, only one reported that their expenses maintenance exceeded their allocation.

This is the first year of reporting. Based upon the results, further work will be done with the CACs to:

- update online reporting to enable more accurate reporting of activities and performance

- identify opportunities for raising income other than from Council allocation and bookings
- separately identify operating expenses versus maintenance expenses.

**COST/BENEFITS**

The cost to Council in 2020/21 as reported by the CACs was \$54,922. The benefit of the CACs was usage by 114 casual users and 27 seasonal users.

**RISK ANALYSIS**

There is a risk that the cost of maintaining and operating the assets will exceed income. This financial year costs exceeded income by \$412.38.

**CONSULTATION AND ENGAGEMENT**

The CACs have provided activity and performance data and information for the purpose of preparing this report.

**RESOLUTION 2021/290**

Moved: Cr Neil Beattie  
Seconded: Cr Wendy Murphy

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

**CARRIED**

**12 COMPLIANCE REPORTS****12.1 SECTION 65 COMMUNITY ASSET COMMITTEE MEMBERSHIP DETAILS - KORONG VALE MECHANICS HALL**

**File Number:** FOL/20/7153

**Author:** Michelle Hargreaves, Administration Officer

**Authoriser:** Sharon Morrison, Director Corporate Services

**Attachments:** Nil

**RECOMMENDATION**

That Council appoints the persons named in this report as members of the Korong Vale Mechanics Hall Section 65 Community Asset Committee, effective immediately.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report. Some staff members have an involvement in the subject matter of the report by virtue of their volunteer commitment to the Community Asset Committee or the volunteer commitment by their family members.

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of committee members for Korong Vale Mechanics Hall Community Asset Committee on 24 June 2021.

**BACKGROUND**

Under section 65 of the Local Government Act 2020 (Act) Councillors establish community asset committees and appoint their members. Under section 47 of the Act, the CEO issues their instrument of delegation.

Clause 7.1 of the instrument of delegation establishes the composition of the committee. Clause 7.2.1 provides for the appointment of the member by name by resolution of Council for a term of one year. For community based committees, at least six community representatives are preferred. For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

Clause 7.6 states that:

At the annual meeting each year nominations shall be called for proposed members of the Committee. The Committee must then elect from its proposed members the following office bearers:

- chair
- deputy chair (not mandatory, but recommended)
- secretary
- treasurer\*
- booking officer\*
- general members

\*The treasurer and booking officer must not be the same person.

Clause 7.2.4 states that Council shall appoint members to the Committee as soon as reasonably practicable after the date upon which their annual meeting occurs.

**ISSUES/DISCUSSION**

Korong Vale Mechanics Hall is a community based committee with preferred representation requiring at least six community representatives. The following is a list of nominated representatives for the committee:

<b>Name</b>	<b>Position</b>
Glenda Brooker	Chair
Darren Quigley	Secretary
Lyn Chapman	Treasurer
Heather Charry	Booking Officer
Rita Tosch	Committee Member
Ken Hunter	Committee Member
Fred Brooks	Committee Member
John Charry	Committee Member
Robert Chapman	Committee Member

The Council representative for this committee is Cr Neil Beattie.

**COST/BENEFITS**

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

**RISK ANALYSIS**

Section 65 Community Asset Committees act for and on behalf of Council, which creates a risk for Council, should they ever act outside their delegated authority.

Clause 7.3 of the instrument of delegation provides for the removal of any committee member. This clause could be used to mitigate risk.

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them, as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

**CONSULTATION AND ENGAGEMENT**

The community asset committee has provided Council with the list of proposed committee members and their positions.

**RESOLUTION 2021/291**

Moved: Cr Neil Beattie

Seconded: Cr Gavan Holt

That Council appoints the persons named in this report as members of the Korong Vale Mechanics Hall Section 65 Community Asset Committee, effective immediately.

**CARRIED**

**12.2 SECTION 65 COMMUNITY ASSET COMMITTEE MEMBERSHIP DETAILS - PYRAMID HILL MEMORIAL HALL - NEW CHAIR**

**File Number:** FOL/20/7150  
**Author:** Michelle Hargreaves, Administration Officer  
**Authoriser:** Sharon Morrison, Director Corporate Services  
**Attachments:** Nil

**RECOMMENDATION**

That Council accepts the resignation of the current Chair and appoints the person named in this report as the Chair of the Pyramid Hill Memorial Hall Section 65 Community Asset Committee, effective immediately.

**CONFLICT OF INTEREST**

There is no conflict of interest for any Council staff member involved in the preparation of this report. Some staff members do have an involvement in the subject matter of the report by virtue of their volunteer commitment to the Community Asset Committee or the volunteer commitment by their family members.

**PREVIOUS COUNCIL DISCUSSION**

Council approved the current list of committee members for Pyramid Hill Memorial Hall Community Asset Committee on 21 September 2021. Since September Chair Ron Peacock has resigned due to personal reasons. At the committee meeting held 16 November the committee accepted his resignation and elected a new Chair.

**BACKGROUND**

Under section 65 of the Local Government Act 2020 (Act) Councillors establish community asset committees and appoint their members. Under section 47 of the Act the CEO issues their instrument of delegation.

Clause 7.1 of the instrument of delegation establishes the composition of the committee. Clause 7.2.1 provides for the appointment of the member by name by resolution of Council for a term of one year. For community based committees, at least 6 community representatives are preferred. For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

Clause 7.6 states that:

At the annual meeting each year nominations shall be called for proposed members of the Committee. The Committee must then elect from its proposed members the following office bearers:

- chair
- deputy chair (not mandatory, but recommended)
- secretary
- treasurer\*
- booking officer\*
- general members

\*The treasurer and booking officer must not be the same person.

Clause 7.2.4 states that Council shall appoint members to the Committee as soon as reasonably practicable after the date upon which their annual meeting occurs.

**ISSUES/DISCUSSION**

Since September, Chair Ron Peacock has resigned due to personal reasons. At the committees meeting held 16 November the committee accepted his resignation and elected a new Chair as listed below.

<b>Pyramid Hill Memorial Hall</b>	
Andrew Scott	Chair

It is noted that the role of Deputy Chair remains vacant  
 The Council representative for this committee is Cr Dan Straub.

**COST/BENEFITS**

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

**RISK ANALYSIS**

Section 65 Community Asset Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Clause 7.3 of the instrument of delegation provides for the removal of any committee member. This clause could be used to mitigate risk.

Council’s appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

**CONSULTATION AND ENGAGEMENT**

The community asset committee has provided Council with the name of the elected Chair.

**RESOLUTION 2021/292**

Moved: Cr Linda Jungwirth  
 Seconded: Cr Wendy Murphy

That Council accepts the resignation of the current Chair and appoints the person named in this report as the Chair of the Pyramid Hill Memorial Hall Section 65 Community Asset Committee, effective immediately.

**CARRIED**



**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)

Closing of Meeting to the Public

**RESOLUTION 2021/293**

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That the meeting be closed to the public at 3.47pm.

**CARRIED**

**14.1 REVIEW OF CONFIDENTIAL ACTIONS****RESOLUTION 2021/294**

Moved: Cr Wendy Murphy

Seconded: Cr Gavan Holt

That Council receive and note the action sheet.

**CARRIED**

**NEXT MEETING**

The next Ordinary Meeting of Council will be held on 25 January 2022 at Wedderburn commencing at 3pm.

There being no further business the meeting was closed at 3.49pm.

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

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**CHAIRPERSON**