



Date: Tuesday, 13 December 2022
Time: 3.05 pm
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, 13 DECEMBER 2022 AT 3.05 PM**

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

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

1 OPENING AFFIRMATION

The Opening Affirmation was read by the Mayor

2 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the CEO

3 APOLOGIES

Nil

4 DECLARATIONS OF CONFLICT OF INTEREST

Lincoln Fitzgerald, CEO declared a material Conflict of Interest in relation to Agenda Item 14.2 and advised he will leave the meeting during consideration of that item.

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

That Council confirm the Minutes of the:

1. Council Briefing of 22 November 2022
2. Council Meeting of 22 November 2022.

REPORT

This report seeks Council confirmation of Minutes from the November 2022 Council Briefing and Council Meeting as previously circulated to Councillors.

RESOLUTION 2022/129**Moved: Cr Neil Beattie****Seconded: Cr Wendy Murphy**

That Council confirm the Minutes of the:

1. Council Briefing of 22 November 2022
2. Council Meeting of 22 November 2022.

CARRIED

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

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

1. Council Briefing 22 November 2022.

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

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

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

1. Council Briefing 22 November 2022.

Meeting details	Briefing
Date	22 November 2022
Councillor Attendees	Cr Beattie Cr Holt Cr Jungwirth Cr Murphy Cr Straub
Staff/Stakeholder representatives	Lincoln Fitzgerald, Chief Executive Officer Wendy Gladman, Director Community Wellbeing Steven Phillips, Director Operations Amanda Wilson, Director Corporate Lisa Clue, Manager Governance
Items discussed.	1. Future of Aged Care Services in Loddon 2. General Business <ul style="list-style-type: none"> • VicRoads road repairs within the Loddon Shire
Conflict of Interest Disclosures - Councillor/officer making disclosure	Nil
Councillor/officer left room	N/A

RESOLUTION 2022/130

Moved: Cr Gavan Holt

Seconded: Cr Linda Jungwirth

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

1. Council Briefing 22 November 2022.

CARRIED

7 REVIEW OF ACTIOS**7.1 REVIEW OF ACTIONS****File Number:** 02/01/002**Author:** Lisa Clue, Manager Governance**Authoriser:** Lincoln Fitzgerald, Chief Executive Officer**Attachments:** 1. Status of actions**RECOMMENDATION**

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

CONFLICT OF INTEREST

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

REPORT

A document 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 November 2022.

All actions from November 2022 Council meeting resolutions have been completed.

RESOLUTION 2022/131**Moved:** Cr Wendy Murphy**Seconded:** Cr Neil Beattie

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

CARRIED

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

That Council receive and note the Mayoral Report.

REPORT

The Mayor, Cr Straub provided a verbal report at the meeting, commencing with an update on recovery from the flood event including the commencement of grain harvest and hay bailing in areas of the shire less impacted; work on impacted roads and infrastructure; and the return of tourism.

Cr Straub spoke of mosquito monitoring and eradication work around public facilities now and into the New Year.

In his report, Cr Straub congratulated all State Election candidates including returning MPs and those newly elected, as well as students across the Loddon Shire who have recently completed Year 12.

After reporting on meetings and events attended since the November Council meeting, Cr Straub concluded his report by wishing Loddon Shire residents, his fellow Councillors and Council staff a Merry Christmas and Happy New Year.

Loddon Campaspe Councils
Nothing to report
Murray River Group of Councils
01/12/2022 – Meeting in Mildura
North Central Goldfields Regional Library
09/12/2022 – General Board Meeting
North Central Local Learning and Employment Network
Nothing to report
Rural Councils Victoria
Nothing to report

Other Council activities	
DATE	Activity
09/12/2022	Buloke Loddon Gannawarra Youth Awards - Boort
12/12/2022	Mitiamo Progress Association Meeting
13/12/2022	Citizenship Ceremony - Wedderburn

RESOLUTION 2022/132

Moved: Cr Linda Jungwirth

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: Lisa Clue, Manager Governance

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council receive and note the Councillors' reports.

REPORT

Each Councillor presented a verbal report at the meeting.

Cr Murphy

Calder Highway Improvement Committee	
Nothing to report	
Local Government Women's Charter	
Nothing to report	
Healthy Minds Network	
Nothing to report	
Other Council activities	
Date	Activity
22/11/2022	Loddon Shire Council Briefing and Meeting
24/11/2022	Inglewood Development and Tourism meeting
29/11/2022	'Addressing Unreasonable Conduct' training
09/12/2022	Loddon Information Centre Volunteers familiarisation tour of Inglewood Ward – Morning Tea
09/12/2022	Buloke, Loddon and Gannawarra Youth Awards - Virtual

Cr Holt

Municipal Association of Victoria	
Nothing to report	
Audit and Risk Committee	
Nothing to report	
Section 65 Community Asset Committees:	
28/11/2022 - Donaldson Park Community Asset Committee Meeting	
Other Council activities	
Date	Activity
22/11/2022	Wedderburn Redbacks Inc Annual General Meeting
22/11/2022	Logon Recreation Reserve Committee of Management – Triennial Meeting
24/11/2022	Meeting with David Stretch, Manager Tourism and Economic Development
08/12/2022	Meeting with Lincoln Fitzgerald, CEO, Steven Phillips, Director Operations and David Stretch, Manager Tourism and Economic Development re development of the Wedderburn Housing Estate

Cr Jungwirth

Australia Day Committee	
01/12/2022 - Meeting	
Central Victorian Greenhouse Alliance	
Nothing to report	
Municipal Emergency Management Planning Committee	
Nothing to report	
Other Council activities	
Date	Activity
22/11/2022	Loddon Shire Council Briefing and Meeting
24/11/2022	Monthly Mentoring Session – online
29/11/2022	'Addressing Unreasonable Conduct' training
30/11/2022	Kooyoora Women's Network Dinner
01/12/2022	Senior Citizens combined Christmas party

Cr Beattie

Rail Freight Alliance	
Nothing to report	
Other Council activities	
Date	Activity
05/12/2022	Boort Tourism Development meeting
10/12/2022	Boort Parkrun
11/12/2022	Melbourne Grammar School Symphony Orchestra - Boort
13/12/2022	Loddon Shire Council Briefing and Meeting

RESOLUTION 2022/133

Moved: Cr Wendy Murphy

Seconded: Cr Neil Beattie

That Council receive and note the Councillors' reports.

CARRIED

10 DECISION REPORTS

Nil

11 INFORMATION REPORTS

Nil

12 COMPLIANCE REPORTS

12.1 AUDIT AND RISK COMMITTEE BIENNIAL REPORT AND MINUTES

File Number:

Author: Amanda Wilson, Director Corporate

Authoriser: Lincoln Fitzgerald, Chief Executive Officer

Attachments: 1. Audit and Risk Committee Biannual Report November 2022
2. Audit and Risk Committee Minutes 7 November 2022

RECOMMENDATION

That Council:

- (a) notes the Audit and Risk Committee Biannual Report November 2022
- (b) notes the Audit and Risk Committee 7 November 2022 meeting minutes

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. The Committee received the previous report at the May 2022 Council meeting.

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 of the Charter states:

- a) *Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.*
- c) *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 minutes of the 7 November 2022 Audit and Risk Committee meeting, and Audit and Risk Committee Biannual Report November 2022 are provided as an attachment.

The biannual report encompasses the activities of the Audit and Risk Committee for the March 2022 to October 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 cost associated with development of this report, however there are costs associated with undertaking regular internal and external auditing of Council activities. Council's internal audit contract concludes in June 2023 and this contract will be market tested. Auditing and risk management oversight provides a level of surety for Council that services are undertaken efficiently and effectively.

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.

CONSULTATION AND ENGAGEMENT

Relevant officers were consulted in the preparation of the Audit and Risk Biannual Report. The report was endorsed by the Audit and Risk Committee at the 7 November 2022 meeting.

RESOLUTION 2022/134

Moved: Cr Gavan Holt

Seconded: Cr Neil Beattie

That Council:

- (a) notes the Audit and Risk Committee Biannual Report November 2022
- (b) notes the Audit and Risk Committee 7 November 2022 meeting minutes

CARRIED

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 Major Recreation Reserve Floodlighting Upgrade - Serpentine

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.

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.

CEO Performance Review

RESOLUTION 2022/135

Moved: Cr Linda Jungwirth

Seconded: Cr Wendy Murphy

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 Major Recreation Reserve Floodlighting Upgrade – Serpentine

14/2 Chief Executive Officer Performance Review..

CARRIED

14.1 MAJOR RECREATION RESERVE FLOODLIGHTING UPGRADE - SERPENTINE**RESOLUTION 2022/136**

Moved: Cr Neil Beattie

Seconded: Cr Linda Jungwirth

That Council

1. award the contract for the construction of new floodlighting at the Serpentine Recreation Reserve to Coutts Electrical and Data Pty Ltd for \$356,890.00;
2. endorse the submission of a scope variation to Sport and Recreation Victoria; and
3. authorise the Chief Executive Officer to undertake the necessary administrative actions to complete the Serpentine project.

CARRIED

3:37 pm - Wendy Gladman (Director Community Wellbeing), Steven Phillips (Director Operations), Amanda Wilson (Director Corporate) and Lisa Clue (Manager Governance) left the meeting and Janine Jackson (Manager Organisational Development) joined the meeting.

14.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

3:47 pm – Lincoln Fitzgerald, CEO declared a material conflict of interest and left the meeting during consideration of this Agenda item.

RESOLUTION 2022/137

Moved: Cr Neil Beattie

Seconded: Cr Gavan Holt

That Council:

- i) receive and note the Chief Executive Officer Performance Review Report 2022
- ii) 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
- iii) authorise the Mayor to apply an amendment to schedule two of the CEO employment contract in accordance with any agreed salary changes.

CARRIED

NEXT MEETING

The next Ordinary Meeting of Council will be held on 24 January 2023 at Wedderburn commencing at 3.00pm.

There being no further business the meeting was closed at 5.05 pm.

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

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CHAIRPERSON