



# GANNAWARRA

*Shire Council*

**Tuesday, 13 June 2017**

**5.00pm**

**Council Chambers**

**Kerang**

## **AGENDA**

**Special Council Meeting**

**Order Of Business**

**1 Acknowledgement of Country ..... 3**

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## 1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respects to elders both past and present

## 2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

## 3 APOLOGIES

## 4 DECLARATION OF CONFLICT OF INTEREST

The *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008*.

A Councillor, member of a special committee, or member of Council staff has a conflict of interest in a matter if he or she has a *direct interest* or an *indirect interest* in that matter.

A person has a direct interest in a matter if there is a likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an indirect interest in a matter if the person has:

- a close association in the matter because a family member, a relative or a member of their household has a direct or indirect interest in the matter
- an indirect financial interest in the matter
- a conflicting duty – although there are circumstances where a person does not have a indirect interest because of a conflicting duty
- received an ‘applicable gift’
- become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter.

### ***Disclosure of conflict of interest***

If a Councillor or member of a special committee has a conflict of interest in a matter which is to be or is likely to be considered at a meeting of the Council or special committee, the Councillor or member must:

- if he or she will be present at the meeting, make a full disclosure of that interest by advising of the class and nature of the interest to either –
- the Council or special committee immediately before the matter is considered at the meeting, *or*
- in writing to the Chief Executive Officer (CEO). Where the disclosure is made to the CEO in writing, the Councillor or member need only disclose the class of interest to the meeting, immediately before the matter is considered.

- if he or she will not be present at the meeting, make a full disclosure to the CEO or Chairperson of the meeting, in writing, of the class and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the CEO.
- The CEO must keep written disclosures in a secure place for 3 years after the date the Councillor or member of the special committee who made the disclosure ceases to be a Councillor or member, and destroy the written disclosure when the 3 year period expires.
- While the matter is being considered or any vote taken, the Councillor or member of a special committee with the conflict of interest must leave the room and notify the Mayor or Chairperson of the special committee he or she is doing so. The Mayor or Chairperson must notify the Councillor or member that he or she may return to the room after consideration of the matter and all votes have been cast.
- A CEO or Chairperson of a special committee must record in the minutes of the meeting the declaration of the conflict of interest, the class of the interest and, if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- A failure by a Councillor or member to comply with section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under section 29(2) of the Act.

## 5 BUSINESS REPORTS FOR DECISION

### 5.1 HEARING OF SUBMISSIONS ON THE DRAFT 2017 - 2021 COUNCIL PLAN

**Author:** Katrina Thorne, Community Development Officer

**Authoriser:** Mandy Hutchinson, Director Community Wellbeing

**Attachments:** 1 Submissions to be heard by Council for Draft 2017 - 2021 Council Plan

#### RECOMMENDATION

**That Council hear the submissions from those requesting to address Council in support of their submission lodged under Section 223 of the *Local Government Act 1989* in respect of the Draft 2017 – 2021 Council Plan endorsed by Council on 19 April 2017.**

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#### EXECUTIVE SUMMARY

Council has developed the Draft 2017 – 2021 Council Plan in accordance with the *Local Government Act 1989*. In accordance with Section 223 of the Act, giving a person a right to make a submission, Council must, if requested as part of that submission, provide the person with the opportunity to be heard in support of the submission.

It is recommended that Council note and consider all written and supporting verbal submissions received during the public exhibition period.

Eight written submissions have been received and of these, two have requested to be heard by Council in support of their submission.

The hearing of submissions will commence at 5.00pm with 5 minutes being allowed for each presentation. Acknowledgment letters have been sent to those submissions not wishing to address Council.

#### BACKGROUND

In accordance with Section 223 of the Local Government Act, Council must consider any written submissions by any person who has made a submission on the Draft Council Plan. They must request to be heard in writing and are entitled to appear in person or by a person acting on his or her behalf before a meeting of Council. Submissions need to be considered by Council prior to formal adoption of the 2017 – 2021 Council Plan.

Following the close of the advertising period Council had received eight submissions with two requesting to be heard by Council in support of their submission.

The submissions are summarised as follows:

- Submissions received via website - 7
- Submissions received in the mail - 1

#### POLICY CONTEXT

The Council Plan is a legislative requirement under Section 125 of the *Local Government Act 1989* and must include:

- The strategic objectives of the Council
- Strategies for achieving the objectives for at least the next 4 years
- Strategic indicators for monitoring the achievement of the objectives
- A Strategic Resource Plan

## **CONSULTATION**

In accordance with the *Local Government Act 1989* the Draft 2017 – 2021 Council Plan is to be made available for public inspection and invite submissions for at least 28 days. The Draft 2017 – 2021 Council Plan was on display between 21 April and 29 May 2017.

A range of mediums were used in order to communicate to the community about the public exhibition period, including:

- Notices in the Gannawarra Times and Koondrook Barham Bridge
- Notice on Council's website, including a link from the home page of the website directly to the submission page
- Posts on Council's social media accounts, including a short video developed purely to communicate the key messages in the Council Plan and Proposed Budget
- Hard copies of the Plan were made available at Council's two customer service centres

During this period of time Councillors and Council staff also met with various community groups and held two open forum sessions (Kerang and Cohuna), giving residents the opportunity to seek clarification, ask questions and receive information on both the Proposed Budget and Council Plan.

It was also an opportunity to seek support and endorsement of the Community Profiles which are the core of the Council Plan document and outline the goals and ambitions of the individual communities.

Copies of all submissions have previously been provided to the Councillors.

## **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter

## **CONCLUSION**

The Draft Council Plan builds upon the initiatives and goals of Council and reflects the key messages received from the community throughout the extensive consultation process.

Council has prepared the Draft 2017 – 2021 Council Plan in accordance with Section 125 of the *Local Government Act 1989* and in accordance with Section 223 Council must, if requested as part of a submission, provide the person with the opportunity to be heard in support of the submission. Of the eight submissions received, two have requested to be heard.

Council needs to consider all submissions and decide whether or not to amend the Draft 2017 – 2021 Council Plan prior to adoption at the Council meeting on 28 June 2017.

**Submissions received under Section 223 of the Local Government Act 1989 in respect to the  
Gannawarra Shire Council Draft 2017 – 2021 Council Plan who requested to address Council in  
support of their submission**

<b>Date</b>	<b>Lodged by</b>	<b>Name</b>	<b>Topic</b>
1 May 2017	Web	Cindy Puddick	Koondrook Primary School and Koondrook Pre School
29 May 2017	Web	John Smith	Differential rate system

## 5.2 HEARING OF SUBMISSIONS ON THE GANNAWARRA SHIRE COUNCIL PROPOSED ANNUAL BUDGET 2017/2018

**Author:** Sid Hutchinson, Manager Finance

**Authoriser:** Tom O'Reilly, Director Corporate Services

**Attachments:** 1 Submissions received in respect to the Gannawarra Shire Council Proposed Annual Budget 2017/2018

### RECOMMENDATION

That Council hear the submissions from those requesting to address Council in support of their submission lodged under Section 223 of the *Local Government Act 1989* in respect of the Gannawarra Shire Council Proposed Annual Budget 2017/2018 endorsed by Council on 19 April 2017.

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### EXECUTIVE SUMMARY

Council has prepared a Proposed Budget in accordance with Section 127 of the *Local Government Act 1989*. In accordance with Section 223 of the *Local Government Act 1989* giving a person a right to make a submission, Council must, if requested as part of that submission, provide the person with the opportunity to be heard in support of the submission.

67 submissions have been received, 1 submission is in respect to a charge in the 'Fees and Charges Schedule' for bulk rubbish containers adopted by Council on 19 April 2017, 1 submission concerning footpath construction in Scoresby Street, Kerang and 65 submissions have been received objecting to the increase in rates for Farm Dryland properties and the removal of the differential rating system with one of those submissions also including a question re the Kerang Lakes study.

Of the 67 Submissions, 21 have requested to be heard by Council in support of their submission. All Councillors have been provided with a complete copy of all submissions and a list of those persons wanting to be heard in support of their submission is attached.

The hearing of submissions will commence at 5.00pm with 5 minutes being allowed for each presentation. Of the 21 submitters wishing to be heard, 19 have been contacted by phone and 2 who were unable to be contacted by phone, have been notified via email.

### BACKGROUND

In accordance with Section 223 of the *Local Government Act 1989*, Council must consider any written submissions by any person who has made a submission on the budget. They must request to be heard in writing and are entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council. Submissions need to be considered by Council prior to formal adoption of the Proposed Annual Budget 2017/2018.



Following the close of the advertising period Council had received 67 submissions with 21 requesting to be heard by Council in support of their submission.

The submissions are summarised as follows:

- |                                    |    |
|------------------------------------|----|
| • Submissions received via website | 20 |
| • Submissions received via email   | 15 |
| • Submissions received in the mail | 32 |

Submissions received:

Received	67
Requested to address Council	21

## **POLICY CONTEXT**

Governance and Leadership: Transparent and accountable decision making  
Responsible management of resources - financial

## **CONSULTATION**

In accordance with the *Local Government Act 1989* the proposed budget is to be made available for public inspection and invite submission for at least 28 days. The Proposed Annual Budget 2017/18 was on display between 21 April and 29 May 2017. During the display period Councillors and Council officers met with various community groups to provide information and answer questions in relation to both the Proposed Annual Budget 2017/2018 and the draft 2017 - 21 Council Plan.

## **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

## **CONCLUSION**

Council has prepared a Proposed Budget in accordance with Section 127 of the *Local Government Act 1989*. In accordance with Section 223, Council must if requested as part of a submission, provide the person with the opportunity to be heard in support of the submission. 21 submissions have been received where the author has requested to be heard. Council needs to consider all submissions and decide whether or not to amend the Proposed Annual Budget 2017/2018 prior to adoption at the Council Meeting on 28 June 2017.

**Submissions received under Section 223 of the Local Government Act 1989 in respect to  
the Gannawarra Shire Council Proposed Annual Budget 2017/2018.  
Objector requesting to address Council.**

<b>Date Received</b>	<b>Lodged by</b>	<b>Objector</b>	<b>Issue</b>
<b><u>Request to address Council in support of Submission</u></b>			
29/05/2017	Web	den Houting, Keith	Dryland rate and differentials
16/05/2017	Mail	Douglass, Grattan	Scoresby Street footpath
29/05/2017	Mail	Fawcett, Russell	Dryland rate and differentials
28/05/2017	Email	Fenton, Colin	Dryland rate and differentials
19/05/2017	Mail	Fenton, Mary	Dryland rate and differentials
28/05/2017	Email	Goulding, Neville	Dryland rate and differentials, Kerang Lakes
25/05/2017	Web	Hosking, Brett	Dryland rate and differentials
22/05/2017	Web	Kendell, Geoff	Dryland rate and differentials
29/05/2017	Web	Kennedy, Craige	Dryland rate and differentials
22/05/2017	Email	Knight, Janet	Dryland rate and differentials
22/05/2017	Mail	Knight, John & Kerrie	Dryland rate and differentials
22/05/2017	Email	Leathbridge, Roby	Dryland rate and differentials
28/05/2017	Web	Lumsden, Bernice	Dryland rate and differentials
29/05/2017	Mail	Mc Cann, S	Dryland rate and differentials
23/05/2017	Email	McGrath, AG, RA & TG	Dryland rate and differentials
29/05/2017	Mail	Pola, Peter and Leanne	Dryland rate and differentials
29/05/2017	Mail	Pola, Peter jnr	Dryland rate and differentials
26/05/2017	Web	Shipp, Rodger	Dryland rate and differentials
28/05/2017	Mail	Steer, Daniel & Diane	Dryland rate and differentials
25/05/2017	Web	Steer, John	Dryland rate and differentials
22/05/2017	Mail	Williamson, Gerald	Dryland rate and differentials