



GANNAWARRA

Shire Council

Wednesday, 17 July 2019

6:30pm

Council Chambers

Kerang

AGENDA

Ordinary Council Meeting

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Nil

Tom O’Reilly
CHIEF EXECUTIVE OFFICER

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respect 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 AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Ordinary Meeting - 26 June, 2019

5 DECLARATION OF CONFLICT OF INTEREST

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 three 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 three 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.

6 QUESTION TIME

Question Time at Council meetings enables an opportunity for members of the public in the gallery to address questions to the Council of the Shire of Gannawarra.

QUESTIONS FROM THE GALLERY

- All questions are to be directed to the Chair.
- Members of the public may ask questions from the gallery and should provide their name (and organisation if relevant) at the beginning of their questions.
- There is a maximum number of three questions of up to two minutes each.
- Chair will respond or refer to Councillor or CEO.
- Sometimes a Councillor/officer may indicate that they require further time to research an answer. In this case, the answer will be provided in writing generally within 10 days.
- Where a question cannot be answered on the spot, the person is asked to write out their questions on a form provided to enable an accurate response to be prepared.
- Questions will be answered at the meeting, or later in writing, unless the Chairperson has determined that the relevant question relates to:
 - Personal matters
 - The personal hardship of any resident or ratepayers
 - Industrial matters
 - Contractual matters
 - Proposed developments
 - Legal advice
 - Matters affecting the security of council property
 - An issue outside the Gannawarra Shire Council core business

- Or any other matter which the Council considers would prejudice it or any person
 - A matter which may disadvantage the Council or any other person
 - Is defamatory, indecent, abusive or objectionable in language or substance
 - Is repetitive of a question already answered (whether at the same or an earlier meeting)
 - Is asked to embarrass an officer or another Councillor
-
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 26 JUNE, 2019 TO 16 JULY, 2019

Author: Tom O'Reilly, CEO

Authoriser: Tom O'Reilly, CEO

Attachments: 1 [Assembly of Councillors](#) 

RECOMMENDATION

That Council note the records of Assembly of Councillors from 26 June, 2019 to 16 July, 2019.

EXECUTIVE SUMMARY

This report presents to Council written records of Assembly of Councillors in accordance with Section 80A of the *Local Government Act 1989*.

DECLARATIONS OF CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2017-2021: Good Governance and a Healthy Organisation.

BACKGROUND INFORMATION

In accordance with Section 80A of the *Local Government Act 1989* a written record of assembly of councillors must be reported at an Ordinary Council meeting and minuted as soon as practicable.

The record must include:

1. The names of all Councillors and members of Council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a councillor attending
4. Whether a councillor who has disclosed a conflict of interest left the assembly.

CONSULTATION

Consultation with councillors and staff has occurred to ensure the accuracy of the Assemblies of Councillors records.

CONCLUSION

To ensure compliance with Section 80A of the *Local Government Act 1989*, it is recommended that Council note the Assembly of Councillors records as outlined in this report.



Assembly of Councillors Record Form

Date:	Monday, 8 July, 2019
Time:	9.00am -3:40pm
Location:	Kerang Council Chambers
In Attendance: (Councillors)	Cr Lorraine Learmonth Cr Charlie Gillingham Cr Steve Tasker Cr Jodie Basile – Arrived at 11:20am Cr Mark Arians – Left at 12:50pm
Apologies:	Cr Sonia Wright Cr Brian Gibson
In Attendance: (Officers)	Tom O’Reilly, Geoff Rollinson, Phil Higgins, Narelle O’Donoghue, Roger Griffiths, Katrina Thorne, Carole Wandin, Kaylene Touhey, Brent Heitbaum, Jo Haw, Katina Fitzgerald, Wade Williams, Brenton Hall
In Attendance: (Other)	Mandy Hutchinson & Paul Lacy – Northern District Community Health Bianca Stapleton – Department of Jobs, Precincts and Regions
Matters Discussed:	<p>Presentations:</p> <ul style="list-style-type: none"> • Seasonal Conditions and Community Resilience – Mandy Hutchinson, Paul Lacy & Bianca Stapleton <p>Council Reports:</p> <ul style="list-style-type: none"> • Audit Committee – 12 June, 2019 Meeting • Draft Abuse and Neglect Policy No. 137 • Koondrook Memorial Hall • Appointment of Acting CEO <p>Councillor Updates:</p> <ul style="list-style-type: none"> • Local Government Bill 2019 • Subscriptions Renewal and Membership Requests • ICT Strategy • End of Season Pool Report 2019 • NDIS Update • E-Waste Contract • Local Government Power Purchasing Agreement (PPA) <p>Councillor Strategic Briefing Update:</p> <ul style="list-style-type: none"> • 2018/2019 Year in Review • 2018/2019 Capital Works Program Update • Strategic Projects – Towards 2025 <p>Councillor Issues Raised</p>

<p>Conflict of Interest Disclosures (Councillors)</p>	<p>Cr Tasker disclosed a Conflict of Interest in relation to Item 2.3- Koondrook Memorial Hall and left the room during the discussion.</p>
<p>Conflict of Interest Disclosures (Officers)</p>	<p>Nil</p>
<p>Completed By:</p>	<p>Tom O'Reilly – Chief Executive Officer</p>



8 BUSINESS REPORTS FOR DECISION

8.1 AUDIT COMMITTEE - 12 JUNE, 2019 MEETING

Author: Phil Higgins, Director Corporate Services

Authoriser: Phil Higgins, Director Corporate Services

Attachments: Nil

RECOMMENDATION

That Council note the recommendations and outcomes of the Audit Committee meeting held on 12 June, 2019.

EXECUTIVE SUMMARY

The Gannawarra Shire Council Audit Committee met on Wednesday, 12 June, 2019. The Audit Committee was updated with the interim management letter from the External Audit for 2018/2019 and one internal audit undertaken by the Internal Auditor.

BACKGROUND

The Audit Committee Charter requires the Director Corporate Services to provide a report of each Audit Committee meeting to the next Ordinary Meeting of the Council, including an explanation of any specific recommendations and key outcomes.

This report relates to the Audit Committee meeting held on Wednesday, 12 June, 2019.

POLICY CONTEXT

In accordance with Section 139 of the *Local Government Act 1989*, Council has established an Audit Committee as an Advisory Committee of Council.

Council Plan 2017–2021: Good Governance and a Healthy Organisation.

DISCUSSION

Details of the 12 June, 2019 Audit Committee Meeting:

Attendees:

MEMBERS:

John Campbell – Independent Member – *Chairperson*

Bradley Tarr – Independent Member

Cr Charlie Gillingham – Council Representative

Cr Sonia Wright – Council Representative

IN ATTENDANCE:

Ryan Schischka – VAGO Audit Service Provider, Johnsons MME (*via teleconference for item 6.1*)

Brad Ead – Internal Auditor, AFS & Associates

Tom O'Reilly – Chief Executive Officer

Phil Higgins – Director Corporate Services

Sid Hutchinson – Manager Finance

Lisa Clue – Manager Governance

Allison Peace – Administration Officer

Apologies:

Deanne Van der Drift – Independent Member

The following items were considered by the Audit Committee at the meeting:

Report	Discussion	Recommendation/Outcome
VAGO Interim Management Report – Year ending 30 June 2019	Interim Management Letter was received from Johnson MME providing a summary of audit findings following their April visit. No new items were added.	Acknowledged receipt of the VAGO Interim Management Letter for the year ending 30 June 2019.
Long Term Financial Planning and Sustainability Review	The Internal Auditor (AFS) undertook a Long Term Financial Planning and Sustainability Review. The resulting report along with management responses to the auditor’s observations and recommendations were considered.	1. Acknowledged receipt of 2019-01 Long Term Financial Planning and Sustainability review report and 2. Acknowledged the presentation by Brad Ead of AFS outlining the management responses and key findings of the review.
Internal Audit program status update	The Internal Auditor (AFS) provided an update of the three year audit program and confirmed future reviews to be undertaken. The scope of the Occupational Health and Safety review was broadened.	The three year program was acknowledged and the scope and dates of future reviews were confirmed.
Update report for Councils	AFS provides a summary of reports and publications by government agencies that may impact on local councils.	The information provided was noted.
Quarterly Financial Report - quarter ending 31 March, 2019	The Quarterly Financial Report for the period ending 31 March, 2019, as presented to the 15 May, 2019 Ordinary Council Meeting was presented for review.	Received the report outlining the 2018/19 quarterly budget review as at 31 March, 2019.
Proposed Annual Budget 2019/2020	The proposed Annual Budget 2019/2020 was presented along with updated information.	The Proposed Annual Budget was noted.
Long Term Financial Plan Update	The development of the Long Term Financial Plan has commenced and it is aligned to the 2019/2020 Proposed Council Budget.	The update on the development of the Long Term Financial Plan was noted.
Council Policy Review	Policy No. 109 – Procurement as recently reviewed and approved by Council was presented.	Noted Policy No. 109.
Risk Management Report	The report examined risk management progress and highlights from individual directorates for the period 1 January, 2019 to 31 March, 2019 inclusive.	Received and noted the Risk Management Report.

Report	Discussion	Recommendation/Outcome
Related Party Disclosure	To meet audit requirements a Checklist and Declaration Form on Related party Disclosures have been developed.	The information was noted.
Outstanding Internal Audit Items – May 2019 Update	Recommendations provided to the Audit Committee which arose from internal audit reviews are recorded on the Outstanding Audit Items spreadsheet for monitoring. The spreadsheet provides an update on the status of implementing the recommendations which are only to be removed upon resolution of the Audit Committee.	The reviewed Outstanding Internal Audit Items spreadsheet was acknowledged.
Rate Capping Report	The Essential Services Commission report stated Gannawarra Shire complied with the rate capping requirements.	The information was noted.
Reporting on Local Government Performance	VAGO tabled a report in Parliament on Local Government Reporting Framework (LGRF) and made 11 recommendations.	The information was noted.
Asset Management and Compliance	VAGO tabled a report in Parliament on Asset Management and Compliance and made 7 recommendations.	The information was noted.
Asset Management Accountability Framework	VAGO tabled a report in Parliament on Asset Management Accountability Framework (AMAF) and made 11 recommendations.	The information was noted.

CONSULTATION

A number of Councillors, Council staff and Audit Committee members have been involved in matters relevant to this report.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The recommendations and outcomes of the 12 June, 2019 Audit Committee meeting are presented for the information and noting of Council.

8.2 DRAFT ABUSE AND NEGLECT POLICY NO. 137

Author: Carole Wandin, Manager Community Care

Authoriser: Stacy Williams, Director Community Wellbeing

Attachments: 1 Abuse and Neglect Policy No. 137 [↓](#)

RECOMMENDATION

That Council adopt Policy No. 137 – Abuse and Neglect.

EXECUTIVE SUMMARY

Policy No. 137 Abuse and Neglect has been drafted to comply with the National Disability Insurance Scheme (NDIS) Quality and Safeguard Commission, Aged Care Quality and Safety Commission, Department of Health and Human Services (DHHS) and the Commission for Children and Young People.

Approved providers are required to take a zero tolerance approach to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, children, frail aged people and people with a disability.

BACKGROUND

National Disability Services (NDS) in partnership with the disability sector aims to assist providers to understand, implement and improve practices which safeguard the rights of people they support.

The zero tolerance approach is built around a national evidence-based framework with specific strategies for service providers to improve prevention, early intervention and responses to abuse, neglect, sexual misconduct and violence experienced by children, frail aged people and people with a disability. The prevention focused framework informs a range of tools and resources for the disability sector to ensure compliance.

POLICY CONTEXT

NDIS Quality and Safeguard Commission – Code of Conduct.

Aged Care Quality and Safety Commission – Aged Care Standards – Standard 5: Organisational Service Environment.

Commission for Children and Young People – Reportable Conduct Scheme.

DHHS Home and Community Care Program for Younger People – Critical Incident Management Scheme.

Council Plan – Strong Healthy Communities: Ensure quality and accessible services that meet the needs of our community.

DISCUSSION

The information below expands the zero tolerance framework to highlight specific topics that disability service providers should consider and incorporate into their broader safeguarding approaches. Some topics may require multiple approaches to ensure understanding, ongoing training and action at appropriate levels of the organisation.

Understanding Abuse

- Promoting and applying human rights
- Education and training to understand abuse, neglect, exploitation and violence
- Risk factors and signals of abuse

Practices and Safeguards which can help prevent abuse and neglect

- Implementing policy and practice that protect people's rights
- Empowering people with disability
- Creating the right organisational cultures

Addressing Risk for Specific Groups and Service Settings

- Targeted approaches for groups at increased risks of abuse
- Understand and address service features and settings that increase risk
- Understanding behaviours of concern

Responding to abuse

- Early intervention and response
- Supporting the person
- Meet organisational requirements

Analysis, Learning and Improvement

- Maintaining and analysing records
- Continuous improvement approach
- Supporting initiatives to reduce abuse and neglect

An important step in this work is the development of the Abuse and Neglect Policy and Procedure to ensure that Council has a strong foundation in line with statutory requirements.

CONSULTATION

Consultation has been conducted between Council Executive Leadership Team and Managers.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Adoption of Policy No. 137 – Abuse and Neglect accompanied with Procedure No. 137 – Abuse and Neglect Reporting Procedure will ensure legislative compliance with Federal and State policy and protect all persons in receipt of services from abuse and neglect.



Abuse and Neglect Policy

COUNCIL POLICY NO. 137

1. POLICY PURPOSE

Gannawarra Shire Council affirms the right of older people and people with disabilities to live their lives free from abuse, neglect and exploitation. The purpose of this policy is to:

- Promote the human rights of the people accessing supports and services provided;
- Create a service environment where risks to the rights and wellbeing of people receiving supports and services are minimised; and
- Ensure that if we become aware of an instance of abuse or neglect, we respond promptly, professionally and compassionately to address the situation in accordance with National Disability Services Practice Standards, Aged Care Act 1997 and Critical Incident Management System.

2. DEFINITIONS

Abuse

- Any physical injury which has been caused by other than accidental means, including any injury which is different to the explanation given of the injury.
- Sexual molestation.
- Mental injury (also known as emotional abuse), which is harmful to an individual's ability to think reason, or has a harmful effect on an individual, which can be observed.
- Threat of harm, which includes all activities, conditions and persons which places an individual at substantial risk of physical or sexual abuse, neglect, or mental injury. This includes exposure to domestic violence.

Neglect

- When an individual's basic needs, such as their developmental, emotional and physical wellbeing and safety, have not been met.

Employee

- Staff, Volunteers and Contractors are classified as employees in this policy.

Caregiver

- Any person that provides informal supports for family, friends or community residents.

3. Scope

This policy highlights the responsibility of all employees to immediately report all suspicion or allegations of abuse and neglect to Gannawarra Shire Council management within appropriate timeframes.

4. Requirements

Gannawarra Shire Council is committed to:

- Ensuring clients are safe – older people and those with a disability experience physical and emotional

safety and are free from abuse, neglect and avoidable injury.

- Providing information in regard to accessing advocacy to deal with allegations of abuse and neglect.
- Providing training to all community care staff upon commencement of employment in regard to identification and reporting of abuse and neglect.
- Responding to any suspicion regarding any potential abuse and neglect to DHHS/ Department of Health/NDIS Quality and Safeguards Commission or the local police within the required timeframe.
- Upholding fairness and equity standards throughout the investigation of all abuse and neglect allegations.
- Ensuring clients are in receipt of the highest level of quality care.

5. Policy Details

Abuse is a term that may have different meanings for different people. It is fundamentally a violation of an individual's human rights by another person and reflects a power imbalance between the two parties. Older people or those with disabilities may be more vulnerable to abuse as their level of dependence increases and they rely on others for assistance with activities of daily living. Abuse may involve a single act, repeated behavior or a lack of appropriate action.

Neglect refers to the failure of the employee and/or caregiver to provide necessities or meet basic needs of the client. Neglect can be deliberate or unintended. If it is deliberate, it is considered to be a form of abuse. If it is unintentional, the response will be different and may include the introduction of other services to provide assistance.

Gannawarra Shire Council recognises that each situation is different and that there is an expectation to exercise a degree of professional judgment when determining the most appropriate responses. Gannawarra Shire Council will endeavor to always act in the best interests of the individual who has been abused.

5.1 Types of Abuse

Elder Abuse: this is the non-accidental use of force to inflict injury or pain on the elderly. Elder abuse can take form in the following ways; Financial abuse, Physical abuse, Sexual abuse, Psychological/Emotional abuse and Social abuse. These types of abuse are also addressed below.

Financial Abuse: is defined as the illegal or improper use and/or mismanagement of a person's money, property or resources. It includes forgery, stealing, forced changes to a will, unusual transfer of money or property to another person, withholding of funds from another person, incurring debts for which the individual is responsible, failure of others to repay monies loaned and lack of financial information provided to an individual by their power of attorney.

Physical Abuse: is defined as a non-accidental act which results in physical pain or injury and includes physical or chemical restraints or coercion, hitting, slapping, burning, pushing, pinching or forced confinement to a bed, chair or particular place.

Signs of physical abuse include injury or bruises in different stages of healing, abrasions, welts, rashes, swelling, unexplained injuries or hair loss, tenderness or pain when being touched, acting fearfully and being over or under medicated or sedated.

Sexual Abuse: includes non-consensual sexual contact, language or exploitative behavior including rape, indecent assault, sexual harassment or interference. It may also include viewing obscene material or making

obscene phone calls in the presence of a child, older person or person with a disability without their consent.

Psychological/Emotional Abuse: comprises any language or actions designed to intimidate another person and cause fear of violence, isolation, deprivation or feelings of powerlessness. Examples include insults and intimidation.

Social Abuse: involves restricting or ceasing activities and/or social contact with others, including family members. The alleged abuser may not allow the individual to be alone with other people and may attend medical and other appointments with them. They may also withhold mail and monitor, restrict or prohibit use of the telephone. In some cases the individual may be moved away from their family and community.

5.2 Types of Neglect

Neglect can be physical, emotional or financial. It refers to situations where a person has a responsibility to provide care or assistance to an individual but fails to do so. For example, a neglectful caregiver may be one that ceases paying bills or providing food. Abandoning the client is also a form of neglect.

5.3 Reporting

Gannawarra Shire Council's Chief Executive Officer is required by law under the Children, Youth and Families Act 2005 (Vic) and the Crimes Act 1958 to immediately report any suspected cases of abuse or neglect. All suspected cases are to be reported to the Department of Health and Human Services/Department of Health/NDIS Quality and Safeguards Commission and Victoria Police. Refer to procedure attached.

5.4 Service Procedures

A report of abuse may be received from:

- A person using a service by verbal or written communication or any other communication method
- A member of staff or any other person, who may witness abuse of a person and make a report
- A member of staff observing one or more indicators of abuse and who suspects that a person/s has been or is being abused.

5.5 Support for Clients

Gannawarra Shire Council will assist any client, family member, guardian or other support person to access any debriefing, counseling, legal or other support services, if that is their expressed wish.

In addition, they will be referred to Victims of Crime - 1800 819 817 so that they are further aware of their rights and of other support services that may be available.

Gannawarra Shire Council will further endeavor to:

- Ensure that clients, both victim and offender, are adequately supported by an independent person, who could be a relative, friend, advocacy service or legal practitioner
- Support the victim, family or guardian in accessing services and advice should they choose to pursue the matter through the legal system
- Provide information regarding legal rights, options and support services in a form that suits the client, family or guardian's communication needs.

5.6 Support for Staff

Gannawarra Shire Council managers will provide debriefing to their staff within 24 hours of an incident occurring and offer access to Council's Employee Assistance Program (EAP) in accordance with CEO Directive No. 020 – Employee Assistance Program.

5.7 Staff Training

Gannawarra Shire Council will discuss identification and reporting of suspected abuse and neglect during the staff induction process. Further training will be provided to all employees who have direct contact with clients upon the commencement of their employment.

Gannawarra Shire Council aims to promote a culture of reporting, where all employees are encouraged to report all concerns and observations made to a Gannawarra Shire Council representative.

5.8 Access

The abuse and neglect policy and content will be communicated to all clients through the assessment and annual review process.

5.9 Confidentiality

All reports will be documented and protected. At the conclusion of any investigation the report may be transferred to the client's file. Confidentiality of all records will be strictly maintained.

Altus Folder –
Originally adopted:
To be reviewed by:



8.3 KOONDROOK MEMORIAL HALL SITE

Author: Jo Haw, Manager Projects and Property

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments:

- 1 Letter from Koondrook Hall Committee Inc. [↓](#)
- 2 Koondrook Memorial Hall Site - Title Search & Plan [↓](#)
- 3 Letter from Koondrook Development Committee Inc. [↓](#)

RECOMMENDATION

That Council:

1. Purchase the former Koondrook Memorial Hall site land situated at 98 Main Street Koondrook and known as Lot 2 on Title Plan 679168H for a nominal amount of one dollar (\$1) and the Chief Executive Officer be authorised to sign and seal all relevant documents under delegation;
2. Agrees to cover all costs in relation to the transfer of ownership of the land;
3. Agrees to retain the land into the future as a public and community space; and
4. Acknowledges the advice from the Koondrook Development Committee Inc. (KDC) that the Koondrook Hall Committee Inc will transfer in excess of \$35,000 to the KDC, to be held in trust, for future investment works or seed funding for development on the site.

EXECUTIVE SUMMARY

This report is to provide Council with information to make a decision in relation to acquiring the land which was previously occupied by the Koondrook Memorial Hall, for the purpose of developing an All Abilities Playground on the site in the future.

Council has received correspondence from the Koondrook Hall Committee Inc. (KHC) and Koondrook Development Committee Inc. (KDC) to acquire the site free of charge.

BACKGROUND

The Koondrook Memorial Hall was demolished in 2017 due to significant movement in the foundations and falling into disrepair. The Hall was a major feature of the wharf precinct and added character to the area.

In May, 2019 Council received correspondence from the KHC with a proposal to 'gift' to Council the land situated at 98 Main Street, Koondrook and known as Lot 2 on Title Plan 679168H, being the site of the former Koondrook Memorial Hall.

The KHC stipulated in their letter that land will be gifted to Council on the basis that the site is to be used for a future All Abilities Playground.

The KDC has written to Council in support of the proposal. It has also advised the KHC will transfer in excess of \$35,000 to the KDC, to be held in trust, for future investment works or seed funding for development on the site.

POLICY CONTEXT

Council Plan 2017-2021:

Strong Healthy Communities: Provide a range of opportunities that promote active and healthy lifestyles and social connectedness.

Develop a plan to make playgrounds across the shire all-abilities accessible.

Advocate for services that provide support to special needs groups across our community.

Social Inclusion Strategy 2019-2023

Increase opportunities for participation in the community, including for people with disability.

Ensure current infrastructure maintenance and upgrades meet AS1428.1-5 requirements and access and future planning and development of infrastructure meets Access for All Principles.

Actively pursue grant opportunities for infrastructure upgrades for All Abilities Access.

When upgrading playground facilities, include All Abilities Access and design principles.

Sport & Recreation Strategy 2019-2029

Redevelopment of the Old Memorial Hall precinct into an all abilities playground (Koondrook).

DISCUSSION

As it to develop and encourage lifestyle and tourism potential for our communities and visitors, Council is continually challenged to take actions that anticipate the interests of both current and future community needs and demands. Property acquisition involves a substantial commitment that has a long term impact on Council's financial ability to maintain its asset base into the future. Therefore it is imperative that land acquisitions are aligned with Council's strategic direction and vision.

Whilst the offer is to 'gift' the land to Council, a preferred method is to purchase the land for a nominal amount of one dollar which will allow Council to follow the processes outlined in Section 187 of the *Local Government Act 1989* and the *Land Acquisition and Compensation Act 1986*. The proposed site has a site value of \$65,000 as at the most recent revaluation. Conveyancing and stamp duty costs are estimated to be around \$3,000.

CONSULTATION

There has been verbal and written communication between Council officers, Koondrook Hall Committee Inc. and the Koondrook Development Committee Inc.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

While Council recognises the importance of structured sport to the social fabric of communities, in recent times Council has placed a significant focus on passive and nature-based recreation. This focus on passive and nature-based recreation moves recreation outside of the traditional playground infrastructure and looks to focus investment on improving accessibility.

All members of our community should have access to the social and health benefits of participating in recreation and improving opportunities for participation is a priority. The Koondrook Memorial Hall site offers the opportunity to further enhance the Koondrook Wharf Precinct whilst providing a suitable location to develop an All Abilities Playground.

KOONDROOK HALL COMMITTEE INC.

Alan Morrow (Secretary)

P.O. Box 377 Koondrook 3580
Email: discount06@hotmail.com
Mobile 0407346874

13/5/2019

Gannawarra Shire Council.

The Koondrook Hall Committee has now been advised, that the council has reconsidered the offer to accept the offer from the hall committee to take over the old hall block site to be used as a playground area.

The parcel of land is situated at 98 Main Street Koondrook (see the attached listing of the Title).

The Land has been given to council FREE OF CHARGE, to be used for this purpose, and the hall committee will not be liable for any costs for the transfer of land or any other costs.

However, the hall committee would like to see a display of the history of the hall, on posts along the footpath with photos and story.

The Barham Koondrook Lions Club, (Mr. John Boyd) are keen to add to the area in the way of a BBQ, or a rotunda, a water fall/ wishing well, we hope council and John Boyd can come together to arrange what suits.

On behalf of the Hall committee, I would like to thank the council for their support to Koondrook.

Morrow (SEE)

<u><i>Alan Morrow</i></u>	<u><i>V. Manning</i></u>	<u><i>Shirley Stellingma</i></u>	_____
<u><i>J. Molan</i></u>	<u><i>B. HULL</i></u>	<u><i>DA Stellingma</i></u>	_____

Yours sincerely

Alan Morrow (sec)

Hall Committee Members.

Alan Morrow.....OK.....

Margaret Morrow.....OK.....

Beverly Hull.....OK.....

Geoff Molin.....OK.....

Val Mooring.....OK.....

Faye Whelan.....ABSENT.....

Mary Hollingworth.....OK.....

Orma Hollingworth.....OK.....

Shirley Routley.....ABSENT.....



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 07437 FOLIO 203

Security no : 124060998585T
Produced 23/06/2016 03:11 pm

LAND DESCRIPTION

Lot 2 on Title Plan 679168H (formerly known as part of Crown Allotment 2 Section 5 Township of Koondrook Parish of Murrabit).
PARENT TITLES :
Volume 04882 Folio 293 Volume 06749 Folio 602 Volume 06772 Folio 207
Created by instrument 2309535 12/05/1950

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
KOONDROOK MEMORIAL HALL INC of MAIN ST KOONDROOK
W105831X 24/03/1999

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP679168H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 98 MAIN STREET KOONDROOK VIC 3580

DOCUMENT END



Imaged Document Cover Sheet

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Document Type	plan
Document Identification	TP679168H
Number of Pages (excluding this cover sheet)	1
Document Assembled	23/06/2016 15:16

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TITLE PLAN	EDITION 1	TP 679168H								
<p>Location of Land</p> <p>Parish: MURRABIT Township: KOONDROOK Section: 5 Crown Allotment: 1(PT), 2(PT) Crown Portion:</p> <p>Last Plan Reference</p> <p>Derived From: VOL 7437 FOL 203 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>									
<p style="text-align: center;">Description of Land / Easement Information</p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 02/11/2000 VERIFIED: GB</p>								
<table border="1" style="margin: auto;"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td>PARCEL 1</td> <td>= CA 1 (PT)</td> </tr> <tr> <td>PARCEL 2</td> <td>= CA 2 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1	= CA 1 (PT)	PARCEL 2	= CA 2 (PT)
TABLE OF PARCEL IDENTIFIERS										
WARNING Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962										
PARCEL 1	= CA 1 (PT)									
PARCEL 2	= CA 2 (PT)									
<p>LENGTHS ARE IN LINKS</p>	<p>Metres = 0.3048 x Feet Metres = 0.201168 x Links</p>	<p>Sheet 1 of 1 sheets</p>								

KOONDROOK DEVELOPMENT COMMITTEE INC

ABN: 34 846 715 610
PO Box 404
Koondrook, Vic 3580
Email: 117melisa@gmail.com

Date: Monday 10th June, 2019

Attention: Tom O'Riely
CEO
Gannawarra Shire Council
Victoria St, Kerang

Subject: Koondrook Memorial Hall site

Dear Tom

Further to our previous correspondence relating to the acquiring of the Koondrook Memorial Hall site for the purposes of the development of an all abilities playground, we have received a letter from the Koondrook Hall Committee agreeing to release the ownership of the block to the Gannawarra Shire Council.

We understand that the Shire Council have agreed in principle to taking ownership of the parcel of land, and we as Koondrook Development Committee congratulate the Council of considering this site and proposed development as a long term strategic asset for not only Koondrook but the Gannawarra Shire.

This covering letter is demonstrating our support of the acquisition and development of the all abilities park. We are further advising that Koondrook Development Committee would like to be involved in any decisions made in relation to the design and future use of the park. The current hall committee has indicated that they will likely cease to operate, but have asked that some reflection of the previous use of the site be considered in any future design or layout. We as a community group will ensure that previous committee members will be consulted when the time arrives. Barham/Koondrook Lions have also indicated support and being involved in the future use of this site.

The Koondrook Hall Committee currently has in excess of \$35,000 that will be transferred to the KDC and held in trust for works or seeding funding to go towards the development of this area. It is both our groups commitment to see that this site becomes a valuable asset to our Koondrook township and water front improvements.

We believe that this is a wise and strategic acquisition and look forward to working closely with the Shire in its development. You will note that this parcel of land is freehold and copies of the Titles and searches are attached.

If there are any further questions relating to this correspondence, please do not hesitate to contact me on 0419853116.

A handwritten signature in black ink, appearing to read 'Bryan Goble', with a circular flourish at the end.

Bryan Goble

President Koondrook Development Committee INC

8.4 APPOINTMENT OF ACTING CEO

Author: Tom O'Reilly, CEO

Authoriser: Tom O'Reilly, CEO

Attachments: Nil

RECOMMENDATION

That Council:

- 1. Approves annual leave for the Chief Executive Officer for the period Thursday, 29 August, 2019 to 14 October, 2019 inclusive.**
- 2. Appoints Stacy Williams, Director Community Wellbeing as the Acting Chief Executive Officer for the period Thursday, 29 August, 2019 to 14 October, 2019 inclusive.**

EXECUTIVE SUMMARY

Council Policy No. 133 - Appointment of Acting Chief Executive Officer requires Council to formally appoint an Acting CEO where the CEO has a period of continuous leave greater than four weeks. Given the CEO will be absent for a period of six weeks, this report provides for approval of annual leave for the CEO and the appointment of Stacy Williams, Director Community Wellbeing as the Acting CEO whilst the CEO is on annual leave.

BACKGROUND

At the Ordinary Council Meeting held on 15 November, 2017, Council adopted Policy No. 133 - Appointment of Acting Chief Executive Officer. The purpose of the Policy is to provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer.

POLICY CONTEXT

Council Policy No. 133 - Appointment of Acting Chief Executive Officer is applicable.

DISCUSSION

This report seeks Council approval of CEO annual leave, and appointment of an Acting CEO for the period 29 August, 2019 to 14 October, 2019 inclusive.

Council Policy No. 133 - Appointment of Acting Chief Executive Officer provides that where the period of leave of the CEO exceeds four continuous weeks, then Council should appoint an Acting CEO by resolution. Council may appoint to the position of Acting CEO –

- A Council Director
- A suitably experienced and qualified individual on a short term contract.

CONSULTATION

Councillors have been briefed and had the opportunity to discuss and consider options available to appoint an Acting CEO.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

It is recommended that the Director Community Wellbeing, Stacy Williams be appointed as the Acting CEO whilst the CEO is on annual leave.

9 INFORMATION REPORTS

Nil

10 URGENT ITEMS

11 NOTICES OF MOTION

Nil

12 DELEGATES REPORTS

12.1 DELEGATES REPORTS - 26 JUNE, 2019 TO 16 JULY, 2019

Author: Mel Scott, Executive Assistant - Chief Executive Office

Authoriser: Tom O'Reilly, CEO

Attachments: Nil

EXECUTIVE SUMMARY

Delegates Reports from 26 June, 2019 to 16 July, 2019.

Cr Lorraine Learmonth

28 June	Kerang Rotary Changeover Dinner – Kerang
3 July	Leitchville Progress Association Meeting – Leitchville
4 July	MAV Victorian Local Government Bill Forum – Melbourne
8 July	NAIDOC Flag Raising Ceremony – Kerang
14 July	Melbourne Cup Reception – Koondrook

Cr Sonia Wright

16 July	GRIP Conference Interview Follow-up – Cohuna Consolidated School
3 July	Leitchville Progress Meeting – Leitchville
15 July	Cohuna Progress Meeting – Cohuna

Cr Charlie Gillingham

8 July	NAIDOC Flag Raising Ceremony – Kerang
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Cr Steve Tasker

8 July	NAIDOC Flag Raising Ceremony – Kerang
9 July	Koondrook Development Meeting – Koondrook

Cr Brian Gibson

13 July	Kerang Waterwonderland Deb Ball – Kerang
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Cr Mark Arians

8 July	NAIDOC Flag Raising Ceremony – Kerang
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This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Ordinary Council Meeting (26 June)	✓	✓	✓	✓	✓	✓	✓
Council Briefing and Strategic Briefing (8 July)	A	✓	✓	✓	✓	✓	A

A = Apology

13 CONFIDENTIAL ITEMS

Nil