



GANNAWARRA

Shire Council

Wednesday, 16 December 2020

6:30pm

Northern District Community Health

Kerang

AGENDA

Council Meeting

Council is operating in accordance with the new *COVID-19 Omnibus (Emergency Measures) Act 2020* which operates for a Prescribed Period from 1 May 2020 to 26 April 2021.

During this Prescribed Period the following arrangements will apply:

- Ordinary Council Meetings will be closed to the public
- Meetings will be live-streamed via Council's website which can be accessed at this link (gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream)

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Tom O'Reilly
CHIEF EXECUTIVE OFFICER

1 WELCOME TO COUNTRY

Playing of the Welcome to Country video clip.

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

Meeting - 25 November 2020

5 DECLARATION OF CONFLICT OF INTEREST

General conflict of interest

Unless exempt under section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

Material conflict of interest

Unless exempt under section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

Disclosure of a conflict of interest

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with section 130 of the Act, a councillor who has disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with section 130 of the Act may result in a penalty of 120 penalty units

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 19 NOVEMBER TO 9 DECEMBER, 2020

Author: Mel Scott, Executive Assistant - Chief Executive Office

Authoriser: Tom O'Reilly, CEO

Attachments: 1 Councillor Briefing - 7 December 2020

RECOMMENDATION

That Council note the records of Councillor Briefings from 19 November to 9 December, 2020.

EXECUTIVE SUMMARY

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

DECLARATIONS OF CONFLICT OF INTEREST

The Officer preparing this report declares that they have 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 Clause 31 of the Gannawarra Shire Council Governance Rules, a written record of a meeting held under the auspices of Council is, as soon as practicable, reported at a meeting of the Council and incorporated in the minutes of that Council meeting.

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 meeting.

CONSULTATION

Consultation with Councillors and staff has occurred to ensure the accuracy of the Councillor Briefing records.

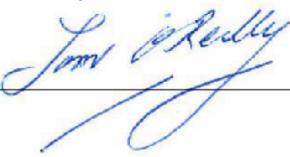
CONCLUSION

To ensure compliance with Clause 31 of the Gannawarra Shire Council Governance Rules, it is recommended that Council note the Councillor Briefing records as attached to this report.

RECORD OF A COUNCILLOR BRIEFING



Type of Meeting	Councillor Briefing	
Date:	Monday, 7 December 2020	
Time:	8:58am – 5:30pm	
Location:	Kerang Senior Citizens Centre	
In Attendance: (Councillors)	Cr Charlie Gillingham Cr Ross Stanton Cr Kelvin Burt Cr Travis Collier Cr Jane Ogden Cr Keith Link Cr Garner Smith	
Apologies:	Nil	
In Attendance: (Officers)	Tom O'Reilly, Phil Higgins, Geoff Rollinson, Stacy Williams, Lisa Clue, Mel Scott, Wade Williams, Paul Fernee, Sid Hutchinson, Narelle O'Donoghue, Shana Johnny, Kieran Schneider	
In Attendance: (Other)	Kate Maddock – Otium Planning Group Ben Bainbridge – Otium Planning group	
Matters Discussed:	Draft Council Agenda –December Meeting of Council Reports: 7.1 Policy review – Policy No. 140 – COVID-19 Hardship 7.2 Council Policy Review 7.3 Audit and Risk Committee – 8 December, 2020 Meeting 7.4 Audit and Risk Committee Independent Member Appointment 7.5 Draft Community Engagement Policy 7.6 G07-2020 Koondrook All Abilities Playground 9.1 Notice of Motion – 74 11.1 Awarding of 2021 Australia Day Awards 11.2 Chief Executive Officer – Performance Review	
	Councillor Briefing Updates: <ul style="list-style-type: none"> Review of Code of Conduct and Values for Elected Members Long Term Financial Plan Budget 2020/2021 – Rating Strategy Options Update Draft 10 Year Capital Works Program Council Plan Development Update Future State Government Recycling Policy and Council Kerbside Collection Contract 	
	Councillor Strategic Briefing Update: <ul style="list-style-type: none"> 2020/2021 Capital Works Program Update Councillor Issues Raised	
Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
Nil		

Completed By:	Tom O'Reilly –Chief Executive Officer
	



7 BUSINESS REPORTS FOR DECISION

7.1 POLICY REVIEW - POLICY NO. 140 - COVID-19 HARDSHIP

Author: Phil Higgins, Director Corporate Services

Authoriser: Tom O'Reilly, CEO

Attachments: 1 Policy No.140 - Covid-19 Hardship

RECOMMENDATION

That Council amend Policy No. 140 – COVID-19 Hardship to include provision for the pro rata relief for assessments paying a multiple commercial garbage charge who are impacted by COVID-19.

EXECUTIVE SUMMARY

In response to the impact of Coronavirus (COVID-19) this report seeks to broaden the parameters of Policy No. 140 – COVID-19 Hardship to include assistance to commercial ratepayers who have paid multiple waste charges during periods where their business has been shut down due to the lock down/restrictions imposed on them by the State Government.

PURPOSE

The purpose of this report is to provide waste charge relief to certain commercial ratepayers impacted by the restrictions imposed on business to restrict the spread of COVID-19.

ATTACHMENTS

Policy No. 140 – COVID-19 Hardship

DISCUSSION

A review of the Industrial / Commercial ratepayers (224 assessments) reveals that there are 26 assessments paying a multiple waste service charges. Based on the belief that every assessment should pay one waste charge regardless of whether the service was provided during the lock down periods, then Council should only look at the impact of COVID-19 on assessments paying for more than one charge.

Of the 26 assessments paying the multiple charge, not every business has had to shut down due to COVID-19. The key types of businesses paying multiple waste charges and subject to a business shut down period between March and October 2020 were hotels and motels. With motels being partially restricted during this period, the major impact is on the hotels. There were three hotels and four motels that meet this criteria.

The impacted period was from the end of March to the end of October. Whilst there was a small period of change in June during the two waves of the pandemic. The business arrangements for these seven businesses altered very little. The motels were allowed to trade to some extent.

A summary of the impacts on these items is detailed below for 20/21 waste charges.

Business type	Levy	Charges > 1	Charge for 4 months	Subsidy for period	Relief (charge write off)
Hotel	\$5,632.00	\$4,096.00	\$1,365.33	100%	\$1,365.33
Motel	\$5,928.00	\$4,035.00	\$1,345.00	50%	\$672.50
Total	\$11,560.00	\$8,131.00	\$2,710.33		\$2,037.83

Using the same methodology for 2019/20 for the three months April to June and added to the above reveals:-

Business type	19/20 Relief (charge write off)	20/21 Relief (charge write off)	Relief (charge write off) April – October 2020
Hotel	\$1,004.00	\$1,365.33	\$2,369.33
Motel	\$513.50	\$672.50	\$1,186.00
Total	\$1,517.50	\$2,037.83	\$3,555.33

RELEVANT LAW

Local Government Act 1989 – Sections 170 (Deferred payment); and 171A (Waiver by application – financial hardship).

RELATED COUNCIL DECISIONS

Council adopted Policy No. 140 - COVID-19 Hardship on 15 April, 2020. The policy was reviewed and extended on 16 September 2020.

OPTIONS

The Council can either retain or expand the parameters of Policy No. 140 - COVID-19 Hardship.

SUSTAINABILITY IMPLICATIONS

The impact of COVID-19 on our community is profound. The economic impact is highly visible in certain sectors of the retail, commercial and tourism areas. The forced restrictions have impacted community events (social) and regular sporting and cultural activities.

COMMUNITY ENGAGEMENT

Policy No. 140 has been in place for eight months. The Council has been in ongoing discussion on this matter with one affected assessment.

INNOVATION AND CONTINUOUS IMPROVEMENT

The Policy No. 140 was a new policy in April, 2020. The alteration to the policy is aimed to address a specific situation caused by the pandemic and not covered by the existing policy framework.

COLLABORATION

The policy was established following evaluation of other councils in the region adopting similar responses to the COVID-19 pandemic.

FINANCIAL VIABILITY

The impact of the extension of the parameters of the policy is \$3,555.33.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

This policy is aligned to various state and national plans to provide assistance to our communities during the pandemic.

COUNCIL PLANS AND POLICIES

Council Policy No. 025 – Outstanding Debt

Council Policy No. 034 – Rate Relief

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.



COVID-19 Hardship

COUNCIL POLICY NO. 140

1. POLICY OBJECTIVE

To outline options for Council to assist ratepayers who are experiencing temporary financial hardship due to the impacts of Coronavirus (COVID-19).

COVID-19 was declared a global pandemic on the 30 January 2020 and a State of Emergency was declared in Victoria on the 16 March 2020.

2. SCOPE

This policy applies to ratepayers who have an outstanding rate or charge account with Council who are experiencing temporary financial hardship due to COVID-19.

This policy allows Council to withhold interest raised on outstanding charges levied, place a hold on referring accounts to Council's debt collection agency for recovery and allows Council to put in place payment plans tailored specifically to the debt holders needs.

3. REFERENCES

Local Government Act 1989

4. POLICY

Council to hold interest on all outstanding debts during the COVID-19 pandemic and hold off on legal action of rates and charges.

The interest hold date will begin from the declaration of the State of Emergency, 16 March 2020 and stay in place until a further review on or before 17 March 2021.

If the debt is not paid in full by this time and COVID-19 Hardship policy has not been extended, Council's Rate Relief – Policy No. 034 will apply and interest will be accrued from policy end date.

Rates notices will continue to be issued while interest holds are in place.

5. RELATED POLICIES

- Policy No. 034 – Rate Relief

6. RESPONSIBILITY

Council will review the COVID-19 Hardship policy on or before 17 March 2021.

Council will notify account holders of outstanding balances at the expiry of COVID-19 Hardship policy timeframe.

7. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna offices or online at www.gannawarra.vic.gov.au.

Records – Document Profile No. 3.000518
Originally adopted: 15 April 2020
Reviewed: 16 September 2020
To be reviewed: 17 March 2021



7.2 COUNCIL POLICY REVIEW

Author: Lisa Clue, Manager Governance

Authoriser: Phil Higgins, Director Corporate Services

Attachments:

- 1 Policy No. 033 - Occupational Health and Safety
- 2 Policy No. 105 - Memorials on Roadsides and Public Open Spaces
- 3 Policy No. 133 - Appointment of Acting CEO

RECOMMENDATION

That Council:

1. **Endorse the following reviewed policies:**
 - Policy No. 033 – Occupational Health and Safety
 - Policy No. 105 – Memorials on Roadsides and Public Open Spaces
 - Policy No. 133 – Appointment of Acting Chief Executive Officer
2. **Authorise the Chief Executive Officer to make amendments to the documents to correct any minor drafting errors that do not materially alter the intent of the policies.**

EXECUTIVE SUMMARY

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they are reflective of current practices. This report addresses the following policies which have recently been reviewed:

- Policy No. 033 – Occupational Health and Safety
- Policy No. 105 – Memorials on Roadsides and Public Open Spaces
- Policy No. 133 – Appointment of Acting Chief Executive Officer

PURPOSE

This report addresses recently reviewed policies for the consideration of Council to ensure compliance with relevant legislation and that they are reflective of current practice.

ATTACHMENTS

Policy No. 033 – Occupational Health and Safety

Policy No. 105 – Memorials on Roadsides and Public Open Spaces

Policy No. 133 – Appointment of Acting Chief Executive Officer

DISCUSSION

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they are reflective of current practice. Council policies are reviewed as needed, however most policies must be reviewed within either 12 months or two years after a General Election. Reviewed policies are presented to Council for endorsement, or for repeal if it has been determined the policy is no longer required.

Council policies provide guidance to staff, Council and the community and are published on Council's website.

A summary of the reviewed policies and any recommended adjustments is listed below.

Policy No	Policy Title	Comments
033	Occupational Health and Safety	<p>This policy outlines Council's commitment to occupational health and safety and details those responsible to bring about a safe and healthy work environment.</p> <p>Recommended adjustments to the policy will ensure compliance with WorkSafe's notifiable incident requirements as set out in Part 5 of the <i>Occupational Health and Safety Act 2004</i> and Part 9 of the <i>Equipment (Public Safety) Regulations 2007</i>.</p>
105	Memorials on Roadsides and Public Open Spaces	<p>The purpose of this policy is to outline the criteria to be considered when dealing with community requests for memorials in public open spaces. This policy is supported by the Memorials on Roadsides and Public Open Spaces Procedure which details how requests for memorials are considered and information to be taken into account by applicants.</p> <p>There are no recommended adjustments to the policy.</p>
133	Appointment of Acting Chief Executive Officer	<p>This policy provides clear guidance when appointing a person as Acting Chief Executive Officer and for the approval of the Chief Executive Officer's leave requests.</p> <p>Recommended adjustments reflect the repeal of the 'senior officer' definition in the <i>Local Government Act 1989</i>; the transition to the <i>Local Government Act 2020</i>; and a number of small administrative adjustments.</p>

RELEVANT LAW

Occupational Health and Safety Act 2004

Local Government Act 1989 – section 94(1)

Local Government Act 2020 – s44(1), s44(4), s11(3)

RELATED COUNCIL DECISIONS

Council Policies No. 033 – Occupational Health and Safety and No. 105 – Memorials on Roadsides and Open Spaces were last reviewed by Council on 24 October 2017.

Council Policy No. 133 – Appointment of Acting Chief Executive Officer was first adopted by Council on 15 November 2017. This is the first review of this policy.

OPTIONS

Council may wish to endorse the recommended, or alternative adjustments or decide to not make any adjustments to the policies at this time.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

Not applicable.

INNOVATION AND CONTINUOUS IMPROVEMENT

Council policies provide guidance to Council, staff and the community in decision making and service delivery.

Policies are reviewed as required however most policies must be reviewed within either 12 months or two years of a Council election. Regular reviews of Council policies ensure compliance with relevant legislation and that they are reflective of current practices.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Not applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

COUNCIL PLANS AND POLICIES

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

Council Policy No. 033 – Occupational Health and Safety

Council Policy No. 105 – Memorials on Roadsides and Public Open Spaces

Council Policy No. 133 – Appointment of Acting Chief Executive Officer

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.



Occupational Health and Safety

COUNCIL POLICY NO. 033

1. POLICY

Gannawarra Shire Council employees, volunteers, contractors and visitors have a right to a safe and healthy work environment.

Gannawarra Shire Council and its managers are committed to providing employees, volunteers, contractors and visitors with such an environment.

Objectives:

- To prevent work related accidents and illness
- To safeguard all employees, volunteers, contractors and visitors against injury
- To promote welfare and preservation of health
- To provide written procedures and instructions to ensure safe systems of work
- To ensure compliance with legislative requirements and current industry standards
- To provide information, instruction, training and supervision to employees, volunteers, contractors and visitors to ensure their own safety.

Commitment:

Gannawarra Shire Council recognises its corporate accountability under the Victorian *Occupational Health and Safety Act 2004* and other relevant legislation. Management and supervisors have a key responsibility with regard to ensuring the health, safety and welfare of staff, volunteers, contractors and visitors. In fulfilling this responsibility managers and supervisors have a duty to provide and maintain so far as practicable, a working environment that is safe and without risks to health. Gannawarra Shire Council is therefore committed to:

Undertaking, documenting and actioning risk management activities to adequately manage risks to persons in the work environment, including review of changes to work methods and practices;

Compliance with all relevant legislation, standards, and other requirements to which Gannawarra Shire Council is subject;

Ensuring that plant, vehicles, equipment and substances are safe and without risk to health when used in accordance with standard operating procedures;

Providing, monitoring and maintaining systems for the safe use, handling, storage and transportation of plant, vehicles, equipment and substances;

Maintaining safe systems of work, the work sites and the work environment, including systems to adequately manage emergency response;

Providing adequate facilities to protect the welfare of all employees, volunteers, contractors and visitors;

Providing appropriate Occupational Health and Safety and Risk Management training to all employees, volunteers, contractors and visitors;

Providing information and supervision for all employees, volunteers, contractors and visitors enabling them to work in a safe and healthy manner;

Consulting with employees, volunteers, contractors and visitors to enhance the effectiveness of the Occupational Health and Safety Management System;

Providing adequate resources, including finances, to facilitate the fulfilment of Gannawarra Shire Council Occupational Health and Safety responsibilities;

Regularly reviewing and evaluating Council's Occupational Health and Safety Management Systems including audits and workplace inspections; and

The establishment of reasonable objectives and targets to ensure continued improvement aimed at elimination of work related injury and illness.

Responsibilities:

The Chief Executive Officer has ultimate responsibility for the implementation and review of the Gannawarra Shire Council Occupational Health and Safety Management System.

Managers and Supervisors

Are responsible for the effective implementation and regular review of the Occupational Health and Safety Management System and Policy;

Must observe, implement and fulfil responsibilities under the Acts and Regulations which apply to Occupational Health and Safety, and endeavour to comply with Australian Standards and approved Codes of Practice;

Must ensure that the agreed procedures for regular consultation between management and those designated and elected Occupational Health and Safety responsibilities are followed;

Are responsible for ensuring that the Gannawarra Shire Council Occupational Health and Safety Management System is implemented, effective and consistent with Gannawarra Shire Council objectives;

Must ensure that all significant risks associated with hazards in their operation are identified, controlled, registered and reviewed in consultation with employees and any others that may be effected; and

Must ensure all incidents within their area of control are reported, investigated and causes and control strategies implemented.

Employees and Volunteers

Are required to take reasonable care of themselves and others in the workplace;

Are responsible for their allocated Personal Protective Equipment (PPE);

Have a responsibility to actively participate in Occupational Health and Safety related programs;

Have a responsibility to comply with relevant Gannawarra Shire Council Occupational Health and Safety Management Systems, policies, procedures and programs as appropriate;

Must not bypass or misuse systems, plant, vehicles, equipment and substances provided for Occupational Health and Safety purposes; and

Must report incidents and any unsafe conditions that come to their attention.



Occupational Health and Safety Committee

To be consulted regarding Gannawarra Shire Council Occupational Health and Safety Management System, including policy, procedure and program review and implementation.

Contractors

- Are required to complete and submit all required pre-qualification documentation via the Rapid contractor System;
- Must observe direction on health and safety from designated officers of the Gannawarra Shire Council;
- Must ensure any place of work under the Contractor's control is maintained in a condition that is safe and without risk to health;
- Must provide and maintain a working environment for employees and sub-contractors that is safe and without risks to health, and adequate in relation to facilities and arrangements for their welfare at work;
- Must ensure that persons not in the Contractor's employment who may be affected by their work are not exposed to risks to their health and safety; and
- Must, in addition to carrying out all work in accordance with the requirements of the Occupational Health and Safety Act, meet the requirements of all other relevant Acts, Regulations, Codes of Practice and relevant Council policies.

General

All Gannawarra Shire employees, volunteers, contractors and visitors have a responsibility to themselves and their work colleagues to work in a safe manner and in a safe environment. Employees, volunteers, contractors and visitors are to:

- Observe safe working practices and procedures;
- Report any suspected health or safety risk to the Safety Representatives, Manager and/or Supervisor;
- Wear all protective clothing, safety glasses and ear muffs where required to do so;
- Report all accidents/injuries and advise their Safety Representatives, Managers and/or Supervisors of incidents within twelve hours; and
- Report any notifiable incident to WorkSafe and the Chief Executive Officer immediately they become aware of a notifiable incident.

2. POLICY REVIEW

Council will review the Occupational Health and Safety policy as required but always within twelve months after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.



3. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna offices or online at www.gannawarra.vic.gov.au.

Any enquiries in relation to this policy should be directed to the Manager Governance on (03) 5450 9333.

Records – 3.000518	
Originally adopted:1995	
Reviewed: 23/03/2005	Minute Book Reference: 4105
Reviewed: 27/06/2007	Minute Book Reference: 5894
Reviewed: 23/09/2009	Minute Book Reference: 7712
Reviewed: 17/04/2013	Minute Book Reference: 9849
Reviewed: 24/10/2017	Minute Book Reference: 12593
Reviewed: 16/12/2020	-
To be reviewed	2025





Memorials on Roadsides and Public Open Spaces

COUNCIL POLICY NO. 105

1. POLICY STATEMENT

Gannawarra Shire Council recognises that members of the community may wish to establish a memorial for persons, events or disasters in public open spaces and road reserves.

Council will deal sensitively with all requests for the establishment of memorials.

In dealing with requests, the following criteria will be considered:

- a. In respect to public open spaces, only memorials recognising a significant contribution by an individual or group to the cultural, political or social development of the Gannawarra Shire, or identifying the location of a significant event or disaster, will be approved.
- b. A memorial should be located in a position where it will not distract drivers' attention, interfere with the role of any traffic control item, be hazardous to passing traffic or hinder use of a Council facility.
- c. The amenity and particular values of public open space remains protected after the establishment of a memorial.
- d. A memorial should not prevent appropriate maintenance of a road reserve (VicRoads' Clear Zone Guidelines should be used to assess this).
- e. Applicants should be made aware of any possible risks in visiting roadside memorials and should be advised on safe practices in this regard, eg stopping clear of traffic.
- f. The establishment of a memorial will bear no cost to Council.
- g. The location should be chosen to minimise risk.

Council may decommission a memorial on the following basis:

- a. High levels of community anxiety and negative feedback.
- b. Changes to the open space environment that may impact negatively on the memorial.
- c. At the request of the applicant (and at no cost to Council)
- d. Where the level of significance may have waned considerably.

2. PROCESS

Memorials on Roadsides and Public Spaces – Establishment Procedure details the process to be followed for the establishment of memorials.

3. POLICY REVIEW

Council will review this policy within twelve months after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

4. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna offices or online at www.gannawarra.vic.gov.au.

Any enquiries in relation to this policy should be directed to the Director Infrastructure and Development on (03) 5450 9333.

Records – 3.000518			
Originally adopted:	28/05/2008	Minute Book Reference:	6491
Reviewed:	17/03/2010	Minute Book Reference:	7882
Reviewed:	17/04/2013	Minute Book Reference:	9849
Reviewed:	24/10/2017	Minute Book Reference:	12593
Reviewed:	16/12/2020	-	-
To be Reviewed:	2025		



Appointment of Acting Chief Executive Officer

COUNCIL POLICY NO. 133

1. POLICY PURPOSE

The purpose of this policy is to provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (Acting CEO) and allows for the approval of the Chief Executive Officer (CEO) personal leave, long service leave, annual leave or other extended absences.

2. POLICY

The requirement for a Council to appoint a natural person to be its CEO is currently prescribed under section 94 of the *Local Government Act 1989*¹.

2.1 Appointment of a person as Acting CEO

Only Council staff in a second tier manager level position will be appointed as Acting CEO under the terms of this policy.

The appointment of a current Council second tier Manager to the role of Acting CEO for a period greater than 28 days must be by Council resolution.

The appointment of a current Council second tier Manager to the role of Acting CEO for a period not exceeding 28 days will be made by the CEO under delegated authority (Instrument of Delegation – Council to CEO) or by Council resolution.

The appointment of a person who is not a current employee of Council as Acting or Interim CEO must be by Council resolution.

2.2 Periods of Leave

If the period of leave is five days or less, then the CEO may make the appointment under delegation.

If the period of leave is more than five days and less than 28 days, then the CEO is expected to liaise with the Mayor prior to making the appointment under delegation.

If the period of leave is to exceed 28 days in a continuous period, then Council should appoint the Acting CEO by resolution. Council may appoint to the position of Acting CEO -

- a Council second tier Manager;
- a suitably experienced and qualified individual as a short term contract during extended periods of absence of the CEO.

¹ This requirement will transition to section 44 of the *Local Government Act 2020* on or before 1 July 2021.

2.3 Chief Executive Officer Leave Approval

An application for annual leave, long service leave, personal leave or an extended absence is to be approved by the Mayor on behalf of Council.

3. POLICY REVIEW

Council will review the Appointment of Acting Chief Executive Officer policy as required but always within twelve months after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

4. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna offices or online at www.gannawarra.vic.gov.au.

Any enquiries in relation to this policy should be directed to the Manager Governance on (03) 5450 9333.

Records – No. 3.000352
Originally adopted 15/11/2017
Reviewed:
To be reviewed:

Minute Book Reference: 12610
December 2020
2025



7.3 AUDIT AND RISK COMMITTEE - 8 DECEMBER, 2020 MEETING**Author:** Phil Higgins, Director Corporate Services**Authoriser:** Tom O'Reilly, CEO**Attachments:** Nil**RECOMMENDATION****That Council receive and note the summary of discussion of the Audit and Risk Committee.**

EXECUTIVE SUMMARY

The Gannawarra Shire Council Audit and Risk Committee (ARC) met on Tuesday, 8 December, 2020. This was the second meeting of the Committee under the new requirements of the *Local Government Act 2020*. This involved the establishment of meeting dates for 2021, consideration of an internal audit and the review of the Quarterly Financial Report.

PURPOSE

This report will receive and note the minutes of the ARC.

ATTACHMENTS

Nil

DISCUSSION

Details of the 8 December, 2020 ARC Meeting:

Member attendees:

John Campbell – Independent Member – Chairperson

Bradley Tarr – Independent Member

Deanne Van der Drift – Independent Member

Cr Charlie Gillingham – Councillor Representative

Cr Garner Smith – Councillor Representative

Also in attendance:

Tom O'Reilly – Chief Executive Officer

Phil Higgins – Director Corporate Services

Sid Hutchinson – Manager Finance

Lisa Clue – Manager Governance

Allison Peace – Administration Officer

Kate Scarce – AFS & Associates

Apologies:

Brad Ead – AFS & Associates

The following items were considered by the ARC at the meeting:

Report	Discussion	Recommendation/Outcome
Audit Work Plan	The Charter documents the tasks to be completed by the ARC and how often the tasks are to be undertaken. This report updates the status of each requirement in the Annual Work Plan.	Charter requirements met.
Internal Control Environment (ICE) Plan	The ICE Plan is a rolling four year plan. This report will review the items listed for 2021.	The policy reviews to be undertaken by Council in 2021 were linked to the ICE.
Internal Audit Review	The Internal Audit on Procurement was received. It identifies two “moderate“, and three “minor” risk issues.	Of the five issues, four of the issues have been addressed.
Internal Audit Program	The Internal Audit Program was reviewed. It identified the program with AFS is complete other than future “Past Issue Reviews”.	Council will now move to more strategic, efficiency based audits.
Outstanding Audit Item Reports	The list of outstanding internal audit (19 items) and external audit(6 items) was presented	The ARC received and noted the report
Risk Management Report	Council’s current Risk Management Framework requires quarterly reporting to the ARC. The report examined risk management progress and highlights from individual directorates for the period 1 July, 2020 to 30 September, 2020.	The ARC received and noted the Risk Management Report
Independent agency reports	Reports from IBAC, LGI and the Ombudsman addressed issues around information, councillor expenses and credit card usage.	Noted the Council’s response and current action plans.
Internal reports on Procurement Card policy, budget timetable, and credit card usage	The Procurement Card alterations were reviewed as this linked with the Internal Audit on Procurement and one of the independent agency reports. Budget timeframe was for planning purposes. Credit card was for compliance.	The ARC received and noted the reports.

RELEVANT LAW

Section 53 and 54 *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

At Council’s 19 August, 2020 meeting Council established the ARC.

At Council’s 25 November, 2020 meeting Council appointed Cr Gillingham and Cr Smith to the ARC.

OPTIONS

There are no specific recommendations for Council’s consideration.

SUSTAINABILITY IMPLICATIONS

The Act gives the ARC a broader focus and a stronger emphasis on key responsibility areas in financial and performance reporting, internal control environment (ICE), risk management, fraud prevention, internal audit, external audit and compliance management risks.

COMMUNITY ENGAGEMENT

The three independent members on the ARC ensure that there is involvement by key community members.

INNOVATION AND CONTINUOUS IMPROVEMENT

The new framework of the Audit Plan and ICE Plan are being implemented.

COLLABORATION

The ARC meeting was attended by the Internal Auditor.

FINANCIAL VIABILITY

The ARC is operating within the adopted budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The ARC is a requirement of the new Act.

COUNCIL PLANS AND POLICIES

A review of an internal policy was considered by the committee as part of an internal audit review.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

7.4 AUDIT AND RISK COMMITTEE INDEPENDENT MEMBER APPOINTMENT

Author: Phil Higgins, Director Corporate Services

Authoriser: Tom O'Reilly, CEO

Attachments: 1 Audit and Risk Committee Charter

RECOMMENDATION

That Council advertise for the appointment of one independent member to the Audit and Risk Committee.

EXECUTIVE SUMMARY

One of the three Audit and Risk Committee (ARC) independent members three year term concludes in December 2020. In accordance with the ARC Charter the ARC will need a replacement independent member.

PURPOSE

The ARC's purpose is to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management and maintenance of a sound internal control environment.

ATTACHMENTS

ARC Charter

DISCUSSION

In accordance with the ARC Charter, independent members will:-

- Generally be appointed for three year terms;
- May be reappointed to a maximum of nine years;
- Terms of appointment will be staggered to ensure that a loss of knowledge on the ARC does not occur at the one point in time;
- Collectively have expertise in financial management and reporting and risk management and also experience in public sector management.

RELEVANT LAW

Section 53 and 54 *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

At Council's meeting on 19 August, 2020 the Council appointed the three independent members up until the following dates 1 September 2023, 27 June 2021 and 20 December 2020. These dates aligned with their existing terms.

OPTIONS

The independent member whose term concludes in December has been a member of the ARC for eight years. In accordance with the charter a further three year term could not be offered.

SUSTAINABILITY IMPLICATIONS

The Act gives the ARC a broader focus and a stronger emphasis on key responsibility areas in financial and performance reporting, internal control environment (ICE), risk management, fraud prevention, internal audit, external audit and compliance management risks.

COMMUNITY ENGAGEMENT

The three independent members on the ARC ensure that there is involvement by key community members.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable

COLLABORATION

The issue was discussed with the ARC Chair.

FINANCIAL VIABILITY

The ARC is operating within the adopted budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

The appointment of independent members needs to align with the ARC Charter.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.



AUDIT AND RISK COMMITTEE CHARTER

1. PURPOSE

The Gannawarra Shire Council (GSC) has established an Audit and Risk Committee (the Committee) pursuant to Section 53 of the *Local Government Act 2020* (the Act) to support 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. It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter. This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee as outlined in this Charter enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case and in so doing bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

2. AUTHORITY

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Committee has the authority to:

- Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;
- Review and endorse internal and external audit plans that must be approved by Council;
- Provide advice and make recommendations to Council on matters within its areas of responsibility;
- Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;
- Seek any relevant information it requires from Council (who is expected to co-operate with the Committee's requests) and external parties;
- Meet with internal and external auditors and other parties as required to discharge its responsibilities.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

3. MEMBERSHIP AND TENURE

The Committee will consist of five members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee. Details of membership and tenure are set out below:

Independent Members

- 3.1 Independent members will generally be appointed for three year terms. This may vary for the initial term of independent members to stagger the retirement time of independent members;
- 3.2 Independent members may be reappointed for two additional three-year terms subject to satisfactory performance, that is, a maximum of nine consecutive years;
- 3.3 Independent members must collectively have expertise in financial management and reporting and risk management and also experience in public sector management;
- 3.4 Independent members' terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership;
- 3.5 Remuneration will be paid to independent members as approved by Council from time to time, subject to their attendance at Committee meetings;
- 3.6 Independent members may be removed from the Committee if they fail to attend three meetings in a financial year.

Councillor Members

- 3.7 Councillor members will be appointed to the Committee by Council annually;
- 3.8 Should an appointed Councillor member not be able to attend a Committee meeting, Council may appoint an alternate member to act in such circumstances, either on a meeting by meeting basis or for the entire year;

Chairperson

- 3.9 The Chairperson of the Committee must be an independent member;
- 3.10 The Committee will appoint the Chairperson of the Committee;
- 3.11 If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending independent members;

Quorum for Meetings

- 3.12 A quorum shall comprise a majority of three (3) members of the Committee, one (1) of which must be an independent representative and one (1) of which must be a Councillor.

4. MEETINGS

The Committee will meet at least four times a year, with authority to convene additional meetings as circumstances require.

- 4.1 A schedule of meetings will be developed annually and agreed to by members;
- 4.2 It is preferred all Committee members attend each meeting in person, although in certain circumstances members can attend through electronic means by negotiation with the Chairperson;
- 4.3 The Committee may invite members of Council's executive leadership and management teams, the internal and external auditors and other personnel as appropriate to attend meetings. The Chief Executive Officer and the Director Corporate Services will attend all meetings, except for confidential matters;

- 4.4 Committee members and the internal and external auditors may request the Chairperson to convene additional meetings if they feel that is justified, to address unexpected matters that may have arisen;
- 4.5 Meeting agendas and appropriate briefing materials will be provided to members at least one week prior to each meeting;
- 4.6 Minutes will be prepared for all meetings.

5. RESPONSIBILITIES

The Committee has the following responsibilities:

Financial and Performance Reporting

- 5.1 At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- 5.2 At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
- 5.3 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position;
- 5.4 Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;
- 5.5 Recommend the adoption of the annual financial report and annual performance statement to Council; and
- 5.6 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.

Internal Control Environment

- 5.7 Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment. This should be done on a rotational basis over a four year period;
- 5.8 Determine whether systems and controls are reviewed regularly and updated where required;
- 5.9 Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile;
- 5.10 Ensure that a programme is in place to test compliance with systems and controls; and
- 5.11 Assess whether the control environment is consistent with Council's Governance Principles.

Risk Management

- 5.12 Review annually the effectiveness of Council's risk management framework;
- 5.13 Review Council's risk appetite and the degree of alignment with Council's risk profile;
- 5.14 Review annually Council's risk profile and the changes occurring in the profile;
- 5.15 Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans;
- 5.16 Review the insurance programme annually; and
- 5.17 Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

Fraud Prevention Systems and Controls

- 5.18 Review Council's fraud prevention policies and controls, including the Fraud Control Plan and fraud awareness programmes at least every four years;
- 5.19 Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
- 5.20 Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

Internal Audit

- 5.21 Review the Internal Audit Charter regularly to determine that it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations;
- 5.22 Review the three year strategic internal audit plan, the annual internal audit plan and any significant changes to them;
- 5.23 Review progress on delivery of annual internal audit plan;
- 5.24 Review proposed scopes for each review in the annual internal audit plan;
- 5.25 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;
- 5.26 If necessary, meet with the internal auditor at least annually in the absence of management;
- 5.27 Monitor action by management on agreed internal audit findings and recommendations;
- 5.28 Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work;
- 5.29 Ensure that the Committee is aware of, and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change; and
- 5.30 Recommend to Council, if necessary, the termination of the internal audit contractor.

External Audit

- 5.31 Annually review the external audit scope and plan proposed by the external auditor;
- 5.32 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;
- 5.33 Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner;
- 5.34 Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views;
- 5.35 Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them; and
- 5.36 If necessary, meet with the external auditor at least annually in the absence of management.

Compliance Management

- 5.37 Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance;
- 5.38 Review the processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code;
- 5.39 Obtain briefings on any significant compliance matters; and

- 5.40 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Local Government Inspectorate, etc. and monitor Council's responses.

6. REPORTING TO COUNCIL

- 6.1 Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting;
- 6.2 The Committee Chairperson 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.

7. PERFORMANCE EVALUATION

The Committee shall undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

8. COMMITTEE MEMBER REGULATORY OBLIGATIONS

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included in Appendix A to this Charter.

9. REVIEW OF CHARTER

The Committee shall review and assess the adequacy of the Charter annually or earlier if necessary and submit requests to Council through the Chief Executive Officer for revisions and improvements for approval.



Appendix A

Committee Member Regulatory Obligations

Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ul style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person.
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ul style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ul style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p>Please Note</p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	

7.5 DRAFT COMMUNITY ENGAGEMENT POLICY

Author: Paul Fernee, Manager Community Engagement

Authoriser: Stacy Williams, Director Community Wellbeing

Attachments: 1 Draft Community Engagement Policy

RECOMMENDATION

That Council Endorse the Draft Community Engagement Policy for community feedback.

EXECUTIVE SUMMARY

The introduction of the *Local Government Act 2020* requires Council to adopt and maintain a community engagement policy from March 1, 2021. A draft policy has been prepared which takes into consideration community feedback that informed the development of Council's Community Engagement Strategy, adopted by Council in September 2020. The report seeks Council's endorsement to place the draft policy out for community feedback from Thursday December 17, 2020 until Friday January 22, 2021, with a final policy to be brought to Council at its February 2021 meeting for adoption to ensure the statutory timeline can be met.

PURPOSE

The purpose of this report is for Council to endorse the Draft Community Engagement Policy for community feedback.

ATTACHMENTS

Draft Community Engagement Policy

DISCUSSION

As part of the transition to the new *Local Government Act 2020* ('Act'), Council is required to implement a Community Engagement Policy by 1 March 2021. The draft policy has been developed taking into consideration community feedback earlier this year through a community engagement survey, Council's Community Engagement Strategy adopted in September 2020 which was informed by these survey results and best practice community engagement utilising the International Association of Public Participation spectrum.

The Community Engagement Policy replaces the need to undertake 28 day consultation processes (Section 223 of the *Local Government Act 1989*), highlighting that there are different levels of engagement with the community depending on the type of decision that is needed to be made.

It is recommended Council seek any community feedback on this draft policy through a consultation period, where any relevant changes can be made. A final policy with references to any community feedback could then be considered for adoption by Council at its February 2021 meeting, ensuring the statutory timeframe of 1 March 2021 is met.

RELEVANT LAW

Identified in Section 55 of the Act, Council must adopt and maintain a community engagement policy.

Furthermore Section 56 highlights the community engagement principles that the policy must address.

RELATED COUNCIL DECISIONS

Council adopted the Community Engagement Strategy 2020-2025 in September this year. This strategy aligns to the engagement principles identified in Section 56 of the Act, with the draft policy presented linking to this document.

OPTIONS

Council could choose to adopt the policy as is, but to ensure the Gannawarra community has an opportunity to further influence the policy, it is recommended it is endorsed for community feedback before returning to Council for adoption in February 2021.

SUSTAINABILITY IMPLICATIONS

Not applicable.

COMMUNITY ENGAGEMENT

The draft policy has utilised survey data from early 2020 to understand how the community engages with or wants to engage with Council, which was included in Council's Community Engagement Strategy 2020-2025.

It is recommended Council seek feedback from the community through an advertised consultation period from **Thursday 17 December, 2020** until **Friday 22 January, 2021**.

INNOVATION AND CONTINUOUS IMPROVEMENT

The Community Engagement Policy responds to the new principles outlined within the Act. This shift in legislative requirements for engagement encourages Council to consider new and innovative ways to engage with the community. Many of these opportunities were identified in Council's Community Engagement Strategy, of which this policy emboldens.

COLLABORATION

Not applicable in the development of this policy.

FINANCIAL VIABILITY

Not applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Identified in the Council Plan 2017-21 Good Governance and Healthy Organisation – Engagement:

1. Our community is consulted on issues that will affect them
2. Improve the community's ability to self-access information on Council's services and programs

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.



COMMUNITY ENGAGEMENT POLICY 2021



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Gannawarra Shire Council acknowledges the Barapa Barapa, Yorta Yorta and Wamba Wamba people as the Traditional Owners of the land now known as Gannawarra.

We pay our respects to Elders past, present and emerging, and acknowledge their rich culture and connection to Country.



Page 1

What is ‘Community Engagement?’

Community engagement is the processes by which Council provides deliberate opportunities for the community to participate in and influence Council decision making. Effective community engagement results from a strong partnership between Council and the community, in shaping the future together.

Effective community engagement enables Council to collect valuable information from our community and to consider that information in future decision-making. Community engagement also means the community is involved in Council decisions and processes, which offers residents ownership of projects and services.



Page 2

What is the purpose of a Community Engagement Policy?

The policy is designed to guide the delivery of community engagement processes across the organisation to better inform decisions in the planning of services, setting of budgets, identifying and planning projects and developing policies and strategies. Council acknowledges that engagement should be a planned process that aims to work with our community and stakeholders to shape decisions and actions in the delivery of Council's services.

This policy provides the core values underpinning our approach to community engagement, and underpins Council's Community Engagement Strategy.



Why does Council engage?

Community engagement provides Council with greater opportunities to make informed decisions. Through engaging the community, Council is better able to understand local issues and needs.

Community engagement can support Council decision making by:

- Gathering information, genuine feedback and diverse points of view prior to making decisions
- Fostering community partnerships
- Increasing trust and community confidence
- Gathering contribution from stakeholders who are impacted by Council decisions
- Enhancing understanding of, and commitment to, projects and strategic decisions
- Improving accountability and transparency through open and genuine consultation and feedback on public participation outcomes.



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Our Gannawarra Community

Our Gannawarra community is a diverse community who operates in many different ways. Through consultation earlier in the year, feedback from our community highlighted a number of important things:

- 80% of our community use Social Media
- 51% of people contact Council via Phone
- 67% of residents accessed Council's website in the past 12 months

The top 5 methods our community wants to receive information are;

- Social Media
- Gannawarra News
- Print Media
- Council and community meetings
- Council's Website

This Policy has been directly informed by a community engagement survey conducted in early 2020, Council's Community Engagement Strategy, the International Association of Public Participation, requirements of the *Local Government Act 2020* and from community feedback during December 2020 and January 2021.





How do we engage?

We understand the importance of early engagement when proposing changes to, or introduction of new services, facilities, policies or local laws that impact our community. In some circumstances, engagement will occur several times before a plan is adopted or a decision is made. We commit that where decisions will have an impact on the community, the greater the impact, the greater the engagement will be.

Council will adhere to the engagement principles outlined within the Act, set clear engagement objectives, and consider statutory processes, community interest, political sensitivity, time, resources and budget constraints.

This Policy has been developed considering the International Association for Public Participation (IAP2) spectrum (refer Table 1). Many ideas, actions and decisions will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different individuals and groups within the community may be more directly impacted than others.

Table 1 - IAP2 Spectrum and Council's engagement commitment.

Council will use appropriate and considered timeframes for each engagement, considering the complexity or impact of the action or decision to be made.

	Council's Engagement Commitment	Community Role
Inform	Council will inform and engage by maintaining an honest dialogue with our community.	Listen
Consult	Council commits to sharing information about Council projects and services with our community, giving them a reasonable opportunity to express their views, and taking those views into account in decision making.	Contribute
Involve	Council will work with our community to ensure they are included in the process of Council decision making that affect them?	Participate
Collaborate	Council will ensure the community are enabled to participate in the decisions that affect them.	Partner
Empower	Council will build understanding of its goals and priorities and work to empower our community to achieve community-led initiatives.	Partner or Lead



Who do we engage?

When we are planning to make decisions which impact the community, we recognise the need to identify affected stakeholders. Some individuals or groups may only engage with Council on one key issue, some members of our community may fall within multiple stakeholder groups, making them particularly relevant to certain engagement processes. We will use the most appropriate methods of engagement to minimise barriers to engagement, and reach members of the community who may be underrepresented.

Council's key stakeholders can be broadly categorised into the following four groups:

Community

- Residents
- Community groups
- Service users
- Businesses
- Tourists/Visitors
- Indigenous groups and organisations

Influencers

Influence the ability of Council to gain funding and benefit from policy decisions:

- State and Federal Government
- Media
- Local business and community leaders
- Leadership organisations such as the Murray Regional Tourism Board or organisations with Councillor representation
- Municipal Association of Victoria
- Focus groups

Partners

Ensure Council is able to offer its range of services to the community:

- Organisations and businesses which partner with Council to deliver services
- State and Federal Government agencies
- Neighbouring councils
- Municipal Association of Victoria
- Local health services
- Emergency Services

Organisation

Responsible for the day-to-day operation of the Council and the ability of Council to serve its community:

- Councillors
- Council staff
- Volunteers
- Contractors



Methods of Engagement

It is important that the methods and tools of engagement we use enable effective participation and meaningful feedback. We may need to use different methods at different stages depending on the reason we are engaging. For example we might consult to gather ideas early on and then involve, collaborate or empower to finalise priorities, details or decisions. Every situation will vary according to its context, who it affects and how it impacts them as well as what can be influenced or is achievable. To ensure the best outcome for each situation this will vary, highlighting the uniqueness of every engagement with our community.

Inform

- Gannawarra News
- Media Releases
- Gannawarra Connect
- Radio
- Social Media
- Direct Mail
- Signage

Consult

- Listening Posts
- Surveys (physical and online)
- Ideas boards

Involve and Collaborate

Methods that can be conducted with varying levels of involvement

- Advisory Groups
- Workshops
- Online two way engagement tools
- Online forums/meetings
- Project Control Groups

Empower

- Community led organisations or panels
- Independent Reference Groups
- Delegated decision making

It is important to note that these methods are not the only way we may engage. We will continue to look for new engagement methods that ensure we provide a voice to all residents and stakeholders.

Our Legislative Responsibility

Council is committed to adhering to the Community Engagement principles detailed in the Local Government Act 2020:

- (a) a community engagement process must have a clearly defined objective and scope;
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- (e) participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

Other legislation relevant to this policy includes *Charter for Human Rights and Responsibilities Act 2006*, *Public Administration Act 2004*, *Equal Opportunity Act 2010* and the *Child Safety Act 2015*.

A number of Council documents are also linked to this Policy, including;

- Council Plan 2017-2021
- **Policy No. xxx - Public Transparency Policy**
- Community Engagement Strategy
- Social Inclusion Strategy
- Advocacy Strategy
- Policy No. 101 - Media



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Definitions

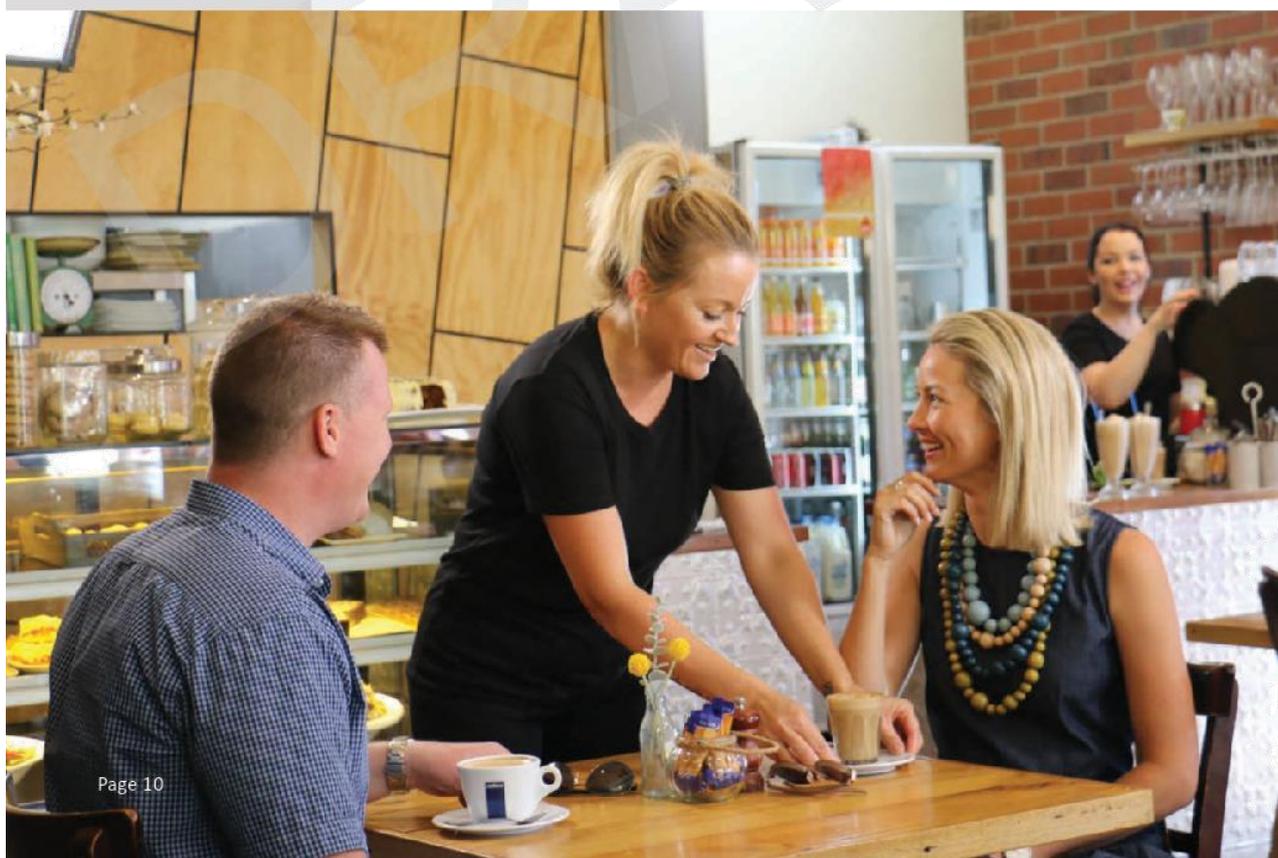
Community Engagement: by which Council provides deliberate opportunities for the community to participate in and influence Council decision making. Effective community engagement results from a strong partnership between Council and the community, in shaping the future together.

Public Participation: Encompasses a range of public involvement and can include, but is not limited to, simply informing people about what Council is doing, delegating decisions to public groups, consulting with members of the community about their views on certain issues, community activities and projects addressing the common good, membership on Council reference groups or committees or volunteering activities.

Our Community: includes people who live in the municipal district of the Council; people and bodies who are ratepayers of the Council; traditional owners of land in the municipal district of the Council; and people and bodies who conduct activities in the municipal district of the Council.

Methods: Refers to the number of engagement methods and tools used to engage with the community.

Stakeholders: Involves members of the community who may be impacted or interested in a topic or issue that an engagement process will address. Can also refer to external organisations and/or Government agencies involved in a project or decision.



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Gannawarra Shire Council

Patchell Plaza

47 Victoria Street, Kerang VIC 3579

Phone: (03) 5450 9333

Email: council@gannawarra.vic.gov.au



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7.6 G07-2020 KOONDROOK ALL ABILITIES PLAYGROUND

Author: Wade Williams, Manager Projects and Property

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: 1 G07-2020 Tender Evaluation

RECOMMENDATION

That Council Award tender G07-2020 for the Koondrook All Abilities Playground to CJ & BT McLoughlan Pty Ltd for the lump sum amount, not subject to rise and fall, of \$590,502.00 excluding GST subject to:

1. Receipt of the \$22,500 of public funds raised towards the project and held by the Koondrook Development Association; and
2. Receipt of the \$35,000 from the Koondrook Development Association of funds previously transferred from the Koondrook Hall Committee Inc to be held in trust by the KDC for future investment works on the All Abilities Playground site.

EXECUTIVE SUMMARY

Council officers have completed a tendering and evaluation process and seek approval from Council to appoint CJ & BT McLoughlan Pty Ltd as the successful tenderer for the development of the Koondrook All Abilities Playground.

PURPOSE

The purpose of this report is for Council to consider awarding tender G07-2020 for the development of the Koondrook All Abilities Playground with associated play equipment, park furniture and landscaping subject to; cash contributions being received from the Koondrook Development Association (KDA) to defray the additional costs over the Council adopted budget of \$520,000.

ATTACHMENTS

G07-2020 Tender evaluation.

DISCUSSION

The 2020-21 Council budget allocates a total of \$520,000 towards the Koondrook All Abilities Playground comprising \$130,000 in Council funding and \$390,000 in grant funding. Council received grant funding through the Regional Infrastructure Fund for the development of a play space to cater for all abilities and to enhance the Koondrook Central Business District and Nature Based Tourism Hub.

The Project was originally conceived by the Koondrook Development Association in conjunction with the original land owners being the Koondrook Hall Committee (KHC). 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.

On the 10 June the KDC wrote 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, to go towards the development of the site.

In addition, the Koondrook Development Association has successfully raised \$22,500 toward this project. Community consultation with both community groups formulated a project for which Council formally sought funding.

This project will provide a new All Abilities play facility in the heart of Koondrook. This will involve the installation of play equipment and activities accessible and inclusive to all, particularly for children with a disability. This will encourage greater socialisation and physical activity for the local community and regional visitors.

The design provides accessible harnesses integrated into the Flying Fox and swing to support people who require additional support to access these activities. These elements are fantastic for children with physical disabilities, intellectual disabilities and autism. In addition, there is an all access carousel and a sway fun, which includes wheelchair access, and provides opportunities for children of all abilities to play together. The carousel and sway fun assists with movement to integrate the vestibular system. For children able to transfer, there is also the basket swing, which also provides similar benefits.

Council officers engaged a qualified landscape architect to consult with the community with design workshops and to summarise the project costs to allow officers to determine the capital budget amount.

Tenders for the expansion of the Koondrook All Abilities Playground were advertised through Council's E-Tendering Portal and closed on 26 November 2020. A total of 1 submission was received and subsequently evaluated by a panel of three Council officers.

Evaluation of the submission included weighted criteria demonstrating price, contractor capability, project experience, timeframe for completing the works, risk minimisation and local benefit, all of which were included in the tender specification package.

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	25%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	20%
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%
Local Benefit (refer to Council Policy 109 for guidance)	10%

The tendered price is shown in the table below:

Tenderer	Price (excluding GST)
Tenderer A - CJ & BT McLoughlan Pty Ltd	\$ 590,502.00

Following the evaluation process a series of interviews were conducted via telephone to confirm the references provided by the preferred tenderer.

Throughout the tender evaluation process, Council officers investigated the preferred tenderer's previous work history with similar projects. Officers found that the contractor has delivered smaller type playgrounds in the past, but not an All Abilities Playground.

The tender responses have noted that the preferred tender does not specialise in playground delivery and as a way to reduce risk has contracted out the playground installation to suitably qualified contractors.

RELEVANT LAW

Not applicable.

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

1. Award the tender to CJ & BT McLoughlan Pty Ltd for the lump sum amount of \$590,502.00 excluding GST subject to receiving community cash contributions to offset the budget overrun.
2. Reject the tender and readvertise the tender with the anticipation that Council receive other tender submissions with competitive pricing more in line with the budget. This will delay the project's current Practical Completion of 30 June 2020.
3. Abandon the project and return the grant funding.

Officers recommend proceeding with Option 1.

SUSTAINABILITY IMPLICATIONS

- Maintenance

The plantings selected for the garden areas are low maintenance and low water demand varieties with hardy kikuyu turf in grassed areas.

- Social

As the current park is quite small, the design seeks to enhance the area to attract more young people and families of all abilities creating a more user friendly play space and park area encouraging participation of groups in non-structured sport.

Prior to Covid-19, community consultation with residents and local schools incorporating design workshops were held at multiple events and meetings over the last 12 months.

- Environmental

No native vegetation removal is expected with the site free and clear of trees and plantings.

- Climate Change

The plantings selected for the garden areas are low maintenance and low water demand varieties with hardy kikuyu turf in grassed areas.

COMMUNITY ENGAGEMENT

This project has been evolving with community engagement since its inception by the Koondrook Development Committee. Various community stakeholders including Koondrook school students have all had valued input closely working with Council officers and the designer to conceive the project deliverables.

Communication with the local community will be ongoing as the project progresses towards commencement and ultimately completion.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

The tender amount is significantly in excess of the adopted Capital Budget, however receipt of public cash contributions from the KDA would allow Council to award the tender with a manageable overrun, which could be offset from minor savings in other areas of Council's adopted Capital Budget.

Failure to deliver on the Funding Agreement milestones may incur a return of the Grant Funding amount to the Regional Infrastructure Fund.

There will be no significant impact to Council's ongoing maintenance budget, as once the All Abilities Playground is complete, the nearby play equipment in Apex Park will be rationalised.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Council Plan 2017 – 2021: Sustainable Natural and Built Environment

To initiate, develop and manage sustainable natural and built environments.

Council Plan 2017 – 2021: Strong and Healthy Communities

Seek funding to improve and develop infrastructure that encourages physical and leisure activities.

Gannawarra Shire Children & Youth Strategy 2016-2020: 1. Health and Wellbeing

Continue to build on the development of community gyms or parks/outdoor spaces with exercise equipment.

Gannawarra Shire Sport and Recreation Strategy 2019-2029:

High priority project F

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares no conflict of interest in regards to this matter.

Gannawarra Shire Council

Contract name Koondrook All Abilities Park
Contract number G05-2020

Criteria	Weight	McLoughlin															
		Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score		
1 Price - Financial Cost to Council	0.30	5.0	1.50	15.0	4.5	15.0	4.5	15.0	4.5	15.0	4.5	15.0	4.5	15.0	4.5		
2 Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.25	7.9	1.98	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00		
3 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	8.8	1.76	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00		
4 Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.15	9.3	1.40	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00		
5 Local benefit - Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	9.0	0.90	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00		
TOTAL WEIGHTED SCORE :			7.54		4.50		4.50		4.50		4.50		4.50		4.50		

Approximate Contract Total

Criteria	Weight	Comments	Comments	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	0.25	Tenderer has extensive building experience. Subcontractors experienced in their respective fields. Some experience in project management of playground installation through ESP. Experience in installation is with individual installers.					
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	13-14 week project schedule. Use of specialist contractors to complete individual elements of the project. Individual suppliers to install their own components.					
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.15	Registered on Rapid with Council. Have the necessary policies and procedures in place. No 3rd party accreditation.					
Local benefit - Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	Locally based company with Regional based partner. Use of local contractors. Approx 61% local content.					

Evaluation Panel

Name: LEIGH HOLLINWORTH
Title: Civil Projects Officer

Name: WADE WILLIAMS
Title: Manager Projects and Property

Name: Geoff Robinson
Title: Director of Infrastructure & Development

The above personnel were previously approved to form the Evaluation Panel.

Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.

All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.

The evaluation process used was in accordance with the adopted policies of Gannawarra Shire Council and were advised to all tenderers in the Tender Conditions.

8 URGENT ITEMS**9 NOTICES OF MOTION**

Nil

80 DELEGATES REPORTS**10.1 DELEGATES REPORTS****Author:** Mel Scott, Executive Assistant - Chief Executive Office**Authoriser:** Tom O'Reilly, CEO**Attachments:** Nil**EXECUTIVE SUMMARY**

Council has memberships with peak Local Government associations, local and regional forums along with statutory committees. Some memberships require that a Councillor be appointed to act as a delegate to formally represent Council; typically in a voting capacity. This Agenda item provides an opportunity for Council appointed delegates to present a verbal update on any pertinent matters arising from Council's membership on the following associations.

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Loddon Mallee Waste and Resource Recovery Group (LMWRRG) Forum	Cr Ogden
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith

NB: * Audit and Risk Committee - no delegate report is required as the Audit and Risk Committee formally reports back separately to Council in accord with the Audit and Risk Committee Charter.

11 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:

11.1 Awarding of 2021 Australia Day Awards

This matter is considered to be confidential under Section 3(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.

11.2 Chief Executive Officer - Performance Review

This matter is considered to be confidential under Section 3(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.