



**GANNAWARRA**  
*Shire Council*

## **Council Meeting**

# **MINUTES**

**Wednesday, 19 August 2020**

**6:30pm**

**Council Chambers**

**Kerang**

**Order Of Business**

<b>1</b>	<b>Acknowledgement of Country .....</b>	<b>3</b>
<b>2</b>	<b>Opening Declaration.....</b>	<b>3</b>
<b>3</b>	<b>Apologies .....</b>	<b>3</b>
<b>4</b>	<b>Confirmation of Minutes .....</b>	<b>3</b>
<b>5</b>	<b>Declaration of Conflict of Interest .....</b>	<b>4</b>
<b>6</b>	<b>Assembly of Councillors.....</b>	<b>4</b>
6.1	Assembly of Councillors 15 July to 18 August, 2020 .....	4
<b>7</b>	<b>Business Reports for Decision .....</b>	<b>5</b>
7.1	Community Asset Committees.....	5
7.2	Draft Governance Rules and Public Transparency Policy.....	6
7.3	Policy Review - Policy No. 092 - Councillor Allowances and Support .....	7
7.4	Audit Committee - 4 August, 2020 Meeting .....	8
7.5	Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	9
7.6	Delegation Update - Council to Members of Council Staff .....	10
7.7	Fees and Charges Review COVID-19 Response.....	11
7.8	G03-2020 Wet and Dry Plant Hire and Civil Works.....	12
<b>8</b>	<b>Urgent Items .....</b>	<b>13</b>
<b>9</b>	<b>Notices of Motion.....</b>	<b>13</b>
	Nil	
<b>10</b>	<b>Delegates Reports .....</b>	<b>13</b>
10.1	Delegates Reports .....	13
<b>11</b>	<b>Confidential Items .....</b>	<b>13</b>
	Nil	

**MINUTES OF GANNAWARRA SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, KERANG  
ON WEDNESDAY, 19 AUGUST 2020 AT 6:30PM**

**PRESENT:**

Cr Lorraine Learmonth (Mayor)	Yarran Ward
Cr Andrew Gibbs	Yarran Ward (via telephone)
Cr Steven Tasker	Murray Ward
Cr Jodie Basile	Patchell Ward
Cr Brian Gibson	Patchell Ward
Cr Jenny Fawcett	Patchell Ward

**IN ATTENDANCE:**

Tom O'Reilly	Chief Executive Officer
Lisa Clue	Manager Governance

**Gallery:** Nil

**Media:** Nil

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Gannawarra Welcome to Country video was played as the Acknowledgement of Country.

The Mayor acknowledged the passing of Elder George McGee.

## **2 OPENING DECLARATION**

Cr Brian Gibson read the Opening Declaration.

## **3 APOLOGIES**

### **RESOLUTION**

Moved: Cr Jodie Basile

Seconded: Cr Brian Gibson

That the apology received from Cr Charlie Gillingham be accepted.

**CARRIED**

## **4 CONFIRMATION OF MINUTES**

### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Andrew Gibbs

That the minutes of the Council Meeting held on 15 July 2020 be confirmed.

**CARRIED**

## **5 DECLARATION OF CONFLICT OF INTEREST**

Councillor Steve Tasker declared an Indirect Conflict of Interest in relation to Item 7.8.

## **6 ASSEMBLY OF COUNCILLORS**

### **6.1 ASSEMBLY OF COUNCILLORS 15 JULY TO 18 AUGUST, 2020**

#### **EXECUTIVE SUMMARY**

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

#### **RESOLUTION**

Moved: Cr Jodie Basile

Seconded: Cr Jenny Fawcett

**That Council note the records of Assemblies of Councillors from 15 July to 18 August, 2020.**

**CARRIED**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 COMMUNITY ASSET COMMITTEES**

#### **EXECUTIVE SUMMARY**

A number of assets located on land owned or managed by Council are currently managed and maintained by special committees established by Council under section 86 of the *Local Government Act 1989* (the 1989 Act).

The recently enacted *Local Government Act 2020* (the 2020 Act) does not provide for special committees however it does contain specific provisions for the establishment of Community Asset Committees for the purpose of managing a community asset in the municipal district.

This report seeks to establish, and appoint members to the following three Community Asset Committees, previously established under section 86 of the 1989 Act:

1. Leitchville Memorial Swimming Pool Community Asset Committee
2. Quambatook Caravan Park Community Asset Committee
3. Gannawarra Community Halls Community Asset Committee.

#### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Andrew Gibbs

#### **That Council:**

1. in exercise of the power conferred by s 65 of the *Local Governance Act 2020*, resolves that:
  - 1.1 From 1 September 2020, there be established as Community Asset Committees the-
    - 1.1.1 Leitchville War Memorial Swimming Pool Community Asset Committee
    - 1.1.2 Quambatook Caravan Park Community Asset Committee
    - 1.1.3 Community Halls Community Asset Committee.
  - 1.2 The purpose of each Committee is to manage the respective community asset in such a way as to meet the needs of the local community and the requirements of Council.
  - 1.3 The members of each Committee shall remain the members appointed by Council to special committees under section 86 of the *Local Government Act 1989* at its Ordinary meeting on 20 November 2019.
2. revokes the Deeds of Delegation of Council's powers and functions, effective on 1 September 2020, to the following Committees established pursuant to the provisions of section 86 of the *Local Government Act 1989*:
  - 2.1 Leitchville War Memorial Swimming Pool Special Committee
  - 2.2 Quambatook Caravan Park Special Committee
  - 2.3 Community Halls Special Committee.

**CARRIED**

## **7.2 DRAFT GOVERNANCE RULES AND PUBLIC TRANSPARENCY POLICY**

### **EXECUTIVE SUMMARY**

Section 60 of the *Local Government Act 2020* (the Act) requires Council to adopt and apply Governance Rules which describe the way it will conduct Council meetings and make decisions on or before 1 September 2020.

Section 57 of the Act requires Council to adopt and maintain a public transparency policy that gives effect to the public transparency principles contained with the Act; describes the way in which Council information is to be made publicly available; and specifies Council information that must be publicly available. This policy must also be adopted by Council on or before 1 September 2020.

At its July meeting, Council resolved to endorse for community consultation and engagement Draft Governance Rules and Draft Public Transparency Policy and to receive a report at its August meeting to consider final drafts of both documents.

Community feedback was sought on Draft Governance Rules and Draft Public Transparency Policy for 21 days from 16 July 2020, however no feedback was received.

This report seeks Council consideration of several minor amendments and formal adoption of the documents to take immediate effect.

### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Jodie Basile

#### **That Council:**

**1. Adopt the following documents as presented and attached to this report:**

**Gannawarra Shire Governance Rules  
Policy No. 141 – Public Transparency**

**2. Authorise the Chief Executive Officer to make amendments to the documents to correct any minor drafting errors that do not materially alter their intent.**

**CARRIED**

**7.3 POLICY REVIEW - POLICY NO. 092 - COUNCILLOR ALLOWANCES AND SUPPORT****EXECUTIVE SUMMARY**

Section 41 of the *Local Government Act 2020* (the 2020 Act) requires councils to adopt a Council expenses policy on or before 1 September 2020. The policy must apply to both councillors and members appointed to delegated committees and specifically include reimbursement of childcare costs and costs incurred by those who are carers within the meaning of the *Carers Recognition Act 2012*.

Council officers have reviewed and made necessary adjustments to existing Council Policy No. 092 – Councillor Allowances and Support to comply with the requirements of the 2020 Act in relation to Council expenses.

This report seeks adoption of the revised policy.

**RESOLUTION**

Moved: Cr Andrew Gibbs

Seconded: Cr Steven Tasker

**That Council:**

- 1. Endorse reviewed Policy No. 092 – Councillor Allowances and Support.**
- 2. Authorise the Chief Executive Officer to make amendments to the document to correct any minor drafting errors that do not materially alter the intent of the policy.**

**CARRIED**

**7.4 AUDIT COMMITTEE - 4 AUGUST, 2020 MEETING****EXECUTIVE SUMMARY**

The Gannawarra Shire Council Audit Committee met on Wednesday, 4 August, 2020 to consider the requirements of the *Local Government Act 2020* (the Act). The Act requires the establishment of an Audit and Risk Committee and the development of a new Audit and Risk Committee Charter to guide the governance and operation of the committee.

**RESOLUTION**

Moved: Cr Andrew Gibbs

Seconded: Cr Jodie Basile

**That Council:-**

- (a) Establish an Audit and Risk Committee in accordance with Section 53 of the *Local Government Act 2020*;**
- (b) Appoint John Campbell until 1 September 2023, Brad Tarr until 27 June 2021 and Deanne Van der Drift until 20 December 2020, as independent members of the Audit and Risk Committee;**
- (c) Appoint Cr Brian Gibson and Cr Charlie Gillingham as councillor members of the Audit and Risk Committee;**
- (d) Approve the Audit and Risk Committee Charter in accordance with Section 54 of the *Local Government Act 2020*; and**
- (e) Approve the Audit and Risk Committee Annual Work Plan and Internal Control Environment Plan.**

**CARRIED**

## **7.5 INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)**

### **EXECUTIVE SUMMARY**

Gannawarra Shire Council has functions and duties which it must perform and powers which it may exercise, pursuant to the *Local Government Act 1989* (the 1989 Act) and the *Local Government Act 2020* (the 2020 Act) as well as a range of other Acts.

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or local law.

This report addresses the appointment and authorisation of officers under the *Planning and Environment Act 1987*.

### **RESOLUTION**

Moved: Cr Jenny Fawcett

Seconded: Cr Brian Gibson

**That Council, in the exercise of powers conferred by section 224 of the *Local Government Act 1989* (the 1989 Act) and other legislation referred to in the attached Instrument of Appointment and Authorisation (the Instrument), resolves that;**

- 1. The members of Council staff referred to in this Instrument be appointed and authorised as set out in the instrument;**
- 2. The Instrument comes into force immediately the common seal is affixed to the instrument and remains in force until Council determines to vary or revoke it.**
- 3. The Instrument be sealed.**

**CARRIED**

## 7.6 DELEGATION UPDATE - COUNCIL TO MEMBERS OF COUNCIL STAFF

### EXECUTIVE SUMMARY

Gannawarra Shire Council has functions and duties which it must perform and powers which it may exercise, pursuant to the *Local Government Act 1989* (the 1989 Act), the *Local Government Act 2020* (the 2020 Act) as well as a range of other Acts. Legislation referred to in the attached instrument of delegation provides for Council to delegate certain powers, duties or functions to members of staff rather than having all functions and duties dealt with by Council resolution.

Delegations are regularly reviewed to reflect changes in legislation, regulations and Council's organisational structure.

This report addresses delegations to members of Council staff.

### RESOLUTION

Moved: Cr Brian Gibson

Seconded: Cr Steven Tasker

**That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

**CARRIED**

## **7.7 FEES AND CHARGES REVIEW COVID-19 RESPONSE**

### **EXECUTIVE SUMMARY**

As the community continues to respond to the COVID-19 pandemic business and community groups have had to adjust to State and Federal government imposed restrictions. Council has the opportunity to provide support to the community through a range of measures. This recommendation is that Council reduce the fees and charges outlined in this report to support small businesses and community groups during the ongoing COVID-19 Pandemic.

### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Steven Tasker

**That Council reduce the following fees and charges for the 2020-2021 financial year**

- 1. Footpath Trading permit fees be waived**
- 2. Food Act 1984 and Public Health and Wellbeing Act 2008 Registration fees**
  - (a) Fees be waived for school canteens, swimming pools, community groups and sporting clubs;**
  - (b) A 50% fee reduction be applied to all Public Health and Wellbeing Act registered premises; and**
  - (c) A 50% fee reduction be applied to all Food Act Registered categories including Bakeries, Café/Restaurant, Coffee shop, Home based or mobile businesses, Low Risk Food Manufacturers, Takeaway shops and General Stores;**
- 3. That the timeline for re-registration of premises under the Food Act 1984 and Public Health and Wellbeing Act 2008 be extended from 31 August 2020 to 31 October 2020;**
- 4. Recreation Reserve User fees be reduced by 50%**

**CARRIED**

Cr Steve Tasker declared an Indirect Conflict of Interest in Item 7.8 and left the Chamber at 6:48pm.

**7.8 G03-2020 WET AND DRY PLANT HIRE AND CIVIL WORKS****EXECUTIVE SUMMARY**

To seek approval from Council to appoint all received tenders for G03-2020 Wet and Dry Plant Hire and Civil Works to a panel for a period of three years subject to rise and fall.

**RESOLUTION**

Moved: Cr Jenny Fawcett

Seconded: Cr Jodie Basile

**That Council**

1. **Appoint the following panel of Contractors as shown in Table 1 at the rates submitted for a period of three years subject to rise and fall for G03-2020 Wet and Dry Plant Hire and Civil Works.**
2. **Authorise the CEO, on behalf of Council to execute the documents required to finalise the panel of contractors.**

**Table 1 – List of Contractors**

<b>A1 Tree Workz</b>	<b>Miller Pipe and Civil</b>
<b>Adams Mobile Welding</b>	<b>Nev Murray Excavations Pty Ltd</b>
<b>Bitu-Mil (Vic) Pty Ltd</b>	<b>North &amp; Sons Earth Moving Pty Ltd</b>
<b>Boyall Nicholds</b>	<b>Northern Tree Fellas</b>
<b>Cleanaway Co Pty Ltd</b>	<b>Porter Plant</b>
<b>Coates Hire Operations Pty Limited</b>	<b>Precision Grading Pty Ltd</b>
<b>Coburns Earthmoving</b>	<b>Road Maintenance Pty Ltd</b>
<b>Cohuna Garden Supplies</b>	<b>RSP Environmental Services</b>
<b>Danspec Civil</b>	<b>Sharpe Bros (AUST) Pty Ltd</b>
<b>Echuca Brick Paving</b>	<b>S &amp; R Engineering &amp; Construction Pty Ltd</b>
<b>Environmental Services Group</b>	<b>Shore Hire Pty Ltd</b>
<b>Gleeson Excavations</b>	<b>Standby Haulage</b>
<b>Gravelrash Grading</b>	<b>Tasker Motor Rep</b>
<b>Green Care Mulching Pty Ltd</b>	<b>Waddys Concrete</b>
<b>Guiney Excavations</b>	<b>Ward Bros Earthmoving ( Aust) Pty Ltd</b>
<b>Joudi Enterprises Pty Ltd</b>	<b>Whitfield Excavations</b>
<b>Kevin O'Brien Excavations Pty Ltd</b>	<b>J &amp; CA Wickham Pty Ltd</b>
<b>Kyabram and District Garden Supplies</b>	<b>Wilkinson Earthworks</b>
<b>Luxton Plant</b>	

**CARRIED**

Cr Steve Tasker returned to the Chamber at 6:50pm.

**8 URGENT ITEMS**

Nil

**9 NOTICES OF MOTION**

Nil

**10 DELEGATES REPORTS****10.1 DELEGATES REPORTS**

<b>Association</b>	<b>Appointed Council Delegate</b>
Central Victorian Greenhouse Alliance	Cr Brian Gibson
Loddon Campaspe Group of Councils	Mayor
Loddon Mallee Waste and Resource Recovery Group (LMWRRG)	Cr Lorraine Learmonth
Municipal Association of Victoria	Cr Brian Gibson
Municipal Emergency Management Planning Committee (MEMPC)	Cr Brian Gibson
Municipal Fire Management Planning Committee (MFMPC)	Cr Steve Tasker
Murray River Group of Councils (MRGC)	Mayor

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

**8 CONFIDENTIAL ITEMS**

Nil

**The Meeting closed at 6:52pm.**

**The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 16 September 2020.**

**Mayor Lorraine Learmonth  
CHAIRPERSON**