



**GANNAWARRA**  
*Shire Council*

## **Ordinary Council Meeting**

# **MINUTES**

**Wednesday, 18 March 2020**

**6:30pm**

**Council Chambers**

**Kerang**

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Nil

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Nil

**MINUTES OF GANNAWARRA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, KERANG  
ON WEDNESDAY, 18 MARCH 2020 AT 6:30PM**

<b>PRESENT:</b>	<b>Cr Lorraine Learmonth (Mayor)</b>	<b>Yarran Ward</b>
	<b>Cr Andrew Gibbs</b>	<b>Yarran Ward</b>
	<b>Cr Steven Tasker</b>	<b>Murray Ward</b>
	<b>Cr Jodie Basile</b>	<b>Patchell Ward</b>
	<b>Cr Brian Gibson</b>	<b>Patchell Ward</b>
	<b>Cr Jenny Fawcett</b>	<b>Patchell Ward</b>

<b>IN ATTENDANCE:</b>	<b>Phil Higgins</b>	<b>Acting Chief Executive Officer</b>
	<b>Lisa Clue</b>	<b>Acting Director Corporate Services</b>

**Gallery: 18**

**Media: 2**

**1 ACKNOWLEDGEMENT OF COUNTRY**

The Welcome to Country Video clip was played.

**2 OPENING DECLARATION**

Cr Jodie Basile read the Opening Declaration.

**3 APOLOGIES**

**RESOLUTION**

Moved: Cr Jodie Basile

Seconded: Cr Andrew Gibbs

**That the apology received from Cr Charlie Gillingham be accepted.**

**CARRIED**

**4 CONFIRMATION OF MINUTES**

**RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Steven Tasker

**That the minutes of the Ordinary Council Meeting held on 19 February, 2020 be confirmed.**

**CARRIED**

**5 DECLARATION OF CONFLICT OF INTEREST**

Nil

**6 ASSEMBLY OF COUNCILLORS**

**6.1 ASSEMBLY OF COUNCILLORS 19 FEBRUARY TO 17 MARCH, 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 Brian Gibson

Seconded: Cr Steven Tasker

**That Council note the records of Assembly of Councillors from 19 February to 17 March, 2020.**

**CARRIED**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 RECORDING OF OATH OF OFFICE**

#### **EXECUTIVE SUMMARY**

In accordance with the *Local Government Act 1989* (the Act), a person elected to be a councillor is not capable of acting as a councillor until the person has taken the Oath of Office, or an Affirmation as the case may be, as specified in the Act and read, signed and dated a declaration to abide by the Councillor Code of Conduct.

In the presence of the Chief Executive Officer on Tuesday, 18 February, 2020, Jenny Fawcett, Councillor-Elect took the Oath of Office and made a declaration that she has read and will abide by the Councillor Code of Conduct in accordance with Section 63(1) of the Act.

In the presence of the Chief Executive Officer on Tuesday, 10 March 2020, Andrew Gibbs, Councillor-Elect took the Oath of Office and made a declaration that he has read and will abide by the Councillor Code of Conduct in accordance with Section 63(1) of the Act.

It is a requirement of the Act that the taking of the Oath of Office, or affirmation, be recorded in the minutes of the Council.

#### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Jodie Basile

#### **That Council:**

- 1. Acknowledges that in the presence of the Chief Executive Officer on Tuesday, 18 February 2020, Councillor Jenny Fawcett has taken, signed and dated the Oath of Office, and made a declaration that she has read and will abide by the Councillor Code of Conduct.**
- 2. Acknowledges that in the presence of the Chief Executive Officer on Tuesday, 10 March 2020, Councillor Andrew Gibbs has taken, signed and dated the Oath of Office, and made a declaration that he has read and will abide by the Councillor Code of Conduct.**

**CARRIED**

## **7.2 WELCOME TO COUNTRY VIDEO CLIP PROTOCOL**

### **EXECUTIVE SUMMARY**

A Welcome to Country video clip was launched in December, 2019. The development of this video clip was a partnership project between Council, the Kerang Elders Group, Northern District Community Health and the Mallee District Aboriginal Services.

As a Welcome to Country is an official Aboriginal custom that is carried out by an Aboriginal Elder, a Welcome to Country Video Clip Protocol has been developed in partnership with the Kerang Elders Group. The Protocol authorises the wider use of the video clip, where an Elder is not available to conduct a Welcome to Country.

The same Protocol will be adopted by Northern District Community Health and Mallee District Aboriginal Services to ensure that the use of the Gannawarra Welcome to Country video clip recognises and pays respect to the Welcome to Country custom of Aboriginal and Torres Strait Islander People as well as acknowledging their ongoing connection to Country.

### **RESOLUTION**

Moved: Cr Andrew Gibbs

Seconded: Cr Jenny Fawcett

**That Council adopt the Welcome to Country Video Clip Protocol.**

**CARRIED**

## **7.3 REVIEWED ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

### **EXECUTIVE SUMMARY**

An Acknowledgement of Country is an opportunity for Council to show respect for the Traditional Owners of the land on which the Gannawarra Shire now covers; the Barapa Barapa, Wamba Wamba and Yorta Yorta people.

Council first adopted an Acknowledgement of Country Statement in 2016. This Statement is now due for review.

### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Steven Tasker

**That Council adopt the reviewed Acknowledgement of Country Statement**

**CARRIED**

## **7.4 PREVENTING FAMILY VIOLENCE STATEMENT OF COMMITMENT**

### **EXECUTIVE SUMMARY**

Council is required by law to identify measures to reduce family violence and respond to the needs of victims. Council has taken a strong leadership role on family violence and works in close partnership locally and regionally to increase understanding and recognition of family violence, improve responses and ensure appropriate referral of women and children.

The draft Preventing Family Violence Statement of Commitment reflects the wording of a plaque on display in the customer service foyer of Council's Kerang Office.

The Statement of Commitment acknowledges that family violence is prevalent across the Gannawarra Shire. It articulates Council's commitment to working in its own organisation and in partnership with others to end violence against women. It also provides a commitment that the underlying drivers of violence against women will be addressed so as to create a safer community for all.

### **RESOLUTION**

Moved: Cr Andrew Gibbs

Seconded: Cr Steven Tasker

**That Council adopt the Preventing Family Violence Statement of Commitment.**

**CARRIED**

## **7.5 HEALTHY FOOD AND DRINK POLICY**

### **EXECUTIVE SUMMARY**

Protecting and promoting improved health and wellbeing outcomes across the community is a key responsibility for local government. The development of a Healthy Food and Drink Policy supports Council's leadership role in ensuring that healthy food and drink choices are promoted and encouraged across the community and that Council increases access to healthy food and drinks at Council owned and operated facilities, events, functions and meetings. The development of such a policy was identified in the Council Plan 2017-2021 and supports the direction of the Victorian Health and Wellbeing Plan 2019-2023. More importantly the policy provides the opportunity for Council to continue to promote and encourage healthy eating and drinking across the Gannawarra community and support ongoing partnership work aimed at reducing risk factors for chronic diseases.

### **RESOLUTION**

Moved: Cr Brian Gibson

Seconded: Cr Jenny Fawcett

**That Council endorse the Healthy Food and Drink Policy.**

**CARRIED**

## **7.6 DOMESTIC WASTEWATER MANAGEMENT PLAN**

### **EXECUTIVE SUMMARY**

A Domestic Wastewater Management Plan forms part of Council's obligations to prevent public health risk and contamination of the environment from the disposal of domestic wastewater.

Council is required by legislation to have such a plan in place and to approve and regulate any onsite wastewater management systems (septic tanks) that generate less than 5,000 litres per day.

Council first developed a Domestic Wastewater Management Plan for the Gannawarra Shire in 2007. The Council Plan 2017-2021 identified as a priority action a review of this plan.

A Domestic Wastewater Management Plan helps guide consistent decision making when Council's delegated officers are assessing applications to install or alter domestic wastewater systems. The plan also supports planning decisions to reduce or minimise future impacts from domestic wastewater.

Implementation of the reviewed Domestic Wastewater Management Plan will be undertaken through the use of existing resources and is not expected to have any direct operational costs or other budget implications to Council.

### **RESOLUTION**

Moved: Cr Andrew Gibbs

Seconded: Cr Brian Gibson

**That Council endorse the Draft Gannawarra Domestic Wastewater Management Plan 2020-2024 for public comment for 28 days commencing Thursday, 19 March and closing Friday, 17 April, 2020.**

**CARRIED**



## 7.7 COUNCIL DELEGATION TO THE CHIEF EXECUTIVE OFFICER

### 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 Act') as well as a range of other Acts. Section 98 of the Act allows for Council to delegate certain powers, duties or functions to the Chief Executive Officer and other members of its staff rather than having all functions and duties dealt with by Council resolution.

Council delegations are regularly reviewed to ensure they reflect current legislation and regulations and Council officer position titles.

The document addressed in this report delegates powers, duties and functions to the Chief Executive Officer.

### RESOLUTION

Moved: Cr Brian Gibson

Seconded: Cr Steven Tasker

**That Council, in the exercising of powers conferred by Section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, resolves that;**

1. **There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, 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 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 instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
5. **It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.**

**CARRIED**

## 7.8 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 Act) as well as a range of other Acts. Section 98 of the Act allows for Council to delegate certain powers, duties or function 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.

### RESOLUTION

Moved: Cr Jenny Fawcett

Seconded: Cr Andrew Gibbs

**That Council, in the exercise of powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation to members of Council staff, 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 the 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**

## **7.9 PROPOSED SCHEDULED FEES AND CHARGES 2020/2021**

### **EXECUTIVE SUMMARY**

Each year Council reviews the level of fees and charges that are applied across Gannawarra Shire Council for the provision of services, with a view to achieving a balance between affordability, encouraging greater usage, cost recovery and raising sufficient revenue to support the delivery of services.

The Fees and Charges schedule is included in Council's Annual Budget document.

In accordance with best practice financial management, Council Officers have conducted a comprehensive review of the Schedule of User Fees and Charges to ensure the achievement of the above criteria.

### **RESOLUTION**

Moved: Cr Steven Tasker

Seconded: Cr Jenny Fawcett

#### **That Council:**

- 1. Adopt the scheduled Fees and Charges 2020/2021 effective from 1 July 2020.**
- 2. Publish the Fees and Charges on Council's website.**
- 3. Attach the Schedule of Fees and Charges 2020/2021 as Appendix A in the Council's 2020/2021 Budget.**

**CARRIED**

## **8 INFORMATION REPORTS**

Nil

## **9 URGENT ITEMS**

NIL

## **10 NOTICES OF MOTION**

Nil

## **11 QUESTION TIME**

Ms Tanya Black submitted one question relating to drought funding tenders, one question relating to live streaming of Council meetings and one question relating to the depreciation on airports. The Acting CEO provided a response to the first two questions and took the third on notice.

Ms Julie Smith submitted three questions relating to the depreciation on the Cohuna Airport. The Mayor and Acting CEO provided responses to all questions.

Ms Sonia Wright submitted three questions relating to recent arbitration processes. The Mayor and Acting CEO provided responses to all questions.

Mr Kelvin Burt submitted one question relating to the Victoria St roundabout works. The Acting CEO provided a response.

Ms Nadine Konopka submitted one question relating to the Cohuna Aviation Club Business Plan, one question relating to the Cohuna Caravan Park lease and one question relating to Question Time. The Acting CEO provided responses to two questions and took the Cohuna Caravan Park lease question on notice.

Mr Garner Smith submitted two questions relating to depreciation at the Cohuna Airport and one question relating to a recently published article regarding the Cohuna Airport. The Mayor and Acting CEO provided responses to all questions.

## 12 DELEGATES REPORTS

### 12.1 DELEGATES REPORTS - 19 FEBRUARY TO 17 MARCH, 2020

#### Cr Lorraine Learmonth

20 February	Loddon Mallee Local Government Waste Forum – Wedderburn
21 February	Postie Bike Reception – Cohuna
24 February	Gannawarra Community Resilience Committee Meeting – Kerang
26 February	Kerang Progress Association Meeting – Kerang
27 February	Community Engagement Strategy - Community Listening Post – Cohuna Loddon Mallee Waste and Resource Recovery Group Meeting – Teleconference
28 February	Running With Emus Play – Tree Tops
2 March	Victorian Electoral Commission Yarran Ward Countback – Kerang Campaspe Cohuna Local Learning Employment Network – Echuca
3 March	Agrisafe Clinic Program Launch & Radio Interview – Kerang
4 March	Murray River Group of Councils Mayors & CEOs Dinner – Wedderburn
5 March	The Morning Rush Outdoor Broadcast – Kerang Murray River Group of Councils Mayors & CEOs Meeting – Wedderburn Rural Financial Councillors Service Meeting – Kerang
6 March	International Women’s Day Breakfast – Kerang
10 March	Signing of Oath of Office and Councillor Code of Conduct for Cr Andrew Gibbs – Kerang
12 March	Community Engagement Strategy - Community Listening Post – Koondrook & Kerang
16 March	Community Halls Committee of Council Meeting - Koroop

#### Cr Charlie Gillingham

28 February	Loddon Campaspe Councils Meeting – Daylesford
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#### Cr Brian Gibson

20 February	Central Victorian Greenhouse Alliance Meeting – Teleconference
2 March	Victorian Electoral Commission Yarran Ward Countback – Kerang
5 March	Community Engagement Strategy - Community Listening Post – Kerang

Cr Steve Tasker

25 February                      Tri-annual Koondrook Recreation Reserve Committee Meeting –  
Koondrook

12 March                            Community Engagement Strategy - Community Listening Post –  
Koondrook

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Fawcett	Basile	Gillingham	Learmonth	Tasker	Gibbs
Ordinary Council Meeting (19 February)	✓	✓	✓	✓	✓	✓	
Councillor Briefing and Strategic Briefing (10 March)	✓	✓	A	✓	✓	✓	✓

A = Apology

**13 CONFIDENTIAL ITEMS**

Nil

**The Meeting closed at 7:01pm.**

**The Minutes of this Meeting were confirmed at the Ordinary Meeting of the Gannawarra Shire Council held on 15 April, 2020.**

**Cr Lorraine Learmonth - Mayor  
CHAIRPERSON**