



**GANNAWARRA**  
*Shire Council*

## **Council Meeting**

# **MINUTES**

**Wednesday, 20 October 2021**

**6:30pm**

**Virtual Meeting via ZOOM**

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**MINUTES OF GANNAWARRA SHIRE COUNCIL  
COUNCIL MEETING  
HELD VIA ZOOM  
ON WEDNESDAY, 20 OCTOBER 2021 AT 6:30PM**

**PRESENT:**

Cr Charlie Gillingham (Mayor)	Avoca Ward
Cr Garner Smith (Deputy Mayor)	Yarran Ward
Cr Keith Link	Yarran Ward
Cr Ross Stanton	Murray Ward
Cr Kelvin Burt	Patchell Ward
Cr Travis Collier	Patchell Ward
Cr Jane Ogden	Patchell Ward

**IN ATTENDANCE:** Chief Executive Officer  
Manager Governance

## **1 ACKNOWLEDGEMENT OF COUNTRY**

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

## **2 OPENING DECLARATION**

The Deputy Mayor read the Opening Declaration.

## **3 APOLOGIES**

Nil

## **4 CONFIRMATION OF MINUTES**

### **RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Kelvin Burt

**That the minutes of the Council Meeting held on 15 September 2021 be confirmed.**

**CARRIED**

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

Cr Charlie Gillingham declared a General Conflict of Interest in relation to Item 7.11.

Cr Ross Stanton declared a General Conflict of Interest in relation to Items 7.9 and 7.10.

Cr Jane Ogden declared a General Conflict of Interest in relation to Item 7.10.

Cr Kelvin Burt – No Conflict of Interest declared.

Cr Travis Collier declared a General Conflict of Interest in relation to Items 7.10 and 7.11.

Cr Garner Smith – No Conflict of Interest declared.

Cr Keith Link declared a General Conflict of Interest in relation to Item 7.11 as his wife is Treasurer of Cohuna Progress Association.

## **6 BRIEFING SESSIONS**

### **6.1 RECORDS OF COUNCILLOR BRIEFINGS - 8 SEPTEMBER TO 12 OCTOBER 2021**

#### **EXECUTIVE SUMMARY**

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

#### **RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

**That Council note the records of Councillor Briefings from 8 September to 12 October 2021.**

**CARRIED**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 COUNCIL POLICY REVIEW**

#### **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. 074 – Information Privacy and Health Records
- Policy No. 085 – Asset Management
- Policy No. 090 – Special Rates and Special Charges Scheme
- Policy No. 141 – Public Transparency

#### **RESOLUTION**

Moved: Cr Travis Collier

Seconded: Cr Ross Stanton

**That Council:**

- 1. Endorse the following reviewed policies:**
  - **Policy No. 074 – Information Privacy and Health Records**
  - **Policy No. 085 – Asset Management**
  - **Policy No. 090 – Special Rates and Special Charges Scheme**
  - **Policy No. 141 – Public Transparency**

**CARRIED**

## 7.2 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 and regulations. 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 Jane Ogden

Seconded: Cr Ross Stanton

**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**

### **7.3 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 both the *Local Government Act 1989* and the *Local Government Act 2020* (the 2020 Act), as well as a range of other Acts and Regulations. Section 11(1)(b) of the 2020 Act allows for a Council to delegate certain powers, duties or functions to the Chief Executive Officer.

Delegations eliminate the need for all functions and duties to be dealt with by Council resolution.

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

This report addresses a review of delegations to the Chief Executive Officer.

#### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Keith Link

**That Council, in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:**

- 1. There be delegated to the person holding the position, or 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 instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

**CARRIED**

## **7.4 INSTRUMENT OF SUB-DELEGATION TO MEMBERS OF COUNCIL STAFF - ENVIRONMENT PROTECTION ACT 2017**

### **EXECUTIVE SUMMARY**

The *Environment Protection Act 2017* (EPA 2017) and Environment Protection Regulations 2021 came into effect on 1 July 2021. Under the EPA 2017, the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local government, including a new delegation of powers from the Environment Protection Authority (EPA) to councils.

This new Instrument sub-delegates powers and functions delegated to Council by the EPA, to members of Council staff.

### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Ross Stanton

**That Council, in the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:**

- 1. There be delegated to members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Sub-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. 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**

## **7.5 CEO REMUNERATION AND EMPLOYMENT POLICY**

### **EXECUTIVE SUMMARY**

A CEO Remuneration and Employment Policy is required to be adopted as per Section 45 of the *Local Government Act 2020* before 31 December 2021.

### **RECOMMENDATION**

**That Council adopt the draft CEO Employment and Remuneration Policy.**

The Chair adjourned the meeting at 6:59pm to seek governance advice on a matter related to item 7.5. The meeting resumed at 7:11pm.

**RESOLUTION**

Moved: Cr Keith Link  
Seconded: Cr Jane Ogden

**That Council adopt the draft CEO Employment and Remuneration Policy.**

**CARRIED**

**7.6 ADOPTION OF THE FINANCIAL PLAN****EXECUTIVE SUMMARY**

The *Local Government Act 2020* (the Act) requires Council to develop a Financial Plan by 31 October 2021. The scope for the Financial Plan is for a period of at least 10 financial years and is to ensure the long-term financial sustainability of the Council. The Draft Financial Plan (DFP) was presented and approved to be placed for public consultation on 18 August 2021 and considered by the Audit and Risk Committee (ARC) on 7 September 2021. Post consultation, the plan is presented to Council for adoption.

**RESOLUTION**

Moved: Cr Ross Stanton  
Seconded: Cr Garner Smith

**That Council:**

- 1) Adopt as presented the Gannawarra Shire Council Financial Plan for the purposes of Section 91 of the *Local Government Act 2020*; and**
- 2) Respond to the people who made a public comment on the Draft Financial Plan.**

**CARRIED**



## **7.7 2021 ANNUAL FINANCIAL STATEMENTS - CERTIFICATION**

### **EXECUTIVE SUMMARY**

Council is required to authorise two Councillors to certify on its behalf, the annual Financial Statements and Performance Statement once any amendments requested by the Auditor-General have been made.

At the September Council meeting, Cr Gillingham and Cr Smith were by Council to be authorised to certify the final 2021 Financial Statements and 2021 Performance Statement, however due to the unavailability of Cr Smith, the statements were certified by Cr Gillingham and Cr Ogden.

### **RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Travis Collier

**That Council note the ‘final statement’ 2021 Financial Statements, and ‘final statement’ 2021 Performance Statement were certified on behalf of Council by Cr Gillingham and Cr Ogden, following the Chief Executive Officer’s exercise of delegated authority to nominate Cr Ogden to replace Cr Smith.**

**CARRIED**

## **7.8 ANNUAL REPORT 2021**

### **EXECUTIVE SUMMARY**

The Gannawarra Shire Council 2021 Annual Report, covering the period from 1 July 2020 to 30 June 2021, has been prepared in accordance with the requirements of the *Local Government Act 1989* (the Act). In accordance with sections 131 of the Act, the Annual Report contains a report on the operations of Council; the audited Financial Statements and audited Performance Statement.

### **RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Garner Smith

**That Council:**

- 1. Receives the Gannawarra Shire Council Annual Report 2021**
- 2. Ensures a copy of the Gannawarra Shire Council Annual Report 2021 is available for inspection at Council offices and on Council’s website.**

**CARRIED**

Cr Ross Stanton declared a General Conflict of Interest in relation to the next item on the Agenda and left the meeting at 7:35pm.

**7.9 2021 COMMUNITY GRANTS PROGRAM - MAJOR COMMUNITY PROJECT FUND****EXECUTIVE SUMMARY**

The 2021 Community Grants Program saw 32 applications received across the three available categories (Community Support, Community Events and Major Community Projects), totalling \$621,514.61.

An assessment process has been undertaken for each grant category, with independent assessments undertaken from a cross-departmental panel, taking into consideration the responses to the essential criteria of each category. From this, Council officers have developed the attached recommendations for funding that are within Council's Annual Budget for the program.

This report is presented to Council for endorsement of the recommendations for funding of four Major Community projects.

**RESOLUTION**

Moved: Cr Keith Link

Seconded: Cr Jane Ogden

**That Council endorse the allocation of the 2021 Major Community Projects Grants category, totalling \$252,366.71.**

**CARRIED**

Cr Ross Stanton returned to the meeting at 7:37pm.

Crs Ross Stanton, Travis Collier and Jane Ogden declared General Conflicts of Interest in relation to the next item on the Agenda and left the meeting at 7:37pm.

**7.10 2021 COMMUNITY GRANTS PROGRAM - COMMUNITY SUPPORT GRANTS****EXECUTIVE SUMMARY**

The 2021 Community Grants Program saw 32 applications received across the three available categories (Community Support, Community Events and Major Community Projects), totalling \$621,514.61.

An assessment process has been undertaken for each grant category, with independent assessments undertaken from a cross-departmental panel, taking into consideration the responses to the essential criteria of each category. From this, Council officers have developed the attached recommendations for funding that are within Council's Annual Budget for the program.

This report is presented to Council for endorsement of the recommendations for funding of 13 Community Support projects.

**RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Kelvin Burt

**That Council endorse the allocation of the 2021 Council Community Grants – Support category, totalling \$52,727.90**

**CARRIED**

Crs Ross Stanton, Travis Collier and Jane Ogden returned to the meeting at 7:39pm.

Mayor Charlie Gillingham and Crs Travis Collier and Keith Link declared General Conflicts of Interest in relation to the next item on the Agenda and left the meeting at 7:39pm.

Cr Garner Smith took the Chair.

**7.11 2021 COMMUNITY GRANTS PROGRAM - COMMUNITY EVENT GRANTS****EXECUTIVE SUMMARY**

The 2021 Community Grants Program saw 32 applications received across the three available categories (Community Support, Community Events and Major Community Projects), totalling \$621,514.61.

An assessment process has been undertaken for each grant category, with independent assessments undertaken from a cross-departmental panel, taking into consideration the responses to the essential criteria of each category. From this, Council officers have developed the attached recommendations for funding that are within Council's Annual Budget for the program.

This report is presented to Council for endorsement of the recommendations for funding of seven Community Event projects.

**RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

**That Council endorse the allocation of the 2021 Council Community Grants – Event category, totalling \$29,500.00**

**CARRIED**

Mayor Charlie Gillingham and Crs Travis Collier and Keith Link returned to the meeting at 7:42pm.

Mayor Charlie Gillingham resumed the role of Chair.

**7.12 DRAFT CREATIVE GANNAWARRA STRATEGY 2021 - 2025 AND DRAFT PUBLIC ARTS POLICY****EXECUTIVE SUMMARY**

Through a review of the Creative Arts and Activation Strategy 2016-2020 and subsequent community consultation, a new Creative Gannawarra Strategy 2021-2025 and Policy No. 142 - Public Art have been developed. The strategy and policy are now presented for Council's adoption.

**RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

**That Council:**

- 1. Adopt the Creative Gannawarra Strategy 2021 – 2025 as presented and attached to this report**
- 2. Adopt Policy No. 142 - Public Arts as presented and attached to this report**

**CARRIED**

## **7.13 LEITCHVILLE RECREATION LIGHTING UPGRADE**

### **EXECUTIVE SUMMARY**

ENEL X were the principal contractor for the 34MW (Megawatt) Horfield Solar Farm which became operational in 2020. The project which was partly funded by the Victorian Government under the 'Victorian Renewable Energy Target (VRET) scheme requires ENEL X to invest in and guarantee 650 MW of renewable energy to further support Victoria's target of 50% renewable energy generation by 2030.

ENEL Green Power (EGP) the parent company to Enel X Australia has a 15-year VRET support agreement with the Victorian Government. Under this agreement is an endorsed Community Engagement and Benefit Sharing Plan to ensure the Horfield Solar Farm builds and maintains a social license and delivers positive outcomes to the local community.

A joint proposal between Gannawarra Shire Council, ENEL X and the Leitchville Community has been proposed for a sporting light upgrade to the Leitchville Recreation Reserve main oval.

Enel X are proposing to install four lighting towers with energy efficient, LED lighting and smart control functionality. ENEL X will provide all upfront capital expenditure for the project excluding ongoing care, control, maintenance, and depreciation, which will be the responsibility of the Gannawarra Shire Council once the project is completed.

### **RESOLUTION**

Moved: Cr Keith Link

Seconded: Cr Garner Smith

#### **That Council:**

- 1. Approve ENEL X to commence works at the Leitchville Recreation Reserve to upgrade the existing luminaires and light towers and provide two new lighting towers and luminaires on the main oval, at no capital cost to Council;**
- 2. Include the new sporting lights to Council's asset data base;**
- 3. Accept ongoing care, control, and maintenance of the new sporting lights.**

**CARRIED**

## **7.14 G07-2021 COHUNA WATERFRONT DEVELOPMENT - STAGE 2**

### **EXECUTIVE SUMMARY**

Awarding tender G01-2021 will allow Council to continue developing the Cohuna Waterfront. Council successfully delivered Stage 1 – Apex Park in the previous financial year and will now deliver the final stage of the development, Cohuna Waterfront Stage 2 – Garden Park.

The proposed design for Cohuna CBD and Waterfront Connections Project has gone through extensive and collaborative community consultation. The development aims to connect the CBD and Waterfront with outdoor dining facilities, by constructing new pavement and landscaping to enhance the area.

Council officers have completed a tendering and evaluation process and recommend the appointment of CJ & BT McLoughlan Pty Ltd as the successful tenderer for the development of Cohuna Waterfront Development – Stage 2. This project is supported by the Federal Government's Regional Growth Fund.

### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Ross Stanton

**That Council award tender G07-2021 for the Cohuna Waterfront Development – Stage 2 to CJ & BT McLoughlan Pty Ltd for the lump sum amount, not subject to rise and fall, of \$1,195,669 excluding GST.**

**CARRIED**

### **PROCEDURAL MOTION**

Moved: Cr Garner Smith

That the Aquatic Strategy and the potential closure of community pools is the most significant decision likely to be made by this Council in its term. For the purpose of transparency and accountability I move that Council suspend Standing Orders to freely discuss the Mayor's refusal to make the cost and terms of reference for the Aquatic Strategy available to Councillors of the community.

The Mayor rejected the Motion.

## **8 URGENT ITEMS**

Nil

## **9 NOTICES OF MOTION**

Nil

**10 QUESTION TIME**

Author	Question	Response
Mr Max Fehring	<p>Considering the community concerns about the recent adoption of the Gannawarra aquatics strategy I am seeking clarification from councillors on the following points,</p> <ol style="list-style-type: none"> <li>1. Is the current aquatic policy adopted by Council been determined by councillors after receiving the aquatic report from consultants, forming the basis of current Council policy.</li> <li>2. The Councillors have indicated there will be a consultation period with the public, will councillors undertake this themselves in conjunction with the various affected communities in a venue and time suitable to each community.</li> </ol>	<p>Council does not have an adopted Aquatic Policy nor an adopted Aquatic Strategy. The decision at the September Council meeting was to add option 2 to the DRAFT Aquatic Strategy for further community consultation. An extensive community consultation process is being developed and planned to be undertaken throughout 2022.</p>
	<p>With the relatively new communication technologies such as email communication, now used widely by organisations and the community at large.</p> <p>What is the current policy of the Councillors in maintaining the integrity of email communication between councillors themselves and ratepayers and the community?</p> <p>I and much of the community are seeking an assurance that any email communication between Councillors and officers are maintained with a level of privacy and integrity. The community needs to be able to maintain its confidence that correspondence via email is managed in appropriate manner. That includes no monitoring Council controlled email services between Councillors and community members on any email correspondence.</p>	<p>Councillor and Council officer emails are managed in accordance with a number of Council and employee policies including Policy No. 083 – Email, Internet and Intranet, Policy No. 074 – Information Privacy and Health Records and the Councillor Code of Conduct, available on Council’s website.</p>

## 11 DELEGATES REPORTS

### 11.1 DELEGATES REPORTS

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
Timber Towns 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.

Councillors gave verbal updates on attendance at meetings to which there are the appointed delegate.

## 12 CONFIDENTIAL ITEMS

Nil

**The Meeting closed at 8:17pm.**

**The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 17 November 2021.**

**Mayor Charlie Gillingham**  
**CHAIRPERSON**