



**GANNAWARRA**  
*Shire Council*

## **Council Meeting**

# **MINUTES**

**Wednesday, 21 December 2022**

**10:00am**

**Senior Citizens Centre**

**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>3</b>
<b>6</b>	<b>Briefing Sessions.....</b>	<b>4</b>
6.1	Records of Councillor Briefings - 9 November to 13 December 2022 .....	4
<b>7</b>	<b>Business Reports for Decision .....</b>	<b>4</b>
7.1	MAV Delegate Arrangements.....	4
7.2	Audit and Risk Committee - 8 November, 2022 Meeting .....	5
7.3	Council Delegation to the Chief Executive Officer .....	6
7.4	Community Asset Committees.....	7
7.5	Community Asset Committees Appointment of Members .....	8
7.6	Revised 2022/2023 Fees and Charges - Childrens Services .....	8
7.7	Gannawarra Walking and Cycling Strategy .....	9
7.8	G05-2022 Kerang Stormwater Pump Upgrade .....	9
7.9	Local Law No. 1 Community Amenity .....	10
7.10	Petition - Fly the flag be the change.....	10
<b>8</b>	<b>Urgent Business.....</b>	<b>12</b>
<b>9</b>	<b>Notices of Motion.....</b>	<b>12</b>
<b>10</b>	<b>Question Time.....</b>	<b>12</b>
<b>11</b>	<b>Delegates Reports .....</b>	<b>12</b>
11.1	Delegates Reports .....	12
<b>12</b>	<b>Confidential Items .....</b>	<b>12</b>

**MINUTES OF GANNAWARRA SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE SENIOR CITIZENS CENTRE, KERANG  
ON WEDNESDAY, 21 DECEMBER 2022 AT 10:00AM**

<b>PRESENT:</b>	<b>Cr Charlie Gillingham (Mayor)</b>	<b>Avoca Ward</b>
	<b>Cr Jane Ogden (Deputy Mayor)</b>	<b>Patchell Ward</b>
	<b>Cr Kelvin Burt</b>	<b>Patchell Ward</b>
	<b>Cr Travis Collier</b>	<b>Patchell Ward</b>
	<b>Cr Garner Smith</b>	<b>Yarran Ward</b>

**IN ATTENDANCE:**     **Director Infrastructure and Development  
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**

Councillors Ross Stanton and Keith Link were noted as apologies.

**4     CONFIRMATION OF MINUTES**

**RESOLUTION**

Moved:     Cr Travis Collier

Seconded: Cr Kelvin Burt

**That the minutes of the Council Meeting held on 16 November 2022 be confirmed.**

**CARRIED**

**5     DECLARATION OF CONFLICT OF INTEREST**

The Director Infrastructure and Development declared a Material Conflict of Interest in relation to Item 12.2.

## **6 BRIEFING SESSIONS**

### **6.1 RECORDS OF COUNCILLOR BRIEFINGS - 9 NOVEMBER TO 13 DECEMBER 2022**

#### **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 Kelvin Burt

**That Council note the records of Councillor Briefings from 9 November to 13 December 2022.**

**CARRIED**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 MAV DELEGATE ARRANGEMENTS**

#### **EXECUTIVE SUMMARY**

Council holds financial memberships for various committees, both locally and regionally, in the interests of advocating for and on behalf of the community. Council currently holds financial membership with the Municipal Association of Victoria (MAV), a legislated peak body for councils and the voice of local government in Victoria.

Council's current MAV delegate Councillor Travis Collier was appointed by resolution of Council at its November 2022 meeting. The new MAV Rules 2022 require Council to also appoint a substitute delegate by formal resolution.

#### **RESOLUTION**

Moved: Cr Travis Collier

Seconded: Cr Kelvin Burt

**That Council:**

- 1. Endorse Councillor Jane Ogden as the substitute delegate to the Municipal Association of Victoria (MAV).**
- 2. Formally notify the MAV of the appointment under Rule 7.1 of the Association's Rules.**

**CARRIED**

**7.2 AUDIT AND RISK COMMITTEE - 8 NOVEMBER, 2022 MEETING****EXECUTIVE SUMMARY**

The Audit and Risk Committee (ARC) met on Tuesday, 8 November 2022. The focus of the ARC meeting was to undertake the annual review of the ARC performance against the Charter. Other reports related to financial, governance, compliance and risk management matters.

**RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Jane Ogden

**That Council:-**

- 1) Receive and note the summary of the discussions of the Audit and Risk Committee meeting held 8 November 2022; and**
- 2) Accept the annual assessment of the Audit and Risk Committee's performance against the Charter.**

**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.

The Instrument of Delegation to the Chief Executive Officer was last reviewed in July 2022.

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

#### RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Garner Smith

**That Council, in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020, 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 COMMUNITY ASSET COMMITTEES**

### **EXECUTIVE SUMMARY**

The *Local Government Act 2020* (the Act) provides for councils to establish Community Asset Committees for the purpose of managing community assets within the municipality and requires the CEO to submit an annual report to Council in relation to the activities and performance of Community Asset Committees.

This report relates to the activities and performance of Council's three Community Asset Committees in 2021/22, being the Leitchville War Memorial Swimming Pool Community Asset Committee, the Quambatook Caravan Park Community Asset Committee and the Community Halls Community Asset Committee.

### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Travis Collier

**That Council receives and notes the report on activities and performance of its three Community Asset Committees being:**

- 1. Quambatook Caravan Park Community Asset Committee**
- 2. Leitchville War Memorial Swimming Pool Community Asset Committee**
- 3. Community Halls Community Asset Committee.**

**CARRIED**

## **7.5 COMMUNITY ASSET COMMITTEES APPOINTMENT OF MEMBERS**

### **EXECUTIVE SUMMARY**

Under Section 65 of the *Local Government Act 2020* (the Act), a Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary. A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

This report seeks to update the appointment of community members to the Leitchville War Memorial Swimming Pool, Quambatook Caravan Park and Community Halls Community Asset Committees.

### **RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Jane Ogden

**That Council:**

- 1. Appoint members of the Leitchville War Memorial Swimming Pool and Quambatook Caravan Park Community Asset Committees as summarised in this report, in accordance with Section 65 of the *Local Government Act 2020* for the ensuing 12 months.**
- 2. Appoint members of the Community Halls Community Asset Committee as summarised in this report, in accordance with Section 65 of the *Local Government Act 2020* for a two year period.**

**CARRIED**

## **7.6 REVISED 2022/2023 FEES AND CHARGES - CHILDRENS SERVICES**

### **EXECUTIVE SUMMARY**

Through the implementation of Best Start, Best Life State Government reform into Early years, Council will be implementing free kindergarten for both 3 and 4 year old's at its Centres from January 2023. This requires Council adjust its fees and charges for its kindergarten service from 1 January 2023 until 30 June 2023.

### **RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

**That Council endorse the change to kindergarten fees for Council's 3 & 4 Year old Kindergarten programs from 1 January 2023 to 30 June 2023, in alignment with the Victorian State Governments 'Free Kindergarten' reform.**

**CARRIED**



**7.7 GANNAWARRA WALKING AND CYCLING STRATEGY****EXECUTIVE SUMMARY**

The Gannawarra Walking and Cycling Strategy has been under development since January 2022, with a number of community consultation sessions across the municipality in the development of the strategy and feedback has been received on the draft strategy. After a recent community feedback process on the draft strategy which saw 11 responses, with some minor amendments being made to address the feedback. The document is now presented for Council adoption.

**RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Jane Ogden

**That Council adopt the Gannawarra Walking and Cycling Strategy.**

**CARRIED**

**7.8 G05-2022 KERANG STORMWATER PUMP UPGRADE****EXECUTIVE SUMMARY**

This project aims to improve stormwater drainage system serving an area of the Kerang township by upgrading the Riverwood Drive pump station, located at the LMW water treatment facility.

Council officers have completed a tendering and evaluation process and recommend the appointment of Civil and Earth Australia Pty Ltd as the successful tenderer for this contract.

**RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Travis Collier

- 1. Council award contract G05-2022 for Kerang Stormwater Pump Upgrade to Civil and Earth Australia Pty Ltd for the lump sum amount, not subject to rise and fall, of \$240,862.00 excluding GST.**

**CARRIED**

**7.9 LOCAL LAW NO. 1 COMMUNITY AMENITY****EXECUTIVE SUMMARY**

Council resolved to endorse the draft Local Law No. 1 Community Amenity 2023 for community engagement for a period of 28 days at the November Council Meeting. In addition, Council was to consider the final Local Law No. 1 at the December 2022 Council meeting. Given the current flooding situation affecting the municipality, it is proposed to extend the community engagement to allow further public consultation.

**RESOLUTION**

Moved: Cr Travis Collier

Seconded: Cr Jane Ogden

**That Council:**

- 1. Extend the community engagement for a further of 28 days; and**
- 2. Receives a report at a future Council meeting to consider the final Local Law No. 1 Community Amenity.**

**CARRIED**

**7.10 PETITION - FLY THE FLAG BE THE CHANGE****EXECUTIVE SUMMARY**

A petition requesting for a dove flag to be flown from Council installations for reconciliation on International Human Rights Day, 10 December 2023, has been received by Council.

As per clause 104 of the Governance Rules, a petition or joint letter presented to Council must lay on the table until the next meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

At its meeting on 16 November 2022, Council resolved to develop a Flag Flying Policy to address future requests to fly flags to promote causes within the municipality.

**MOTION**

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

**That Council:**

- 1. Receive the petition 'Fly the flag be the change' requesting a dove flag be flown from Gannawarra Shire Council installations for reconciliation on International Human Rights Day, 10 December 2023; and**
- 2. Lay the petition on the table, until such time a Flag Flying Policy has been developed as per resolution made by Council at its 16 November 2022 Council Meeting.**

**AMENDMENT**

Moved: Cr Garner Smith

Seconded: Cr Kelvin Burt

**That Council:**

1. Receive the petition 'Fly the flag be the change' requesting a dove flag be flown from Gannawarra Shire Council installations for reconciliation on International Human Rights Day, 10 December 2023; and
2. Lay the petition on the table until Council's next scheduled meeting.

**LOST**

Cr Smith called for a Division

In Favour: Crs Smith and Burt

Against: Crs Ogden, Collier and Gillingham

**PROCEDURAL MOTION**

Moved: Cr Garner Smith

**That items 1 and 2 be voted on separately.**

**RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

**That Council:**

1. Receive the petition 'Fly the flag be the change' requesting a dove flag be flown from Gannawarra Shire Council installations for reconciliation on International Human Rights Day, 10 December 2023.

**CARRIED**

**RESOLUTION**

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

**That Council:**

2. Lay the petition on the table, until such time a Flag Flying Policy has been developed as per resolution made by Council at its 16 November 2022 Council Meeting.

**CARRIED**

Cr Smith called for a Division on Item 2

In Favour: Crs Ogden, Collier and Gillingham

Against: Crs Smith and Burt

**8 URGENT BUSINESS**

Nil

**9 NOTICES OF MOTION**

Nil

**10 QUESTION TIME**

Nil

**11 DELEGATES REPORTS****11.1 DELEGATES REPORTS**

<b>Association</b>	<b>Appointed Council Delegate</b>
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
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 they are the appointed delegate.

**12 CONFIDENTIAL ITEMS****RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Travis Collier

**That Council close the meeting to members of the public in accordance with Sections 66(1) and 66(2) of the *Local Government Act 2020* to allow for consideration of confidential information.**

**CARRIED**

Geoff Rollinson, Director Infrastructure and Development declared a Material Conflict of Interest in relation to item 12.2 and left the meeting at 10:42am.

**RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Jane Ogden

**That Council moves out of Closed Council into Open Council.**

**CARRIED**

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Geoff Rollinson, Director Infrastructure and Development returned to the meeting at 10:49am.

**The Meeting closed at 10:51am.**

**The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 15 February 2023.**

**Deputy Mayor Jane Ogden**

**CHAIRPERSON**