



# **ORDINARY COUNCIL MEETING**

## **MINUTES**

**Wednesday 12 August 2020**

**Commencing at 7.00pm**

**Held Remote Via Zoom**

**Anthony Judd  
Chief Executive Officer  
Buloke Shire Council**

**Minutes of the Ordinary Meeting held on Wednesday, 12 August 2020 commencing at 7.00pm conducted remote via Zoom.**

**PRESENT**

**CHAIRPERSON:**

Cr Carolyn Stewart                                  Mount Jeffcott Ward

**COUNCILLORS:**

Cr Ellen White                                      Mallee Ward  
Cr David Vis                                         Mallee Ward  
Cr David Pollard                                  Lower Avoca Ward  
Cr Bronwyn Simpson                              Lower Avoca Ward  
Cr Graeme Milne                                  Mount Jeffcott Ward  
Cr Daryl Warren                                  Mount Jeffcott Ward

**OFFICERS:**

Anthony Judd                                      Chief Executive Officer  
Wayne O'Toole                                      Director Works and Technical Services  
Hannah Yu                                         Director Corporate Services  
Rose Harris                                         Director Community Development

**AGENDA**

**1. COUNCIL WELCOME**

**WELCOME**

The Mayor Cr Carolyn Stewart welcomed all in attendance.

**STATEMENT OF ACKNOWLEDGEMENT**

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to the Elders from other communities who maybe here today.

**2. RECEIPT OF APOLOGIES**

Nil.

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING****MOTION:**

That Council adopt the Minutes of the Ordinary Meeting held on Wednesday, 8 July 2020.

**Moved:** CR DAVID VIS

**Seconded:** CR DARYL WARREN

**CARRIED.  
R800/20)**

**4. REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**5. DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

There were no declarations of interest.

**6. QUESTIONS FROM THE PUBLIC**

Nil

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	NIL	
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	NIL	
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**NEXT MEETING**

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD REMOTE VIA ZOOM ON WEDNESDAY, 9 SEPTEMBER 2020 AT 7.00PM.

**Anthony Judd**  
**CHIEF EXECUTIVE OFFICER**

**6. QUESTIONS FROM THE PUBLIC**

Nil

## 7. PROCEDURAL ITEMS

### 7.1 REPORT OF ASSEMBLY OF COUNCILLORS MEETINGS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** GO/05/04

#### PURPOSE

That the Council note the report of Assembly of Councillor Meetings held on 1 July 2020 and 15 July 2020.

#### SUMMARY

The Local Government Act 1989 (the Act) provides that a record must be kept of any Meeting of Councillors and Staff deemed to be an Assembly of Councillors Meeting as defined in the Act.

An Assembly of Councillors Meeting is defined in the Act as a meeting of Councillors if the meeting considers matters that are likely to be the subject of a Council decision or the exercise of delegation and the meeting is:

A planned or scheduled meeting that includes at least half of the Councillors and a member of Council Staff; or

An Advisory Committee of the Council where one or more Councillors are present.

The Act also provides that the record of any Assembly of Councillors is to be reported to the next practicable Council Meeting and recorded in the Minutes.

A record of the Assembly of Councillors Meetings held on 1 July 2020 and 15 July 2020 are attached.

#### MOTION:

That the Council note the report of Assembly of Councillor Meetings held on 1 July 2020 and 15 July 2020.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR DAVID VIS

**CARRIED.**  
**(R801/20)**

**Attachments:** 1 Assembly of Councillors Record - 1 July 2020  
2 Assembly of Councillors Record - 15 July 2020

**7.2 CORRESPONDENCE INITIATED BY COUNCIL****Author's Title:** Executive Assistant**Department:** Office of the CEO**File No:** GO'06/06**PURPOSE**

This report notes and records correspondence initiated by Council and informs the Council of the responses received from this correspondence.

**MOTION:**

That the Council notes the record of correspondence initiated by Council and the responses received.

**MOVED:** CR DARYL WARREN**SECONDED:** CR GRAEME MILNE

**CARRIED.**  
**(R802/20)**

**Attachments:** Nil**TABLE OF CORRESPONDENCE**

<b>Council Initiative</b>	<b>Correspondence sent to</b>	<b>Date sent</b>	<b>Date of Response</b>	<b>Summary of Response</b>
10 June 2020 Ord Meeting  To advocate for action to improve the shoulders on the Wycheproof –Birchip Rd	Graincorp  Regional Roads Victoria	24 June 2020		
10 June 2020 Ord Meeting  To advocate the Mode Shift Incentive Scheme be continued and funded at \$16M until 30 June 2022;	The Hon Melissa Horne  Minister for Public Transport; and Ports and Freight	22 June 2020		



Council Initiative	Correspondence sent to	Date sent	Date of Response	Summary of Response
<p>8 July 2020 Ordinary Meeting</p> <p>Review decision to close the Donald Branch on the basis that the continuing operation of the Branch is essential to well-being and sustainability of the community and business in Donald &amp; District.</p>	<p>Shayne Elliot CEO ANZ Group</p>	<p>9 July 2020</p>	<p>28 July 2020</p>	<p>Decision to close ANZ Donald was made after careful consideration &amp; continued year-on-year decline in customer traffic &amp; increase use of digital banking. 15% of customers used branch to transact, with majority via other means incl online &amp; digital channels (% pre-dates COVID-19).</p> <p>Acknowledging transition issues for some customers so established a VIC-based dedicated customer care team to support them by calling 1800 841 549 or <a href="mailto:LocalCustomerCareTeamVICTAS@anz.com">LocalCustomerCareTeamVICTAS@anz.com</a>.</p> <p>Regarding personal identification &amp; security, for password resets customers can call our contact centre (13 13 14) or reset through ANZ's app.</p> <p>Customer identification, for select accounts they offer electronic verification for personal loans, everyday banking, credit cards, and eVerify for home loans, so no need for customers to visit a branch provided they have appropriate ID.</p> <p>For more info on eVerify visit: <a href="https://www.anz.com.au/support/anz-eVerify/">https://www.anz.com.au/support/anz-eVerify/</a></p> <p>Simone Stella   Senior Advisor, Government Relations   ANZ  </p>

### 7.3 LETTERS OF CONGRATULATIONS AND RECOGNITION OF ACHIEVEMENT/AWARDS

**Author's Title:** Executive Assistant

**Department:** Office of the CEO

**File No:** CR/13/01

#### PURPOSE

This report acknowledges and congratulates community persons and/or groups for their success in being recognised for a significant achievement or for being a recipient of an honourable award.

The report also informs Council of any letters of congratulations or any particular recognition of achievement that Council has received or been awarded in the past month.

**Nil Items – No Resolution From Council**

**Attachments:** Nil

#### RECOGNITION OF ACHIEVEMENT ITEMS

Provider	Recipient	Date	Purpose for Recognition
Nil items.			

## 7.4 BUILDING PERMITS - MONTHLY UPDATE

**Author's Title:** Statutory Administration Support

**Department:** Works and Technical Services

**File No:**

### EXECUTIVE SUMMARY

This report provides information on Building Permits approved by staff from 1 July 2020 to 31 July 2020.

#### MOTION:

That the Council note information contained in the report on Building Permits approved by staff from 1 July 2020 to 31 July 2020.

**MOVED:** CR ELLEN WHITE

**SECONDED:** CR GRAEME MILNE

**CARRIED.**

**(R803/20)**

**Attachments:** Nil

### LIST OF BUILDING PERMITS APPROVED BY COUNCIL SURVEYOR

Permit No.	BAMS Permit No.	Address	Project Description	Value	Date Approved
20200094	9016796111341	21 Kaye Street, Charlton	Storage Shed	\$9,500	09/07/2020
20200095	8655986063391	Berriwillock North Road, Boigbeat	Hay Shed	\$127,000	09/07/2020
20200096	1991260719897	28 McCracken Avenue, Donald	Carport	\$11,933	09/07/2020
20200097	6017748247327	2329 Warracknabeal-Birchip Road, Wilkur	Machinery Shed	\$95,000	16/07/2020

**LIST OF BUILDING PERMITS APPROVED BY PRIVATE SURVEYOR**

<b>Permit No.</b>	<b>Address</b>	<b>Project Description</b>	<b>Value</b>	<b>Date Approved</b>
20200086	1243 Warne Road, Warne	Hay Shed	\$196,610	11/06/2020
20200087	525 Glenloth Road, Nareewillock	New Dwelling	\$492,900	15/06/2020
20200088	729 Nullawil North Road, Warne	Farm Shed	\$74,503	15/06/2020
20200089	55 Camp Street, Wycheproof	Shed	\$16,880	15/06/2020
20200090	33-43 McClelland Avenue, Sea Lake	Alterations & Additions – Egress and Exit Signs	\$25,000	16/06/2020
20200093	33-49 Davies Street, Charlton	Verandah	\$64,778	18/06/2020
20200099	192 Warren Road, Reedy Dam	Fodder Storage Shed	\$88,750	24/06/2020
20200100	63 Corack Road, Wycheproof	Farm Shed	\$53,844	25/06/2020
20200101	564 Coatsworths Road, Teddywaddy West	Farm Shed	\$87,868	26/06/2020
20200102	268 Reillys Road, Corack	Farm Shed	\$112,794	26/06/2020
20200103	74 Dunns Road, Donald	Farm Shed	\$129,481	26/06/2020
20200104	7-9 Florence Court, Donald	Storage Shed	\$14,920	29/06/2020
20200105	256 Nandaly-Tempy Road, Nandaly	Farm Shed	\$128,997	01/07/2020
20200106	976 Borung Highway, Carron	Farm Shed	\$113,476	01/07/2020
20200107	613 Roberts Road, Wooroonook	Hay Shed	\$47,613	03/07/2020
20200108	373 Sheep Hills Road, Lawler	Farm Storage Shed	\$124,596	03/07/2020
20200109	27 Sproats Lane, Donald	Storage Shed with Attached Carport	\$13,000	06/07/2020
20200110	3118 Calder Highway, Nandaly	Farm Shed	\$39,999	07/07/2020
20200111	17 Camp Street, Donald	Garage with Attached Carport	\$45,000	08/07/2020
20200112	204 Sellick Road, Jeffcott	Farm Shed	\$96,712	10/07/2020
20200113	4979 Sunraysia Highway, Massey	Machinery Shed	\$80,752	10/07/2020

**7.5 PLANNING APPLICATIONS RECEIVED - MONTHLY UPDATE****Author's Title:** Planning Officer**Department:** Works and Technical Services**File No:** LP/09/01**PURPOSE**

This report provides information on planning applications under consideration by staff and the status of each of these applications.

**MOTION:**

That the Council note information contained in the report on planning applications under consideration by staff and the status of each of these applications.

**MOVED:** CR BRONWYN SIMPSON**SECONDED:** CR GRAEME MILNE**CARRIED.****(R804/20)****Attachments:** Nil**LIST OF PLANNING APPLICATIONS**

Application No	Applicant	Address	Date Rec	Summary of Proposal	Status
PPA865/20	Adam Campbell	31 Green Plains East Rd., Corack (CA 20 Parish Corack )	15/06/20	Construction of a hay shed in an Overlay	Issued
PPA867/20	DJ & KE Rickard	18 Johnson St., Birchip (Lot 2 PS712022)	23/06/20	Construction of a dwelling in the Heritage overlay	Awaiting report
PPA868/20	GW & BJ Kelly	406 Stannard Rd., Watchupga (Lot 1 TP219186)	06/07/20	Construction of a pig shed	Further information request
PPA869/20	James Course	Sea Lake –Swan Hill Rd., Sea Lake (Lot 3 PS333821)	01/07/20	Construct and display a major promotion sign	Referral, public notice
PPA870/20	Gordon Bailey	Boundary Rd., Pier Milan	07/07/20	Use of land for outdoor recreation (Camel Capers offroad race event)	Referral, public notice

<b>Application No</b>	<b>Applicant</b>	<b>Address</b>	<b>Date Rec</b>	<b>Summary of Proposal</b>	<b>Status</b>
PPA871/20	MV & AT Donnellon	1939 Borung Hwy., Jeffcott (Lot 1 TP196983)	21/07/20	Construction of a shed within a setback and associated with a Section 2 use	Issued
PPA872/20	Teys Australia	224 Yeungroon Woosang Rd., Yeungroon East (CP165006)	27/07/20	Construction of a 200m x 36m shed associated with a feedlot	New
PPA873/20	Charlton Golf Club	286 Golf Links Rd., Charlton (CA 18D Parish Charlton West)	27/07/20	Construction of a golf cart shed in PPRZ	New
PPA874/20	Conballan Pty Ltd	Calder Hwy., Boigbeat (CA 31 Parish Boigbeat)	27/07/20	Construction of silos within a setback	Issued
PPA863/20	Yuille Holdings Pty Ltd	432 Broadway, Wycheproof (Lot 1 TP387376)	28/05/20	Construct and display an electronic business display sign	Referral, Public notice
PPA862/20	Hazchem Pty Ltd	94 Birchip Sea Lake Rd., Birchip	18/05/20	Use and development of land for an above ground, self bunded diesel cell	Issued
PPA860/20	DA & LM Broad	1 M Keanes Rd., Wycheproof Sth. (CA 57 Parish Teddywaddy)	12/05/20	Use and development of land for a second dwelling on a lot	Issued
PPA864/20	Price Merrett Consulting	279 Goddard Rd., Teddywaddy West (CA 62 Parish Teddywaddy)	09/06/20	3 lot Boundary realignment	Issued

## 7.6 CHARLTON PARK COMMITTEE OF MANAGEMENT MEETING MINUTES

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** ED/05/15

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To note the minutes of meetings held by the Charlton Park Committee of Management.

### **SUMMARY**

Charlton Park Committee of Management (the Committee) held Ordinary meetings on 7 October 2019, 2 February 2020 and 1 June 2020. The Minutes of these have been provided as part of the Committee's governance requirements.

### **MOTION:**

That Council:

1. Notes the minutes of the Charlton Park Committee of Management meeting held on 7 October 2019;
2. Notes the minutes of the Charlton Park Committee of Management meeting held on 2 February 2020; and
3. Notes the minutes of the Charlton Park Committee of Management meeting held on 1 June 2020.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR BRONWYN SIMPSON

**CARRIED.**  
**(R805/20)**

- Attachments:**
- 1 Charlton Park Minutes 7 Oct 2019
  - 2 Charlton Park Minutes 3 Feb 2020
  - 3 Charlton Park Minutes 1 Jun 2020

### **DISCUSSION**

The Committee is a Special Committee of Council established under section 86 of the *Local Government Act 1989* to manage specific Council assets. The Committee held Ordinary meetings on 7 October 2019, 3 February 2020 and 1 June 2020.

The minutes have been provided to meet the Committee's governance requirements in accord with Council's *Meetings Procedure and Common Seal Local Law 2019*. The minutes for these meetings have been attached to this report.

**RELEVANT LAW**

Council's noting of the meeting minutes of Special Committees of Management meets the requirements under the section 86 of the *Local Government Act 1989*.

**RELATED COUNCIL DECISIONS**

Council appointed the Committee at its 2016 May Ordinary Meeting. At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

**OPTIONS**

Not applicable

**SUSTAINABILITY IMPLICATIONS**

Not applicable

**COMMUNITY ENGAGEMENT**

Not applicable

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable

**COLLABORATION**

Not applicable

**FINANCIAL VIABILITY**

Not applicable

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable

**COUNCIL PLANS AND POLICIES**

The *Buloke Shire Council Meetings Procedure and Common Seal Local Law 2019* sets out provisions relating to Special Committees.

**TRANSPARENCY OF COUNCIL DECISIONS**

Decisions made at meetings of Committees of Management are decisions made by Council under delegation from Council.

**CONFLICTS OF INTEREST**

No officer involved in preparing this report has had a conflict of interest.



## 7.7 WYCHEPROOF RECREATION RESERVE COMMITTEE OF MANAGEMENT MEETING MINUTES

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** ED/05/15

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To note the minutes of meetings held by the Wycheproof Recreation Reserve Committee of Management.

### **SUMMARY**

Wycheproof Recreation Reserve Committee of Management (the Committee) held Annual General Meeting on 2 July 2019. The minutes of this meeting and the financial statement from 20 June 2017 to 20 Aug 2019 have been provided as part of the Committee's governance requirements.

### **MOTION:**

That Council:

1. Notes the minutes of the Wycheproof Recreation Reserve Committee of Management AGM held on 2 July 2019.
2. Notes the financial statement of the Wycheproof Recreation Reserve Committee of Management for the period of 20 Jun 2017 to 20 Aug 2019.

**MOVED:** CR DAVID POLLARD

**SECONDED:** CR DARYL WARREN

**CARRIED.**  
**(R806/20)**

- Attachments:**
- 1 Wyche Rec Reserve AGM 2 Jul 2019 pg1
  - 2 Wyche Rec Reserve AGM 2 Jul 2019 pg2
  - 3 Financial Statement 2017-19

### **DISCUSSION**

The Committee is a Special Committee of Council established under section 86 of the *Local Government Act 1989* to manage specific Council assets. The Committee held an Annual General Meeting 2 July 2019.

The minutes have been provided to meet the Committee's governance requirements in accord with Council's *Meetings Procedure and Common Seal Local Law 2019*. The minutes for these meetings have been attached to this report.

**RELEVANT LAW**

Council's noting of the meeting minutes of Special Committees of Management meets the requirements under the section 86 of the *Local Government Act 1989*.

**RELATED COUNCIL DECISIONS**

Council appointed the Committee at its Ordinary Meeting held on 11 May 2016. At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

*Council's Meetings Procedure and Common Seal Local Law 2019* sets out provisions relating to Special Committees.

**TRANSPARENCY OF COUNCIL DECISIONS**

Decisions made at meetings of Committees of Management are decisions made by Council under delegation from Council.

**CONFLICTS OF INTEREST**

No officer involved in preparing this report has had a conflict of interest.

## 7.8 CHARLTON PARK COMMITTEE OF MANAGEMENT AGM AND MEETING MINUTES - 3 AUGUST 2020

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** ED/05/15

**Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### PURPOSE

To note the minutes of meetings held by the Charlton Park Committee of Management.

### SUMMARY

Charlton Park Committee of Management (the Committee) held an Annual General Meeting (AGM) on 3 August 2020. An Ordinary meeting was also held on 3 August 2020. The Minutes of these have been provided as part of the Committee's governance requirements.

### MOTION:

That Council:

1. Notes the minutes of the Charlton Park Committee of Management AGM held on 3 August 2020; and
2. Notes the minutes of the Charlton Park Committee of Management meeting held on 3 August 2020.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R807/20)**

- Attachments:**
- 1 Charlton Park CofM AGM Minutes 3 Aug 2020
  - 2 Charlton Park CofM Meeting Minutes 3 Aug 2020

### DISCUSSION

The Committee is a Special Committee of Council established under section 86 of the *Local Government Act 1989* to manage specific Council assets. The Committee held Ordinary meetings on 7 October 2019, 3 February 2020 and 1 June 2020. The Annual General Meeting and Ordinary meeting was held on 3 August 2020.

The minutes have been provided to meet the Committee's governance requirements in accord with Council's *Meetings Procedure and Common Seal Local Law 2019*. The minutes for these meetings have been attached to this report.

**RELEVANT LAW**

Council's noting of the meeting minutes of Special Committees of Management meets the requirements under the section 86 of the *Local Government Act 1989*.

**RELATED COUNCIL DECISIONS**

Council appointed the Committee at its 2016 May Ordinary Meeting. At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Council's *Meetings Procedure and Common Seal Local Law 2019* sets out provisions relating to Special Committees.

**TRANSPARENCY OF COUNCIL DECISIONS**

Decisions made at meetings of Committees of Management are decisions made by Council under delegation from Council.

**CONFLICTS OF INTEREST**

No officer involved in preparing this report has had a conflict of interest.

**8. GENERAL BUSINESS**  
**8.1 POLICY REPORTS**  
**8.1.1 COUNCIL EXPENSES POLICY**

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** GO/06/11

**Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

**PURPOSE**

To present the Council Expenses policy for consideration and adoption by the Council.

**SUMMARY**

Council is required under the *Local Government Act 2020* (the Act) to adopt and maintain a policy outlining the types of expenses and prescribed procedures for claiming or reimbursing same.

**MOTION:**

That Council adopt the Council Expense Policy as attached.

**Moved:** CR DAVID POLLARD

**Seconded:** CR DAVID VIS

**CARRIED.**  
**(R808/20)**

**Attachments:** 1 Council Expenses Policy

**DISCUSSION**

The Council Expenses policy (the Policy) has been reviewed to ensure compliance with relevant provisions under the Act. The Policy outlines the process by which reimbursement of out-of-pocket expenses of the Councillors and members of any Delegated Committees occurs.

New provisions under the Act relevant to the Policy are:

- Application to both the Councillors and members of any Delegated Committees
- Reimbursement of child care costs
- Reimbursement of costs incurred by those who are carers within the meaning of Section 4 of the *Carers Recognition Act 2012*.

The Policy was circulated for out of session consideration by the Committee. Feedback provided in relation to the functions and responsibilities of the Committee has been incorporated into the Charter.

**RELEVANT LAW**

Section 41 of the Act provides that a council must adopt and maintain an expenses policy on or by 1 September 2020. This provision came into operation on 1 May 2020.

Other applicable legislation includes the *Carers Recognition Act 2012*, and the *Gender Equality Act 2020*.

**RELATED COUNCIL DECISIONS**

The Reimbursement of Expenses policy was adopted by the Council in December 2018.

The Council's Election Period policy was adopted by the Council in June 2020. The policy states reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs incurred in the performance of normal Council duties, and not for expenses which could be perceived as supporting or being connected with a candidate's election campaign.

**OPTIONS**

Not applicable to this report.

**SUSTAINABILITY IMPLICATIONS**

Not applicable to this report.

**COMMUNITY ENGAGEMENT**

Not applicable to this report.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable to this report.

**COLLABORATION**

Collaboration with other councils occurred in the development of the Policy through the Engage Victoria website.

**FINANCIAL VIABILITY**

An operating amount is set within the Annual Budget each year for the reimbursement of expenses and costs associated with resources provided to the Mayor, the Deputy Mayor and Councillors for Council-related duties.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Not applicable to this report.

**TRANSPARENCY OF COUNCIL DECISIONS**

Details of Councillor, Mayoral, Deputy-Mayoral and Delegated Committee member expenses will be provided to the Audit and Risk Committee in accordance with Section 40 of the Act and will be published in Council's Annual Report of operations.

**CONFLICTS OF INTEREST**

In providing this advice to the Council as the Director Corporate Services I, Hannah Yu, have no interests to disclose in this report.

## 8.1.2 PUBLIC TRANSPARENCY POLICY

**Author's Title:** Manager Governance

**Department:** Corporate Services

**File No:** CM/14/11

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To ensure the Council remains compliant with the new requirements of the *Local Government Act 2020* (the Act) by adopting a Public Transparency policy.

### **SUMMARY**

The relevant provisions in relation to public transparency commenced on 6 April 2020, with Council being required to adopt a Public Transparency policy on or before 1 September 2020, to ensure it is compliant with the new provisions of the Act.

### **MOTION:**

That Council adopts the Public Transparency Policy.

**Moved:** CR DARYL WARREN

**Seconded:** CR ELLEN WHITE

**CARRIED.**  
**(R809/20)**

**Attachments:** 1 Public Transparency Policy V3

### **DISCUSSION**

In accordance with the Act, Council must adopt and maintain a Public Transparency policy that gives effect to the public transparency principles contained within the Act. The Public Transparency policy must describe the ways in which Council information is to be made publicly available, and specify Council information that must be publicly available in accord with relevant legislation.

The draft Public Transparency policy was circulated for out of session consideration by the Audit Committee. Feedback provided has been incorporated.

### **RELEVANT LAW**

Section 57 of The Act outlines the requirements of Council to adopt and maintain a Public Transparency policy. Section 58 of the Act outlines the public transparency principles.

### **RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Public Transparency policy is designed to improve public transparency in Council's decision making processes and to assist the community in understanding the information that is accessible to them.

**COLLABORATION**

Collaboration with other councils in relation to the public transparency policy occurred through special interest groups facilitated by Engage Victoria.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Public Transparency policy aligns with the requirements of the Act and supports the overarching governance principles which include the requirement that there be transparency of Council decisions, actions and information.

**CONFLICTS OF INTEREST**

No staff member involved in the preparation of this report has a conflict of interest.



## 8.2 MANAGEMENT REPORTS

### 8.2.1 REVIEW OF S6 INSTRUMENT OF DELEGATION

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** PE/02/01

**Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

#### PURPOSE

To review and update the Instrument of Delegation from Council to Members of Council Staff to reflect changes to legislation and organisational structure, and to ensure the two remain in alignment.

#### SUMMARY

Council is conferred with the power to delegate certain powers, duties and functions to Council staff through legislation. The nature and extent of these delegations are controlled through formal Instruments of Delegation. The current Instrument of Delegation to Council Staff is required to be updated.

#### MOTION:

That Council resolves that in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation to Members of Council staff:

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 (Instrument), 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 upon the common seal of Council being affixed to the Instrument;
3. On the coming into force of the Instrument all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
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 adopt.

**MOVED:** CR GRAEME MILNE

**SECONDED:** CR ELLEN WHITE

**CARRIED.**  
**(R810/20)**

**Attachments:** 1 S6 Instrument of Delegation

## **DISCUSSION**

Council is conferred with the power to delegate certain powers, duties and functions to Council Staff through legislation, other than the *Local Government Act 2020*. This enables decisions to be made outside of Council Meetings to ensure Council continues to function effectively, and to meet a range of legislative and regulatory responsibilities in a timely manner. The nature and extent of these delegations are controlled through formal Instruments of Delegation.

The legislation referred to in the Instrument does not provide for the ability of the Chief Executive Officer to sub-delegate to Council staff, and therefore requires the Council to delegate to staff directly.

## **RELEVANT LAW**

The legislation relating to the powers of Council to delegate are listed in the attached Instrument.

## **RELATED COUNCIL DECISIONS**

The Instrument of Delegation to Council Staff was last adopted at the Council Meeting held on 12 December 2018.

## **OPTIONS**

Not applicable.

## **SUSTAINABILITY IMPLICATIONS**

Not applicable.

## **COMMUNITY ENGAGEMENT**

Not applicable.

## **INNOVATION AND CONTINUOUS IMPROVEMENT**

The Instrument takes account of changes to legislation and changes to Council's organisational structure from time to time.

## **COLLABORATION**

Not applicable.

## **FINANCIAL VIABILITY**

Not applicable.

## **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

## **COUNCIL PLANS AND POLICIES**

Not applicable.

## **TRANSPARENCY OF COUNCIL DECISIONS**

The Instrument shall facilitate good governance by enabling Council to function efficiently by enabling Council staff to respond to legislative and regulatory responsibilities in a timely manner. The Instrument shall be made available on Council's website.

## **CONFLICTS OF INTEREST**

No officer involved in the preparation of this report has a conflict of interest.

## 8.2.2 AUTHORISED OFFICER APPOINTMENTS AND REVOCATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

**Author's Title:** Governance Officer

**Department:** Corporate Services

**File No:** PE/02/01

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To appoint Council Officers as Authorised Officers for the purposes of the *Planning and Environment Act 1987*, and to revoke previously made appointments no longer required.

### **SUMMARY**

Under the *Planning and Environment Act 1987* Council is not able to delegate the power to appoint Authorised Officers. The appointment of Authorised Officers must be by resolution of Council. Instruments where Council has appointed Authorised Officers are required to be revoked or varied by resolution of Council.

### **MOTION:**

That Council in the exercise of the powers conferred by s 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation:

1. Appoints Rodney Hotker, Wayne O'Toole and Roslyn Olle as Authorised Officers as per the attached Instruments of Appointment and Authorisation (the Instruments).
2. The Instruments come into force immediately the Common Seal of Council is affixed to the Instruments and that they remain in force until revoked or amended.
3. Affixes Council's Common Seal to the Instruments.
4. Revokes the Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987*, for Anthony Judd dated 2 March 2016 and Wayne Wall dated 2 March 2016.

**MOVED:** CR ELLEN WHITE

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R811/20)**

- Attachments:**
- 1 Instrument of Appointment and Authorisation - R. Hotker
  - 2 Instrument of Appointment and Authorisation - W O'Toole
  - 3 Instrument of Appointment and Authorisation - R Olle

**DISCUSSION**

Officers involved with the planning functions of Council and enforcement of laws under the *Planning and Environment Act 1987* are required to be appointed as Authorised Officers to undertake the duties of their position.

An individual who is appointed as an Authorised Officer is appointed to a position and has the powers of that position. An authorised Officer can take specific actions under the Acts and regulations made under that Act for which they have been appointed.

Acts change from time to time and the Instruments are reviewed and updated as required to reflect changes in legislation. They are also reviewed to ensure they are still relevant for the Officers who have been appointed to undertake their role in Council.

Provisions relating to the appointment and powers of Authorised Officers continue to operate under the *Local Government Act 1989*. The *Local Government Act 2020* also makes provision for Authorised Officers to institute proceedings. The current Instruments need to be updated to reflect this change.

**RELEVANT LAW**

Section 224 of the *Local Government Act 1989* provides that Council may appoint any person other than a Councillor to be an Authorised Officer for the purposes of administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.

Section 147(4) of the *Planning and Environment Act 1987* provides that an Authorised Officer is to be appointed by Council. Council is unable to delegate the power of appointment under the *Planning and Environment Act 1987*.

Section 313 of the *Local Government Act 2020* provides Council or a person authorised by Council with the ability to institute proceedings in the name of Council to recover certain service charges, fees or any other money due to the Council under any regulation, Act or local law, or, the enforcement of any provision of any Act, regulation or local law for which the Council is responsible.

**RELATED COUNCIL DECISIONS**

Council previously appointed Roslyn Olle as an Authorised Officer at its Ordinary Meeting on 12 August 2015.

Council appointed Anthony Judd and Wayne Wall as Authorised Officers at its Ordinary Meeting on 2 March 2016.

Council previously appointed Rodney Hotker as an Authorised Officer at its Ordinary Meeting on 10 August 2016.

Council previously appointed Wayne O'Toole as an Authorised Officer at its Ordinary Meeting on 11 October 2017.

**OPTIONS**

If Council does not appoint the officers as Authorised Officers, they will not be able to make planning decisions or enforce the requirements under the *Planning and Environment Act 1987*.

Instruments of Appointment and Authorisation of Authorised Officers stay in force until they are revoked, giving the individual the powers listed in the instrument, regardless of whether the individual is still performing the role for which they were appointed.

**SUSTAINABILITY IMPLICATIONS**

Not Applicable.

**COMMUNITY ENGAGEMENT**

Not Applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not Applicable.

**COLLABORATION**

Not Applicable.

**FINANCIAL VIABILITY**

Not Applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not Applicable.

**COUNCIL PLANS AND POLICIES**

Not Applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

A number of decisions made by Authorised Officers and documents held, under the *Planning and Environment Act 1987*, where required by law, are made publically available.

**CONFLICTS OF INTEREST**

No officer involved in preparing this report has a conflict of interest.

### 8.2.3 GOVERNANCE RULES 2020

**Author's Title:** Manager Governance

**Department:** Corporate Services

**File No:** GO/10/01

**Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

#### PURPOSE

To ensure the Council remains compliant with the new requirements of the *Local Government Act 2020* (the Act) by adopting the Governance Rules 2020.

#### SUMMARY

The Act requires Council to adopt and apply Governance Rules (Rules) which describe the way it will conduct Council meetings and make decisions. The Rules shall replace the Meetings Procedure and Common Seal Local Law 2019.

#### MOTION:

That Council adopts the Governance Rules 2020.

**MOVED:** CR DARYL WARREN

**SECONDED:** CR DAVID VIS

**CARRIED.**  
**(R812/20)**

**Attachments:** 1 Buloke Shire Council Governance Rules 2020

#### DISCUSSION

In accordance with the Act, Council must adopt and apply Governance Rules (Rules) which describe the way it will conduct Council meetings and make decisions.

The Act requires Council to adopt its first Rules on or before 1 September 2020.

Prior to adopting the Rules Council is required to undertake a community engagement process and give due consideration to any outcomes of the same.

Following the Council's resolution on 10 June 2020, Council Officers distributed a copy of the draft Rules to each Community Forum, and Community Asset Committee.

A copy of the draft Rules was made available on the Council's website. No submissions were received.

**RELEVANT LAW**

Section 60 of the Act requires Council to adopt and apply Governance Rules (Rules) which describe the way it will conduct Council meetings and make decisions.

Council must ensure that a process of community engagement is followed pursuant to Section 60(4).

**RELATED COUNCIL DECISIONS**

Council's Election Period policy was adopted at the June 2020 Council Meeting.

Council resolved to release its draft Rules at the June 2020 Council Meeting for the purposes of community engagement.

Council noted the community engagement process undertaken in relation to the Rules at its July 2020 Council Meeting.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Council Officers undertook an engagement process in relation to the Draft Rules following the Council Meeting held on 10 June 2020. Council invited public submissions in relation to any proposal contained within the draft Rules and invited the public to make presentations in support of any written submissions at its 8 July 2020 Council meeting. A copy of the invitation and the draft Rules were made available on Council's website.

Council Officers also distributed a copy of the draft Rules to each Community Forum, and Community Asset Committee.

No submissions were received.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Collaboration with other councils in relation to the Rules occurred through special interest groups facilitated by Engage Victoria. Legal advice was also sought in the development of the Rules.

**FINANCIAL VIABILITY**

There are no financial implications associated with the adoption of the Rules.

Penalty rates applicable under the Act in relation to inappropriate use of Council resources, and publicity which might influence the outcome of a Council election are outlined in Schedule 3 – Election Period Policy.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Rules demonstrate Council continues to provide good governance through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.

**CONFLICTS OF INTEREST**

No staff member involved in the preparation of this report has a conflict of interest.



## 8.2.4 ESTABLISHMENT OF COUNCIL'S AUDIT AND RISK COMMITTEE

**Author's Title:** Director Corporate Services

**Department:** Corporate Services

**File No:** FM/02/09

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To ensure the Council remains compliant with the *Local Government Act 2020* (the Act) in relation to its Audit and Risk Committee by establishing an Audit and Risk Committee, and approving the Audit and Risk Committee Charter.

### **SUMMARY**

The relevant provisions in relation to the Audit and Risk Committee under the Act commenced on 1 May 2020. The Council has until 1 September 2020 to ensure it is lawfully compliant with the new provisions.

### **MOTION:**

That Council:

1. Establish the Audit and Risk Committee; and
2. Approve the Audit and Risk Committee Charter as attached.

**MOVED:** CR BRONWYN SIMPSON

**SECONDED:** CR DAVID POLLARD

**CARRIED.**  
**(R813/20)**

**Attachments:** 1 Buloke Audit and Risk Committee Charter - August 2020

### **DISCUSSION**

In accordance with the Act, the Council must establish an Audit and Risk Committee (the Committee), and prepare and approve an Audit and Risk Committee Charter (Charter).

The Council's Committee is comprised three independent members and the Mayor. The Chair of the Committee is an independent member, in accord with the requirements under the Act.

The Charter has been reviewed in line with the provisions under the Act. The Charter outlines the compliance oversight function of the Committee, as well as monitoring the Council's financial and performance reporting, risk management and internal and external audit functions.

The Charter was circulated for out of session consideration by the Committee. Feedback provided in relation to the functions and responsibilities of the Committee has been incorporated into the Charter.

**RELEVANT LAW**

Section 53 of the Act outlines the requirement to establish the Committee. Section 54 of the Act provides that the Council must prepare and approve the Charter.

**RELATED COUNCIL DECISIONS**

The Council's Audit Committee Charter was last reviewed and adopted in November 2019.

**OPTIONS**

Not applicable.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Collaboration with other councils in the development of the Charter occurred through special interest groups facilitated by Engage Victoria.

**FINANCIAL VIABILITY**

The Committee is required to monitor financial and performance reporting.

Fees paid to independent members of the Committee are included as operational expenses within the adopted Budget. A regular review of fees paid to independent members is undertaken in accord with the Charter.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

The Committee is required to monitor the compliance of Council policies and procedures with the overarching governance principles, the Act, Regulations and any Ministerial directions.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Committee must undertake an annual assessment of its performance against the Charter. The assessment must be tabled at a Council Meeting. The Committee must also prepare a reporting setting out its activities which must be tabled at a Council Meeting.

**CONFLICTS OF INTEREST**

In providing this advice to the Council as the Director Corporate Services I, Hannah Yu, have no interests to disclose in this report.

## 8.2.5 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES - BIRCHIP HOUSING COMMUNITY ASSET COMMITTEE

**Author's Title:** Manager Governance

**Department:** Corporate Services

**File No:** CM/17/04

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To establish the Birchip Housing Group Community Asset Committee to manage George Gould Flats located at 3 Morrison Street, Birchip, and Dorothy Jolly Units located at 4 Morrison Street, Birchip.

### **SUMMARY**

The Birchip Community Housing Committee was established by Council pursuant to section 86 of the *Local Government Act 1989* (the 1989 Act). The Birchip Community Housing Committee will not have the power to exercise the delegations provided by Council under the 1989 Act after 1 September 2020. It is therefore appropriate for Council to establish the Birchip Housing Group Community Asset Committee in accordance with the *Local Government Act 2020* (the Act).

### **MOTION:**

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Birchip Housing Community Asset Committee (Committee).
2. The purpose of the Committee is to manage the community assets known as George Gould Flats located at 3 Morrison Street, Birchip, and Dorothy Jolly Units located at 4 Morrison Street, Birchip.
3. The members of the Committee are:
  - (a) Bryan Hogan
  - (b) John Richmond
  - (c) Connely Ryan
  - (d) Sarah Barber
  - (e) Jenny Hogan
  - (f) Jim Fletcher
  - (g) Noel Fletcher
  - (h) Such other members as invited or co-opted from time to time.
4. The Chairperson of the Committee is Bryan Hogan.
5. A quorum of the Committee shall be four (4) members.
6. All members of the Committee have voting rights on the Committee.

**ALTERNATE MOTION TABLED BY CR WARREN**

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Birchip Housing Community Asset Committee (Committee);
2. The purpose of the Committee is to manage the community assets known as George Gould Flats located at 3 Morrison Street, Birchip, and Dorothy Jolly Units located at 4 Morrison Street, Birchip;
3. The members of the Committee are:
  - (a) Bryan Hogan
  - (b) John Richmond
  - (c) Connely Ryan
  - (d) Sarah Barber
  - (e) Jenny Hogan
  - (f) Jim Fletcher
  - (g) Noel Fletcher
4. The Chairperson of the Committee is Bryan Hogan;
5. A quorum of the Committee shall be four (4) members;
6. All members of the Committee have voting rights on the Committee; and
7. A Councillor representative be considered for appointment as a member of the Committee at Council's 2020 Statutory Meeting.

**MOVED: CR DARYL WARREN**

**SECONDED: CR GRAEME MILNE**

**ALTERNATE MOTION PUT:  
CARRIED.  
(R814/20)**

**Attachments:** Nil

**DISCUSSION**

The 1989 Act made provision for Council to delegate functions, duties and powers to special committees via an Instrument of Delegation to manage specific Council assets. These committees were commonly known as Section 86 committees or committees of management.

In 2014 Council established the Birchip Community Housing Committee pursuant to section 86 of the 1989 Act to manage the operation of community housing which included the George Gould Flats located at 3 Morrison Street, Birchip. The Dorothy Jolly Units were later constructed in 2016 at 4 Morrison Street, Birchip.

The Act now provides Council with the option of establishing a Community Asset Committee with powers of the council, established and with members appointed by council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district.

It is proposed that Council establish the Committee to manage George Gould Flats located at 3 Morrison Street, Birchip and the Dorothy Jolly Units located at 4 Morrison Street, Birchip to ensure the continued management of those assets.

#### **RELEVANT LAW**

Section 65 of the Act provides that Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable to Community Asset Committee for the purpose of managing a community asset in the municipal district.

Section 47 of the Act provides the Chief Executive Officer with the power to delegate to those persons appointed as members of the Community Asset Committee.

#### **RELATED COUNCIL DECISIONS**

Council appointed the Committee at its 2014 May Ordinary Meeting pursuant to section 86 of the *Local Government Act 1989*.

At its July 2015 Ordinary Meeting Council provided approval to the Birchip Community Housing Committee to seek a bank loan to construct additional community housing at 4 Morrison Street, Birchip and for Council to act as guarantor for a ten year loan up to a maximum of \$150,000.

At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

#### **OPTIONS**

Council may establish a Community Asset Committee to manage the George Gould Flats and Dorothy Jolly Units.

Alternatively, Council may seek to enter into a management agreement for the George Gould Flats and Dorothy Jolly Units. Council Officers recommend that this option be explored over the next 12 months.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **COMMUNITY ENGAGEMENT**

The Birchip Community Housing Committee has been consulted.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

Community Asset Committees have certain obligations and limitations imposed for financial management responsibilities, to ensure transparency in the use of financial resources for community benefit.

#### **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Not applicable.

**TRANSPARENCY OF COUNCIL DECISIONS**

Any Community Asset Committee shall be bound to observe the meeting procedure requirements of the Governance Rules 2020.

**CONFLICTS OF INTEREST**

No staff member involved in the preparation of this report has a conflict of interest.

## 8.2.6 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES - WYCHEPROOF RECREATION RESERVE COMMUNITY ASSET COMMITTEE

**Author's Title:** Manager Governance

**Department:** Corporate Services

**File No:** CM/17/04

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To establish the Wycheproof Recreation Reserve Community Asset Committee to manage the Wycheproof Recreation Reserve.

### **SUMMARY**

The Wycheproof Recreation Reserve Committee of Management was established by Council pursuant to section 86 of the *Local Government Act 1989* (the 1989 Act). The Wycheproof Recreation Reserve Committee of Management will not have the power to exercise the delegations provided by Council under the 1989 Act after 1 September 2020. It is therefore appropriate for Council to establish the Wycheproof Recreation Reserve Community Asset Committee in accordance with the *Local Government Act 2020* (the Act).

### **MOTION:**

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Wycheproof Recreation Reserve Community Asset Committee (Committee);
2. The purpose of the Committee is to manage the community assets known as the Wycheproof Recreation Reserve precinct;
3. The members of the Committee are:
  - (a) Alan Wallace
  - (b) Mel Waters
  - (c) Eleanor Pollard
  - (d) Wendy Turnbull
  - (e) Mark McLennan
  - (f) Richard McLennan
  - (g) Patrick Eccles
  - (h) Tamara Harrison
  - (i) Cathy Grant
  - (j) Peter Hogan
  - (k) Jacqui Noonan
  - (l) Georgina Morrison
  - (m) Cr David Pollard
4. The Chairperson of the Committee is Cr Pollard;

5. A quorum of the Committee shall be seven (7) members; and
6. All members of the Committee have voting rights on the Committee

**ALTERNATE MOTION TABLED BY CR POLLARD**

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Wycheproof Recreation Reserve Community Asset Committee (Committee);
2. The purpose of the Committee is to manage the community assets known as the Wycheproof Recreation Reserve precinct;
3. The members of the Committee are:
  - (a) Alan Wallace
  - (b) Mel Waters
  - (c) Eleanor Pollard
  - (d) Wendy Turnbull
  - (e) Mark McLennan
  - (f) Richard McLennan
  - (g) Patrick Eccles
  - (h) Tamara Harrison
  - (i) Cathy Grant
  - (j) Peter Hogan
  - (k) Jacqui Noonan
  - (l) Georgina Morrison
  - (m) Cr David Pollard
  - (n) Claire Phyland
  - (o) Peter Coles
4. The Chairperson of the Committee is Peter Coles;
5. A quorum of the Committee shall be eight (8) members; and
6. All members of the Committee have voting rights on the Committee.

**MOVED: CR DAVID POLLARD**

**SECONDED: CR BRONWYN SIMPSON**

**ALTERNATE MOTION PUT:  
CARRIED.  
(R815/20)**



**Attachments:** Nil

## **DISCUSSION**

The 1989 Act made provision for Council to delegate functions, duties and powers to special committees via an Instrument of Delegation to manage specific Council assets. These committees were commonly known as Section 86 committees or committees of management.

The Wycheproof Recreation Reserve Committee of Management was established pursuant to section 86 of the 1989 Act for the purpose of managing the Wycheproof Recreation Reserve precinct. It is noted that the underlying land manager for the precinct is the Department of Environment, Land, Water and Planning.

Council endorsed the most recent Instrument of Delegation for the Wycheproof Recreation Reserve Committee of Management at its November 2017 Ordinary Meeting.

The Act now provides Council with the option of establishing a Community Asset Committee with powers of the council, established and with members appointed by council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district.

It is proposed that Council establish the Committee to manage the Wycheproof Recreation Reserve precinct on an ongoing basis.

## **RELEVANT LAW**

Section 65 of the Act provides that Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable to Community Asset Committee for the purpose of managing a community asset in the municipal district.

Section 47 of the Act provides the Chief Executive Officer with the power to delegate to those persons appointed as members of the Community Asset Committee.

## **RELATED COUNCIL DECISIONS**

At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

A previous review of the Instrument of Delegation for the Wycheproof Recreation Reserve Committee of Management was undertaken by Council in May 2016.

## **OPTIONS**

Council may establish a Community Asset Committee to manage the Wycheproof Recreation Reserve precinct.

Alternatively, Council may assist the Wycheproof Recreation Reserve Committee of Management to become an incorporated association and enter into a management agreement with Council. Council Officers recommend that this option be explored over the next 12 months.

## **SUSTAINABILITY IMPLICATIONS**

Not applicable.

## **COMMUNITY ENGAGEMENT**

The Wycheproof Recreation Reserve Committee has been consulted.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Community Asset Committees have certain obligations and limitations imposed for financial management responsibilities, to ensure transparency in the use of financial resources for community benefit.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

The Governance Rules 2020 shall apply.

**TRANSPARENCY OF COUNCIL DECISIONS**

Any Community Asset Committee shall be bound to observe the meeting procedure requirements of the Governance Rules 2020.

**CONFLICTS OF INTEREST**

No staff member involved in the preparation of this report has a conflict of interest.

## 8.2.7 ESTABLISHMENT OF COMMUNITY ASSET COMMITTEES - CHARLTON PARK COMMUNITY ASSET COMMITTEE

**Author's Title:** Manager Governance

**Department:** Corporate Services

**File No:** CM/17/04

### **Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Support our councillors, staff, volunteers and the community to make informed and transparent decisions.

### **PURPOSE**

To establish the Charlton Park Community Asset Committee to manage the Charlton Park Recreation Reserve precinct.

### **SUMMARY**

The Charlton Park Recreation Reserve Special Committee was established by Council pursuant to section 86 of the *Local Government Act 1989* (the 1989 Act). The Charlton Park Recreation Reserve Special Committee will not have the power to exercise the delegations provided to the Committee by Council under the 1989 Act after 1 September 2020. It is therefore appropriate for Council to establish the Charlton Park Community Asset Committee in accordance with the *Local Government Act 2020* (the Act).

### **RECOMMENDATION:**

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Charlton Park Community Asset Committee (Committee);
2. The purpose of the Committee is to manage the community assets known as the Charlton Park Recreation Reserve precinct;
3. The members of the Committee are:
  - (a) Joe Thompson
  - (b) Adam Soulsby
  - (c) Patricia Clifford
  - (d) Alena Olive
  - (e) Shane Fitzpatrick
  - (f) Kelvin Baird
  - (g) Wendy Laffin
  - (h) Glenda Litton
  - (i) Anne Kenny
  - (j) Kevin Willey
  - (k) Kim Fitzpatrick
  - (l) Tessa Fitzpatrick
  - (m) Cr Carolyn Stewart
4. The Chairperson of the Committee is Cr Carolyn Stewart;
5. A quorum of the Committee shall be seven (7) members; and
6. All members of the Committee have voting rights on the Committee.

**ALTERNATE MOTION TABLED BY CR POLLARD:**

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From 1 September 2020, there be established as a Community Asset Committee the Charlton Park Community Asset Committee (Committee);
2. The purpose of the Committee is to manage the community assets known as the Charlton Park Recreation Reserve precinct;
3. The members of the Committee are:
  - (a) Joe Thompson
  - (b) Adam Soulsby
  - (c) Patricia Clifford
  - (d) Alena Olive
  - (e) Shane Fitzpatrick
  - (f) Kelvin Baird
  - (g) Wendy Laffin
  - (h) Glenda Litton
  - (i) Anne Kenny
  - (j) Kevin Willey
  - (k) Kim Fitzpatrick
  - (l) Tessa Fitzpatrick
  - (m) Cr Carolyn Stewart
  - (n) Simon Peck
4. The Chairperson of the Committee is Cr Carolyn Stewart;
5. A quorum of the Committee shall be eight (8) members; and
6. All members of the Committee have voting rights on the Committee

**MOVED: CR DAVID POLLARD**

**SECONDED: CR BRONWYN SIMPSON**

**ALTERNATE MOTION PUT:  
CARRIED.  
(R816/20)**

**Attachments:** Nil

**DISCUSSION**

The 1989 Act made provision for Council to delegate functions, duties and powers to special committees via an Instrument of Delegation to manage specific Council assets. These committees were commonly known as Section 86 committees or committees of management.

The Charlton Park Recreation Reserve Special Committee was established pursuant to section 86 of the 1989 Act for the purpose of managing the Charlton Park Recreation Reserve precinct. It is noted that the underlying land manager for the precinct is the Department of Environment, Land, Water and Planning.

Council endorsed the most recent Instrument of Delegation for the Charlton Park Recreation Reserve Special Committee at its November 2017 Ordinary Meeting.

The Act now provides Council with the option of establishing a Community Asset Committee with powers of the council, established and with members appointed by Council, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district.

It is proposed that Council establish the Committee to manage the Charlton Park Recreation Reserve precinct on an ongoing basis.

**RELEVANT LAW**

Section 65 of the Act provides that Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable to Community Asset Committee for the purpose of managing a community asset in the municipal district.

Section 47 of the Act provides the Chief Executive Officer with the power to delegate to those persons appointed as members of the Community Asset Committee.

**RELATED COUNCIL DECISIONS**

At its November 2017 Ordinary Meeting the Committees most recent delegated powers, duties and functions were provided via an Instrument of Delegation.

A previous review of the Instrument of Delegation for the Charlton Park Special Committee was undertaken by Council in May 2016.

**OPTIONS**

Council may establish a Community Asset Committee to manage the Charlton Park Recreation Reserve precinct.

Alternatively, Council may assist the Charlton Park Recreation Reserve Special Committee to become an incorporated association and enter into a management agreement with Council. Council Officers recommend that this option be explored over the next 12 months.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

The Charlton Park Recreation Reserve Special Committee has been consulted.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not Applicable.

**FINANCIAL VIABILITY**

Community Asset Committees have certain obligations and limitations imposed for financial management responsibilities, to ensure transparency in the use of financial resources for community benefit.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

The Governance Rules 2020 shall apply.

**TRANSPARENCY OF COUNCIL DECISIONS**

Any Community Asset Committee shall be bound to observe the meeting procedure requirements of the Governance Rules 2020.

**CONFLICTS OF INTEREST**

No staff member involved in the preparation of this report has a conflict of interest.

## 8.2.8 COMMUNITY GRANTS AND SPONSORSHIP

**Author's Title:** Community Development Officer

**Department:** Community Development

**File No:** GS09/42

**Relevance to Council Plan 2017 - 2021**

**Strategic Objective:** Build a healthy and active community

### PURPOSE

This report is presented to Council to consider the allocation of funds from the Community Grants and Sponsorship Program.

### SUMMARY

Two community project support applications are presented for Council consideration.

### MOTION:

That Council allocates the following funding under the Community Grants and Sponsorship program:

**Charlton Croquet Club**                      **\$731.00**

**Charlton Golf Club**                         **\$2,000.00**

**MOVED:**                      **CR DAVID VIS**

**SECONDED:**                 **CR DARYL WARREN**

**CARRIED.**

**(R817/20)**

**Attachments:** 1      2020-21 Community Grants

### DISCUSSION

The Charlton Croquet Club and Charlton Golf Club have both applied for funding through Council's Community Grants Program. The following table outlines the scope and costings of the projects:

<b>Project:</b>	Replace Block Out curtains for Croquet Clubrooms
<b>Organisation:</b>	Charlton Croquet Club
<b>Amount Applied:</b>	\$731 Project Support grant
<b>Funding Amount Recommended:</b>	\$731
<b>Full project cost:</b>	\$1331.00
<b>Project Description:</b>	To replace Block Out curtains for the Clubrooms due to the deterioration of the existing curtains. Alignment with Charlton 2030 plan: Strategic Direction 1 for Safe, accessible and well maintained infrastructure'. 2017 – 2021 Council Plan: Theme 5.6 - Recognise our volunteers and support their significant contributions.
<b>Project Benefit:</b>	Croquet is providing a physical activity contributing to the wellbeing of older Charlton residents. The club celebrates 140 years in October. The club has a small membership base and has a number of visiting players for Pennant competition.

<b>Project:</b>	Construct a shed to house golf carts
<b>Organisation:</b>	Charlton Golf Club
<b>Amount Applied:</b>	\$2,000 project Support grant
<b>Funding Amount Recommended:</b>	\$2,000
<b>Total Project Cost:</b>	\$16,000
<b>Project Description:</b>	The council contribution will be used to leverage funding from other sources to construct a shed to house golf carts for aging members who are experiencing difficulty loading and unloading carts on to trailers. The shed will house 8 carts initially with a capacity to extend.  The Charlton Community Bank are also contributing \$10,000 towards this project.
<b>Project Benefit:</b>	Golf is providing a significant alternative as a winter sporting activity this year. And is an important physical activity for older residents. A facility for keeping golf carts on the premises is proposed as a way to make it easier for older women particularly to participate more fully.

**RELEVANT LAW**

There are no relevant laws applicable to this report.

**RELATED COUNCIL DECISIONS**

The recommendation to support these organisations financially, is in accordance with Council's Plan 2017 – 2021 to "Build a Healthy and Active Community".

**OPTIONS**

Council can decide not to allocate funds to these projects.

**SUSTAINABILITY IMPLICATIONS**Economic and Social

Participants and social visitors of the community sporting facilities in Buloke Shire, contribute both socially and economically to the Buloke communities.

Excellent sporting facilities in the Buloke communities is one the key factors which promote these districts as great places to live, and are an important element of social connectedness for all local junior and senior residents, particularly in this current COVID-19 crisis.

**COMMUNITY ENGAGEMENT**

Not applicable to this report.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable to this report.

**COLLABORATION**

Not applicable to this report.

**FINANCIAL VIABILITY**

The "Community Grants and Sponsorship Program" has an allocation of funds for Council consideration and distribution within the adopted Budget for 2020 – 2021 financial year.



**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable to this report.

**COUNCIL PLANS AND POLICIES**

Buloke Shire Council Plan 2017-21  
Buloke Shire Council Inclusiveness Plan  
Relevant Community Plans

**TRANSPARENCY OF COUNCIL DECISIONS**

Not applicable to this report.

**CONFLICTS OF INTEREST**

All officers involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of the report.

**8.3 FINANCIAL REPORTS**

Nil

**8.4 ORGANISATIONAL REPORTS**

Nil

**8.5 REPORTS FROM COUNCILLORS****Cr Bronwyn Simpson**

Cr Simpson advised she had been contacted by Sherril O'Connor on behalf for Charlton Tourism and Aboriginal Elders, expressing interest to be involved in the future planning, development and management of Mt Wycheproof.

Cr Simpson referred to correspondence that had previously been forwarded to Buloke Shire Council with regards to this matter and asked that this be noted in the Minutes.

**Cr Carolyn Stewart (Mayor)**

July 9 2020	COVID-19 Working Group Meeting via Zoom
July 10	Meals on Wheels
July 14	CEO & Mayor Weekly Catch-up
July 15	2020 Local Government Mayoral Advisory panel meeting via Skype Councillor Briefing via Zoom
July 16	COVID-19 Working Group Meeting via Zoom
July 17	Meals on Wheels
July 21	CEO & Mayor Weekly Catch-up
July 23	COVID-19 Working Group Meeting via Zoom
July 24	Meals on Wheels WSM Media/Council Liaison meeting via Zoom
July 28	CEO & Mayor Weekly Catch-up
July 29	A Conversation to refresh the Women's Health Loddon Mallee Strategy via Zoom
July 30	MAV Virtual Mayoral Forum via Zoom
July 31	Meals on wheels
August 3	Economic Dev And Tourism Adv Cttee meeting via Zoom Stage 3 Restrictions meeting via Zoom Phone Call with Dr Anne Webster MP Charlton Park Committee AGM, Charlton
August 4	Nine News Melbourne TV interview CEO & Mayor Weekly Catch-up
August 5	Councillor Briefing via Zoom
August 6	COVID-19 Working Group Meeting via Zoom 3AW pre-record interview Flow FM pre-record interview Phone Call with Dr Anne Webster MP
August 7	Meals on Wheels
August 11	CEO & Mayor Weekly Catch-up
August 12	Ordinary Meeting of Council

## 8.6 MATTERS WHICH MAY EXCLUDE THE PUBLIC

### MOTION:

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain confidential information on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

- |       |                                                                                                        |                                                                                                                                                                                                                                |
|-------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.6.1 | CONTRACT C76 2019-20 SUPPLY AND/OR DELIVERY OF ROAD MAKING MATERIALS AND PRODUCTS                      | (g)private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |
| 8.6.2 | CONTRACT C79 2019/20 CHARLTON & DONALD RIVERFRONT DEVELOPMENTS CONSTRUCTION - TENDER EVALUATION REPORT | (g)private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage |
| 8.6.3 | CEO PERFORMANCE REVIEW AND KEY PERFORMANCE INDICATORS                                                  | (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs                                                            |
| 8.6.4 | BIRCHIP HOUSING GROUP COMMITTEE OF MANAGEMENT                                                          | (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs                                                            |

**MOVED: CR ELLEN WHITE**

**SECONDED: CR DAVID POLLARD**

**CARRIED.  
(R818/20)**

### MOTION:

That Council reopens the meeting to the public pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*.

**MOVED: CR DARYL WARREN**

**SECONDED: CR DAVID VIS**

**CARRIED.  
(R823/20)**

## **9. OTHER BUSINESS**

### **9.1 NOTICES OF MOTION**

Nil

### **9.2 QUESTIONS FROM COUNCILLORS**

#### **9.2.1 CR WARREN – RUBBISH BIN COLLECTIONS – BUSINESS PEOPLE**

Cr Warren expressed concern of business owners and/or operators who had contacted him regarding the process and protocols of enforcing compliance with rubbish collection.

The Director of Works and Technical Services acknowledged this matter, and asked that respective business owners who have concerns make contact with Council staff, who will be able to provide advice on compliance for this service.

#### **9.2.2 CR MILNE – FOLLOW UP – DIRT ROADS RESHEETING – UPCOMING HARVEST**

Cr Milne enquired about the progress for the works program for “dirt roads” being re-sheeted, prior to the upcoming harvest.

The Director of Works and Technical Services advised that the plan for this work is in progress, and that this information will be provided in an upcoming Councillor Bulletin.

#### **9.2.3 CR MILNE – RESIDENT IN CARE – ENQUIRY ON PENSION REBATE REMOVAL FROM RATES**

Cr Milne enquired about a resident who has moved into Care and advised that their Pension Rebate has been removed from their rate charge for their residence.

The Director of Corporate Services advised that she will make contact with Cr Milne to seek further details to be able to investigate the matter.

#### **9.2.4 CR MILNE – BIRCHIP FORUM – BIRCHIP SILO ART**

Cr Milne advised that the Birchip Forum were meeting tonight, and after this meeting, an update will be available on where the Birchip Silo Art proposal is at.

### **9.3 URGENT BUSINESS**

Nil

### **9.4 ANY OTHER BUSINESS**

Nil

## **10. MEETING CLOSE**

Meeting closed at 8.19pm.