



MINUTES OF THE ORDINARY COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD 21 FEBRUARY 2018 AT THE MEMORIAL HALL, ROY STREET, JEPARIT COMMENCING AT 3.00PM.

MINUTES

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Deputations

7. Correspondence

8. Assembly of Councillors

8.1 Record of Assembly

9. Planning Permit Reports

No report

10. Reports Requiring a Decision

10.1 Council Plan Update

10.2 Council Delegations

11. Special Committees

- 11.1 Rainbow Town Committee
- 11.2 Nhill Town Committee
- 11.3 Dimboola Town Committee

12. Late Reports

No report

13. Other Business

No report

14. Confidential Matters

- 14.1 Financial Hardship Application
- 14.2 Financial Hardship Application
- 14.3 Sale of Land

15. Meeting Close

Present:

Crs R. Ismay (Mayor), R. Lowe (Deputy Mayor), T. Schneider, R. Gersch, D. Nelson, D. Colbert

In Attendance:

Mr Greg Wood, (Chief Executive Officer), Ms Monica Revell (Director Corporate and Community Services), Mr Shane Power (Director of Infrastructure Services), Ms Shelley Gersch (Executive Assistant)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr Ismay opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 7 February 2018 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R. Gersch/R. Lowe

That the Minutes of the Ordinary Council Meeting held on Wednesday 7 February 2018 at the Council Chamber, 92 Nelson Street Nhill, as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

- Direct; or
- Indirect interest
 - a) by close association;
 - b) that is an indirect financial interest;
 - c) because of conflicting duties;

- d) because of receipt of an applicable gift;
- e) as a consequence of becoming an interested party; or
- f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

No deputations

7. CORRESPONDENCE

7.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer

Attachment: 2

Introduction:

The following correspondence is tabled for noting by Council:

- Dimboola Memorial Secondary College
 - *Thanking Hindmarsh Shire Council for sponsoring the 2017 awards night through the Rae Keam Award*

Options:

1. That Council notes the attached correspondence.

RECOMMENDATION:

That Council notes the attached correspondence.

MOVED: CRS T. Schneider/D. Nelson

That Council notes the attached correspondence.

CARRIED

Attachment: 2

8. ASSEMBLY OF COUNCILLORS

Responsible Officer: Chief Executive Officer

Attachment: 3

Introduction:

The attached Assembly of Councillors Records are presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

Options:

1. That Council accept the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accepts the Assembly of Councillors Records as presented.

MOVED: CRS R. Lowe/T. Schneider

That Council accepts the Assembly of Councillors Records as presented.

CARRIED

Attachment: 3

9. PLANNING PERMITS

No report

10. REPORTS REQUIRING A DECISION

10.1 COUNCIL PLAN 2017-2021 PROGRESS REPORT

Responsible Officer: Director Corporate and Community Services

Discussion to be held during the meeting regarding the status of the 2017/2018 strategic actions in the council plan 2017-2021.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

RECOMMENDATION:

That Council notes the report.

MOVED: CRS R. Gersch/T. Schneider

That Council notes the progress report of the Council Plan 2017-2021.

CARRIED

10.2 COUNCIL DELEGATIONS

Responsible Officer: Director Corporate and Community Services

Attachment Number: 4 & 5

Introduction:

Under the Local Government Act 1989 (the Act) Council delegates powers, duties and functions through two instruments of delegation, one to the Chief Executive Officer (CEO), and the second to members of council staff.

The Act requires that Council review all delegations within 12 months of a General Election.

Discussion:

At its meeting on 1 February 2017 council approved the current Instrument of Delegation to the CEO, and Delegation to members of Council staff. These delegations provide the basis for the current review.

To ensure Council delegations reflect the ever changing provisions to the wide range of legislation that Council operates under, Council subscribes to a Delegations and Authorisations Services through Maddocks Lawyers.

The delegation of powers is considered essential to enable day to day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils.

The Instrument of Delegation to the CEO authorises the power to determine any issues; take any action; or do any act or thing arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

This authority is restricted by stating a number of actions, acts of things that the CEO cannot undertake, without Council resolution.

The Instrument of Delegation from Council to Council staff has been updated to reflect a small change in the responsibilities under the Cemeteries and Crematoria Act 2003, and 2015. Responsibility for tasks under these Acts was delegated to only the Rates Coordinator and Director Corporate and Community Services, the revised delegation also delegates these duties to the Customer Services Coordinator.

Options:

Council can approve the delegations outlined in the attached Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to members of Council staff, modify the delegations or consider other options.

Link to Council Plan:

Strategic Objective 4.6: An organisation that takes risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications:

No relevant issues identified.

Risk Management Implications:

There are risk management implications if Council does not complete a review of the delegations. Without delegations, the decision-making processes would be subject to extreme delays and impose an untenable burden on the Council reporting and meeting system.

Conflict of Interest:

Under section 80C of the LGA officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible & Author: Monica Revell, Director Corporate & Community Services
In providing this advice as the Officer Responsible, I have no interests to disclose.

Communications Strategy:

Relevant staff will be provided with confirmation of the amendments to the Instruments of Delegation.

RECOMMENDATION:

That Council resolves as follows:

(A) DELEGATION TO THE CHIEF EXECUTIVE OFFICER

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Council resolves that:

- 1. There be delegated to the person holding the position, acting in or performing the duties of the Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.*
- 3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
- 5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.*

(B) DELEGATION TO COUNCIL STAFF

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Council resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers 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 the Chief Executive Officer are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

MOVED: CRS T. Schneider/D. Nelson

That Council resolves as follows:

(A) DELEGATION TO THE CHIEF EXECUTIVE OFFICER

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Council resolves that:

- 1. There be delegated to the person holding the position, acting in or performing the duties of the Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.*
- 3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
- 5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.*

(B) DELEGATION TO COUNCIL STAFF

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Council resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers 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 the Chief Executive Officer are revoked.**
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED

Attachment: 4 & 5

11. SPECIAL COMMITTEES

11.1 RAINBOW TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 6

Introduction:

The Rainbow Town Committee held its general meeting on 22 January 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Rainbow Town Committee general meeting held on 22 January 2018.

MOVED: CRS R. Lowe/T. Schneider

That Council notes the minutes of the Rainbow Town Committee general meeting held on 22 January 2018.

CARRIED

Attachment: 6

11.2 NHILL TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services

Attachment: 7

Introduction:

The Nhill Town Committee held its general meeting on 22 January 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Nhill Town Committee general meeting held on 22 January 2018.

MOVED: CRS R. Gersch/T. Schneider

That Council notes the minutes of the Nhill Town Committee general meeting held on 22 January 2018 and congratulates the committee and sub-committee on the success of the Friday Fiestas in Nhill.

CARRIED

Attachment: 7

11.3 DIMBOOLA TOWN COMMITTEE

Responsible Officer: Director Corporate and Community Services
Attachment: 8

Introduction:

The Dimboola Town Committee held its general meeting on 5 February 2018. The purpose of this report is to note the minutes from this meeting. A copy of the minutes is included as an attachment for the information of Council.

RECOMMENDATION:

That Council notes the minutes of the Dimboola Town Committee general meeting held on 5 February 2018.

MOVED: CRS T. Schneider/R. Lowe

That Council notes the minutes of the Dimboola Town Committee general meeting held on 5 February 2018.

CARRIED

Attachment: 8

12. LATE REPORTS

No report

13. OTHER BUSINESS

MOVED: CRS T. Schneider/R. Lowe

That Council invites Emma Kealy MP to attend a Council Briefing and be provided with an update on the Wimmera River Discovery Trail, and other major Hindmarsh projects.

CARRIED

14. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act 1989*, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

- a) Personnel matters;
- b) The personal hardship of any resident or ratepayer;
- c) Industrial matters;
- d) Contractual matters;
- e) Proposed developments;
- f) Legal advice;
- g) Matters affecting the security of Council property;
- h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

RECOMMENDATION:

That the meeting be closed in accordance with Section 89 of the Local Government Act 1989, to consider a) Personnel matters, b) The personal hardship of any resident or ratepayer;

14.1 *Financial Hardship Application*

14.2 *Financial Hardship Application*

14.3 *Sale of Land*

MOVED: CRS R. Gersch/D. Nelson

That the meeting be closed in accordance with Section 89 of the Local Government

**Act 1989, to consider b) The personal hardship of any resident or ratepayer; and
d) Contractual matters**

- 14.1 Financial Hardship Application**
- 14.2 Financial Hardship Application**
- 14.3 Sale of Land**

CARRIED

Council resumed in open session at 3:40pm.

15. MEETING CLOSE

There being no further business, Cr R. Ismay declared the meeting closed at 3:41pm.
