



GANNAWARRA

Shire Council

Wednesday, 12 October 2016

7:00 pm

Kerang Council Chambers

MINUTES

Ordinary Council Meeting

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**MINUTES OF GANNAWARRA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, KERANG
ON WEDNESDAY, 12 OCTOBER 2016 AT 7:00 PM**

PRESENT: Cr Neville Goulding, Cr Oscar Aertssen, Cr Keith den Houting, Cr Neil Gannon, Cr Lorraine Learmonth and Cr Mark Arians

IN ATTENDANCE: Eric Braslis – Chief Executive Officer, Geoff Rollinson – Director Infrastructure and Development, Tom O’Reilly - Director Corporate Services, Mandy Hutchinson – Director Community Wellbeing, David Pietsch – Manager Planning, Building and Local Laws and Lisa Clue – Manager Governance

Gallery: 11

Media: 1

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Custodians of the land, and paid her respect to elders both past and present.

2 OPENING PRAYER

The Deputy Mayor read the Opening Prayer.

3 APOLOGIES

RESOLUTION

Moved: Cr Oscar Aertssen

Seconded: Cr Keith den Houting

That the apology received from Cr Brian Gibson be accepted and leave of absence granted.

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Neil Gannon

Seconded: Cr Oscar Aertssen

That the minutes of the Ordinary Council Meeting held on 14 September 2016 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

No conflicts of interest were declared.

6 QUESTION TIME

1. Regarding the use of guns to address the Corella problem in the vicinity of the Kerang Caravan Park
2. Regarding the stage in Atkinson Park Kerang
3. Regarding Planning Application P16.039
4. Regarding Planning Application P16.039.

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 9 SEPTEMBER 2016 TO 7 OCTOBER 2016

EXECUTIVE SUMMARY

To present to Council the Assembly of Councillors Record Form - Wednesday 5 October 2016 – Kerang Council Chambers.

RESOLUTION

Moved: Cr Keith den Houting

Seconded: Cr Oscar Aertssen

That Council notes the records of Assembly of Councillors during 9 September 2016 to 7 October 2016.

CARRIED

8 BUSINESS REPORTS FOR DECISION

8.1 P16.039 USE AND DEVELOPMENT OF INTENSIVE ANIMAL HUSBANDRY (PIGGERY)

EXECUTIVE SUMMARY

A planning application was lodged with Council for the use and development of land for Intensive Animal Husbandry (piggery) at 8224 Murray Valley Highway, Kerang East. Public notice was given of the application and one written objection was received on behalf of eleven individual parties who live in proximity of the site. A mediation meeting was held between the objectors and the applicant to discuss concerns surrounding the proposal. The objection was not withdrawn, however, the information from this session was used to help inform the officer recommendation. The proposal is considered to appropriate for the site and consistent with the provisions of the Gannawarra Planning Scheme. The application has therefore been recommended for approval by Council officers.

During discussion;

FORESHADOWED MOTION

Cr Mark Arians foreshadowed a motion;

If the motion currently before the Chair is lost, I will move an alternative motion.

FORMAL MOTION

Moved: Cr Neville Goulding

That Council agree that the motion be now put.

The formal motion was rejected by the Mayor.

RESOLUTION

Moved: Cr Mark Arians

Seconded: Cr Oscar Aertssen

That Council grant Cr Mark Arians an extension of three minutes to complete his address to the meeting.

CARRIED

RESOLUTION

Moved: Cr Keith den Houting

Seconded: Cr Oscar Aertssen

That Council approve Planning Application P16.039 for the use and development of land for Intensive Animal Husbandry (piggery) and issue a Notice of Decision subject to the following conditions:

(The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act 1989*, or a 'Significant Decision' within the meaning of Council's Election Period Procedure).

1. Amended Plans

Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) A detailed, fully dimensioned plan of the site.**
- b) Fully dimensioned elevation plans of the proposed buildings and infrastructure.**
- c) Landscaping plans as required by condition 9.**
- d) A plan showing the proposed earthen bund around the perimeter of the development site to a maximum height of no more or less than 500mm.**

2. Layout not to be Altered

Use and layout of the site and the size of the proposed development and works detailed in the specifications and as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority except where specifically varied by conditions of this permit.

3. **Size of Establishment**

The classification of the piggery must not be altered and the maximum number of pigs permitted on the land at any time must not exceed an "R" value of 5000 under the Code of Practice – Piggeries 1992.

4. **Environmental Health Officer**

- a) The effluent treatment ponds must be constructed with a clay liner (or similar impervious material) to prevent seepage from the structure.
- b) Irrigation, wastewater reuse and compost facility must be managed in accordance with the Guidelines for Wastewater Reuse (EPA Publication 464) and the Guidelines for Composting and Other Organic Recycling Facilities (EPA Publication 508).
- c) Solids removed from the feed pad must not be spread within 60m of any natural drain lines or the Rural Floodway Overlay.
- d) All wastewater and stormwater must be contained onsite.
- e) Odour must be controlled to ensure that it does not cause a nuisance.
- f) Solid waste reuse area to be located outside of the area designated as a Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (RFO).

5. **Amenity**

The use of the piggery hereby permitted shall not cause injury to or prejudicially effect the amenity of the locality by the transportation of materials, goods or commodities to and from the premises or by the appearance of any building, works or materials or by emission of noise, smell, fumes, dust, wastewater or lighting on the site. Noise, dust and odour from the piggery and general area shall be maintained within acceptable limits on this site so as not to create a nuisance, as defined in the Public Health and Wellbeing Act 2008.

6. **Stormwater**

All stormwater runoff from the proposed development hereby permitted must be disposed of onsite to the satisfaction of the Responsible Authority.

7. **Gateway and Fence Alignment**

The gateway and fence alignment must be recessed to accommodate a full length B-Double clear of the carriageway to the satisfaction of the Responsible Authority.

8. **Surfacing**

All driveways and vehicle movement areas associated with the piggery shall be constructed, drained and surfaced with an all weather material and treated to prevent dust causing loss of amenity to the neighbourhood to the satisfaction of the Responsible Authority.

9. **Control of Light Spill**

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

10. Landscape Plan Required

Prior to the plans being endorsed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must include plantings around the perimeter of the site that will provide screening for all surrounding neighbours. The landscaping plan must consist of indigenous trees and shrubs and ensure an effective visual screen to the satisfaction of the Responsible Authority.

11. Completion of Landscaping

Before the use/occupation of the development starts or by such later date as approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. Landscaping Maintenance

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. Any dead, diseased or damaged plants are to be replaced within twelve months.

13. Signage

Details of any proposed signage must be submitted to and approved by the Responsible Authority prior to the use coming into operation.

14. Water

Town water use on the site must be restricted to the amount previously used as determined by Coliban Water and to the satisfaction of the Responsible Authority.

15. Goulburn Murray Water

- a) The use and development shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- b) All wastewater from the proposed amenities building must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval.
- c) No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.
- d) The stormwater drainage system for the development must incorporate measures to enhance stormwater discharge quality (particularly sediment) from the site and protect downstream waterways and drainage lines.
- e) The effluent treatment ponds must be constructed with a clay liner (or similar impervious material) to achieve a hydraulic conductivity less than 1×10^{-9} m/s to prevent seepage from the structure.
- f) Effluent dam capacity needs to include 600mm freeboard for wave action and increases in water level due to rainfall.
- g) Irrigation and Wastewater reuse must be managed in accordance with the principles and requirements outlined in the 'Guidelines for Wastewater Reuse' (EPA Publication #464, 1996) and the 'EPA Guidelines for Wastewater Irrigation' (EPA Publication #168, April 1991).

- h) Effluent, manure or mortalities compost must not be spread within 60 metres of any natural drainage lines, the Rural Flood Overlay or any active flow paths.
- i) The compost facility must comply with the Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA Publication 508, 1996).
- j) No contaminated run-off is permitted to discharge off-site therefore all stormwater captured from the works area must be retained on site.
- k) Any storage/composting areas for separated solids and mortalities must have an impermeable base and bunding to ensure contaminated run-off does not discharge from the temporary storage area.
- l) Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). Specifically, the applicant must ensure:
 - Grading, excavation and construction must not proceed during periods of heavy rainfall.
 - Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
 - Disturbed areas must be stabilised and revegetated following the completion of works
- m) Within 3 months of the issue of this permit an Environmental Management Plan must be submitted to and approved by the Responsible Authority and generally in accordance with the LEAP Report (May 2016) and detail:
 - How nutrients will be managed on the land including documentation of a nutrient management plan that details the operation of the piggery
 - Record keeping shall detail regular soil testing
 - Management of the mortalities composting and solids waste storage area
 - Any corrective actions required to ensure compliance with the Code of Practice for Piggeries (1992).

16. Coliban Water

The owner is required to enter into water supply by agreement and provide a backflow prevention device. The water supply agreement will limit supply to no more than 30 kl per day.

17. EPA Victoria

- a) The applicant must install bunds and/or cut-off drains around the boundary of operational area to prevent contaminated run-off entering into a waterway.
- b) Storage areas/pads for manure, spent litter and/or dead animals must be bunded and appropriately drained to onsite storages to prevent potentially contaminated water entering any surface water resources/channel infrastructure.
- c) Storage areas/pads for manure, spent litter and/or dead animals must be appropriately compacted with a permeability of 1×10^{-9} m/s and bunded to prevent stormwater access.
- d) Deposit of animal or organic wastes to land must not adversely affect the land.
- e) Management of waste at the premises should be in accordance with EPA Publication IWRG641 Farm Waste Management June 2009 or as amended.
- f) All industrial waste generated during construction must be managed in accordance with EPA's Industrial Waste Resource Guidelines 2009.

18. North Central Catchment Management Authority

All works are to be sited outside the Land Subject to Inundation Overlay (LSIO) and the Floodway Overlay (RFO).

Note - Flood levels for the 1% AEP probability (100 year ARI) have not been determined for this area under the Water Act 1989. However information available at North Central CMA indicates that in the event of a 1% AEP flood event it is possible that the property may be subject inundation.

Information available at North Central CMA indicates that the only areas of the site to have been inundated during the January 2011 flood were with the existing Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (RFO).

19. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- The development and use is/are not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTE 1: A BUILDING PERMIT MUST BE OBTAINED PRIOR TO COMMENCING ANY BUILDING WORKS

NOTE 2: ALL BUILDING WORKS MUST COMPLY WITH THE VICTORIAN BUILDING REGULATIONS.

NOTE 3: COMPLIANCE WITH CODE OF PRACTICE

THE PIGGERY SHALL AT ALL TIMES OPERATE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND IN COMPLIANCE WITH THE CODE OF PRACTICE – PIGGERIES 1992 OR AS AMENDED.

CARRIED

8.2 UPDATE ON VICTORIA STREET UPGRADE - COMMUNITY CONSULTATION PROCESS

EXECUTIVE SUMMARY

The purpose of this report is to provide Councillors with an update on the feedback received to date by community members in response to the draft Victoria Street Upgrade project.

RESOLUTION

Moved: Cr Keith den Houting

Seconded: Cr Mark Arians

That Council receive and note the update on the Victoria Street upgrade - community consultation process.

(The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act* 1989, or a 'Significant Decision' within the meaning of Council's Election Period Procedure).

CARRIED

8.3 2015/2016 ANNUAL REPORT - RECIEVE AND NOTE

EXECUTIVE SUMMARY

To receive the Gannawarra Shire Council 2015/2016 Annual Report.

RESOLUTION

Moved: Cr Oscar Aertssen

Seconded: Cr Mark Arians

That Council;

- 1. Receive the 2015/2016 Annual Report and note that it was submitted to the Local Government Minister prior to 30 September 2016.**
- 2. Make the 2015/2016 Annual Report available for public inspection and provide copies to the relevant Minister and State Library of Victoria.**

(The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act* 1989, or a 'Significant Decision' within the meaning of Council's Election Period Procedure).

CARRIED

8.4 END OF COUNCIL TERM - MAYORAL ADDRESS

EXECUTIVE SUMMARY

The Mayor reflected on the past 12 months, and the 4 year term of this Council and thank those Councillors that will be retiring this year.

RESOLUTION

Moved: Cr Keith den Houting

Seconded: Cr Mark Arians

That Council receive and note the Mayoral address, reflection on the past 4 years of this Council's term and acknowledgement of the retiring Councillors.

(The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act* 1989, or a 'Significant Decision' within the meaning of Council's Election Period Procedure).

CARRIED

9 INFORMATION REPORTS

Mandy Hutchinson – Director of Community Wellbeing gave a brief update on the Murray Explored project.

10 URGENT ITEMS

Nil

11 NOTICES OF MOTION

Nil

12 DELEGATES REPORTS

12.1 DELEGATES REPORT - THURSDAY 15 SEPTEMBER TO WEDNESDAY 12 OCTOBER

EXECUTIVE SUMMARY

Delegate Reports for Thursday 15 September to Wednesday 12 October.

13 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 8:24pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Gannawarra Shire Council held on 16 November 2016.

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CHAIRPERSON