



GANNAWARRA

Shire Council

Wednesday, 16 May 2018

6:30pm

Council Chambers

Kerang

AGENDA

Ordinary Council Meeting

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Nil

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respect to elders both past and present

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Ordinary Meeting - 18 April 2018

5 DECLARATION OF CONFLICT OF INTEREST

The Local Government Amendment (Councillor Conduct and Other Matters) Act 2008.

A Councillor, member of a special committee, or member of Council staff has a conflict of interest in a matter if he or she has a *direct interest* or an *indirect interest* in that matter.

A person has a direct interest in a matter if there is a likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an indirect interest in a matter if the person has:

- a close association in the matter because a family member, a relative or a member of their household has a direct or indirect interest in the matter
- an indirect financial interest in the matter
- a conflicting duty – although there are circumstances where a person does not have a indirect interest because of a conflicting duty
- received an ‘applicable gift’
- become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter.

Disclosure of conflict of interest

If a Councillor or member of a special committee has a conflict of interest in a matter which is to be or is likely to be considered at a meeting of the Council or special committee, the Councillor or member must:

- if he or she will be present at the meeting, make a full disclosure of that interest by advising of the class and nature of the interest to either –
- the Council or special committee immediately before the matter is considered at the meeting, *or*

- in writing to the Chief Executive Officer (CEO). Where the disclosure is made to the CEO in writing, the Councillor or member need only disclose the class of interest to the meeting, immediately before the matter is considered.
- if he or she will not be present at the meeting, make a full disclosure to the CEO or Chairperson of the meeting, in writing, of the class and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the CEO.
- The CEO must keep written disclosures in a secure place for 3 years after the date the Councillor or member of the special committee who made the disclosure ceases to be a Councillor or member, and destroy the written disclosure when the 3 year period expires.
- While the matter is being considered or any vote taken, the Councillor or member of a special committee with the conflict of interest must leave the room and notify the Mayor or Chairperson of the special committee he or she is doing so. The Mayor or Chairperson must notify the Councillor or member that he or she may return to the room after consideration of the matter and all votes have been cast.
- A CEO or Chairperson of a special committee must record in the minutes of the meeting the declaration of the conflict of interest, the class of the interest and, if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- A failure by a Councillor or member to comply with section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under section 29(2) of the Act.

6 QUESTION TIME

Question Time at Council meetings enables an opportunity for members of the public in the gallery to address questions to the Council of the Shire of Gannawarra.

QUESTIONS FROM THE GALLERY

- All questions are to be directed to the Chair.
- Members of the public may ask questions from the gallery and should provide their name (and organisation if relevant) at the beginning of their questions.
- There is a maximum number of 3 questions of up to 2 minutes each.
- Chair will respond or refer to Councillor or CEO.
- Sometimes a Councillor/officer may indicate that they require further time to research an answer. In this case, the answer will be provided in writing generally within 10 days.
- Where a question cannot be answered on the spot, the person is asked to write out their questions on a form provided to enable an accurate response to be prepared.
- Questions will be answered at the meeting, or later in writing, unless the Chairperson has determined that the relevant question relates to:
 - Personal matters
 - The personal hardship of any resident or ratepayers
 - Industrial matters
 - Contractual matters
 - Proposed developments
 - Legal advice
 - Matters affecting the security of council property
 - An issue outside the Gannawarra Shire Council core business
 - Or any other matter which the Council considers would prejudice it or any person

- A matter which may disadvantage the Council or any other person
 - Is defamatory, indecent, abusive or objectionable in language or substance
 - Is repetitive of a question already answered (whether at the same or an earlier meeting)
 - Is asked to embarrass an officer or another Councillor
-
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 19 APRIL, 2018 TO 16 MAY, 2018

Author: Tom O'Reilly, CEO

Authoriser: Tom O'Reilly, CEO

Attachments: 1 Assembly of Councillors Record Form - 23 April, 2018
2 Assembly of Councillors Record Form - 7 May, 2018

RECOMMENDATION

That Council notes the records of Assembly of Councillors from 19 April, 2018 to 16 May, 2018.

EXECUTIVE SUMMARY

To present to Council written records of Assembly of Councillors in accordance with section 80A of the *Local Government Act 1989*.

DECLARATIONS OF CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2017-2021: Good Governance and a Healthy Organisation.

BACKGROUND INFORMATION

In accordance with Section 80A of the *Local Government Act 1989* a written record of assembly of councillors must be reported at an ordinary Council meeting and minuted as soon as practicable.

The record must include:

1. The names of all Councillors and members of council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a councillor attending
4. Whether a Councillor who has disclosed a conflict of interest left the assembly.

CONSULTATION

Consultation with Councillors and staff has occurred to ensure the accuracy of the Assemblies of Councillors records.

CONCLUSION

To ensure compliance with Section 80A of the *Local Government Act 1989* it is recommended that Council note the Assemblies of Councillors records as outlined in this report.



Assembly of Councillors Record Form

Date:	Monday, 23 April 2018
Time:	5:30pm – 8.00pm
Location:	Kerang Council Chambers
In Attendance: (Councillors)	Cr Brian Gibson, Cr Mark Arians, Cr Jodie Basile, Cr Lorraine Learmonth, Cr Steve Tasker, Cr Charlie Gillingham, Cr Sonia Wright
Apologies	Nil
In Attendance: (Officers)	Tom O'Reilly, Geoff Rollinson, Stacy Williams, Richard Morrison, Jo Haw, Lisa Clue, Roger Griffiths, Alissa Harrower
Matters Discussed:	Capital Works Update 2017/2018 Pipeline of Potential Projects Council Plan 2017/2021 Annual Statutory Review Cohuna Aerodrome Training Academy proposal
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Completed By:	Tom O'Reilly – Chief Executive Officer



Assembly of Councillors Record Form

Date:	Monday, 7 May 2018
Time:	9:00am – 3.00pm
Location:	Kerang Council Chambers
In Attendance: (Councillors)	Cr Brian Gibson, Cr Mark Arians, Cr Jodie Basile (from 11.30am), Cr Lorraine Learmonth, Cr Charlie Gillingham, Cr Sonia Wright
Apologies	Cr Steve Tasker
In Attendance: (Officers)	Tom O'Reilly, Geoff Rollinson, Stacy Williams, Richard Morrison, Lisa Clue, Peter Bergman, Sid Hutchinson, Roger Griffiths
Matters Discussed:	<p>Presentations</p> <ul style="list-style-type: none"> • No Bull Milk Processing – John Mawson <p>Quarterly Financial Report Special Charge Scheme – Lyons Road, Cohuna - Submission Council Policy Review Application for Planning Permit P 18.004 Application for Planning Permit P17.037 Domestic Animal Management Plan 2017-2020 Council Plan 2017-2021 Annual Review Skyrise Consortium Proposal Aged Care Reform Update Advocacy Strategy Update Loddon Campaspe Councils Regional Priorities</p>
Conflict of Interest Disclosures (Councillors)	Cr Gibson declared and indirect interest in Planning Permit P18.004 and Planning Permit P17.037 and left the room during the discussions
Conflict of Interest Disclosures (Officers)	Nil
Completed By:	Tom O'Reilly – Chief Executive Officer

8 BUSINESS REPORTS FOR DECISION

8.1 LYONS ROAD SPECIAL CHARGE SCHEME

Author: Brent Heitbaum, Assets and Design Manager

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council:

- 1. Discontinue the Special Rates and Charges Scheme for Lyons Road, Cohuna in accordance with Section 164 of the *Local Government Act 1989* (the Act).**
- 2. Notify each person who was liable to pay a special rate or charge in relation to the Special Rates and Charges Scheme for Lyons Road, Cohuna.**

EXECUTIVE SUMMARY

The proposed Special Rates and Charge Scheme for Lyons Road, Cohuna has received objections from the majority of rateable properties for which the proposed scheme covered. In accordance with Section 163B of the Act, Council cannot make a declaration of the scheme.

BACKGROUND

Council, on 21 March 2018 resolved to give notice to affected landowners of the implementation of a special charge scheme to construct and seal Lyons Road, Cohuna.

There are eight properties under separate ownership abutting onto the street. The project was considered via a request from a resident and would provide sealed access to six of those properties.

The estimated cost of the project was \$258,480 and included required associated works such as drainage for the construction and sealing of approximately 500m of Lyons Road. The proportion of total benefit from the works to the persons liable to pay was considered by Council to be 100%. Therefore benefiting property owners would be required to pay 100% of the actual cost of the works.

POLICY CONTEXT

The application of the scheme complies with Council's Policy No. 90 – Special Rates and Charges Scheme.

DISCUSSION

Subject to Section 163B of the Act, any person who will be required to pay the special rate to be imposed by the proposed declaration is entitled to exercise the right of objection to the scheme.

A "Notice of Special Charge Scheme" was sent to all affected landowners on 4 April 2018. The notice was also published in the Gannawarra Times on 6 April 2018.

Submissions closed on 4 May 2018. Five responses were received against the scheme.

Section 163B of the Act states that “Council cannot make a declaration if the Council receives objection from persons who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed”.

Given the five responses received from the eight rateable properties the scheme has a 62.5% objection rate being a majority of the rateable properties, Council cannot make a declaration of the scheme. The proposed Special Rate and Charge Scheme for Lyons Road, Cohuna should be discontinued in accordance with Section 164 of the Act.

CONSULTATION

The notice of intention to declare a special charge scheme including the ability of a person to make a submission regarding the scheme was conducted in accordance with Sections 163 and 223 of the Act. One affected resident chose to be heard in support of their submission.

CONFLICT OF INTEREST

In accordance with section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Council is unable to declare a Special Rates and Charges Scheme for Lyons Road Cohuna as an objection rate of 62.5% was received. Council officers will notify each person who was liable to pay a special rate or charge in relation to the Special Rates and Charges Scheme for Lyons Road, Cohuna, and inform them of the decision to discontinue the scheme.

8.2 APPLICATION FOR PLANNING PERMIT P18.004 - NOTICE OF DECISION TO APPROVE

Author: Peter Bergman, Manager Planning and Regulatory Services

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Applicant: Susan Jenkins

Owner: IL & JL Howard

Proposal: Use of land as a licensed premises.

Location: 85B King George Street, Cohuna

Attachments:

- 1 Written Submission
- 2 Site Plan

RECOMMENDATION

That Council approve Planning Application P18.004 for use of land as a licensed premises (On Premises Licence) and a waiver of car parking requirements and issue a Notice of Decision to Grant a Planning Permit at 85B and rear 83 King George Street, Cohuna subject to the following conditions:

1. Amended Plans Required

Before the use and works commence 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 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 and information submitted with the application but modified to include:

- On-Premise Licence replacing General Licence;
- Site plan showing the location of all licensed areas and buildings and works;
- Live Music and Entertainment Management Plan required by Condition 6; and
- Security Management Plan as required by Condition 7.

2. General Requirement

Use of the site for the Licensed Premises as detailed in the application and shown on the endorsed plan must not be altered or modified unless to comply with conditions of this permit without the written consent of the Responsible Authority.

3. Permit Expiry

This permit will expire if the use has not commenced within two years of the date of the permit. An application to the Responsible Authority to extend this permit must be received by the date of expiry or within three months afterwards.

4. Amenity

The use must be conducted so that it has minimum impact on the amenity of the area by reason of

- The transportation of materials , goods and commodities to and from the premises;
- The appearance of any buildings, works or materials; and
- The emission of noise, vibration, dust, wastewater, waste products or reflected light.

The permit-holder shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

5. Hours of Operation

The Licensed Premises must only operate between the following times:

Sunday	10.00am and 11.00pm
Sunday (Christmas Eve or Day and New Year’s Eve or Day)	10.00am and 12.30am the following morning
Good Friday & ANZAC Day	12.00 pm and 11.00 pm
Other days	7.00 am and 11.00 pm
On-street seating	10.00 pm closing time

6. Live Music and Entertainment Management Plan

Prior to the Live Music and Entertainment commencing, a Live Music and Entertainment Management Plan for the management of the licensed premises must be submitted to and approved by the Responsible Authority. Three copies must be provided. When approved, the plan will be endorsed and then form part of the permit. The Live Music and Entertainment Management Plan must address the following:

- Undercover location and direction of live music and entertainment noise away from nearby accommodation;
- The maximum number of live music and entertainment events to be held each year; and
- Any other means to ensure compliance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

7. Security Management Plan

Prior to the licensed premises commencing a Security Management Plan for the management and operation of the licensed premises must be submitted to and approved by the Responsible Authority. Three copies must be provided. When approved, the plan will be endorsed and then form part of the permit. The Security Management Plan must address the following:

- An accredited security person being responsible for the gated entrance at the rear of the site to the Council car park;
- Lighting of the gated entrance at the rear of the site to the Council car park to maximise patron safety; and
- Signage at the rear of the site advising patrons that the area beyond the site is not licensed.

8. Management Plans to be complied with

Once the use has commenced, the approved Licensed Premises must comply endorsed Management Plans at all times.

EXECUTIVE SUMMARY

The report being presented to Council is to determine a planning application to use the land for a licensed premises and a waiver of the car parking requirement at the premises known as Old Farmery Coffee shop (Café) at Lot 1 TP338360V and part Lot 1 TP 338359E, 85B King George Street Cohuna.

Notice of the application was given to surrounding land owners and occupiers and by a sign on the land. Four objections were received.

The proposal is considered appropriate for the site, subject to some changes and is consistent with the provisions of the Gannawarra Planning Scheme.

PURPOSE

To seek Council's decision on planning application P18.004 for use of the land for a licensed premises and waiver of car parking requirement.

DECLARATIONS OF CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2017-2011 - Economic diversity, growth and prosperity - Facilitate growth and diversity within the Shire.

BACKGROUND INFORMATION

The subject premises is known as Old Farmarcy Coffee Shop and the rear of the adjoining Estate Agent. The site is L-shaped and includes existing inside seating. In addition there is outside on-street seating. The site adjoins the ANZ bank premises with accommodation on the first floor. A Council car park is located at the rear of the subject site.

The proposed use is for a General Licence with an 11.00 pm 'last drinks' closing time i.e. all patrons would be required to depart the premises by 11.30 pm. The rear of the building will be licensed for a maximum of 100 persons but not expected to regularly exceed 50 persons. This garden area will consist of a shed converted to a bar, coolroom, seating, umbrellas and bin storage area. Access to the site for patrons will be from King George Street except when the gate at the rear is manned by an accredited security control person. At other times, the gate will allow patrons to exit the site only and deliveries. The car park currently has limited lighting. Additional toilets are being provided in the building. Live music i.e. Occasional entertainment 'band /singer' would cease at 11.00 pm.

CONSULTATION

The application was referred to Victoria Police, Building, Local Laws, Environmental Health, and Engineering Departments.

Victoria Police

No objection. Once patrons exit the site they are in an alcohol free area. Appropriate signage should be displayed.

Building

Additional toilets required, consider whether patrons could exit the area to a road or open space as they would exceed the maximum travel distance from the back of the site. Disabled access will be required from the front of the building to the rear of the site.

Local Laws

A permit would be required under Council's Local Law No.1 to consume food and drink (alcohol).

Environmental Health

Noise from premises must not cause a nuisance to neighbouring premises.

Engineering

No conditions.

Notice of the Application was given by mail on 22 January 2018 and by a sign displayed on the site. Four objections were received.

The key issues raised in the objections are:

- Ongoing damage and littering car park from patrons leaving licensed premises after trading hours.
- Additional outlet selling liquor after 7.00 pm will increase the above problems.
- Precedent of the premises developing backyard.
- Objectors' lease requires that bank must be 2 shop fronts from licensed premises.
- The accommodation business tenants have early starts e.g. 5.00 am for the majority of the year.
- Potential loss of accommodation bookings.
- Potential for amplified music and a loss of accommodation and residential amenity nearby.
- General licence and take-away liquor more appropriate to hotels.
- Further licensed premises are not warranted in Cohuna, there are ample licensed premises.
- Back gates to 85B King George Street are always left open with access across Council's car park from three streets creating a potential traffic hazard.
- Insufficient car parking available nearby in Council car park and the Gateway Information centre, particularly long term or overnight parking affecting other businesses and visitors to Cohuna.
- Understanding that there would only be one General Licence in Cohuna.
- Adequate range of alfresco dining facilities in Cohuna.
- Details of security/crowd or noise measures to ensure businesses nearby are not affected detrimentally not provided.
- General licence is inappropriate for a Café – the licence should be an On-Premises or BYO licence.
- Sufficient takeaway liquor premises in Cohuna.
- Live entertainment is also provided at Cohuna Golf Club and on the Wetlander.
- Nine function venues available in Cohuna.
- Loss of property value.

The applicant has viewed the objections and responded. A copy of the objections and the response are attached to this report. A response from the applicant has been circulated to each of the objectors.

Response to objections

- Security for customers: For security reasons, patrons will predominantly access the premises from King George Street. Access will also be available from the rear gate only when manned by an accredited security control person. The gates will be exit only at all other times except for deliveries or in the case of emergency. Signage will need to be displayed that the area outside the subject premises is unlicensed and liquor is not to be consumed. Security or low level lighting is required to improve safety to the rear car park at night.

- Sale and consumption of liquor in the Commercial Zone: The subject premises will have a limited range of liquor for sale compared to supermarkets, hotels including drive-in bottle shops and major liquor outlets such as Dan Murphys. The range will be most competitive if there is a point of difference from existing premises and it is price competitive. The existing uses are within the same zone which indicates sale of liquor is reasonable on planning grounds. The sale of liquor is currently only available from a limited number of premises within the Commercial Zone indicating that this aspect does not meet saturation level tests which would be prejudicially affecting the purpose of the Zone. Council cannot artificially prevent competition in its planning role.
- Intensification of the use of the site: More intensively developing commercial properties is a common practice across Victoria, particularly in recent years as operators seek to provide a range of experiences, take advantage of favourable weather conditions and improve economic conditions from courtyard areas to licensed rooftop bars.
- Effect of a lease between private parties: Council must assess planning applications on the basis of planning requirements. In this instance, the lease is a civil agreement between private parties, not including Council, and based on matters other than those Council can consider. The ANZ bank in Kerang is a comparable distance from the Royal Hotel.
- Amenity impact on accommodation in the Commercial Zone: It is a long established planning principle that accommodation in Commercial Zones cannot expect the same level of residential amenity as dwellings in Residential Zones. A benefit of Accommodation in Commercial Zones is its proximity to entertainment, attractions and food and drink premises. The Live Music provisions require acoustic measures by permit applicants to protect the amenity of accommodation close by. The proposal seeks 'occasional'- not regular - live music which will end – not commence - at 11.00 pm. Conditions in a Management Plan could specify the frequency of live music entertainment events, the location of the source of entertainment i.e. undercover and not be in the direction of the accommodation. Consideration could be given to increasing the frequency of live music only if the permit-holder operates the use satisfactorily over specified time i.e. not less than 12 months. This should ensure that the accommodation business is not unreasonably impacted.
- Number of licensed premises in Cohuna: A General Licence authorises the licensee to supply for consumption on and off the licensed premises. An On-premise licence authorises the sale of liquor for consumption on the licensed premises for bars and nightclubs. A Restaurant and café licence - the predominant activity, at all times, is the preparation and serving of meals for consumption on the premises. The type of the licence is not related to the number of patrons (except for events for more than 5000 persons). Licensed premises continue to change as operators seek to identify trends in the market and respond to economic impacts. This has resulted in craft breweries, niche boutique hotels and rooftop bars increasing in popularity in recent years. No evidence has been provided that the number of licensed premises in Cohuna Commercial Centre is nearing saturation levels.
- Assessment of a Live Music and Entertainment Noise venue: A Live Music and Entertainment Noise venue is assessed against the decision guidelines in that section. The proposal is not comparable to an inner-Melbourne venue which operates several nights a week and commences after 11.00 pm.

- Provision of additional on-site car parking: The provision of additional on-site car parking must be weighed against the benefits of increased activation of the Commercial Centre, particularly outside standard business hours. No business or activity has exclusive rights to on-street parking or Council car parks. The proposal will be an after-hours use, in addition to the existing use, when the existing car space occupancy is generally low.
- Regulation of the number of food and drink premises: There is no basis in the Planning Scheme to regulate the number of food and drink premises with General Licences or outdoor dining facilities in any locality.
- Availability of outdoor dining facilities: Outdoor dining facilities in Cohuna Commercial Centre are currently mainly on-street dining in King George Street due to the outlook to Garden Park opposite. Waffles Café provide on-site outdoor dining between the building and the property frontage. The potential for on-site outdoor dining at the side and rear of buildings in Cohuna has yet to reach its full potential although more common elsewhere including Mates Royal Hotel, Koondrook and Sporties Hotel, Kerang. In addition, the Cohuna Hotel does not provide on-street dining and the Gateway Information Centre does not include outdoor dining (in a comparable manner to the Information Centre at Yarrawonga).
- Security and Live Music and Entertainment Noise Management Plans: Should a permit be granted, if appropriate, conditions may require a Security Management Plan and an Acoustic Report prepared by a suitably qualified professional detailing measures to meet SEPP N-2 Control of Music Noise from Public Premises prior to the commencement of music being provided and evaluated at a specified time after the commencement of music being provided. The acoustic measure provided would need to be modified if not achieving satisfactory compliance with SEPP N-2.
- Appropriateness of a General Licence: The VCGLR decides the appropriateness of the licence and licensee whereas Council decides the appropriateness of the use and whether the licence appears to reflect the use. Since the deregulation of licensing in Victoria the range of licensed premises has increased significantly from the traditional hotel, tavern and restaurant uses. Discussion with VCGLR indicated that the takeaway reference appears to be already included within a General Licence. The daytime primary use will continue as a restaurant (café/coffee lounge) whilst the primary evening use will be the licensed premises with meals and bar activities. Council will set the maximum trading hours on the planning permit although reduced hours may be used on certain days in response to customer demand.
- Provision of live entertainment: The permit-holder's decision whether or not to provide live entertainment will be based on patron demand and together with planning scheme and licence requirements including achieving amenity standards.
- Function centre use: The function centre component is an ancillary part of the proposal. It is common for restaurants and clubs to make available the premises for functions from time to time. This is in contrast to the premises where the primary purpose of the use of the land is 'function centre'. Council cannot arbitrarily regulate the number of function centres in any zone. Compliance with planning scheme objectives and decision guidelines determines whether the use of land is appropriate.
- Loss of property value: Unsubstantiated claim of loss property values are regularly rejected by VCAT as not being sound planning grounds.

ASSESSMENT

The site was inspected on 27 April 2018.

The subject land is situated within the Commercial 1 Zone (C1Z) pursuant to Clause 34.01 of the Planning Scheme. One of the purposes of the C1Z is:

'To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses'.

The subject land is affected by the Environmental Significance Overlay - Schedule 4 (ESO4).

One of the objectives of the ESO is:

'To ensure that development is compatible with identified environmental values.'

King George Street is a Road Zone Category 1 (RDZ1).

The State Planning Policy Framework (SPPF)

Clause 17.01-1 Business – the objective is to *'encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'.*

Local Planning Policy Framework (LPPF)

Clause 21.08 – Commercial development – Objective 1 is to *'provide for planned development and physical improvements in the retail centres of Kerang, Cohuna and Koondrook, which is integrated with existing retailing and is based on good urban design principles, to maximise levels of service, tourist visitation and trade'.*

Particular Provisions

Clause 52.06 Car parking - Purposes include:

- *'To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality'.*

Clause 52.27 Licensed Premises – One of the purposes is:

'To ensure the impact of the licensed premises on the amenity of the surrounding area is considered'.

Before deciding on the application, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- *The State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*

- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the area.*

The sale and consumption of liquor will be comparable to premises with the same maximum number of patrons and trading times. The applicant has stated that a General Licence is being sought, opposed to an On-Premises Licence, as it would enable persons that are having a glass of wine with a meal to take the remainder of the bottle from the licensed premises. The appropriateness of the takeaway component is directly related to the number of lines available and trading times compared with existing premises. The application is not for packaged liquor in the manner of a bottle shop. An example of the cumulative impact provisions in Commercial Centres is an unreasonably high number of packaged liquor outlets.

Clause 52.43 Live Music and Entertainment Noise - Purposes include:

- *'To recognise that live music is an important part of the State's culture and economy*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactory protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change'.*

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The extent to which the siting, layout, design and construction minimise the potential for noise impacts.*
- *Whether existing or proposed noise sensitive residential uses will be protected from unreasonable live music and entertainment noise.*
- *Whether the proposal adversely affects any existing uses.*

The car parking assessment of the new use required clarification from the permit applicant. The daytime use is unchanged under the restaurant definition (which includes café/coffee shop). The primary evening use must be accurately described. The description must include whether there are any additional, associated or ancillary uses which may impact on the assessment – for example the new use could be considered as hotel, tavern or function centre. Further the number of patrons appears to be ambitious given the need to provide area for storage of bins, additional toilets and equitable access through the site. Further, the area at the rear of the site was only partly dimensioned.

Parking spaces in Commercial Areas generally have a high turnover except for long-term staff parking. Many customers make multi-purpose trips (e.g. to the supermarket, newsagent and cafe) and vehicles may contain more than one person. The standard empirical rates in the Planning Scheme are the starting point for an assessment and only one of a number of matters Council considers in assessing the adequacy of car parking in the area. The permit applicant and existing businesses do not have exclusive rights to on-street parking or Council car parks.

The Live Music and Entertainment Music Noise controls were introduced in response to complaints being received from residents of new apartments close to long established music venues in inner Melbourne.

The application does not minimise noise impacts other than indicating that events would be occasional. Consideration should be given to the maximum number of events and patrons, music not exceeding SEPP N-2, musicians being set up only in roofed areas, sound not being directed toward accommodation and whether other noise attenuation measures are required to protect noise sensitive uses nearby. These may be endorsed as part of permit conditions having regard to frequency and trading times of events.

The licensed outside seating areas consist of two small areas separated by a pedestrian path. The red line area needs to exclude the pathway from the licensed area as this is a non-licensed area. The licensed area must be clearly defined by screens and bollards. This area would cease to be licensed at 10.00 pm.

Decision guidelines of Clause 65

The proposal, with changes, satisfactorily complies with the provisions of Clause 65 in particular:

- The orderly planning of the area
- The effect on the amenity of the area

Other relevant adopted State policies/strategies

Nil

Relevant incorporated or reference documents

Nil

OPTION ANALYSIS

Council has two options in relation to this report:

1. To approve Planning Application P18.004 and issue a Notice of Decision to grant a planning permit subject to appropriate conditions. The objectors have the opportunity to appeal Council's decision at VCAT.
2. To refuse Planning Application P18.004 and issue a Notice of Refusal stating the grounds of refusal. The permit applicant has the opportunity to appeal Council's decision at VCAT.

RISK IMPLICATIONS

There are no risk implications to Council.

FINANCIAL IMPLICATIONS

Nil

CONCLUSION

The proposal is considered to be appropriate for this site. The application was advertised satisfactorily. Four objections were received.

It is considered that the proposal is consistent with the Gannawarra Planning Scheme, in particular state and local planning policy and the purpose of the Commercial Zone.

Given the above, it is recommended that the application be approved subject to conditions.

Application for planning permit for 85 King George Street Cohuna

Currently the premises is operating as a coffee shop.

The business is operated by myself, two full time staff and the occasional casual employee.

The proposal

I would like to apply for an alcohol licence: General Licence with a take-away provision.

I have recently successfully undertaken the first steps Licensees course in Castlemaine, and hold a current RSA certificate

The intent is to provide the community with a relaxed, friendly and safe environment for all to enjoy.

The licenced area will provide an alternative option for the community when holding get-togethers, family gatherings, parties and work functions.

The provision of outdoor eating is very limited in Cohuna, there is only street seating available.

We will be able to provide a unique outdoor area, whether you want to sit outside and have coffee and cake with friends or have a couple of beers with your mates, this venue will be private, a place where all are welcome from young to elderly.

We will be actively encouraging family and middle aged custom, with a relaxed atmosphere and intention of having a well-stocked wine bar. Young families will be able to enjoy a meal knowing the children are safely away from any traffic, as the outdoor area is fully fenced.

We will be able to adequately contain up 100 patrons in the outdoor area.

Employment Opportunities

The opportunity exists to employ extra staff. As we would be increasing our opening hours, offering evening meals, we would need to recruit staff to fill the following positions:

*Kitchen

*Waiting staff

*Outdoor/indoor environmental staff

* Bar/drinks staff, RSA certified.

Parking

There is a car park located at the rear of the venue, and another adjacent to the entrance of the coffee shop.

Parking will not impact on the surrounding business parking as the outdoor area will be mostly operational after 5pm week days and on the weekends. This is when the majority of neighbouring business are closed.

Noise

Volume of music will be at a level to allow conversation between patrons. There are no permanent residence in close proximity to the location.

We will be applying for an 11pm cut off general licence with a take-a-way provision. The venue will not have excessive noise.

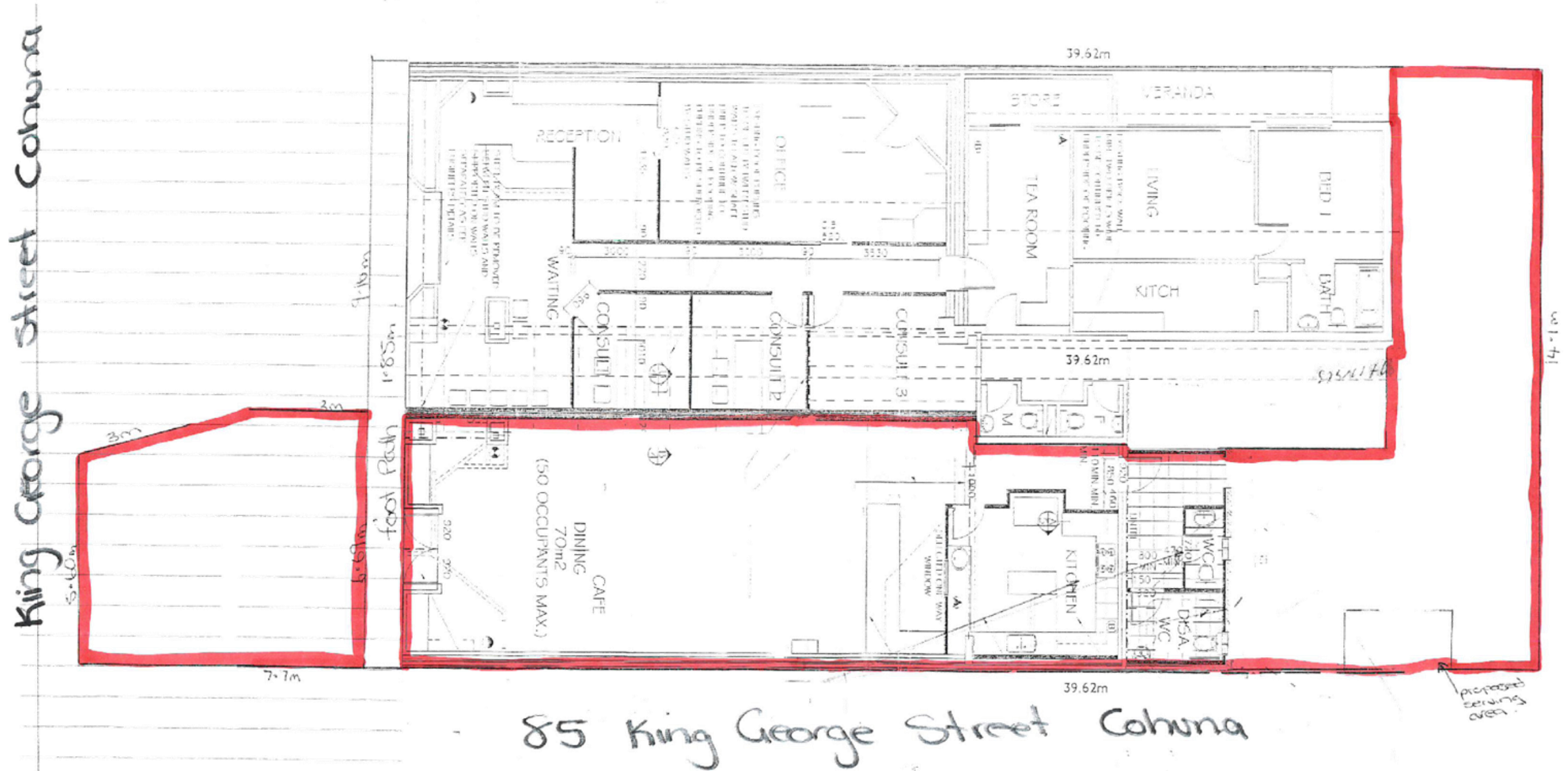
We would like to host an occasional band/singer. On these special events the volume would increase. We will be implementing the ceasing of loud music by 11pm.

Entertainment

We will be actively encouraging local musicians/entertainers to perform in our premises.

We hope to have entertainment at least monthly, and will endeavour to accommodate a wide variety of palates.

The opportunity exists to have a dining experience while being entertained by talented musicians/singers/comedians.



8.3 APPLICATION FOR PLANNING PERMIT P17.037 - REFUSAL

Author:	Peter Bergman, Manager Planning and Regulatory Services
Authoriser:	Geoff Rollinson, Director Infrastructure and Development
Applicant:	S & P Gomes Pty Ltd
Owner:	S & P Gomes Pty Ltd
Proposal:	Variation to existing liquor licence.
Location:	37-41 King George Street, Cohuna
Attachments:	1 Application Documents
	2 Current Licence

RECOMMENDATION

That Council refuse Planning Application P17.037 for the variation of the existing liquor licence and removal of conditions and issue a Notice of Refusal to Grant a Planning Permit at Lots 1 & 2 TP 6688558V 37-41 King George Street, Cohuna for the following reasons:

- 1. The permit applicant has not demonstrated satisfactorily that the late evening hours of operation can be managed appropriately without adverse effect on the amenity of the surrounding area.**
- 2. The permit applicant has failed to satisfactorily address management of the adverse impacts relating to patron behaviour resulting in increased potential for vandalism, littering and unsocial behaviour in the adjacent and surrounding areas.**
- 3. The proposal is contrary to the orderly planning of the area.**
- 4. The proposal will have a detrimental impact on the amenity of the surrounding area.**

EXECUTIVE SUMMARY

The report is being presented to Council to determine a planning application for variation to existing liquor licence (extension to trading hours, including the verandah in the licensed 'red line' area and removal of Management licence conditions) at the Cohuna Hotel at Lots 1 & 2 TP 6688558V 37-41 King George Street, Cohuna (Corner Market Street).

Victoria Police has objected to the application.

Notice of the application was also given to surrounding property owners and occupiers and by a sign on the land. One objection was received.

The proposal is considered inappropriate for the site and inconsistent with the provisions of the Gannawarra Planning Scheme.

PURPOSE

To seek Council's decision on planning application P17.037 for variation to the existing liquor licence (extension to hours and removal of conditions).

DECLARATIONS OF CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2017-2011 – Economic diversity, growth and prosperity – Facilitate growth and diversity within the Shire.

BACKGROUND INFORMATION

The subject premises is known as Shilpi's Cohuna Hotel. It is located at 37-41 King George Street, Cohuna on the south-west corner of Market Street and has a site area of 3775 square metres. The verandah projects over the King George Street and Market Street footpaths.

The maximum number of patrons after 12.00 am is 210.

The hotel use is a long established use. Council records indicate that the use commenced prior to the introduction of planning controls and accordingly no planning permit exists for the use. The onus is on the landowner to demonstrate the extent of existing use rights applying to the land.

The subject premises adjoins the Cohuna Bakery in King George Street. Beyond this is the IGA supermarket. Its car park at the rear of the site extends through to King Edward Street.

Several first floor dwellings are located close by including above the chemist. Single dwelling and multi-dwelling developments are also located nearby in King Edward Street.

Whilst a planning permit is in almost all cases issued to the land (not a person) the licence is issued to the Licensee. The Licence may contain conditions that would not normally be included on a planning permit.

The proposal is to:

- Extend the hours of trading on the licence on Friday and Saturday to 3.00 am the following morning;
- Include the verandah above King George Street and Market Street footpaths in the licensed 'red line' area; and
- Delete the management conditions from the licence.

The planning permit triggers are:

A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the *Liquor Control Reform Act 1998*.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under the licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

The existing hours of trading on the licence on the licensed premises are:

Dining room-	
Sunday	Between 10.00 am and 11.00 pm
Good Friday	Between 12.00 pm and 11.00 pm
Anzac Day (not being a Sunday)	Between 12.00 pm and 1.00 am the following morning
On any other day	Between 7.00 am and 1.00 am the following morning except Good Friday morning
Main bar	
Sunday	Between 10.00 am and 11.00 pm
Good Friday and Anzac Day	Between 12.00 pm and 11.00 pm
On any other Day	Between 7.00 am and 1.00 am the following morning

The requested hours of trading are:

Dining room & Main bar	
Sunday	Between 10.00 am and 11.00 pm
Monday to Thursday	Between 7.00 am and 1.00 am the following morning
Friday and Saturday	Between 7.00 am and 3.00 am the following morning
Good Friday	Between 12.00 pm and 11.00 pm
Anzac Day (not being a Sunday)	Between 12.00 om and 1.00 am the following morning

The Management Conditions on the licence state:

The licensee must install and maintain a surveillance recording system in accordance with Part 3 of the *Liquor Control Reform Regulations 2009*. The surveillance recording system must operate while liquor is supplied. A copy of the recorded images must be available upon request for immediate viewing and/or removal by the Victoria Police and/or an authorised person, and/or otherwise retained for at least one month. The position of the cameras must be to the satisfaction of the Licensing Inspector.

Signs, as described, are to be displayed in all areas subject to camera surveillance. Such signs must read: "For the safety and security of patrons and staff this area is under electronic surveillance."

The licensee must establish and maintain a venue security policy.

Prior to commencing work at the premises for the first time, all staff involved in the selling, offering for sale or serving liquor and all crowd controllers, must sign a register declaring that they have read and understood the security policy.

The register must record the name of the crowd controller or employee, the date the crowd controller commenced employment or the employee first sold, offered for sale or served liquor, the date the crowd controller or employee read the security policy and the crowd controller or employee's signature.

The register and security policy must be available for immediate inspection by Victoria Police or an authorised officer upon request.'

The management conditions of this licence will be subject to a review by the Victorian Commission for Gambling and Liquor Regulation upon the transfer of this licence.

CONSULTATION

The application was referred to Victoria Police (Cohuna) and to Council's Environmental Health, Building and Engineering Departments.

Victoria Police

Opposed the application and stated that the management conditions on the licence are the responsibility of VCGLR. Any change to the licence should go through them. Victoria Police opposes any extension of a licence until 3.00 am and opposes the removal of the management conditions regarding the security policy and the CCTV.

The red line extension is also opposed as it covers the footpath and therefore would allow people to drink in the street. Council has worked hard in the past few years with by laws to prevent this from occurring.

Environmental Health

The proposal must not cause a nuisance as defined in the *Public Health and Wellbeing Act 2008*.

Building

Concerns regarding any use of balcony, exit and exit travel distance from balcony.

Engineering

No conditions.

Notice of Application was given by mail on 27 June 2017 and by sign displayed on the main entry to the building. One objection was received.

The key issues raised in the objection are:

- Increased potential for vandalism, littering and unsocial behaviour

Response:

- The licensee is not required to be responsible for patrons after they depart the premises. However, the licensee may make reasonable endeavours to encourage patrons to depart the premises in a quiet and orderly manner particularly when in close proximity to residential properties. Some licensees endeavour to control behaviour adjoining the premises, however due to the variety of available routes from the premises to residential areas and opportunities to meet and loiter nearby, the above behaviour is unlikely to be effectively controlled beyond the immediate area.
- It is agreed that there is an increased potential for vandalism, littering and unsocial behaviour by patrons after departing specific types of licensed premises and it is widely accepted that the incidence increases where there is a late closing time.
- Whilst there are other food and drink premises, functions and events operating in the evening in the Commercial Centre, such activities do not generally continue beyond 1.00 am. By comparison, the advertised closing time for Sporties Hotel, Victoria Street, Kerang is midnight on Thursday to Saturday.

ASSESSMENT

The subject land is situated within the Commercial 1 Zone (C1Z) pursuant to Clause 34.01 of the Planning Scheme. One of the purposes of the C1Z is:

'To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.'

The subject land is affected by the Environmental Significance Overlay - Schedule 4 (ESO4).

One of the objectives of the ESO4 is:

'To ensure that development is compatible with identified environmental values.'

King George Street is a Road Zone Category 1 Zone (RDZ1).

The State Planning Policy Framework (SPPF)

Clause 17.01-1 Business - the objective is *'to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.'*

Local Planning Policy Framework (LPPF)

Clause 21.08-1 Commercial development – Objective 1 is *'to provide for planned development and physical improvements in the retail centres of Kerang, Cohuna and Koondrook, which is integrated with existing retailing and is based on good urban design principles, to maximise levels of service, tourist visitation and trade.'*

Particular Provisions

Clause 52.27 Licensed Premises – One of the purposes is *'to ensure the impact of the licensed premises on the amenity of the surrounding area is considered'*.

Before deciding on application, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

- *The State and Local Planning policy Frameworks, including the Municipal Strategic Statement and local planning policies.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the area.*

Decision guidelines of Clause 65

The proposal does not generally comply with the provisions of Clause 65 in particular:

- The orderly planning of the area
- The effect on the amenity of the area.

Other relevant adopted State policies/strategies

Nil

Relevant incorporated or reference documents

Nil

Relevant Planning Scheme amendments

Nil

The 3.00 am closing is not supported for the reasons stated by Victoria Police. Whilst increased daytime and early evening activation of Commercial centres is encouraged the permit-applicant has failed to demonstrate how the potential adverse impacts would be managed. The existing use is not currently operating to its potential within the existing licence.

The verandah must comply with the Building Code of Australia prior to any use by the public. Use of area above footpaths for licensed premises has been conducted satisfactorily elsewhere. However such use is generally required to cease by 11.00 pm or 1.00 am the following day.

The Management conditions included on the Licence were required by the VCGLR. No sound basis has been provided by the permit-applicant for Council to remove these conditions noting that these conditions have not been included on a planning permit initially and then duplicated on a Licence in the normal manner.

Despite having two prominent street frontages, the existing use currently does not include on-street dining, bi-fold doors extended windows or the like which would make a major contribution to the activation of the Cohuna Commercial Centre. Such uses usually close at 10.00 pm or possibly 11.00 pm or 1.00 am indoors. The permit applicant has not demonstrated that on-street dining or the like has been conducted in an appropriate manner yet is requesting 3.00 am closing including on the verandah.

OPTION ANALYSIS

Council has two options in relation to this report:

1. To approve Planning Application P17.037 and issue a Notice of Decision to grant a planning permit subject to appropriate conditions. The objector has the opportunity to appeal Council's decision at VCAT.
2. To refuse Planning Application P17.037 and issue a Notice of Refusal stating the grounds of refusal. The permit applicant has the opportunity to appeal Council's decision at VCAT.

RISK IMPLICATIONS

There are no risk implications to Council.

FINANCIAL IMPLICATIONS

Nil

CONCLUSION

The proposal is considered inappropriate for the site and inconsistent with the provisions of the Gannawarra Planning Scheme.

It is considered that:

- The proposal is reasonably consistent with the Gannawarra Planning Scheme, in particular the purpose of the Commercial 1 Zone and the state and local planning policy.
- The adverse impacts outweigh the positive impacts.

Given the above, it is recommended that the application be refused subject to the reasons stated in the recommendation of this report.



Planning Enquiries
 Phone: (03) 5450 9333
 Web: www.gannawarra.vic.gov.au

Office Use Only	Fee: \$ 1240.70
Application No.:	Receipt No.:
Date Lodged: / /	Ward:
Date Allocated: / /	Zone(s):
Allocated to:	Overlay(s):

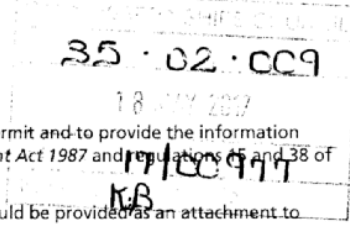
Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 45 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application. Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

Privacy notice

▲ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.



Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or www.dse.vic.gov.au/planning.

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

① Has there been a pre-application meeting with a council officer?
 Yes No
 If yes, with whom?: KELLIE GRIFF Date: 10/05/2017

ON 10-3-17 SUBM. PLANNING PERMIT OR WRITTEN NOTIFICATION THAT A PERMIT IS NOT REQUIRED

The land

② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

Street No.: 37-41 Street Name: KING GEORGE ST.
 Suburb/Locality: COALINA Postcode: 3568

Formal Land Description

▲ This information can be found on the certificate of title.

Lot No.: on Lodged Plan, Title Plan or Subdivision Plan No.:
 OR
 Crown Allotment No.: Section No.: Parish Name:

③ Title information.

Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

N/A

⑤ Plan of the land.

Attach a plan of the existing conditions. Photos are also helpful.

The proposal

▲ You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- 6 For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

CHANGE THE RCD PLAN AND LIQUOR LICENCE MANAGEMENT CONDITIONS REMOVED
~~RESTRICTIVE EVE AND NEW YEAR EVE UNTIL 3AM~~
 * FRIDAY & SATURDAY 3.00AM LICENCE PERMIT (LOCAL PEOPLE REQUEST TO ME)

- 7 Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

Attach additional information providing details of the proposal, including:

- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- Plans showing the layout and details of the proposal.
- If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- 8 Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

No, go to 9.

Yes Attach a copy of the document (instrument) specifying the details of the encumbrance.

Does the proposal breach, in any way, the encumbrance on title?

No, go to 9.

Yes, contact council for advice on how to proceed before continuing with this application.

▲ Note
 Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*).
 Contact council and/or an appropriately qualified person for advice.

Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- 9 Estimated cost of development for which the permit is required.

Cost \$ **▲** You may be required to verify this estimate.
 Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- 10 Do you require a receipt for the permit fee?

Yes No

Contact, applicant and owner details

11 Provide details of the contact, applicant and owner of the land.

Contact

The person you want Council to communicate with about the application.

Name: PAUL GOMES

Organisation (if applicable): S & P GOMES PTY LTD

Postal address: 37-41 KING GEORGE ST
COHUNA - VIC Postcode: 3568

Contact phone: 5456 2004

Mobile phone: 0421643011

Email: INFO@COHUNAHOTEL.COM.AU

Fax: 54564522

Indicate preferred contact method

Applicant

The person or organisation who wants the permit.

Same as contact. If not, complete details below.

Name:

Organisation (if applicable):

Postal address:

Postcode:

Owner

The person or organisation who owns the land.

Same as contact Same as applicant

Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.

Name (if applicable):

Organisation (if applicable):

Postal address:

Postcode:

Checklist

12 Have you?

Filled in the form completely?

Paid or included the application fee?

Attached all necessary supporting information and documents?

Completed the relevant council planning permit checklist?

Signed the declaration on the next page?

Declaration

13 This form must be signed. Complete one of A, B or C

▲ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature *[Handwritten Signature]*

Date: 18/05/2017

B Owner

I declare that I am the owner of the land and I have seen this application.

Signature *[Handwritten Signature]*

Date: 18/05/2017

Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date: DD / MM / YYYY

C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

Date: DD / MM / YYYY

Lodgement

Lodge the completed and signed form and all documents with:

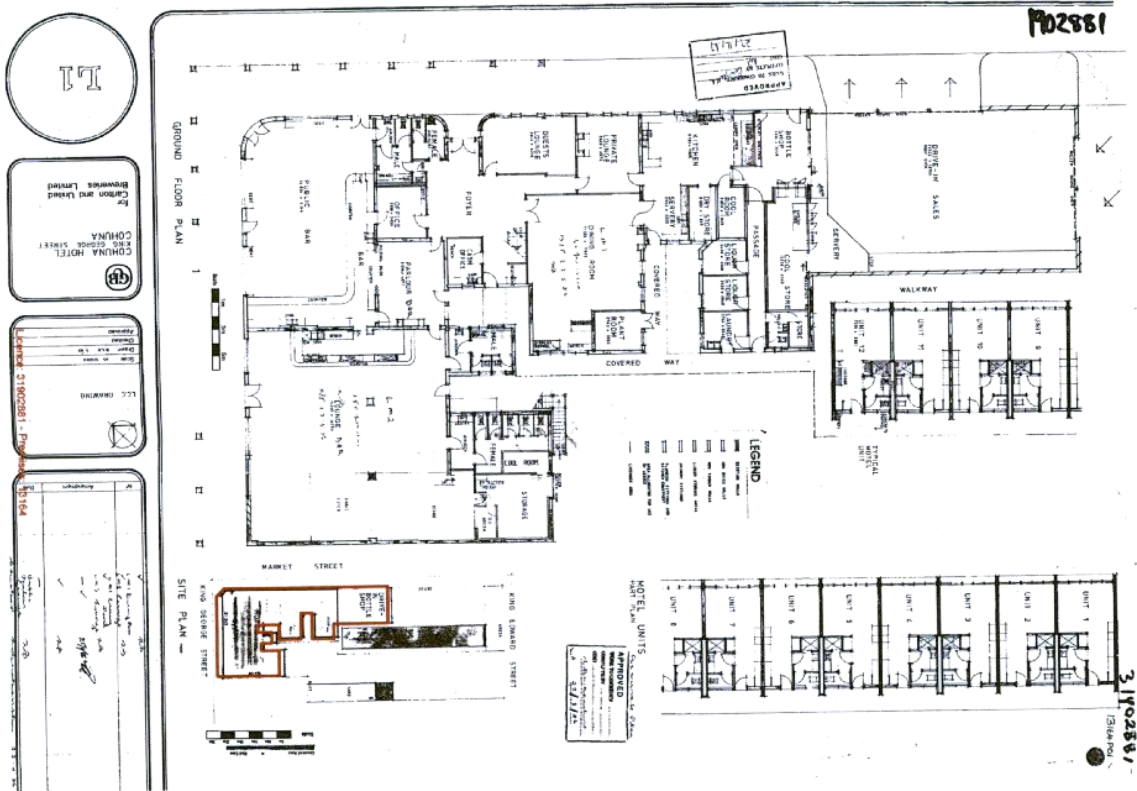
Gannawarra Shire Council
 PO Box 287, KERANG VIC 3579
 49 Victoria Street, KERANG VIC 3579
 Telephone: (03) 5450 9333
 Fax: (03) 5450 3023
 Email: council@gannawarra.vic.gov.au

For help or more information

Current premises name: SHILPIS COHANA HOTEL

KING GEORGE STREET COHANA 3588

Most recent date of approval: 22/06/1986



Extracted by Iaham on 18/04/2017 10:50AM

ATTACHMENT 1

1. Management Licence Conditions needs to be removed as they were not meant to be part of the Agreement. Lawyers for both parties agreed to have this restrictive covenant removed, but did this not eventuate.
2. While attending New Entrant Training, the trainer Mr. Rob Stenton also confirmed that other similar hotel/motels do not have these restrictions, hence should be removed.

General Licence

Licence No. 31902881

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2017

Licensee S & P GOMES PTY LTD

Address for service of notices KING GEORGE STREET
COHUNA 3568

Licensed premises address KING GEORGE STREET
COHUNA 3568

Trading as SHILPI'S COHUNA HOTEL

Additional person(s) endorsed on licence

PAUL GOMES –approved as nominee, and is liable as if the licensee, until ceasing to manage and control the licensed premises.

TYPE OF LICENCE

This licence is a general licence and authorises the licensee to supply liquor on the licensed premises for consumption on and off the licensed premises during the trading hours specified below.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

MANAGEMENT CONDITIONS

The licensee must install and maintain a surveillance recording system in accordance with Part 3 of the Liquor Control Reform Regulations 2009. The surveillance recording system must operate while liquor is supplied. A copy of the recorded images must be available upon request for immediate viewing and/or removal by the Victoria Police and/or an authorised person, and/or otherwise retained for at least 1 month. The position of the cameras must be to the satisfaction of the Licensing Inspector.

Signs, as described below, are to be displayed in all areas subject to camera surveillance. Such signs must read: "For the safety and security of patrons and staff this area is under electronic surveillance."

The licensee must establish and maintain a venue security policy.

Prior to commencing work at the premises for the first time, all staff involved in the selling, offering for sale or serving liquor and all crowd controllers, must sign a register declaring that they have read and understood the security policy.

The register must record the name of the crowd controller or employee, the date the crowd controller commenced employment or the employee first sold, offered for sale or served liquor, the date the crowd controller or employee read the security policy and the crowd controller or employee's signature.

The register and security policy must be available for immediate inspection by Victoria Police or an authorised officer upon request.

The management conditions of this licence will be subject to a review by the Victorian Commission for Gambling and Liquor Regulation upon the transfer of this licence.

MAXIMUM CAPACITIES –(Applicable after 12 midnight only) Dining Room LM1(60 Persons) Lounge LM2(150 persons)

TRADING HOURS

FOR CONSUMPTION OFF THE LICENSED PREMISES –

Sunday	Between 10 a.m. and 12 midnight
Good Friday & Anzac Day	Between 12 noon and 12 midnight
On any other day	Between 7 a.m. and 12 midnight

General Licence

Licence No. 31902881

Page 2

CONDITIONS OF LICENCE (Continued)

TRADING HOURS

FOR CONSUMPTION ON THE LICENSED PREMISES -

Dining room and lounge -

Sunday	Between 10 a.m. and 11 p.m.
Good Friday	Between 12 noon and 11 p.m.
Anzac Day (not being a Sunday)	Between 12 noon and 1 a.m. the following morning.
On any other day	Between 7 a.m. and 1 a.m. the following morning except for Good Friday morning.

Main bar -

Sunday	Between 10 a.m. and 11 p.m.
Good Friday and Anzac Day	Between 12 noon and 11 p.m.
On any other Day	Between 7 a.m. and 1 a.m. the following morning.

End of Conditions - Printed on 28/06/2017

8.4 QUARTERLY FINANCIAL REPORT - QUARTER ENDING 31 MARCH 2018

Author: Sid Hutchinson, Manager Finance

Authoriser: Richard Morrison, Director Corporate Services

Attachments: 1 Financial Report for Quarter Ending 31 March 2018

RECOMMENDATION

That Council receive the report outlining the 2017/18 quarterly budget review as at 31 March 2018

EXECUTIVE SUMMARY

At 31 March 2018 Council is showing a year to date underlying surplus of \$4.406 million which is higher than budget by \$1.879 million. Operating income has a favourable year to date variance of \$481k and expenditure a favourable variance of \$1.398 million for the same period.

The forecasted year end result shows an increase in income of \$830k and an offsetting increase in expenditure of \$761k giving a net change of \$69k. It is anticipated that the budgeted underlying deficit of \$902k will be reduced by \$69k to give an anticipated underlying deficit of \$832k.

There are a number of reasons for this change and these are detailed in the 'Summary of Adjustments' in the attachment. The 'Summary of Adjustments' details the changes between the forecast to 30 June 2018 and the approved budget. A significant change in User Fees is due to additional chargeable works being undertaken for the supply and delivery of gravel (\$500k; costs associated with these works are shown as an increase in the cost of Operational Materials and Services (\$400k).

Council's Capital Works program is progressing with an anticipated variation in scheduled works of \$1.994 million. The adopted capital budget for 2017/2018 is \$9.834 million which includes budgeted new works and budgeted carried forward works. At the end of March an amount of \$5.637 million had been spent. The anticipated amount to be spent on capital works by 30 June 2018 is \$7.872 million. A detailed listing of variations is included in the attachment.

BACKGROUND

Council undertakes a review of the current year budget as at 30 September, 31 December and 31 March each year to keep Council informed and ensure that the forecast results as at 30 June are achievable.

Budgets and forecasts are required to be regularly reviewed to ensure that the basis for the estimate is reasonable and takes into account all variables. Every effort is made to continually improve the degree of precision in estimating the scheduling of work and the timing of activities. This is straightforward in some areas and not in others; hence a degree of uncertainty will always be present both in scheduled works and activities and in emergency or unplanned activities.

POLICY CONTEXT

Council Plan 2017-2021: Good Governance and a Healthy Organisation

DISCUSSION

The table below highlights the key changes identified as a result of the comprehensive quarterly budget review between the 2017/2018 adopted Budget and the operating result for the period ended 31 March 2018:

	Budget \$'000	Actual \$'000	Variance \$'000	
Operating Income YTD	22,295	22,776	481	Favourable
Operating Expenditure YTD	19,768	18,370	1,398	Favourable
Underlying Surplus (Deficit) YTD	2,527	4,406	1,879	Favourable
Surplus (Deficit) YTD	3,745	4,868	1,123	Favourable

An analysis of Capital works has been included in the detailed report for information purposes.

CONSULTATION

Council Officers with responsibility for line budgets. The March quarterly financial report will be presented at the next meeting of Council's Internal Audit Committee.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Council is showing an overall positive result for the period ending 31 March 2018 and forecasts a full year underlying deficit lower than budgeted. During the remainder of the year officers will endeavour to identify further savings in order to improve Council's financial position.

Financial Report for
the Quarter Ending
31 March 2018



GANNAWARRA
Shire Council

Comprehensive Income Statement
For the period 1 July to 31 March 2018

	Note	Budget to 31 March 2018 \$	Actual to 31 March 2018 \$	Variance to 31 March 2018 \$	Budget to 30 June 2018 \$	Forecast to 30 June 2018 \$	Variance to 30 June 2018	
Income								
Rates and charges	1	12,182,944	12,224,508	41,564	12,182,944	12,230,000	47,056	—
Statutory fees and fines	2	319,509	311,715	(7,794)	398,911	448,911	50,000	✓
User fees	3	1,921,875	2,233,879	312,004	2,318,246	2,564,540	246,294	✓
Grants operating	4	6,315,666	6,256,085	(59,582)	8,681,254	8,924,419	243,166	—
Contributions and donations	5	161,148	83,011	(78,137)	425,693	438,193	12,500	—
Reimbursements	6	935,113	1,199,375	264,262	977,998	1,249,025	271,027	✓
Net gain/(loss) on sale of assets	7	154,446	178,250	23,804	245,991	205,991	(40,000)	✗
Interest earned	8	112,478	89,339	(23,139)	162,438	162,438	-	—
Other income	9	191,378	199,538	8,160	256,328	256,328	-	—
Total income		22,294,557	22,775,700	481,143	25,649,803	26,479,845	830,043	—
Expenses								
Employee costs (incl super & w/cover)	10	8,302,791	8,288,563	14,228	11,063,149	11,099,215	(36,066)	—
Operational materials and services	11	6,885,356	5,632,748	1,252,608	9,423,609	10,148,236	(724,627)	—
Bad and doubtful debts	12	-	2,184	(2,184)	-	-	-	—
Borrowing costs	13	32,159	32,159	(0)	46,613	46,613	-	—
Depreciation	14	4,198,374	4,175,775	22,599	5,597,817	5,597,817	-	—
Other expenses	15	348,892	238,653	110,239	420,220	420,220	-	—
Total expenses		19,767,571	18,370,082	1,397,490	26,551,408	27,312,100	(760,692)	—
Underlying surplus/(deficit)		2,526,986	4,405,619	1,878,633	(901,605)	(832,255)	69,350	—
Grants capital and major projects	16	1,218,200	462,043	(756,157)	1,384,700	1,238,700	(146,000)	✗
Contributions - non monetary assets	17	-	-	-	-	-	-	—
Capital contributions - other sources	18	-	-	-	-	-	-	—
Surplus/(deficit) for the year		3,745,186	4,867,662	1,122,476	483,095	406,445	(76,650)	✗

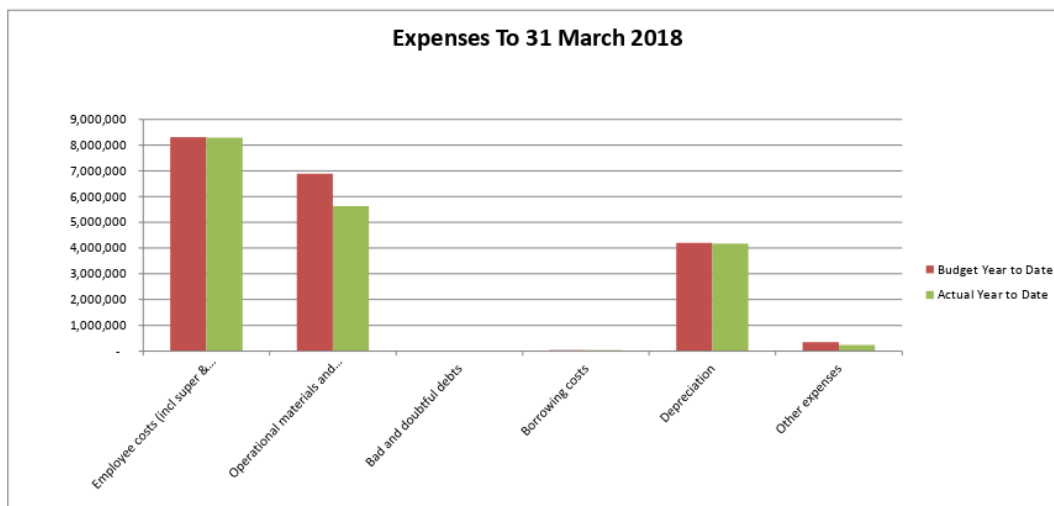
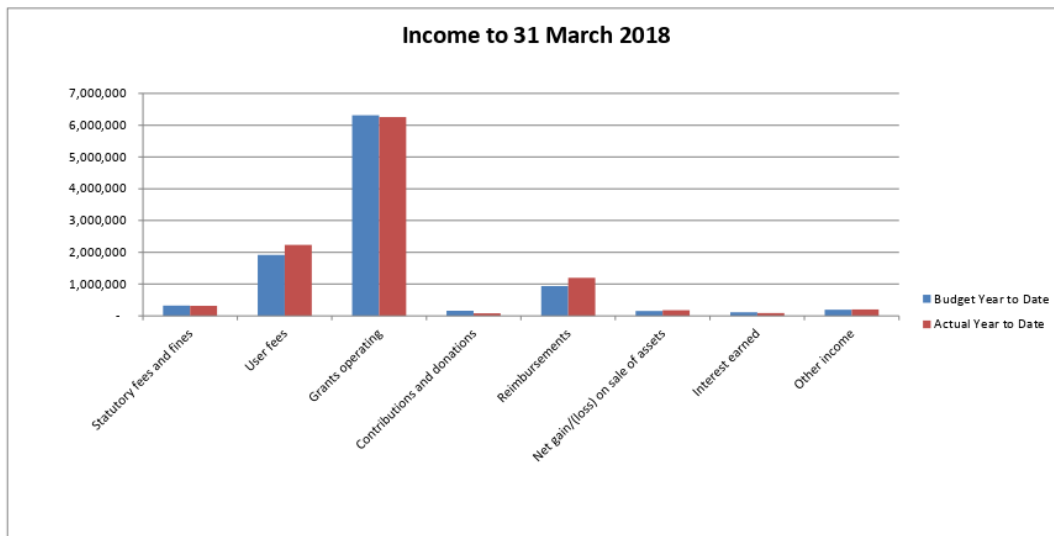
- ✓ Favourable greater than 10%
- Constant between plus or minus 10%
- ✗ Unfavourable less than 10%

Summary of Major Adjustments: March 2018

Note	Income	
1	Rates and charges Additional revenue raised due to supplementary valuations.	47,056
2	Statutory fees and fines Planning permit fees increased due to the number solar energy permits issued.	60,000
3	User fees Chargeable works undertaken by Council in excess of budgeted amount. Reduction in fees due to Community Care Brokerage being provided by a provider other than Council.	500,000 (271,027)
	Total	228,973
4	Grants - Operating Funding received for new program - Supported Playgroups. Increase in VGC actual funding compared to budget. Funding received for Arts and Culture program - 8 theatre productions. Additional funding received for roadside weeds & pests program.	41,250 118,176 25,000 40,000
	Total	224,426
5	Contributions and donations Local contribution for Quambatook changerooms project.	10,000
6	Reimbursements Due to changes in the community care brokerage provider there has been a shift from user charges to reimbursements.	271,027

7	Sale of assets Proceeds for sale of Sleepy Lane property received in previous financial year. Cost of sale of Sleepy Lane property expensed in previous financial year (Cost of Asset). <div style="text-align: right;">Total</div>	(180,000) 140,000 (40,000)
8	Interest earned No material variations.	
9	Other income No material variations.	

Expenses		
10	Employee Direct Costs Minor adjustments including oncost across several areas.	(36,066)
11	Operational Materials and services Expenditure in relation to Additional funding received for roadside weeds & pests program. Increase in recruitment expenses due to recent changes in employment. Advertising. Supply and carting of gravel for the additional chargeable works undertaken by Council. Increased costs for Arts and Culture due to additional funding. Cost to move Leitchville library to Rural Transaction Centre - Funded by grant and reduction in capital expenditure on book supplies. Quambatook changerooms at a total cost of \$139,000 is being funded by \$39,000 from sport and recreation budget and funding of \$90,000 received in 2016/2017 and an additional amount of \$10,000 from local contribution to be received in 2017/2018. Expenditure on grant funded supported playgroup project. Expenditure to undertake Council's disability action plan. <div style="text-align: right;">Total</div>	(40,000) (30,000) (400,000) (25,000) (23,600) (100,000) (41,250) (33,240) (693,090)
12	Bad and doubtful debts No material variations.	
13	Borrowing costs No material variations.	
14	Depreciation No material variations.	
15	Other expenses No material variations.	
16	Grants capital and major projects Leitchville preschool improvements. Project being undertaken during 2018/2019.	(146,000)
17	Capital contributions - other sources No material variations.	



Capital Works to 31 March 2018

Project	Actuals plus Hard Commitments	Adopted Budget	Variations	Budget after Variations	Forecast Year End
Land Improvements					
Bendigo Road irrigation	91,602	110,000		110,000	110,000
Town entry signage	8,242	25,000		25,000	25,000
Wellington Street tree avenue extension	4,250	46,000		46,000	46,000
Promotional infrastructure	15,682	50,000		50,000	50,000
Planter boxes and BBQ surrounds	-	10,000		10,000	10,000
Southern levee acquisition	997	80,000	(80,000)	-	1,000
	120,772	321,000	(80,000)	241,000	242,000
Building improvements					
Patchell Plaza roof	14,597	35,000	(20,000)	15,000	15,000
Patchell Plaza heating, ventilation & airconditioning	13,655	25,000		25,000	25,000
Leitchville pre-school upgrade	-	195,000	(195,000)	-	-
Bulk solar installations	31,218	120,000		120,000	120,000
	59,470	375,000	(215,000)	160,000	160,000
Plant, Machinery and Equipment					
Light plant and equipment replacement	377,449	430,000		430,000	430,000
Heavy plant replacement	660,263	895,000		895,000	895,000
Minor equipment	6,263	-		-	-
	1,043,975	1,325,000	-	1,325,000	1,325,000
Computers and Telecommunications					
Information technology replacement program	103,937	220,000		220,000	220,000
Desert OH & S software	49,946	50,000		50,000	50,000
	153,883	270,000	-	270,000	270,000
Library Books					
Books purchases	66,407	93,000	-	93,000	93,000
Roads					
Roads Rehabilitation Program R2R	654,634	1,000,000	(200,000)	800,000	800,000
Bitumen road reseals	839,860	835,000	-	835,000	835,000
Gravel re-sheeting program	593,670	1,010,000	(300,000)	710,000	710,000
Road management	2,700	200,000		200,000	200,000
Local Roads to Market	45,644	125,000	(80,000)	45,000	45,000
Fire access roads	23,686	23,000		23,000	23,000
	2,160,193	3,193,000	(580,000)	2,613,000	2,613,000
Total Footpaths and Cycleways					
Footpath replacement program	7,294	100,000		100,000	100,000
Footpath Shadforth Street extension	28,507	27,000		27,000	27,000
Kerb replacement program	11,454	150,000		150,000	150,000
Tracks and trails	36,651	50,000		50,000	50,000
	83,906	327,000	-	327,000	327,000
Drainage					
Drainage renewal Quambatook	-	30,000		30,000	30,000
Quambatook township flood mitigation	12,965	500,000	(491,000)	9,000	15,000
Koondrook stormwater drainage	-	60,000	(40,000)	20,000	20,000
	12,965	590,000	(531,000)	59,000	65,000
Recreational, Leisure and Community Facilities					
Swimming pool renewal program	106,002	125,000		125,000	125,000
McCann Crescent playground	11,378	26,000		26,000	26,000
Sport, recreation and leisure program	117,576	250,000		250,000	250,000
Koondrook Nature Based Tourism Hub	37,307	1,200,000	(800,000)	400,000	400,000
	272,263	1,601,000	(800,000)	801,000	801,000

Project	Actuals plus Hard Commitments	Adopted Budget	Variations	Budget after Variations	Forecast Year End
Waste Management					
Old Kerang landfill capping	1,230	120,000		120,000	120,000
Transfer station upgrade	7,042	72,000		72,000	72,000
Cell 3 completion - Denyers	115,161	120,000		120,000	120,000
	123,433	312,000	-	312,000	312,000
Parks, Open Space and Streetscapes					
Atkinson Park toilets forecourt	11,950	12,000		12,000	12,000
Apex Park Cohuna toilets	7,997	180,000	(180,000)	-	10,000
Lakes and waterways master plan preparation	-	70,000		70,000	70,000
Kerang Lakes foreshore development	9,750	30,000		30,000	30,000
Quambatook River Street Precinct	(92)	-		-	-
	29,605	292,000	(180,000)	112,000	122,000
Other Infrastructure					
Cohuna Caravan Park hydrants (stage 3 of 4)	51,199	75,000		75,000	75,000
Koondrook Caravan Park stage 2 (Roads and drainage)	13,729	350,000	(350,000)	-	15,000
	64,928	425,000	(350,000)	75,000	90,000
Carry Over Projects					
Heavy plant replacement	110,002	300,000	(190,000)	110,000	110,000
Business systems software	64,271	50,000	15,000	65,000	65,000
Cobden Street Quambatook	88,061	-	90,000	90,000	90,000
Vine Street Pump	15,340	-	15,000	15,000	15,000
Boating Safety Upgrades	50,675	-	51,000	51,000	51,000
Cohuna Recreation Reserve female facilities	18,300	10,000	8,000	18,000	18,000
Kerang Swimming Pool Irrigation Upgrade	3,181	-	3,000	3,000	3,000
Kerang CBD streetscape	1,095,280	350,000	750,000	1,100,000	1,100,000
	1,445,110	710,000	742,000	1,452,000	1,452,000
Total Capital Works	5,636,912	9,834,000	(1,994,000)	7,840,000	7,872,000

Overall Result

Council's Capital Works program is progressing as scheduled. The capital budget for 2017/2018 is \$9.834m - this includes budgeted new works and budgeted carried forward works. At the end of March variations have been identified leading to a change in the proposed capital expenditure of \$1.994 million. Details of the variations are listed below.

Land Improvements		(80,000)
Southern levee acquisition. The acquisition will be finalised during the 2018/2019 financial year.		
Building improvements		(20,000)
Patchell Plaza roof. Works completed under budget.		
Leitchville pre-school upgrade. Project to be undertaken during 2018/2019.		
Roads		(200,000)
Roads Rehabilitation Program R2R. Program to be completed during 2018/2019.		
Gravel re-sheeting program. Program to be completed during 2018/2019.		
Local Roads to Market. Change to project scope and works will be undertaken in 2018/2019.		
Drainage		(491,000)
Quambatook township flood mitigation. Project carried forward to 2018/2019.		
Koondrook stormwater drainage. Project carried forward to 2018/2019.		
Recreational, Leisure and Community Facilities		(800,000)
Koondrook Nature Based Tourism Hub. Projected expected to be completed during 2018/2019.		
Parks, Open Space and Streetscapes		(180,000)
Apex Park Cohuna toilets. Project carried forward to 2018/2019.		

Other Infrastructure Koondrook Caravan Park stage 2 (Roads and drainage). Project carried forward to 2018/2019.		(350,000)
Carry Over Projects		
Heavy plant replacement. An amount of \$300,000 had been carried over into the plant replacement program from 2016/2017 for the replacement of the patching truck. By 30 June 2017 Council had incurred costs of \$190,000 leaving an amount to be carried of \$110,000. The amount of \$190,000 cannot be used to offset other expenditure in 2017/2018 as this cost was recognised in 2016/2017.	(190,000)	
Business systems software. Variations to project scope.	15,000	
Cobden Street Quambatook. Project that was anticipated to be completed in 2016/2017 but carried over to 2017/2018. Project was fully funded in the 2016/2017 budget.	90,000	
Vine Street Pump. Project that was anticipated to be completed in 2016/2017 but carried over to 2017/2018. Project was fully funded in the 2016/2017 budget.	15,000	
Boating Safety Upgrades. Project that was anticipated to be completed in 2016/2017 but carried over to 2017/2018. Project was fully funded in the 2016/2017 budget.	51,000	
Cohuna Recreation Reserve female facilities. Completion of 2016/2017 project.	8,000	
Kerang Swimming Pool Irrigation Upgrade.	3,000	
Kerang CBD streetscape. The CBD streetscape is a State funded program that has crossed over two financial years. The funding agreement included funding of \$500k, Council contribution \$350k and in-kind contribution of \$65k giving a project cost of \$915k. It had been anticipated that by 30 June 2017 substantial works would have been completed. The amount allowed in the budget for 2017/2018 included the balance to complete the project. As the commencement of the project was delayed minimal expenditure occurred in 2016/2017 with the majority of the project being completed in 2017/2018.	750,000	742,000
Total Capital Work Variations		(1,994,000)

**Balance Sheet
As at 31 March 2018**

	Year to Date
	\$
Assets	
Current assets	
Cash and cash equivalents	552,021
Trade and other receivables	3,979,351
Financial assets	11,208,919
Inventories	405,083
Non-current assets classified as held for sale	665,901
Other assets	-
Total current assets	<u>16,811,275</u>
Non-current assets	
Property, infrastructure, plant and equipment	<u>187,361,903</u>
Total non-current assets	<u>187,361,903</u>
Total assets	<u>204,173,178</u>
Liabilities	
Current liabilities	
Trade and other payables	1,066,999
Trust funds and deposits	135,198
Provisions	2,656,343
Interest-bearing loans and borrowings	12,819
Total current liabilities	<u>3,871,359</u>
Non-current liabilities	
Provisions	1,116,329
Interest-bearing loans and borrowings	665,635
Total non-current liabilities	<u>1,781,964</u>
Total liabilities	<u>5,653,323</u>
Net Assets	<u>198,519,854</u>
Equity	
Accumulated surplus	81,094,636
Reserves	117,425,218
Total Equity	<u>198,519,854</u>

Summary:

Any material changes in actuals within the comprehensive income statement or the capital works schedule have an effect on the balance sheet. As there have been minimal changes in actual expenditure to 31 December 2017 there are minimal changes in the balance sheet.

Current Assets:

The movement in cash and cash equivalents reflects the change in the level of anticipated expenditure in the comprehensive income statement and the capital schedule.

The amount shown in financial assets represent amounts that have been invested. Depending on the immediate requirements of Council investments are frequently moved from financial assets to cash and cash equivalents.

Trade and other receivables includes an amount for rate debtors. It is anticipated that as rate instalments and rate final payments are received the level of debtor reduces.

Non-current Assets:

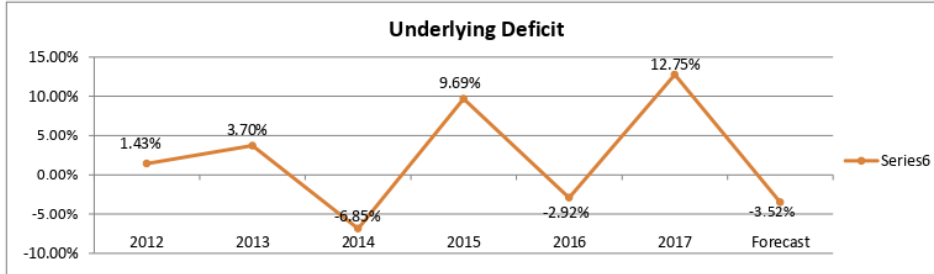
Any shift in the schedule of capital works is reflected in the amount shown as property, infrastructure, plant and equipment.

Equity:

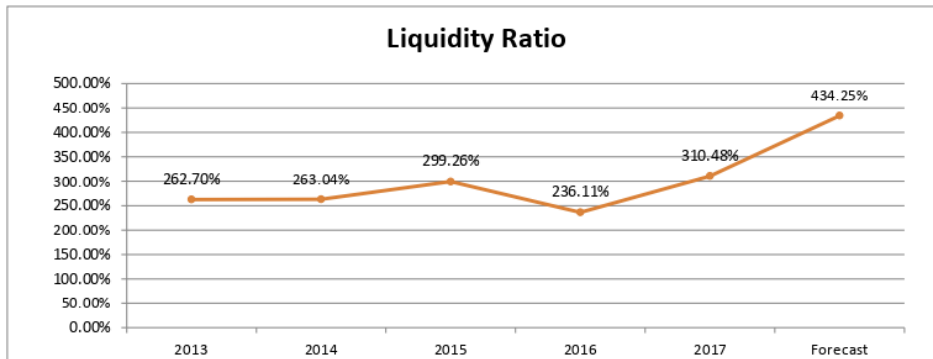
Changes in the surplus or deficit from the comprehensive income statement are reflected in the accumulated surplus.

Financial Ratios

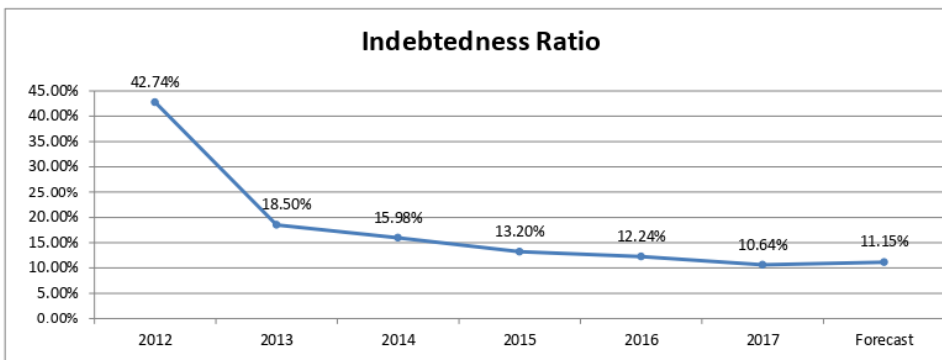
Financial Sustainability:



Underlying surplus(deficit): An indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. The underlying deficit removes Non-Recurrent Capital grants from the surplus and reflects Council's ability to fund its operating expenditure out of all other operating income. A shift in the level of operating grants leads to a material change in the underlying deficit.



Liquidity ratio: Measures the level of Council's current assets to meet its current liabilities. A ratio higher than 100% indicates current assets being greater than current liabilities.



Indebtedness Ratio: Measures Council's non-current liabilities as a percentage of Council own source income.

8.5 DOMESTIC ANIMAL MANAGEMENT PLAN - ANNUAL REVIEW

Author: Geoff Rollinson, Director Infrastructure and Development

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: 1 DAM Plan Evaluation

RECOMMENDATION

That Council note the annual review of the Domestic Animal Management Plan.

EXECUTIVE SUMMARY

Council is required to review the DAM Plan on an annual basis and report on the performance measures against the evaluations/targets identified in the current DAM Plan.

BACKGROUND

The Domestic Animal Management Plan (DAM Plan) is a statutory requirement for every Victorian municipality under the *Domestic Animal Act 1994*. It is intended to provide Gannawarra Shire Council with a management plan for all dogs, cats and domestic animal businesses within the municipality. Gannawarra Shire Council's existing DAM Plan was adopted by Council in March 2018.

POLICY CONTEXT

Domestic Animals Act 1994 section 68 (a)(2)(b).

DISCUSSION

The plan addresses responsible pet ownership and animal welfare by focussing on registration, identification, dog attacks, nuisance behaviour, dangerous, menacing and restricted breed dogs, and animal businesses. It also deals with Council's domestic animal control services, authorised officer training, emergency management and matters relating to the enforcement, compliance and evaluation of the Council's control measures.

Council is required to include in their annual report, in accordance with Section 68A (3)(c) of the *Domestic Animal Act 1994*, a review on the performance measures against the activity/evaluation tables contained in the DAM Plan. The list of activities in the current DAM Plan and their updated evaluations can be found in Attachment 1. Two items of note include the continued success of the 84Y Agreements which result in more animals being rehoused and less being euthanised and the successful trapping of wildcats which positively impacts on our native fauna.

CONSULTATION

Consultation has occurred with Council officers and the Department of Economic Development, Jobs and Resources (DEDJTR). Under the *Domestic Animal Act 1994*, there is no requirement for the plan to be advertised for public comment following annual reviews.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Council's Domestic Animal Management Plan (DAM Plan) identifies strategies, current situation, future objectives and service activities to be undertaken to achieve Council's priority goals over the period of the plan. The annual review of the existing plan has been completed.

Section 4	
Training of Authorised Officers	
Context	
This section outlines programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district. <i>Compliant with Section 68(A)(2)(b) of the Domestic Animals Act 1994.</i>	
Objective	
Gannawarra Shire Council is committed to the training and development of all employees. Animal Management Officers are required to hold or be undertaking the relevant statutory training of Certificate IV in Statutory Compliance and Certificate IV in Animal Control and Regulation.	
Evaluation for 2017	
Training in past 12 months	Gaps identified Staff require ongoing training in all of these areas:
Russell Barnes Local Laws Team Leader / Ranger Animal Welfare Legislation Workshop	
Jeff Hogg Local Laws Officer / Ranger	
Shane Leerson Local Laws Officer / Ranger	
Jan Farrell Local Laws Administration Officer Animal Welfare Legislation Workshop Loddon Murray Community Leadership Program Assertive communication training	
In addition Gannawarra Shire Council requires that Officers attend the following training as programmed or offered: <ul style="list-style-type: none"> • OH&S training – dealing with aggressive customers • Customer service training – conflict resolution, telephone techniques • DEDJTR training and information days (various topics) • Dealing with difficult customers • First aid • Induction program • Industry training – animal handling, animal assessment, statement taking • Traffic control 	

Section 5		
Registration and identification		
Context		
This section outlines programs, services and strategies to encourage the registration and identification of dogs and cats.		
Objective	To increase the number of dog and cat registrations within the municipality, and to educate the community regarding the requirement for Council registration.	
Activity	When	Evaluation
Increase in the number of animal registrations each year - Targeted inspections of both urban and rural areas	One area every two months	Data analysed to show total number of animals identified registered/unregistered / compliance after follow up
<p>Evaluation for 2017 Total number of dogs and cats registered in 2017 was 2510, a reduction of 3% on the total of 2583 for 2016.</p> <p>The number of cats registered has remained stable in the last 12 month period. There is a lower tolerance in the community regarding wandering cats. The community is frequently participating in cat trapping programs, and more cats with microchips are being trapped. When registered with Council, identifiable cats are returned to their owner.</p> <p>There is still a belief in the community that a microchip is a council registration, and this may be a reason that many dogs and cats are not registered.</p> <p>Education of both cat and dog owners regarding their responsibilities needs to remain a priority. Better understanding of microchipping and registration has assisted Officers in an 8% increase in returning the pet to its owner (refer to table 6.1).</p>		
Objective	Education regarding awareness of requirement for Council registration	
Activity	When	Evaluation
Media releases - newspaper Facebook Messages on hold (MOH) Brochures Links on Council website to DEDJTR	January & July each year January & July each year January & July each year Ongoing By end December 2017	Record number of media releases Record number of Facebook posts Record number of MOH Record number of brochures distributed
<p>Evaluation for 2017 Renewal notices for animal registration were issued in March 2018 and were due for payment by 10 April..</p> <p>Media releases were issued by Council in late March and early April 2017.</p> <p>An advertising campaign was run on the local radio station through March/ April 2017</p> <p>Messages on hold also contained a message regarding animal registration renewals which are due by 10</p>		

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Report for 2017 - Domestic Animal Management Plan 2017-2020

April 2017.

In addition, reminder notices issued after 18 April each year. Refer to table 5.2 for data.

Mail returned to sender is followed up with phone calls and property visits and redirected to owner if possible.

Phone calls and desk top SMS messages are made to all animal owners who are due to receive infringements. A property visit is made for those who cannot be reached due to no phone or disconnected phone.

Infringements to be issued mid June for 'failure to renew' registration and all unpaid infringements are followed up in the Magistrates' Court.

A combination of infringements issued in 2015 and follow up from Officers in 2016 has shown an improvement in compliance, especially from repeat offenders.

There were four media releases relating to domestic animals during 2017:

- 2017.02.06 MR_Animal rehousing
- 2017.05.15 MR_Animals in the pound
- 2017.06.05 MR_Don't forget your pets this winter
- 2017.12.20 MR_Remember your Pets these Summer holidays

but none were relevant to animal registration.

Messages on Hold:
 MARCH 2017
Council is reminding residents that their pet registrations are now due. Payment is to be made by 10 April 2017.
 APRIL 2017
Council is reminding residents that their pet registrations are now due. Payment is to be made by 10 April 2017.

Council's media dept. does not keep records of quantity or type of Facebook posts.

Objective	Monitor advertisements of domestic animals for sale online, community noticeboards and in local newspapers for compliance with Section 12A(2) of DAA	
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Activity	When	Evaluation
Staff to conduct sample audit of newspapers/electronic media/noticeboards	monthly	Maintain data on number of items checked / quantity of compliant and non-compliant items / follow up on non-compliant items

Evaluation for 2017
 Weekly checks in newspapers and notice boards

Objective	Work with local vet clinics to encourage responsible pet ownership	
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Activity	When	Evaluation
Provision of Council animal	By end December 2017	Information packs are provided to

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Report for 2017 - Domestic Animal Management Plan 2017-2020

Registration and identification	registration application and relevant information to be handed out when an animal is microchipped		local vets in Gannawarra Shire, and supplies maintained. Keep record of number of packs supplied to vet clinics.
	Evaluation for 2017 Activity not undertaken		

Registration and identification

Table 5.1				
Animal registration	2014	2015	2016	2017
No. of registered dogs	2314	2246	2194	2110
No. of registered cats	397	406	399	400
No. of registered declared dogs	0	0	0	0
TOTAL	2711	2655	2593	2510
		-2%	-2%	-3%

Table 5.2				
Animal registration renewal enforcement	2014	2015	2016	2017
Reminder notices issued	280	206	326	198
		-26%	+58%	-39%

Table 5.3				
Infringements issued	2014	2015	2016	2017
Failure to register	0	2	6	3
Failure to renew registration	98	6	25	1

Table 9.1				
Euthanasia rates for impounded animals	2014	2015	2016	2017
Total dogs in	122	132	137	146
No. of dogs euthanised	33	6	12	6
% of dogs euthanised	27%	5%	9%	4%
Total cats in	21	84	74	170
No. of cats euthanised	10	2	3	4
% of cats euthanised	48%	2%	4%	2%
No. of wildcats euthanised	69	58	172	157
% of wildcats euthanised	100%	100%	100%	100%

*In 2017, six dogs have been euthanised. The reasons for euthanasia included extremely poor health/old age, poor temperament/unsuitable for rehousing and involved in attack.
The four cats euthanised were unsuitable for rehousing due to poor temperament.*

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Report for 2017 - Domestic Animal Management Plan 2017-2020

Section 6		
Nuisance animals		
Context		
This section outlines programs, services and strategies to minimise the potential for dogs and cats to create a nuisance.		
Objective	Reduce number of cats at large	
Activity	When	Evaluation
Improved facilities at Council Pound for impounded cats	December 2020	Increased quantity of cats able to be impounded at one time, allowing for increased number of cats rehoused by Council.
Evaluation for 2017 A new compliant cat pound and cages have been installed at the pound.		
Purchase additional cat traps	December 2017	Council to have at least 30 cat traps available for use
Evaluation for 2017 30 additional traps have been purchased and are being used in the community.		
Investigate (and instigate if viable) Council Order to confine cats	December 2019	Submission of report to DIS from LLTL. Submission of report to Council / Order gazetted if adopted
Evaluation for 2017 Investigate the possibility of incorporating this into the Local laws review.		
Investigate (and instigate if viable) cat desexing funding	August 2018	Applications for funding submitted if available
Evaluation for 2017 Ongoing communications with relevant organisations to assist in funding programs		
Objective		
Educate community regarding wildcat population / reduce wildcat population		
Activity	When	Evaluation
Purchase additional cat traps	December 2017	Council to have at least 30 cat traps available for use
Evaluation for 2017 30 additional traps have been purchased and are being used in the community.		
Links on website to relevant sources of information including: <ul style="list-style-type: none"> • destruction of native fauna • spread of disease through 	March 2017	Information available on website

<p>domestic cat population</p> <ul style="list-style-type: none"> • injuries to domestic cats from fighting • excrement and spraying • • home invasions by wildcats • unwanted pregnancies / overpopulation 		
<p>Evaluation for 2017 Council has link on website to https://www.victorialawfoundation.org.au/publication/dogs-cats-neighbours-and-you/read which contains information on:</p> <ul style="list-style-type: none"> • Owning dogs or cats • Cat laws • Resolving problems with a neighbour’s pets <p>Link to “Who’s for cats?” information should be added to website Link to http://agriculture.vic.gov.au/pets/cats should be added to website Possibly http://www.rspcavic.org/issues/cat-welfare</p>		
<p>Provision of brochures on relevant sources of information</p>	<p>June 2017</p>	<p>Brochures available at customer service outlets</p>
<p>Evaluation for 2017 Cohuna office: Only the DAM Plan is on display. Kerang office: New display stand to be ordered for Kerang office</p>		
<p>Objective Increase community awareness and understanding regarding on-leash and restricted areas for domestic animals.</p>		
<p>Activity</p>	<p>When</p>	<p>Evaluation</p>
<p>Media releases via: Newspaper Information on Council website Facebook posts</p>	<p>Twice yearly By July 2017 Throughout year</p>	<p>Record numbers of media articles Information contained on website Record numbers of Facebook posts</p>
<p>Evaluation for 2017 - Newspaper There were four media releases for domestic animal matters during 2017, but none were relevant to on-leash areas.</p> <p>- Information on Council website http://www.gannawarra.vic.gov.au/Property/Pets-and-Animals/Responsible-Pet-Ownership <i>Dogs must be on a leash unless in an 'Off Leash' designated area. For information on off-leash areas please refer to Council Policy 068 - Dogs & Cats - Designated Areas</i> Content is more focussed on ‘on-lead’ areas and doesn’t give a clear indication of location of off leash areas.</p> <p>- Facebook posts Council’s media dept. does not keep records of quantity or type of Facebook posts.</p>		
<p>Maps of off leash areas on website</p>	<p>July 2018</p>	<p>Maps of off leash areas available on Council website</p>

~ 7 ~

Report for 2017 - Domestic Animal Management Plan 2017-2020

Nuisance animals	Evaluation for 2017		
	Investigate (and instigate if viable) addition of off leash areas on Google maps	March 2017	If viable, off leash areas marked on Google maps
	Evaluation for 2017 A developer of an app for your phone has been found and council officers are in discussion with the possible implementation to have off leash areas listed.		
	Objective To reduce domestic animal excrement in public places and educate animal owners of the requirement to carry a litter device		
	Activity	When	Evaluation
	One on one education of animal owners as problem detected	Ongoing	Reduction in excrement complaints
	Evaluation for 2017 01/01/2017-31/07/2018 - no complaints re: domestic animal excrement 01/08/2017-31/12/2017 one complaint re: domestic animal excrement (Cohuna) Note: The Nuisance category contains both noise and excrement complaints. Synergy Soft Customer Request to be amended to separate these categories for future reporting.		
	Investigate (and instigate if viable) provision of litter receptacles by Council	September 2017	If viable, litter receptacles provided by Council
	Evaluation for 2017 Not yet completed		

Nuisance animals

Table 6.1					
Impounded animals		2014	2015	2016	2017
Dogs	Impounded	98	85 -13%	94 +11%	92 -2%
	Surrendered	24	47 +96%	42 -11%	52 +24%
	Holding for Police			1	2
	Returned to owner	60	60 -	72 +20%	79 +10%
	Rehoused	29	65 +124% ^A	54 -17%	61 +15%
	Euthanised	33	6 -82%	11 +83% ^B	6 -50%
	Escaped / stolen from pound	0	1	0	0
Cats	Impounded	16	35 +119%	33 -6%	27 -18%
	Surrendered	5	49 +880% ^C	39 -20%	142 +264% ^C
	Holding for Police			2	1
	Returned to owner	3	5 +67%	9 +80%	12 +33% ^D
	Rehoused	7	76 986% ^A	61 -20%	152 +149%
	Euthanised	10	2 -80%	3 +50%	4 +33%
	Escaped from pound / unassisted death	1	1	1	1
Wildcats	Impounded	69	58 -16%	172 +197%	157 -9%
	Euthanised	69	58	172	157

Explanatory notes:

A - Council commenced rehousing dogs and cats under an 84Y agreement in September 2014

B - Reason for euthanasia (2 dogs involved in attack, 9 dogs failed temperament test for rehousing)

C - Indicates community has confidence in the rehousing program which commenced in September 2014

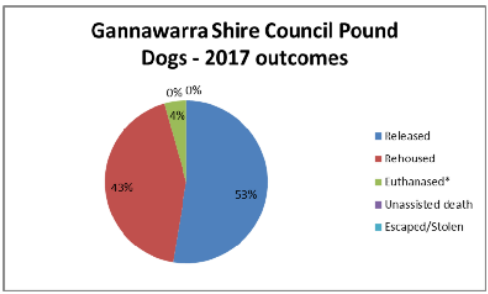
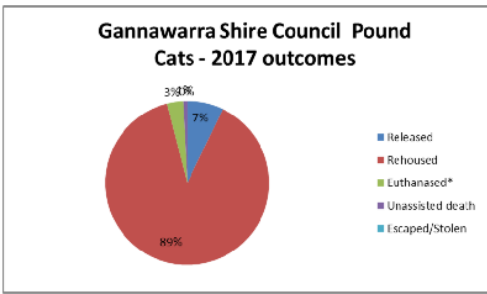
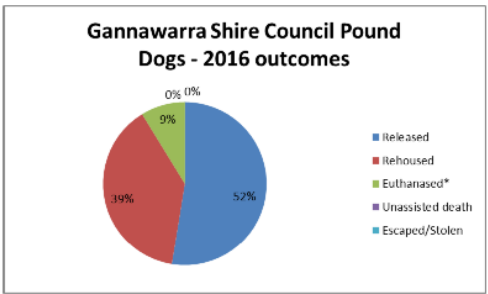
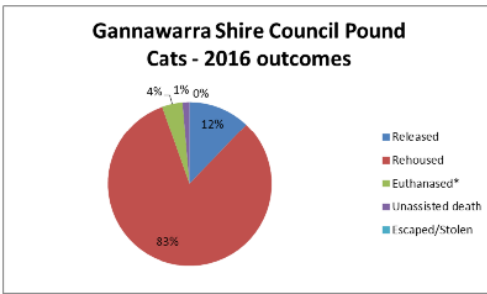
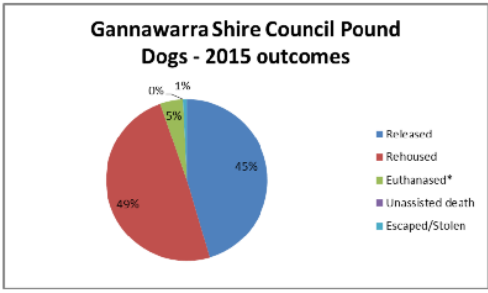
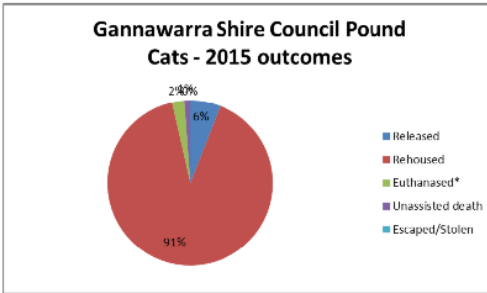
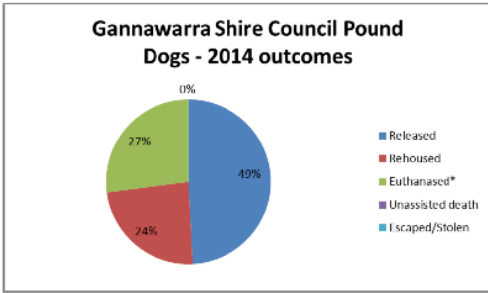
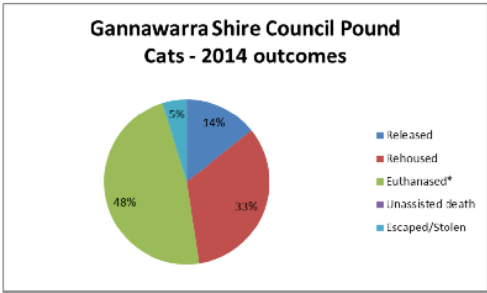
D - Indicates an increase in the number of cats impounded which are identifiable (microchipped)

Nuisance animals

Table 6.2				
Nuisance categories	2014	2015	2016	2017
Dog at large	328	283 -14%	132 -53%	140 6%
Cat at large (cats impounded plus wildcats)	85	93 +9%	205 +120%	184 -10%
Animal noise/nuisance	168	59 -65%	54 -8%	50 -7%

Table 6.3				
Infringements issued	2014	2015	2016	2017
Dog at large during daytime	7	7 -	2 -71%	3 +50%
Dog at large during night time	0	0	2	0
Dog or cat being a nuisance	0	0	1	0

Nuisance animals



Section 7		
Dog attacks		
Context		
This section outlines programs, services and strategies to minimise the risk of attacks by dogs on people and animals.		
Objective	To minimise the number of dog attacks across the municipality	
Activity	When	Evaluation
Undertake routine patrols across the municipality with a focus on dogs at large	Daily	Record to be kept of location of patrols to ensure each area of the shire is patrolled at least once per fortnight
Evaluation for 2017 Patrols take place on a daily basis when dealing with complaints.		
Objective	Awareness campaign for both property/stock owner and animal owner re: potential destruction of dog found in paddock with stock	
Activity	When	Evaluation
Media release (newspaper, Facebook and website)	Throughout May, June, July, August each year	Record number of media releases
Evaluation for 2017 This matter was not addressed in media releases in 2017.		
Objective	Education regarding responsible pet ownership in particular regarding dogs at large	
Activity	When	Evaluation
Media release (newspaper, Facebook) Messages on hold (MOH) Website	School holiday periods (including Easter)	Record number of media releases Record number of items onto MOH Information placed onto website
Evaluation for 2017 A media release in May 2017 stated the following: <i>Council would like to remind residents to securely confine their animals. If for any reason your dog or cat goes wandering or becomes lost Gannawarra Shire Council would like to assure residents that dogs and cats are kept in the pound for their own safety and the safety of the community.</i> The remainder of the MR was focussed on the Council Pound process.		

Table 7.1				
Dog Attacks	2014	2015	2016	2017
No. of reported dog on animals attacks	10	11 +10%	6 -45%	10 +67%
No. of reported dog on people attacks	4	9 +125%	8 -11%	6 -25%
No. of reported dog on livestock attacks	9	6 -33%	2 -67%	6 +200%
TOTAL	23	26 +13%	16 -38%	22 +38%

Section 8		
Dangerous, menacing and restricted breed dogs		
Context		
This section outlines programs, services and strategies to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations.		
Objective	Increase Officer awareness of location of declared dangerous or menacing dogs to improve safety when attending premises	
Activity	When	Evaluation
All locations where declared dangerous dogs are kept will be identified on Council's Exponare mapping system	As required	Council's Exponare mapping system to be updated to record the properties where declared dangerous dogs are kept
Evaluation for 2017		
No declared dangerous dogs are currently identified within, or registered with Gannawarra Shire Council. Refer to table 8.1		

Table 8.1				
Animal registration	2014	2015	2016	2017
No. of registered dogs	2314	2246	2194	2110
No. of registered declared dogs	0	0	0	0
TOTAL	2314	2246	2194	2110

Section 9		
Overpopulation and high euthanasia		
Context		
This section outlines programs, services and strategies to address any over-population and high euthanasia rates for dogs and cats.		
Objective	Provide education on responsible pet ownership and on confinement of cats	
Activity	When	Evaluation
Owners of trapped cats to be made aware of responsibilities of cat ownership	Ongoing	Reduction of second offences of impounding of cats
Evaluation for 2017 In 2017 there were no second offences of impounded cats.		
Media releases - newspaper, Facebook and Messages on Hold Website links to DEDJTR information such as the Who's for Cats program	Ongoing but focus on times of increased cat breeding cycles	Record number of media releases Record number of items onto MOH Information placed onto website
Evaluation for 2017 This matter was not addressed in media releases in 2017.		
Objective		
Educate community regarding wildcat population / reduce wildcat population		
Activity	When	Evaluation
Purchase additional cat traps	December 2017	Increase total number of cat traps owned by Council
Evaluation for 2017 30 additional traps have been purchased and are being used in the community.		
Investigate (and instigate if viable) Council Order to confine cats	December 2019	Council Order in place
Evaluation for 2017		
Investigate (and instigate if viable) cat desexing program	August 2018	Desexing program for cats implemented
Evaluation for 2017		

Objective	Continuance of Section 84Y agreement/s with approved animal rescue organisation/s	
Activity	When	Evaluation
Maintain current 84Y agreement	Ongoing	Agreement renewed
Evaluation for 2017 Council's 84Y agreement does not have an end date and agreement has not been cancelled by either party.		
Investigate and instigate additional 84Y agreements	Ongoing	Suitable agreements implemented
Evaluation for 2017 Additional rehousing facilities have been sourced and agreements are in place. A weekly collection of unclaimed or surrendered animals is now available to Council. Council has made nine new 84Y agreements since October 2017. This has helped Council to rehouse both surrendered and unclaimed animals. Members of the community are more readily surrendering unwanted animals to Council to be rehoused. This is a better outcome for the animals, community and wildlife.		

Overpopulation and high euthanasia

Table 9.1				
Euthanasia rates for impounded animals	2014	2015	2016	2017
Total dogs in	122	132	137	146
No. of dogs euthanised	33	6	12	6
% of dogs euthanised	27%	5%	9%	4%
Total cats in	21	84	74	170
No. of cats euthanised	10	2	3	4
% of cats euthanised	48%	2%	4%	2%
No. of wildcats euthanised	69	58	172	157
% of wildcats euthanised	100%	100%	100%	100%
<p><i>In 2017, six dogs have been euthanised. The reasons for euthanasia included extremely poor health/old age, poor temperament/unsuitable for rehousing and involved in attack. The four cats euthanised were unsuitable for rehousing due to poor temperament.</i></p>				
Table 9.2				
Animals rehoused	2014	2015	2016	2017
Dogs impounded	98	85	94	92
Dogs surrendered	24	47	42	52
Other			1	2
Total dogs in	122	132	137	146
Dogs rehoused	29	65	53	61
% of dogs rehoused	24%	49%	39%	43%
Cats impounded	16	35	33	27
Cats surrendered	5	49	39	142
Other			2	1
Total cats in	21	84	74	170
Cats rehoused	7	76	61	152
% of cats rehoused	33%	91%	83%	89%

Section 10		
Domestic Animal Businesses		
Context		
This section outline programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation.		
Objective	Identify unregistered Domestic Animal Businesses in the Gannawarra Shire	
Activity	When	Evaluation
Follow up possible DAB's identified during property inspections	Ongoing	Identified DAB registered with Council
Evaluation for 2017 No external DABs are currently registered with Gannawarra Shire Council. The Council Pound is registered as a DAB.		
Check media sources / social media for advertisements	Ongoing	Data entered to Local Laws Action Request system / reviewed quarterly
Evaluation for 2017		
Follow up complaints/notification from public	As required	
Evaluation for 2017 All complaints made to council were followed up. No DAB,s were found.		
Objective		
Identified Domestic Animal Businesses to be compliant with legislation		
Activity	When	Evaluation
Planning information is provided to all applicants or interested parties to ensure that compliance with the Act and relevant codes are met when businesses are being established	As required	Quantity of planning permits issued for Keeping of animals
Evaluation for 2017 No external DABs are currently registered with Gannawarra Shire Council. The Council Pound is registered as a DAB.		
Ensure all identified Domestic Animal Businesses (DAB) within the shire are registered and comply with applicable legislation and Codes of Practice	Audited in February annually	Annual permit renewals are sent to existing DAB in March each year for issue of permit by 10 April.

<p>Evaluation for 2017 No external DABs are currently registered with Gannawarra Shire Council.</p>		
Encourage DAB owner/operator attendance at information sessions organised by DEDJTR	As scheduled	Improved compliance as awareness of requirements under legislation improves
<p>Evaluation for 2017 No external DABs are currently registered with Gannawarra Shire Council.</p>		
<p>Objective Domestic Animal Business information and application on Council website</p>		
Activity	When	Evaluation
Review new Council website regarding Domestic Animals Businesses to provide "online" application forms and the latest information available from the Domestic Animals Unit	By July 2017 then as required	Website contains current application forms and the latest information available from the Domestic Animals Unit
<p>Evaluation for 2017 Domestic Animals Business permit application for DABs in the Gannawarra Shire is available at: http://www.gannawarra.vic.gov.au/Contact-Us/Forms</p> <p>Link to Victorian State Government website http://www.gannawarra.vic.gov.au/www.dpi.vic.gov.au/pets gave error 404 'Page not found.'</p> <p>Error to be corrected and separate heading for Domestic Animal Business information to be added. Correct website link: http://agriculture.vic.gov.au/pets/domestic-animal-businesses</p>		

Section 11		
Other matters		
Context		
This section provides for the review of other matters related to the management of dogs and cats in the Council's municipal district.		
Objective	Emergency Animal Management Plan (EAMP) to contain current, relevant information.	
Activity	When	Evaluation
Annual review of Emergency Animal Management Plan (EAMP)	November annually	EAMP submitted to Municipal Emergency Management Planning Committee
Evaluation for 2017 Currently being developed		
Objective	Council Policy No.068 to be incorporated into the Council Local Laws	
Activity	When	Evaluation
Create new local law regarding designated areas for domestic animals (including maps)	November 2020	New local law approved by Council
Evaluation for 2017 Local Laws department are currently working on the new Local Laws document, which includes a new local law regarding designated areas for domestic animals (including maps).		
Objective	Council Local Laws to reflect changing community needs and include changes in relevant legislation.	
Activity	When	Evaluation
Monitor and amend Local Laws to ensure they are consistent with community needs and reflect changes in relevant legislation.	Ongoing	<ul style="list-style-type: none"> · Local Laws are consistent with community needs · Local Laws reflect changes in relevant legislation
Evaluation for 2017 Complaints to be analysed to ascertain community expectations. Determine other methods to obtain information about community needs and expectations.		

Information source and reporting dates	
4. Registration and identification	
Table	Animal registration
	Data from Lynx Rating Manager (to 30/06/2017) / Data from SynergySoft (from 01/07/2017)
Table	Infringements issued
	Data from Lynx Rating Manager (to 30/06/2017) / Data from SynergySoft (from 01/07/2017)
5. Nuisance animals	
Table	Nuisance categories
	Prior to 2015/2016: Data from Animal Control Data document kept by GSC Local Laws Officers From 2015/2016/to 31/07/2017: Data from Local Laws Action Request program From 1 August 2017: Data from SynergySoft Customer Request program
Table	Infringements issued
	Data from Lynx Rating Manager (to 30/06/2017) / Data from SynergySoft (from 01/07/2017)
Table	Impounded animals
	Data from Pound Data document kept by GSC Local Laws department
6. Dog attacks	
Table	Dog attacks
	Prior to 2015/2016: Data from Animal Control Data document kept by GSC Local Laws Officers From 2015/2016/to 31/07/2017: Data from Local Laws Action Request program From 1 August 2017: Data from SynergySoft Customer Request program
Table	Infringements issued
	Data from Lynx Rating Manager (to 30/06/2017) / Data from SynergySoft (from 01/07/2017)
7. Dangerous, menacing and restricted breed dogs	
Table	Animal registration
	Data from Lynx Rating Manager (to 30/06/2017) / Data from SynergySoft (from 01/07/2017)
8. Overpopulation and high euthanasia	
Table	Surrendered animals / rehoused Euthanasia rates for impounded animals
	Data from Pound Data document kept by GSC Local Laws department
All reports - reporting date: 1 January to 31 December	

8.6 COUNCIL POLICY REVIEW

Author: Alissa Harrower, Governance and Compliance Coordinator

Authoriser: Richard Morrison, Director Corporate Services

Attachments: 1 Policy 060 - Waste Management Services
2 Policy 065 - Trees

RECOMMENDATION

That Council endorse the following policies:

- Policy No. 060 - Waste Management Services, Bins - Provision and Replacement
- Policy No. 065 - Trees

EXECUTIVE SUMMARY

Council officers undertake regular reviews of Council policies to ensure they are up to date and reflective of current practices. This report addresses the following policies which have recently been reviewed:

- Policy No. 060 – Waste Management Services, Bins - Provision and Replacement
- Policy No. 065 - Trees

BACKGROUND

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they are reflective of current practice. Council policies are reviewed as needed, however most policies must be reviewed within either 12 months or two years of a Council Election. Reviewed policies are presented to Council for endorsement, or repealed if it has been determined the policy is no longer required.

POLICY CONTEXT

Council Plan 2017 – 2021: Good Governance and a Healthy Organisation – Identify innovative opportunities that create improvements.

DISCUSSION

Policy No	Policy Name	Comments
060	Waste Management Services, Bins - Provision and Replacement	The Waste Management Services – Bins, Provision and Replacement Policy outlines the kerbside waste services provided to residential, rural, commercial and industrial properties, whilst detailing the service maps throughout the municipality. Recommended adjustments to the Policy are outlined in the attachment and include the addition of a policy purpose and scope, consolidation in outlining the types of services, minor formatting and a change to staff title.

065	Trees	<p>Council’s Tree Policy was initially adopted in 1995. The Policy provides details on Council’s commitment to the efficient and effective management of trees on Council owned or managed land. This Policy is to be read in conjunction with 065 – Tree Management Guidelines.</p> <p>There is one recommended adjustment to the policy, reflecting a change in staff title.</p>
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CONSULTATION

Council’s Executive Leadership and Management Teams have been involved in the review of the policies.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The report addresses recently reviewed policies for the consideration of Council to ensure compliance with relevant legislation and that they are reflective of current practice.



Waste Management Services, Bins – Provision and Replacement

COUNCIL POLICY NO. 060

1. POLICY PURPOSE

To document Gannawarra Shire Council's commitment to managing kerbside waste services.

2. SCOPE

This policy:

Complies with legislation, regulations, industry codes; Council policy, agreements and other organisational requirements and Council values identified in the Council Plan.

3. POLICY

Gannawarra Shire Council is committed to:

A Standard Service consists of 1 x 120L bin for garbage and 1 x 240L bin for recycling. Council may provide a 240L bin for garbage upon request.

3.1 Compulsory Service to Residential Properties

- Council will provide a standard service to all residential properties (other than vacant land) within the township boundaries as shown on the town boundary maps appended to this policy.
- The charge set by Council for this service will be payable whether or not the service is utilised.
- Multiple garbage and recycling bins can be supplied on request and will be additionally charged at the standard charge per service. Only one extra recycling bin can be provided at no additional charge.

3.2 Optional service to rural properties, commercial and industrial properties

- Council may provide a standard service to residences on rural properties, commercial and industrial properties by agreement. The charge set by Council will be payable whether or not the service is utilised.
- Multiple garbage and recycling bins can be supplied on request and will be additionally charged at the standard charge per service. Only one extra recycling bin can be provided at no additional charge.
- One or multiple 240L bins may be provided in the waste service to food service premises at the discretion of the Director of Infrastructure and Development, where skip bins have been prohibited.

3.3 Optional Service to all properties in townships, as approved by Council.

- Council may provide a green waste service to residential properties (other than vacant land), commercial and industrial properties in townships, as approved by Council, by agreement (as defined by the attached maps). The charge set by Council will be payable whether or not the service is utilised.
- Multiple 240L green waste bin can be supplied on request and will be additionally charged at the standard charge per service set by Council.

3.4 Replacement of Bins

- Replacement of bins will generally be in accordance with the specifications of the contract relating to the provision of the waste management service (within 14 days of receipt of notification).
- Replacement of bins will be at Council's expense where –
 - The bin has been damaged by collection equipment
 - The bin has been stolen after collection and the matter has been reported by the owner or ratepayer to Police and Council (notification to Council and Police within seven working days of collection)
 - Replacement of the bins will be at the owners or ratepayers expense where –
 - The bin has been damaged or destroyed by actions of the owner, ratepayer or tenant
 - The bin has been stolen after collection and the matter has not been reported to Police and Council within seven working days of the day of collection
 - Or any other reason not stated above.

4. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

5. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gannawarra.vic.gov.au.

Any enquiries in relation to this policy should be directed to the Director Infrastructure and Development on (03) 5450 9333.

Originally adopted:
1995

Reviewed: 13/11/2002 *Minute Book Reference: 2455*

Reviewed: 22/08/2007 *Minute Book Reference: 6013*

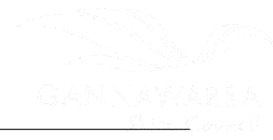
Reviewed: 25/06/2008 *Minute Book Reference: 6625*

Reviewed: 17/11/2010 *Minute Book Reference: 8382*

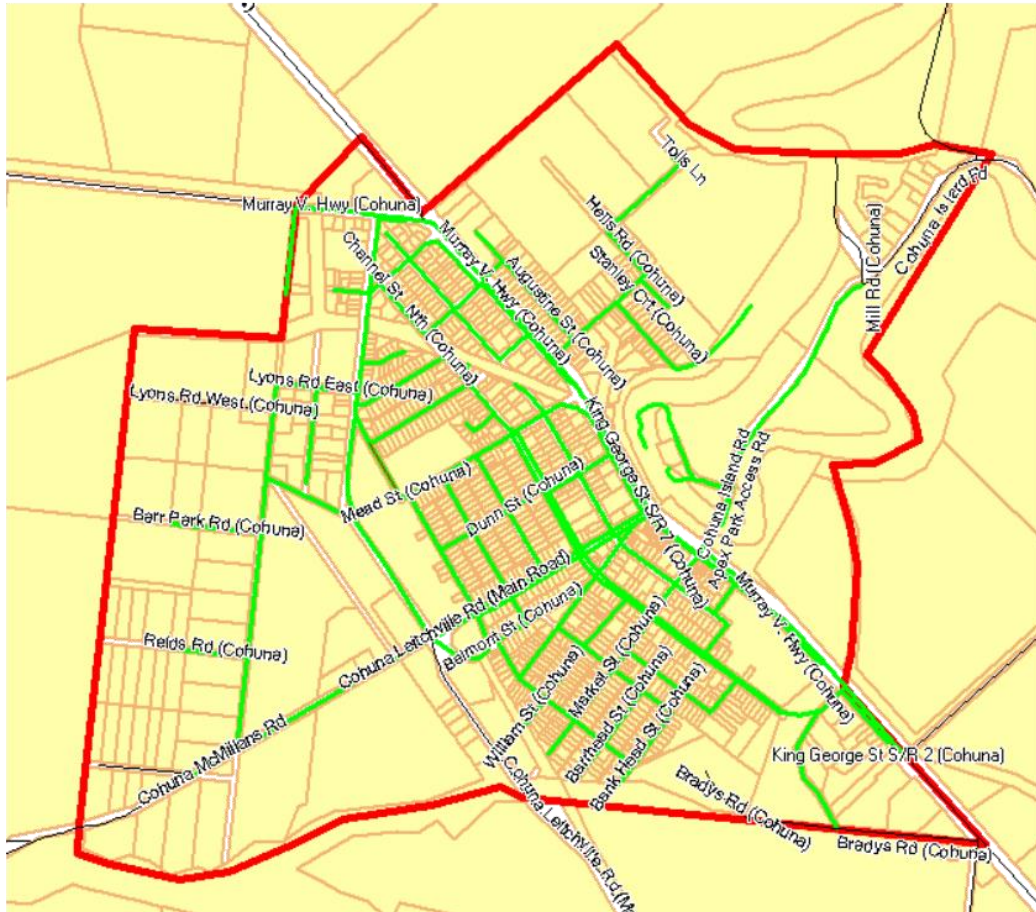
Reviewed: 23/06/2015 *Minute Book Reference: 11715*

Reviewed: 16/05/2018

To be reviewed: 2022



1. COHUNA – TOWNSHIP BOUNDARY – COMPULSORY GARBAGE SERVICE MAP

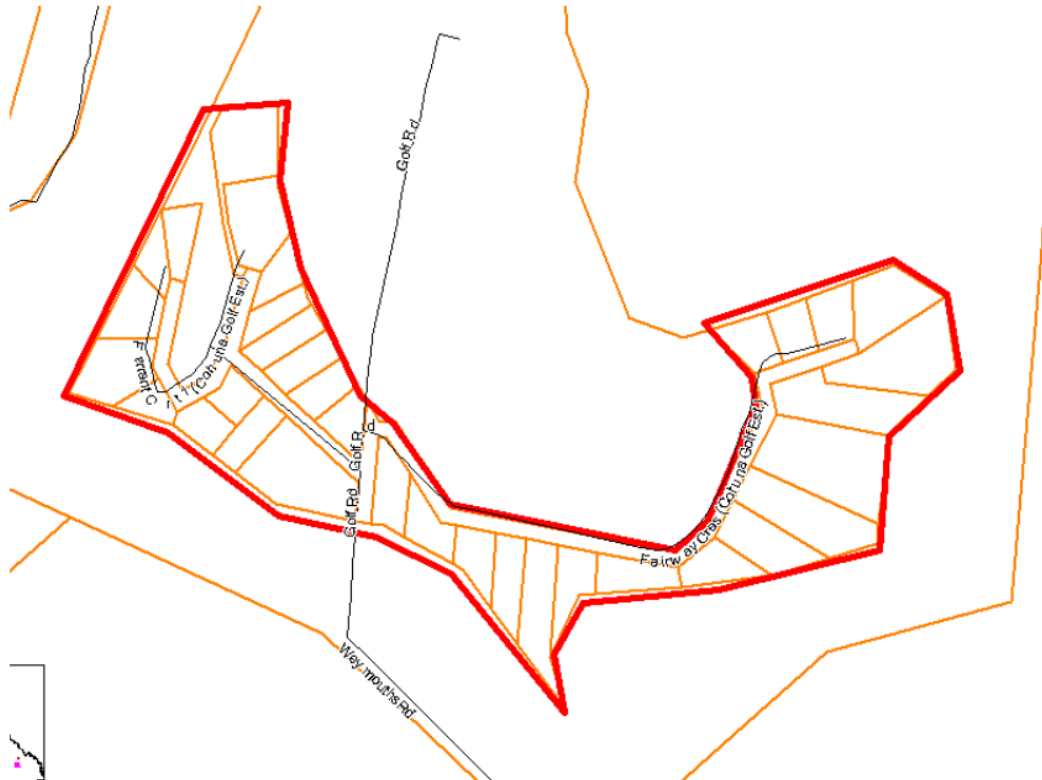


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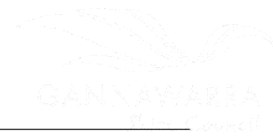


2. COHUNA GOLF LINKS ESTATE– TOWNSHIP BOUNDARY – COMPULSORY GARBAGE SERVICE MAP

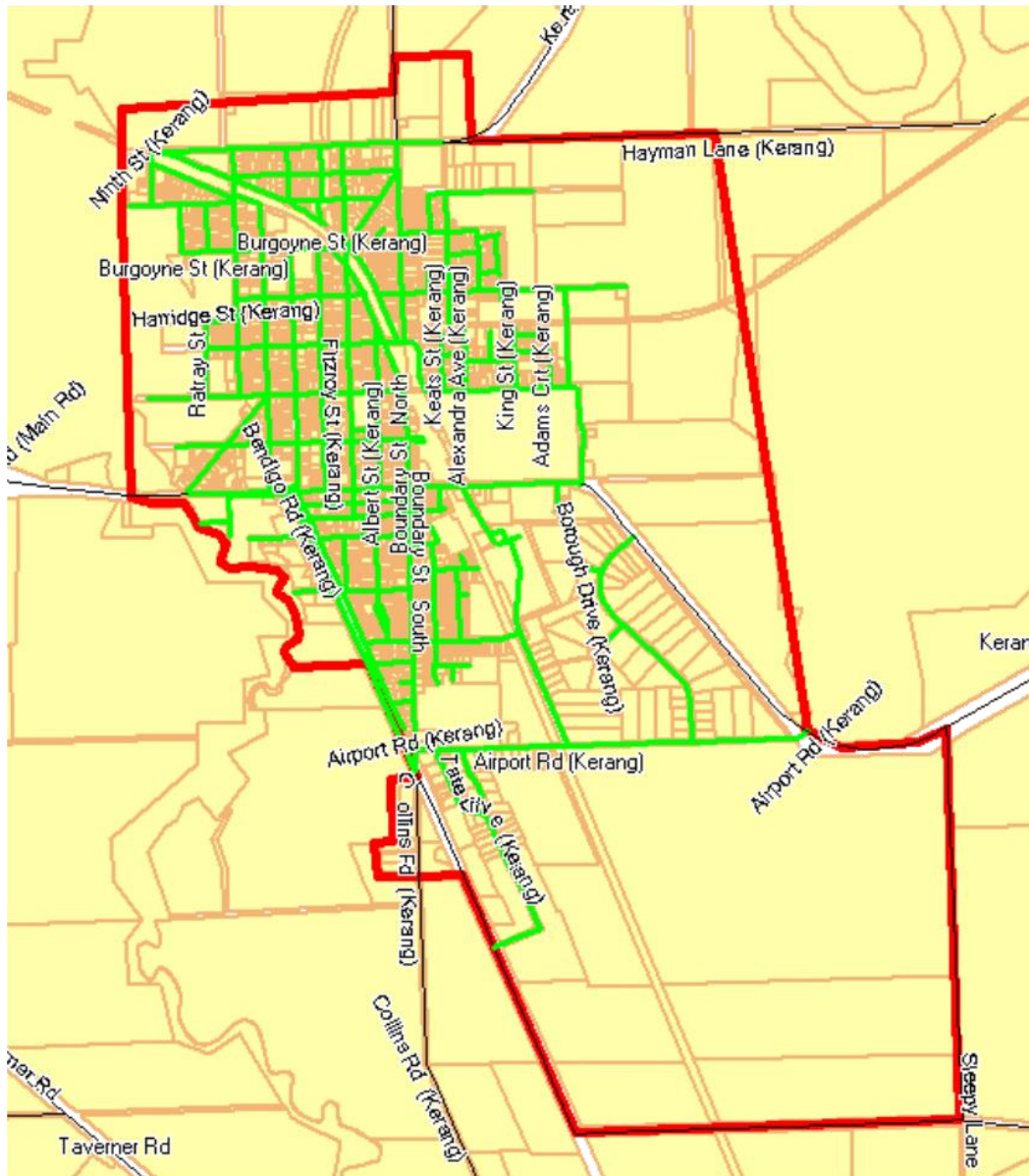


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3. KERANG – TOWNSHIP BOUNDARY – COMPULSORY GARBAGE SERVICE MAP

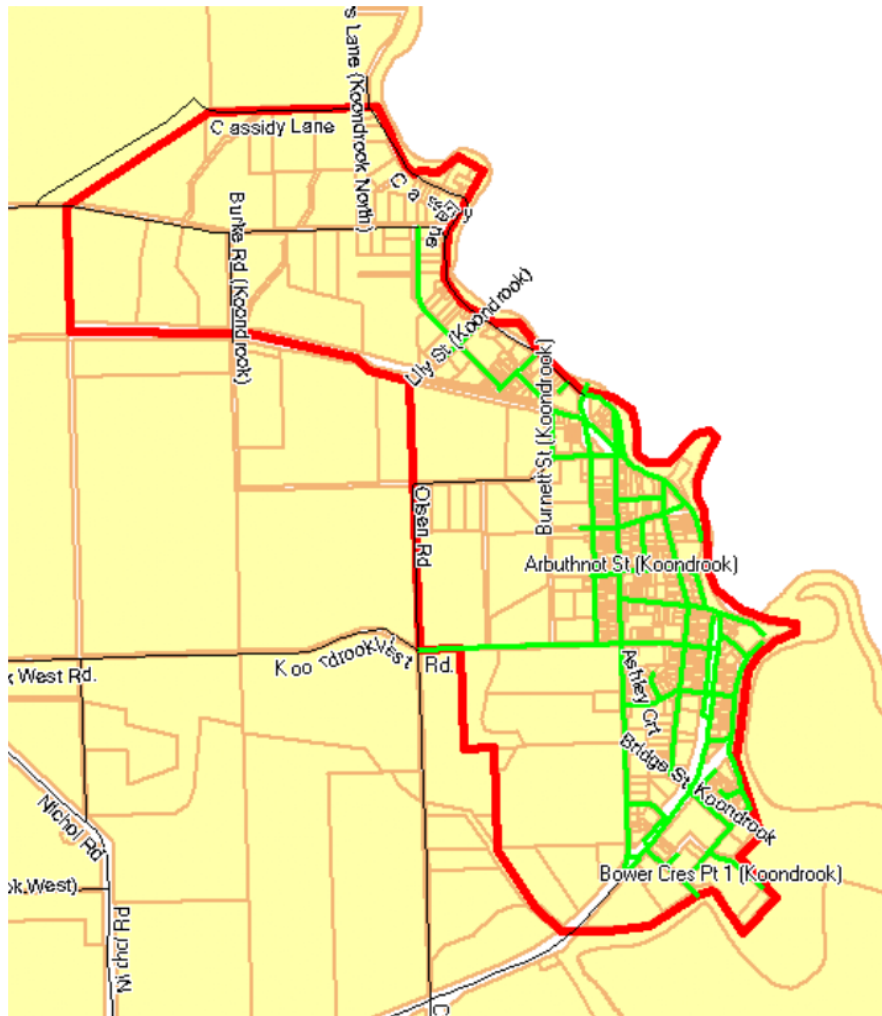


Map Zoom: 7.399 km	
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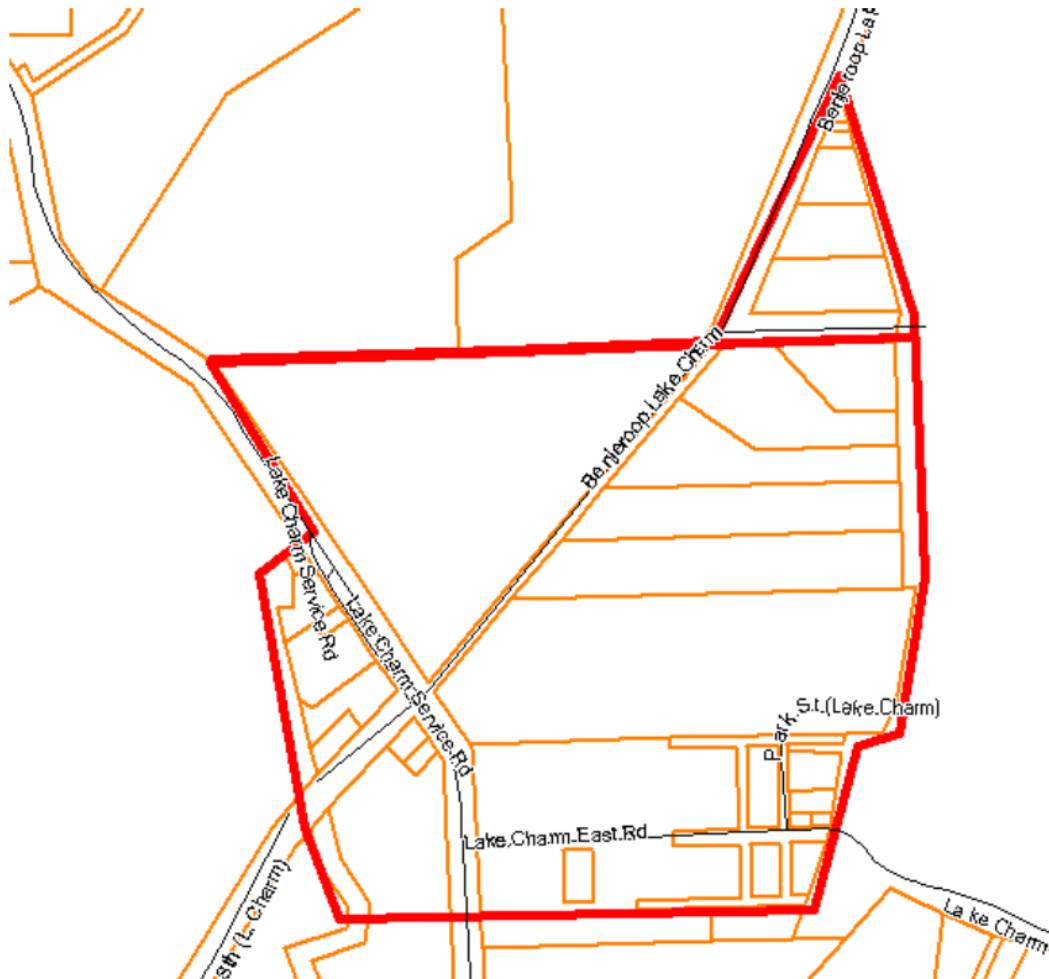
4. KOONDROOK – TOWNSHIP BOUNDARY – COMPULSORY WASTE SERVICE MAP



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5. LAKE CHARM – TOWNSHIP BOUNDARY – COMPULSORY WASTE SERVICE MAP

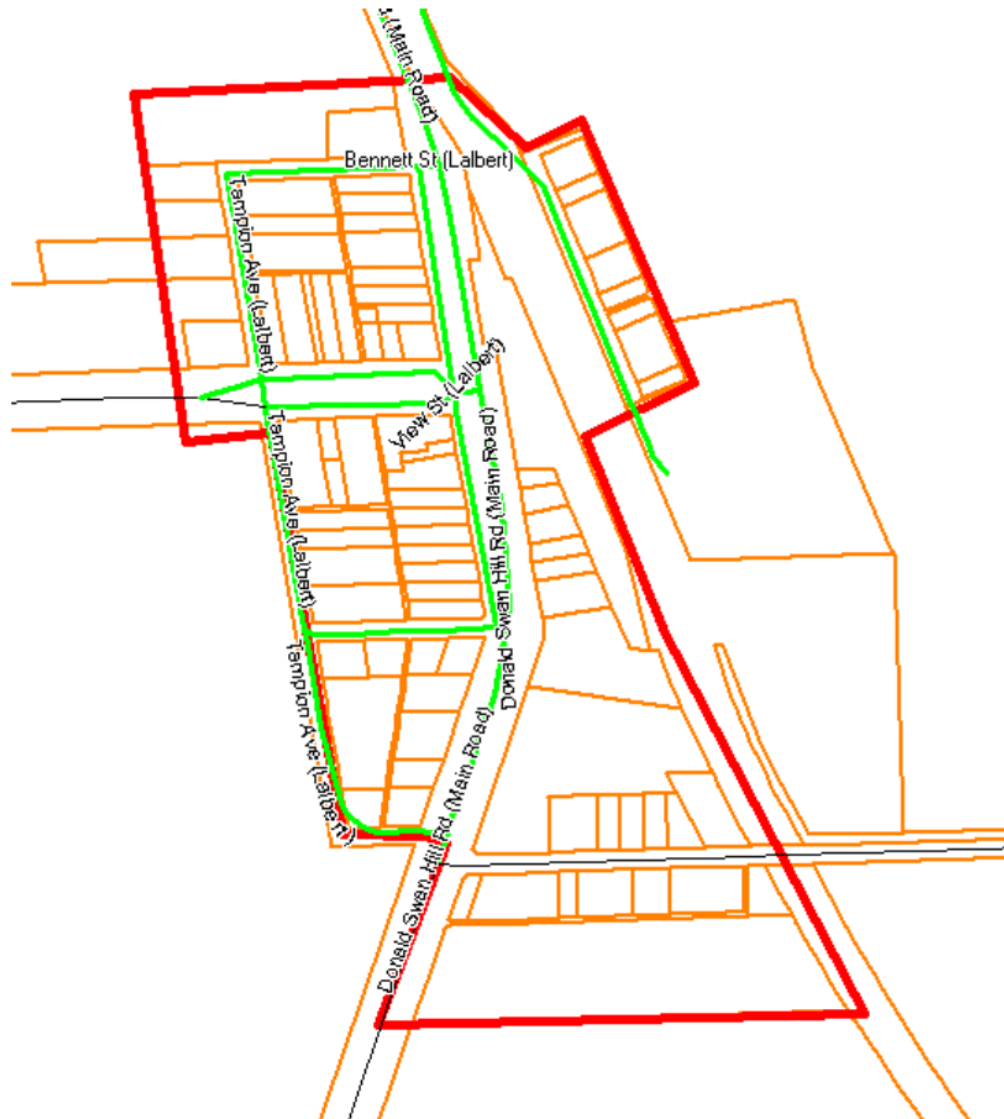


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6. Lalbert – Township Boundary – Compulsory Waste Service Map

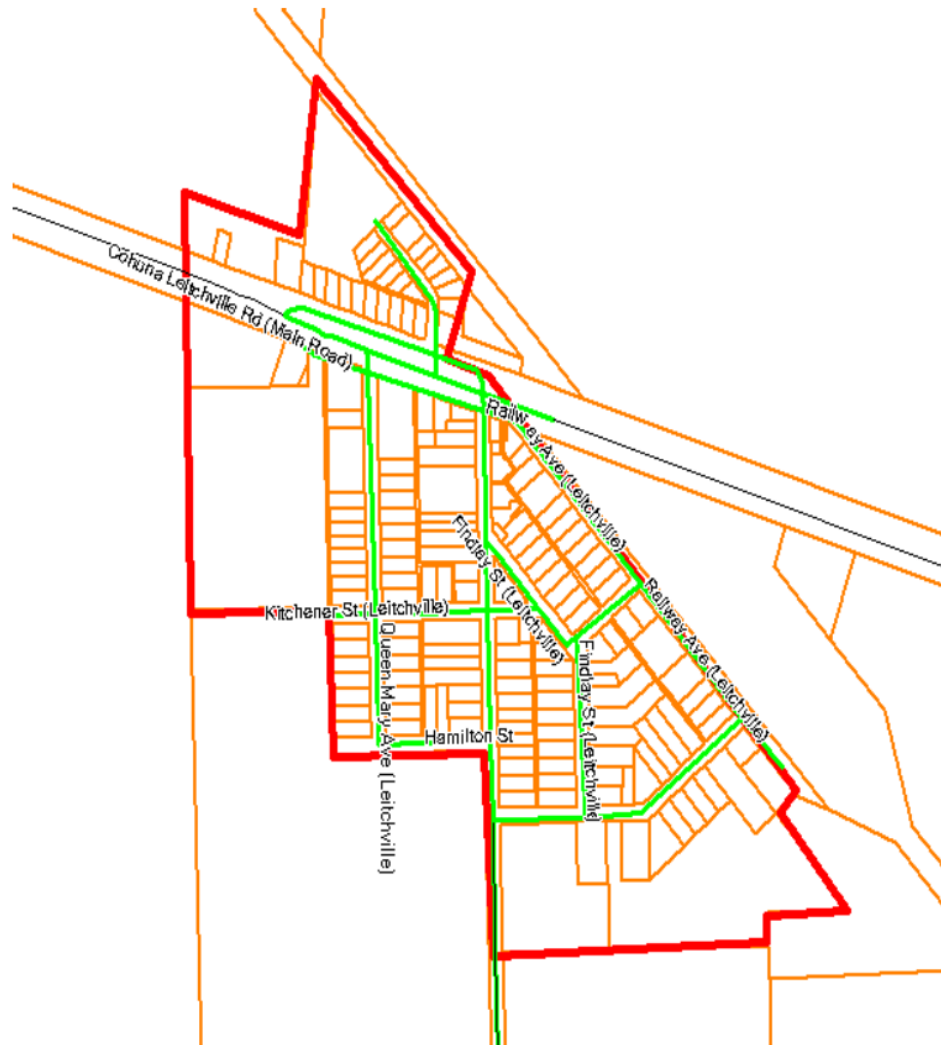


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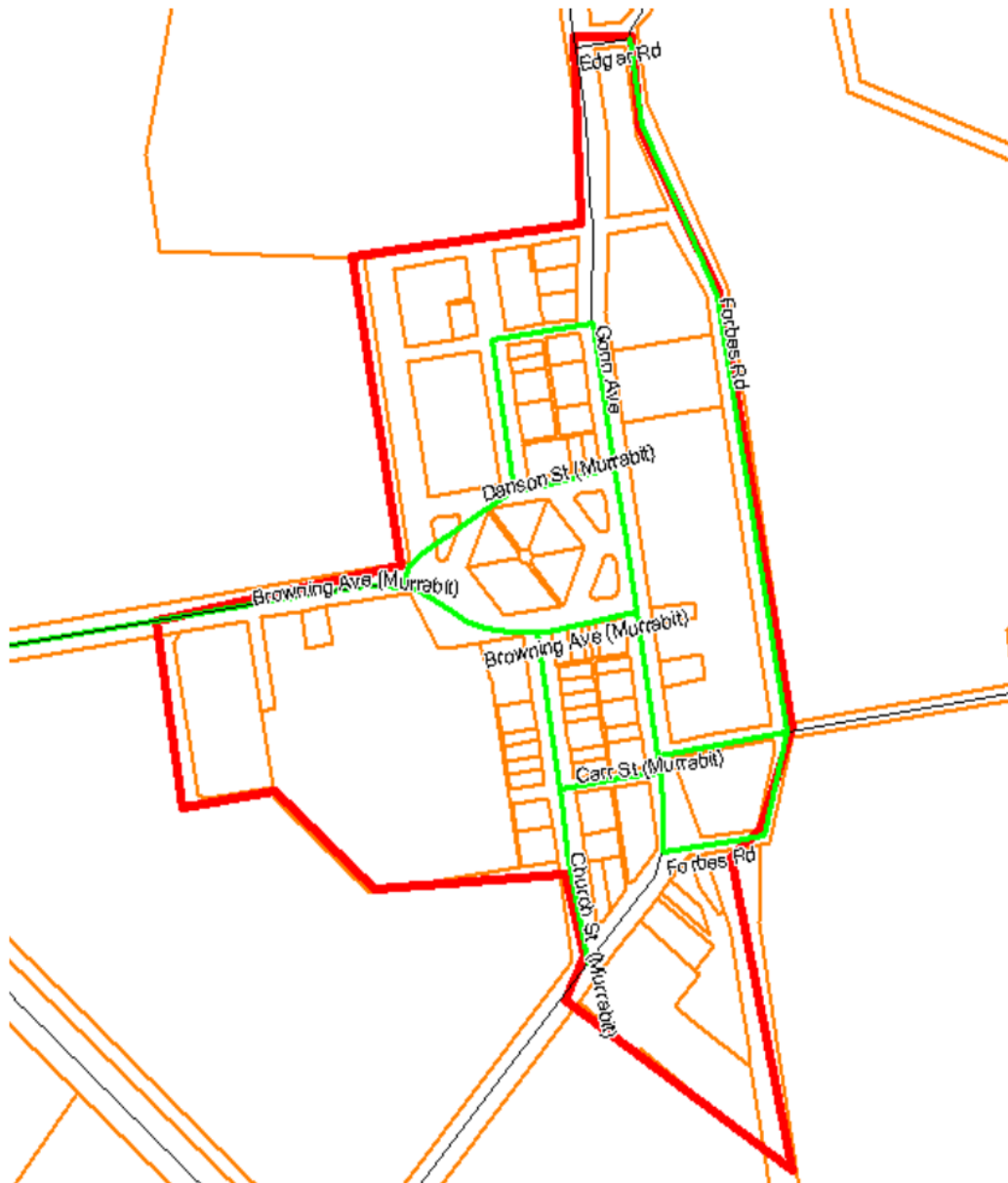
7. Leitchville – Township Boundary – Compulsory Waste Service Map



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8. Murrabit – Township Boundary – Compulsory Waste Service Map

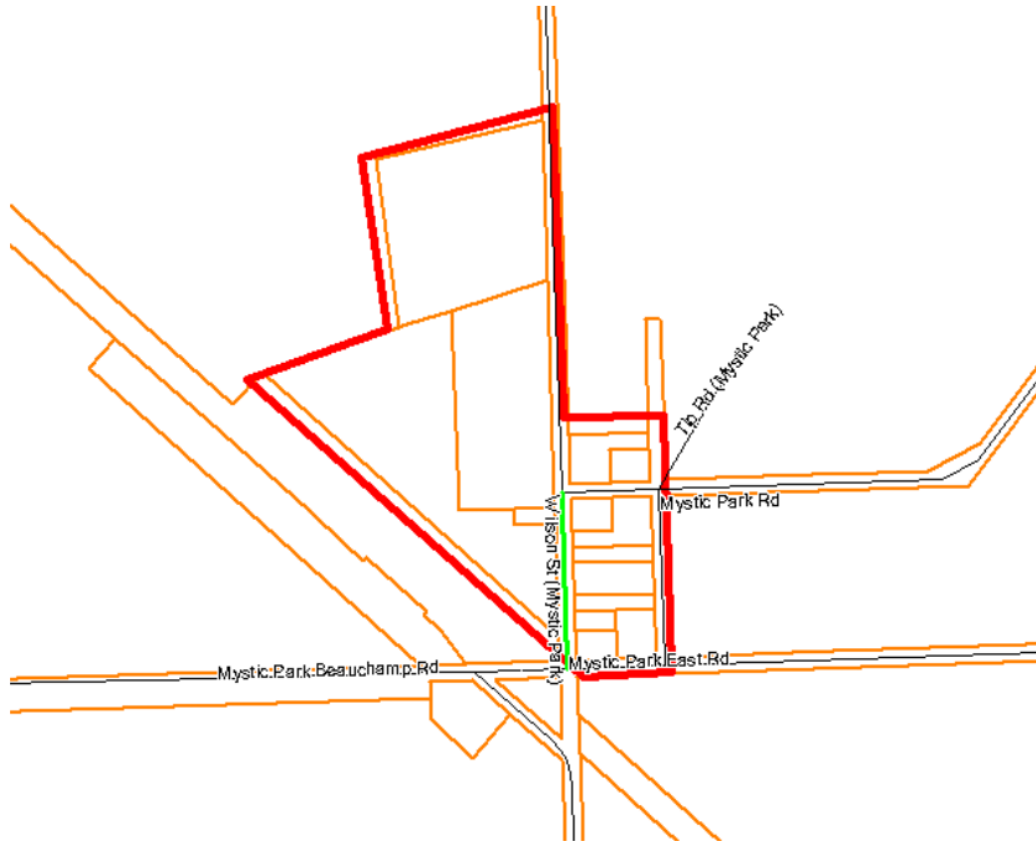


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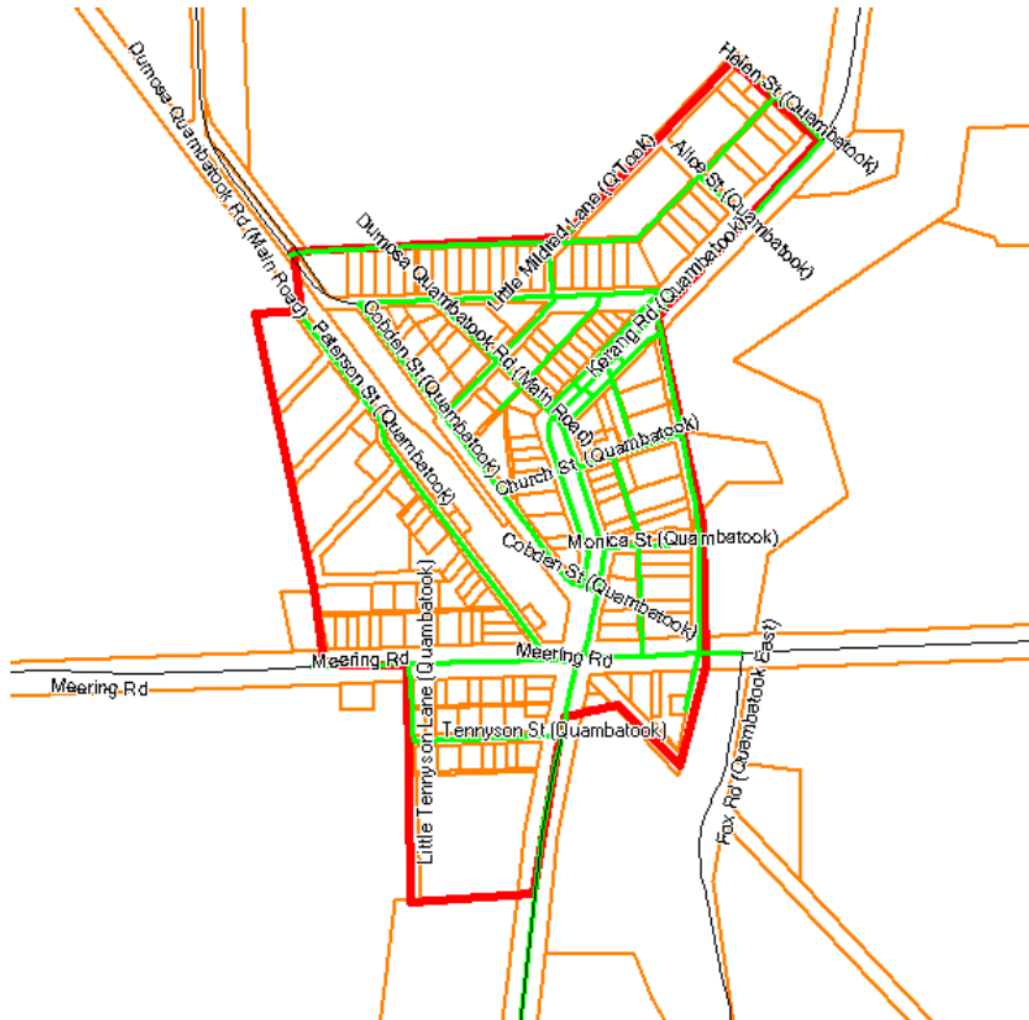
9. Mystic Park – Township Boundary – Compulsory Waste Service Map



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10. QUAMBATOOK – TOWNSHIP BOUNDARY – COMPULSORY WASTE SERVICE MAP



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TREES

COUNCIL POLICY NO. 065

1. PURPOSE

The purpose of this policy is to formally document Gannawarra Shire Council's position on the management of trees located on Council owned or managed land, including trees selected for planting and criteria for the removal of trees.

2. SCOPE

This policy applies only to trees located on Council owned or managed land.

3. POLICY

Gannawarra Shire Council will demonstrate its commitment to efficient and effective management of its tree population by:

- providing adequate resources to support the preservation of tree health, aesthetic appearance and amenity value;
- providing adequate resources, including professional independent advice when deemed necessary, to mitigate risk potential and maintain and enhance the tree population for future generations;
- replacing and replenishing trees with pre-determined species suitable for the site, environment, performance and compatibility with other plantings;
- consulting with the community on major tree projects; and
- maintaining accurate and current records on the management of Council's tree population.

This policy should be read in conjunction with 065 – Tree Management Guidelines.

4. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council. At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

5. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gannawarra.vic.gov.au.

Any enquiries in relation to this policy should be directed to the Director Infrastructure and Development on (03) 5450 9333.

Records – Document Profile No. 14/00444
Originally adopted: 1995
Reviewed: 13/11/2002 *Minute Book Reference: 2455*
Reviewed: 23/07/2008 *Minute Book Reference: 6687*
Reviewed: 17/11/2010 *Minute Book Reference: 8382*
Reviewed: 15/04/2015 *Minute Book Reference: 11569*
Reviewed: 16 /05/2018 *Minute Book Reference:*
To be reviewed 2022



8.7 COUNCIL PLAN 2017 - 2021 ANNUAL STATUTORY REVIEW

Author: Lisa Clue, Manager Governance

Authoriser: Richard Morrison, Director Corporate Services

Attachments: 1 Council Plan 2017 - 2021 (under separate cover)
2 Council Plan 2017 - 2021 - Proposed Councillor Adjustments

RECOMMENDATION**THAT COUNCIL:**

1. Endorse the draft 'Council Plan 2017 – 2021 – Proposed Councillor Adjustments' for exhibition.
2. Invite submissions on the draft 'Council Plan 2017-2021 – Proposed Councillor Adjustments' by public notice in accordance with Sections 125 and 223 of the *Local Government Act 1989*.

EXECUTIVE SUMMARY

In accordance with Section 125 of the *Local Government Act 1989* (the Act), a Council Plan for the 2017 – 2021 period was prepared and adopted in June 2017. Furthermore, it is a requirement of the Act that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

The 'Council Plan 2017 – 2021 – Proposed Councillor Adjustments' incorporates a number of adjustments for reasons including:

- Lack of available or reliable data to evidence strategic indicator achievement;
- Identified requirement for several new priority actions.

BACKGROUND

The Council Plan 2017 – 2021 was adopted in June 2017 and serves as a 'road map' to focus Council's activities over the four year period. The Plan, incorporating the Municipal Health and Wellbeing Plan, is a legislative requirement under the Act.

POLICY CONTEXT

Sections 125 and 223 - *Local Government Act 1989*

DISCUSSION

The Council Plan is a legislative requirement under Section 125 of the Act.

It is also a requirement of the Act that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

A comprehensive review of the Council Plan has resulted in the attached draft 'Council Plan 2017 – 2021 – Proposed Councillor Adjustments'. Reasons for these proposed adjustments include:

- Lack of available or reliable data to evidence strategic indicator achievement;
- Identified requirement for several new priority actions.

Suggested adjustments to date consist:

- 2 indicators to be reworded
- 3 indicators to be removed
- 2 new priority actions.

A Council may make any adjustments it considers necessary to the Council Plan, however it is a requirement of the Act that if a Council makes an adjustment to the strategic objectives, strategies and/or strategic indicators, it must undertake the following:

- Make proposed adjustments available for public feedback by submission for a period of 28 days;
- Within 30 days of making the adjustment, advise the Minister of the details of the adjustment.

CONSULTATION

Councillors, Council's Executive Leadership Team and Council Plan Review Project Team members have been involved in the review of the Council Plan.

In accordance with legislative requirements, the draft 'Council Plan 2017 – 2021 - Proposed Councillor Adjustments' will be made available for public consideration and submissions for a period of 28 days.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

In accordance with the *Local Government Act 1989*, Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

The Council Plan 2017 – 2021 review has resulted in a number of proposed councillor adjustments, which will now be made available for public consideration and submissions for a period of 28 days.



Council Plan 2017 – 2021

2018/19 Update – Proposed Councillor Adjustments

Council Plan 2017 – 2021 Page Number	Current Strategic Indicator or Priority Action	Proposed adjustment
12	Investigate opportunities to capture the economic value of local events, e.g. Kerang Show and Shine, The Big Cohuna Festival, Murrabit Market, Riverdaze, Quambatook Tractor Pull, Kerang Races	Reword to: Investigate opportunities to capture the economic value of local events, e.g. Kerang Show and Shine, The Big Cohuna Festival, Murrabit Market, Riverdaze, Quambatook Tractor Pull, Kerang Races, Gannawarra Toy Run and other major events
17	Number of overnight domestic stays	Remove Strategic Indicator as currently it cannot be reliably measured
17	Increase of visitor numbers to the Shire	Remove Strategic Indicator as currently it cannot be reliably measured
18	-	New Priority Action: Commence consultation and community engagement for a potential multi-purpose facility in Kerang
20	Number of planning applications referred to the North Central Catchment Management Authority which reference the Victorian Floodplain Management Strategy	Remove Strategic Indicator as planning applications do not reference the Victorian Floodplain Management Strategy
24	Increase in young people between 20 – 49 years of age living in the community	Reword to: Increase in population with a focus on attracting young people between 20 – 49 years of age
26	-	New Priority Action: Advocate for increase in Grants Commission/Financial Assistance Grants

8.8 G07-2018 - SUPPLY AND INSTALLATION OF "GLAMPING TENTS" FOR THE KOONDROOK NATURE BASED TOURISM HUB

Author: Brent Heitbaum, Assets and Design Manager

Authoriser: Geoff Rollinson, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council award Contract G07-2018 for the Supply and Installation of "Glamping Tents" for the Koondrook Nature Based Tourism Hub to GlamXperience Pty Ltd for the lump sum payment, not subject to rise and fall, of \$333,971 inclusive of GST.

EXECUTIVE SUMMARY

The Koondrook Nature Based Tourism (NBT) Hub is a facility that connects the many tourism products, assets and activities in and around Koondrook, Cohuna and Kerang. The \$1,200,000 project is being undertaken with \$800,000 funding from Regional Development Victoria.

A key element of the NBT Hub is the "Glamping Tents". Tenders were called for the Supply and Installation of "Glamping Tents" and closed on 9 May 2018.

A copy of the tender evaluation has previously been provided to the Councillors.

BACKGROUND

The Koondrook Nature Based Tourism (NBT) Hub is a facility that connects the many tourism products, assets and activities in and around Koondrook, Cohuna and Kerang. A key element of the NBT Hub is the "Glamping Tents". The tents must be fit for purpose and provide a high level of comfort while being sympathetic to the surroundings.

The total project budget for the NBT Hub is \$1,200,000 which includes a grant from Regional Development Victoria of \$800,000. An allowance within this budget has been set aside for the supply and installation of "Glamping Tents". Other aspects of the NBT Hub include utility connections to the tents, landscaping and construction of a pedestrian bridge to Gunbower Island over the Gunbower Creek.

To ensure a high quality product with the required aesthetics, a project brief was developed that linked the aesthetics of the tents strongly to the design keys of the Koondrook Wharf. Further, within the tender, two levels of finishes and fit out options were requested; a standard finish and a deluxe finish.

POLICY CONTEXT

Council Plan 2017-2021 - To initiate, develop and manage sustainable natural and built environments.

DISCUSSION

Public tender G07-2018 was advertised on TenderSearch and closed at 4pm 9 May 2018. At the close of tenders one tender was received being:

Tenderer	Standard Offer (inc GST)	Deluxe Offer (inc GST)
GlamXperience Pty Ltd	\$333,971	\$350,438

The evaluation criteria and weighting contained in the contract conditions were as follows:

Criteria	Weighting
1. Overall Value for money.	40%
2. Range of optional extras offered.	20%
3. Durability of materials.	10%
4. Key personnel, skills, experience and availability of appropriate personnel and subcontractors.	10%
5. Warranty details of the tents and fittings.	20%

A copy of the tender evaluation has previously been provided to the Councillors.

The deluxe version offered by Glamxperience includes additional styling to each tent including rugs, throws, hooks in the kitchen and bedroom, wall frames and cushions. The price per tent equates to \$2,495, there is no change to the structure, finishes, fixtures and fittings. Given the limited detail provided in relation to the additional styling and no change to the tents, it is not recommended this option be taken.

CONSULTATION

All relevant officers were consulted on this matter.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act, the officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Council officers sought tenders for the supply and installation of “Glamping Tents” for the Koondrook Nature Based Tourism Hub. Council staff have evaluated the tender and determined that the tender received from GlamXperience has met the specific criteria outlined in the tender documents, and comes within the allocated budget.

Therefore, it is recommended that Council approve the awarding of the contract for the Supply and Install of “Glamping Tents” for the Koondrook Nature Based Tourism Hub to GlamXperience Pty Ltd for the lump-sum price not subject to rise and fall of \$333,971 inclusive of GST.

9 INFORMATION REPORTS

Nil

10 URGENT ITEMS

11 NOTICES OF MOTION

Nil

12 DELEGATES REPORTS

12.1 DELEGATES REPORT - 19 APRIL, 2018 TO 16 MAY, 2018

Author: Allison Peace, Administration Assistant - Chief Executive Office

Authoriser: Tom O'Reilly, CEO

Attachments: Nil

EXECUTIVE SUMMARY

Delegate Reports from 19 April, 2018 to 16 May, 2018

Cr Brian Gibson

20 Apr	Loddon Campaspe Councils Meeting – Charlton
25 Apr	ANZAC Day Service – Kerang
26 Apr	MAV Rural and Regional Forum – Melbourne

Cr Mark Arians

22 Apr	Show and Shine - Kerang
25 Apr	ANZAC Day Service - Murrabit
26 Apr	Opening Golden Rivers Art Show
30 Apr	Local Law Review

Cr Jodie Basile

25 Apr	ANZAC Day Service - Kerang
26 Apr	MAV Rural and Regional Forum - Melbourne
30 Apr	Local Law Review
14 May	Schools Transition Book Launch - Kerang

Cr Charlie Gillingham

24 Apr	Kerang Lakes Community Development Meeting
25 Apr	ANZAC Day Service – Lalbert
	ANZAC Day Service – Lake Charm
30 Apr	Local Law Review

Cr Lorraine Learmonth

25 Apr	ANZAC Day Service – Cohuna
28 Apr	Kerang Lions 50 th Anniversary Dinner
30 Apr	Local Law Review
02 May	Leitchville Progress Association Meeting
09 May	Elders Meeting – Kerang
10 May	Seniors Advisory Group Meeting
14 May	CCLLEN Annual Meeting - Echuca

Cr Steve Tasker

25 Apr	ANZAC Day Dawn service – Barham
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Cr Sonia Wright

24 Apr CVGA Finance and Audit Committee
 25 Apr ANZAC Day Service – Cohuna
 ANZAC Day Service – Leitchville
 30 Apr Local Law Review
 02 May Leitchville Progress Association Meeting

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Council Strategic Briefing (23 April)	✓	✓	✓	✓	✓	✓	✓
Council Briefing (7 May)	✓	✓	✓	✓	✓	A	✓
Ordinary Council Meeting (16 May)	✓	✓	✓	✓	✓	✓	✓

LoA = Leave of Absence

A = Apology

13 CONFIDENTIAL ITEMS

Nil