



# GANNAWARRA

*Shire Council*

**Wednesday, 21 March 2018**

**6.30pm**

**Council Chambers**

**Kerang**

## **MINUTES**

### **Ordinary Council Meeting**

**Order Of Business**

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	Nil	
<b>10</b>	<b>Urgent Items .....</b>	<b>12644</b>
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	Nil	
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	Nil	

**MINUTES OF GANNAWARRA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, KERANG  
ON WEDNESDAY, 21 MARCH 2018 AT 6.30PM**

**PRESENT:** Cr Brian Gibson, Cr Lorraine Learmonth, Cr Steven Tasker, Cr Sonia Wright, Cr Charlie Gillingham, Cr Jodie Basile, Cr Mark Arians

**IN ATTENDANCE:** Tom O'Reilly – Chief Executive Officer, Geoff Rollinson – Director Infrastructure and Development, Stacy Williams – Director Community Wellbeing, Richard Morrison – Director Corporate Services, Lisa Clue – Manager Governance and Peter Bergman – Manager Planning & Regulatory Services.

**Gallery: 0**

**Media: 0**

**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 OPENING DECLARATION**

The Deputy Mayor read the Opening Declaration.

**3 APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES**

**RESOLUTION**

Moved: Cr Lorraine Learmonth

Seconded: Cr Sonia Wright

**That the minutes of the Ordinary Council Meeting held on 21 February 2018 be confirmed.**

**CARRIED**

**5 DECLARATION OF CONFLICT OF INTEREST**

No Conflicts of Interest were declared.

**6 QUESTION TIME**

No questions were received from the Gallery.

## **7 ASSEMBLY OF COUNCILLORS**

### **7.1 ASSEMBLY OF COUNCILLORS FEBRUARY 22, 2018 TO MARCH 21 2018**

#### **EXECUTIVE SUMMARY**

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

#### **RESOLUTION**

Moved: Cr Jodie Basile

Seconded: Cr Charlie Gillingham

**That Council notes the records of Assembly of Councillors from 22 February, 2018 to 21 March, 2018.**

**CARRIED**

## **8 BUSINESS REPORTS FOR DECISION**

### **8.1 AGED CARE FEES AND CHARGES SCHEDULE**

#### **EXECUTIVE SUMMARY**

In November 2017 Council officers negotiated with Commonwealth Government to provide Social Support through our funded Commonwealth Home Support Program (CHSP). It is recommended that Council agree to amend the Fees and Charges Schedule to enable the delivery of Social Support and enhance the suite of CHSP services currently offered to the community.

#### **RESOLUTION**

Moved: Cr Lorraine Learmonth

Seconded: Cr Charlie Gillingham

**That Council adopt the amended Fees and Charges Schedule to enable the delivery of Social Support services effective from 1 April 2018.**

**CARRIED**

## **8.2 APPLICATION FOR PLANNING PERMIT P17.090 - NOTICE OF DECISION TO APPROVE**

### **EXECUTIVE SUMMARY**

The report is being presented to Council to determine a planning application for the use and development of land for intensive animal industry (cow compost barn) and associated works at Lot 2, TP410668P, 161 Borella Road, Macorna North. The estimated cost of development is \$3,500,000.

Notice of the application was given to surrounding property owners and occupiers and one objection was received.

The proposal is considered to be appropriate for the site and consistent with the provisions of the Gannawarra Planning Scheme.

### **RESOLUTION**

Moved: Cr Lorraine Learmonth

Seconded: Cr Jodie Basile

**That Council approve Planning Application P17.090 for the use and development of land for intensive animal industry (cow compost barn) and associated works and issue a Notice of Decision to Grant a Planning Permit at Lot 2, TP410668P, 161 Borella Road, Macorna North subject to the following conditions:**

#### **Amended Plans**

- 1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
  - (a) A detailed, fully dimensioned plan of the site.**
  - (b) Fully dimensioned elevation plans of the proposed buildings and infrastructure.**
  - (c) Environmental Management Plan as required by Condition 3.**
  - (d) Landscaping plans as required by Condition 13.**
- 2. Layout not to be altered**

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

Before the use starts, an Environmental Management Plan for the management and operation of the use which is to the satisfaction of the Responsible Authority and Goulburn Murray Water must be submitted to and approved by the Responsible Authority upon advice of Goulburn Murray Water. When approved, the Environmental Management Plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed Environmental Management Plan. The Environmental Management Plan must include the following matters, but not limited to:

- (a) The land use must operate in accordance with the EMP.
- (b) Overall environmental objectives for the operation of the use and techniques for their achievement.
- (c) Procedures to ensure that no significant adverse environmental impacts occur as a result of the use.
- (d) Proposed monitoring systems.
- (e) Identification of possible risks of operational failure and response measures to be implemented.
- (f) Day to day management requirements for the use.
- (g) Provision of a complaints register and process for recording for events and actions taken and reporting and mitigation actions in response to the receipt of complaints and process of communication with any complainant. Records are to be made available to Council with respect to any enforcement action.

The EMP may be amended from time to time to the satisfaction of the Responsible Authority.

**4. Environmental Health Officer**

- (a) Irrigation and wastewater re-use must be managed in accordance with the Guidelines for Wastewater Reuse (EPA Publication 464).
- (b) Solids removed from the feed pad must not be spread within 60 metres of any natural drain lines.
- (c) All effluent, wastewater and stormwater must be contained onsite.
- (d) Effluent must not enter ground waters either directly or through infiltration.
- (e) Odour must be controlled to ensure that it does not cause a nuisance.

**5. Amenity**

The use of the cow compost barn hereby permitted must not cause injury to or prejudicially effect the amenity of the locality by the transportation of materials, goods or commodities to and from the premises or by the appearance of any building, works or materials or by emission of noise, smell, fumes, dust, wastewater or lighting on the site. Noise, dust and odour from the cow compost barn and general area must be maintained within acceptable limits on this site so as not to create a nuisance to the satisfaction of the Responsible Authority.

**6. Stormwater**

All stormwater runoff from the approved development hereby permitted must be disposed of onsite.

**7. Vehicle Crossing**

- (a) Any new or otherwise vehicular entrances to the subject land from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.
- (b) Consent for 'Works within the Road Reserve' must be obtained from Council prior to carrying out any vehicle crossing works.
- (c) All disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.

**8. Damage to Roads**

Any damage to Council assets (i.e. roads, table drains, etc.) must be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.

**9. No Mud on Roads**

Appropriate measures must be implemented throughout the construction stage of the development, and during operation of the facility, to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

**10. Generation of Dust**

Dust suppression measures must be undertaken in the form of constant water spraying or other natural based proprietary dust suppression to ensure that dust caused by works within the site does not cause nuisance to surrounding properties to the satisfaction of the Responsible Authority.

**11. Surfacing**

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

**12. Control of Light Spill**

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

**13. Landscape Plan Required**

Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (b) An in-ground irrigation system to all landscaped areas.

**14. Completion of landscaping**

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

**15. Landscaping maintenance**

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

**16. Signage**

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

**17. Goulburn Murray Water**

- (a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

- (b) The dairy must be located at least 30 metres from the GMW channel 1/7/2, Hirds Swamp and Pyramid Creek.
- (c) The effluent storage lagoon(s) must be located at least 100 metres from GMW channel 1/7/2, Hirds Swamp and Pyramid Creek.
- (d) All stockpiled manure must be stored on an impervious surface within a bunded area.
- (e) Stormwater run-off from any buildings and roofing must be dissipated as normal unconcentrated overland flow which must be diverted away from the effluent storage lagoon or directed to a storage tank or dam. The dam must be completely separate from the effluent storage system.
- (f) Effluent dam capacity needs to include 600mm freeboard for wave action and increases in water level due to rainfall.
- (g) The effluent storage lagoon must have an impervious liner consisting of no less than 600mm clay of maximum hydraulic conductivity  $1 \times 10^{-9}$  m/s or equivalent. The effluent storage lagoon should not go down to, or below, groundwater levels.
- (h) Irrigation of reclaimed water must not occur within 60 metres from GMW channel 1/7/2, Hirds Swamp and Pyramid Creek.
- (i) Solids removed from the composting barn must not be spread within 60 metres of GMW channel 1/7/2, Hirds Swamp and Pyramid Creek.
- (j) Irrigation and wastewater reuse must be managed in accordance with the principles and requirements outlined in the '*Guidelines for Wastewater Reuse*', (EPA Publication #464, 1996) and the '*EPA Guidelines for Wastewater Irrigation*', (EPA Publication #168, April 1991).
- (k) Irrigation of reclaimed water must be done to optimise the uptake of nutrients and other pollutants such that they don't leach to groundwater or runoff to surface waters. The rate and application method must be consistent with the capability of the land and appropriate for the type of plant grown, the soil type and topography. Appropriate harvesting/mowing must be undertaken to ensure nutrient removal.

**18. EPA Victoria**

- (a) Offensive odours must not be discharged beyond the boundaries of the premises.
- (b) Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
- (c) Noise emitted from the premises must not exceed the recommended levels as set out in the Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
- (d) Stormwater contaminated with effluent must not be discharged beyond the boundary of the premises.
- (e) Storage area for spent litter must be appropriately compacted and bunded to prevent stormwater access.
- (f) Deposit of animal or organic wastes to land must not adversely affect the land.
- (g) Management of waste at the premises should be in accordance with EPA Publication IWRG641 Farm Waste Management June 2009 or as amended.

**19. North Central Catchment Management Authority**

- (a) The banks around the proposed dams must be constructed a minimum of 600 millimetres above natural ground level.



- (b) The finished floor level of the proposed barn and loafing areas must be constructed a minimum of 300 millimetres above natural ground level.

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

**20. Department of Environment, Land, Water and Planning**

- (a) Block 44 as shown on the underlying Barn and Effluent Distribution Plan is excluded from all effluent treatments, to provide a 100m+ buffer from the wetland boundary.
- (b) If not already in place, drains are to be installed along both the northern and eastern sides of the property to ensure that all seepage and accidental runoff is fully contained within the property.
- (c) Liquid effluent is not to be distributed to paddocks by sprays, which may facilitate spray drift into the Reserve.

**21. Expiry of permit for use & development**

- (a) This permit will expire if one of the following circumstances applies:
  - The development and use are not started within two years of the date of this permit.
  - The development is not completed within four years of the date of this permit.
- (b) The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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

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

**NOTE 3: ABORIGINAL CULTURAL HERITAGE**

**WORKS MUST CEASE IMMEDIATELY UPON THE DISCOVERY OF ANY ABORIGINAL CULTURAL MATERIAL, AND ABORIGINAL AFFAIRS VICTORIA MUST BE NOTIFIED IMMEDIATELY OF ANY SUCH DISCOVERY AT GPO BOX 2392V, MELBOURNE 3001 OR ON (TELEPHONE) 1300 551 380.**

**IF ANY SUSPECTED HUMAN REMAINS ARE FOUND, WORK IN THE AREA MUST CEASE AND THE VICTORIA POLICE AND THE STATE CORONER'S OFFICER MUST BE INFORMED OF THE DISCOVERY WITHOUT DELAY. THE STATE CORONER'S OFFICE CAN BE CONTACTED AT ANY TIME ON TELEPHONE (03) 9684 4444.**

**IF THERE ARE REASONABLE GROUNDS TO SUSPECT THAT THE REMAINS ARE ABORIGINAL, THE DISCOVERY SHOULD ALSO BE REPORTED TO ABORIGINAL AFFAIRS VICTORIA ON (TELEPHONE) 1300 88 544 OR (03) 9208 3287 AND THE PROVISIONS OF DIVISION 2 OF PART 2 OF THE ABORIGINAL HERITAGE ACT 2006 WILL APPLY.**

**OFFICERS OF ABORIGINAL AFFAIRS VICTORIA SHALL BE PERMITTED ACCESS TO THE SITE AT ANY REASONABLE TIME, FOR THE PURPOSE OF MONITORING ADHERENCE TO CONDITIONS ABOVE.**

**ALL ABORIGINAL CULTURAL HERITAGE, THAT IS, ABORIGINAL PLACES, ABORIGINAL OBJECTS AND ABORIGINAL HUMAN REMAINS, IS PROTECTED UNDER THE STATE ABORIGINAL HERITAGE ACT 2006. IT IS AN OFFENCE TO DO AN ACT THAT WILL HARM ABORIGINAL CULTURAL HERITAGE OR IS LIKELY TO HARM ABORIGINAL CULTURAL HERITAGE.**

***PLEASE NOTE THAT UNDER THE ABORIGINAL HERITAGE ACT 2006 ANY WORKS INVOLVING HIGH IMPACT ACTIVITIES LOCATED WITHIN 200 METRES OF A CULTURALLY SENSITIVE AREA, WILL REQUIRE THE DEVELOPMENT OF A CULTURAL HERITAGE MANAGEMENT PLAN. FOR MORE INFORMATION REGARDING THE KIND OF ACTIVITIES THAT TRIGGER A CULTURAL HERITAGE MANAGEMENT PLAN PLEASE REFER TO THE ABORIGINAL HERITAGE REGULATIONS 2007 OR FOLLOW THE WEB LINK TO [HTTP://WWW.AAV.NRMS.NET.AU/AAVQUESTION1.ASPX](http://www.aav.nrms.net.au/AAVQUESTION1.ASPX).***

**CARRIED**

### **8.3 SPECIAL CHARGE SCHEME - LYONS ROAD, COHUNA**

#### **EXECUTIVE SUMMARY**

To propose the giving of notice to affected landowners of the implementation of a special charge scheme to construct and seal Lyons Road in Cohuna under a Special Charge Scheme. There are 11 lots held by 8 unique owners under the proposed scheme area. The proposed scheme will involve the sealing of approximately 500 metres of Lyons Road from Roviras Road to end including required drainage works at an estimated cost of \$284,328.00

#### **RESOLUTION**

Moved: Cr Lorraine Learmonth

Seconded: Cr Charlie Gillingham

**That Council Resolves that it intends to declare a special charge in accordance with Section 163 of the Local Government Act 1989 (the Act) as follows:**

- 1. The special charge is declared for the purpose of defraying any expenses incurred by Council in relation to the construction and sealing of Lyons Road, as described in Schedule A.**
- 2. The special charge is declared for a period until the works have been completed and the scheme finalised.**
- 3. The area for which the special charge is declared is as shown on the attached Plan A.**
- 4. The lands in relation to which the special charge is declared are as set out in Schedule B.**
- 5. All those rateable properties abutting or adjacent to the works or part thereof shall be the criteria for the basis of the special charge so declared.**
- 6. It is considered that the works will be of special benefit to those persons required to pay the special charge.**
- 7. The total cost of the works is the amount shown in schedule A, estimated at \$284,328.00.**
- 8. The total amount of the special charge to be levied is the amount estimated at \$284,328.00, determined from the assessment of the scheme in accordance with section 163 of the Act and associated Ministerial Guidelines, as set in Schedule C.**
- 9. Apportionment of the costs for each property will be assessed and levied on the basis of the relative benefit determined to be derived from the works.**
- 10. Subject to Section 166(1) of the Act, the owners of the land as set out in Schedule B are estimated to be liable for the amounts set out in Schedule B.**
- 11. The special charge will become due and payable in full or arrangements be agreed to pay by instalments within 30 days of the issue of the notice requesting payment pursuant to Section 167(3) of the Act.**
- 12. In accordance with Section 172 of the Act, the rate of interest payable on the special charge, or component thereof, which has not been paid by the specified date, is set at the rate of interest applicable to Councils overdraft as at the first day of the billing period.**
- 13. Council's Chief Executive Officer be authorised to give public notice of the intended**

**declaration, in accordance with Section 163(1A), (1B), (1C) and 163B of the Act.**

**14. Council shall consider any submissions made in accordance with Section 223 of the Act, prior to further consideration of the intended declaration.**

**15. The intended declaration shall be considered by Council at a future meeting.**

**CARRIED**

#### **8.4 DOMESTIC ANIMAL MANAGEMENT PLAN**

##### **EXECUTIVE SUMMARY**

The *Domestic Animals Act 1994* requires Council to submit a Domestic Animal Management Plan (DAMP) on a four-yearly cycle beginning 3 November, in consultation with the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

##### **RESOLUTION**

Moved: Cr Sonia Wright

Seconded: Cr Charlie Gillingham

**That Council adopt the reviewed Domestic Animal Management Plan and note the new four yearly cycle to commence 3 November 2018.**

**CARRIED**

## **8.5 QUAMBATOOK TOWNSHIP FLOOD MITIGATION PROJECT**

### **EXECUTIVE SUMMARY**

A tender process has been conducted for the construction of sections of a permanent levee bank at Quambatook to help protect the town in the event of a 1% AEP flood as per the recommendations of the *Quambatook Flood Management Plan*. The funding for the project comes from the Natural Disaster Resilience Grant Scheme (\$125,000), the Dept. Environment Land Water and Planning (\$125,000) and a Council contribution (\$250,000) equating to a project total of \$500,000.

Tenders closed on 28 February 2018 and three conforming tenders were received, all of which were in excess of the funding available for the entire project. A comprehensive evaluation process was conducted and a preferred tenderer selected. Council officers have used their discretion to reduce the scope of works to only include Sections 3A (Kerang Road to Quambatook – Boort Road) and 3B (Quambatook – Boort Road to Ninyeunook Road) to fit within Council's allocated budget.

Council Officers will pursue further funding to complete the remaining sections of the Quambatook Flood Mitigation Levee as opportunities arise.

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

### **RESOLUTION**

Moved: Cr Lorraine Learmonth

Seconded: Cr Charlie Gillingham

**That Council approve the awarding of the contract for the Quambatook Township Flood Mitigation Project to Harril Pty Ltd for the lump sum payment, not subject to rise and fall, for the amount of \$489,738.93 ex GST for Sections 3A and 3B only, as outlined in tender G03-2018.**

**CARRIED**

## **9 INFORMATION REPORTS**

Nil

## **10 URGENT ITEMS**

Nil

**11 NOTICES OF MOTION**

Nil

**12 DELEGATES REPORTS****12.1 DELEGATES REPORT - 22 FEBRUARY, 2018 TO 21 MARCH, 2018**Cr Brian Gibson

01 Mar	MRGC Dinner – Wedderburn
02 Mar	MRGC Meeting – Wedderburn
05 Mar	Community Hall Committee Meeting – Kerang
09 Mar	School Captain Badge Presentation – Kerang South Primary
14 Mar	Gannawarra Shire Council Audit Committee Meeting
16 Mar	Kerang CBD Opening

Cr Mark Arians

28 Feb	Kerang Progress Association Meeting
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Cr Jodie Basile

07 Mar	Present Health Charter Certificate – Cohuna Kindergarten
	Present Health Charter Certificate – Kerang Kindergarten
16 Mar	Kerang CBD Opening

Cr Charlie Gillingham

27 Feb	Quambatook School Community Meeting
03 Feb	River Daze Festival - Barham
14 Mar	Gannawarra Shire Council Audit Committee Meeting
16 Mar	Kerang CBD Opening

Cr Lorraine Learmonth

23 Feb	Carers Video Launch - Serpentine
26 Feb	Loddon Mallee LG Waste Forum – Wedderburn
27 Feb	Yorta Yorta Kow Swamp Meeting - Leitchville
01 Mar	MAV Environment Committee Meeting – Melbourne
02 Mar	LMWRRG Meeting - Bendigo
06 Mar	Leitchville Library Opening
	CCLLEN Annual General Meeting - Bendigo
07 Mar	Leitchville Progress Association Meeting
10 Mar	HART performance - Kerang
16 Mar	Kerang CBD Opening

Cr Steve Tasker

03 Feb River Daze Festival – Barham  
 15 Mar Gannawarra MFMPC Meeting - Kerang  
 16 Mar Kerang CBD Opening

Cr Sonia Wright

22 Feb CVGA Board Meeting - Ballarat  
 06 Mar Leitchville Library Opening  
 10 Mar Business Proposal Meeting – Cohuna  
 19 Mar Cohuna & District Progress Association Meeting  
 20 Mar CVGA Special Meeting

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Council Strategic Briefing (26 February)	✓	✓	✓	✓	✓	✓	✓
Council Briefing (13 March)	✓	A	✓	✓	✓	✓	✓
Ordinary Council Meeting (21 March)	✓	✓	✓	✓	✓	✓	✓

LoA = Leave of Absence

A = Apology

# **13 CONFIDENTIAL ITEMS**

Nil

**The Meeting closed at 7.10 pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Gannawarra Shire Council held on 18 April 2018.**

.....  
**Cr Brian Gibson - Mayor**

**CHAIRPERSON**