



GANNAWARRA
Shire Council

Ordinary Council Meeting

MINUTES

Wednesday, 15 May 2019

6:30pm

Council Chambers

Kerang

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**MINUTES OF GANNAWARRA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, KERANG
ON WEDNESDAY, 15 MAY 2019 AT 6:30PM**

PRESENT:	Cr Charlie Gillingham (Acting Mayor)	Avoca Ward
	Cr Sonia Wright	Yarran Ward
	Cr Steven Tasker	Murray Ward
	Cr Mark Arians	Patchell Ward
	Cr Jodie Basile	Patchell Ward
	Cr Brian Gibson	Patchell Ward

IN ATTENDANCE:	Tom O’Reilly	Chief Executive Officer
	Lisa Clue	Manager Governance

Gallery: 10

Media: 1

1 ACKNOWLEDGEMENT OF COUNTRY

The Acting Mayor acknowledged the Traditional Owners of the land and paid his respects to Elders both past and present.

2 OPENING DECLARATION

Councillor Steve Tasker read the Opening Declaration.

3 APOLOGIES

RESOLUTION

Moved: Cr Mark Arians

Seconded: Cr Steven Tasker

That the apology received from Mayor Lorraine Learmonth be accepted.

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Brian Gibson

Seconded: Cr Jodie Basile

That the minutes of the Ordinary Council Meeting held on 17 April, 2019 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Nil

6 QUESTION TIME

Nil

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 17 APRIL, 2019 TO 14 MAY, 2019

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 Brian Gibson

Seconded: Cr Jodie Basile

That Council note the records of Assembly of Councillors from 17 April, 2019 to 14 May, 2019.

CARRIED

8 BUSINESS REPORTS FOR DECISION

8.1 QUARTERLY FINANCIAL REPORT - QUARTER ENDING 31 MARCH, 2019

EXECUTIVE SUMMARY

At 31 March, 2019 Council is showing a year to date underlying surplus of \$2.250 million which is higher than budget by \$0.413 million. Operating income has a favourable year to date variance of \$40 thousand and expenditure a favourable variance of \$373 thousand for the same period.

The forecast year end result shows a decrease in income of \$899 thousand and an offsetting decrease in expenditure of \$1.003 million giving a net favourable change of \$104 thousand. It is anticipated that the budgeted underlying deficit of \$1.710 million will decrease by \$104 thousand to give an anticipated underlying deficit of \$1.606 million.

There are a number of reasons for these changes and these are detailed in the 'Summary of Adjustments' attached to this report. The 'Summary of Adjustments' details the changes between the forecast to 30 June 2019, and the approved budget. The major change in the operating budget is a shift from user charges and government grants in the Family Day Care and Long Day Care areas to reimbursements. This change has led to a total of \$931 thousand being recorded as reimbursements not user fees or grants.

Other changes include a reduction in the anticipated amount of chargeable works being undertaken. The budget was structured around stage 2 and 3 of the solar farm being commenced along with other works. As these works have not commenced there is a substantial reduction in the expected income (\$1.010 million) and a reduction in the expenditure (\$0.565 million).

Council's Capital Works program is progressing with an anticipated variation in scheduled works of \$1.194 million. The adopted capital budget for 2018/2019 is \$11.066 million which includes budgeted new works and budgeted carried forward works. An amount of \$2.225 million is being carried forward to 2019/2020 and with other adjustments the level of budgeted works is anticipated to be \$8.485 million. Expenditure on other projects is anticipated to be \$1.387 million. The 'Main Street Links to Punt Road Project', \$750 thousand, (\$635 thousand of this project is being funded by the State Government) and the additional works required by the EPA on the completion of Cell 3 at Denyers, \$234 thousand, are the main projects outside of the adopted budget. The anticipated amount to be spent on capital works by 30 June 2019, is \$9.872 million. A detailed listing of variations is included in the attachment.

RESOLUTION

Moved: Cr Brian Gibson

Seconded: Cr Jodie Basile

That Council receive the report outlining the 2018/2019 quarterly financial report as at 31 March, 2019.

CARRIED

8.2 COUNCIL POLICY REVIEW - NO. 109 - PROCUREMENT

EXECUTIVE SUMMARY

Council Policy No. 109 – Procurement is required under s. 186A of the *Local Government Act 1989* (the Act), and at least once in each financial year, Council must review the Policy.

The Policy provides guidance to allow consistency and control over procurement activities, being the primary reference point for how all procurement is to be performed at Council.

RESOLUTION

Moved: Cr Mark Arians

Seconded: Cr Brian Gibson

That Council endorse reviewed Policy No 109 – Procurement.

CARRIED

8.3 APPLICATION FOR PLANNING PERMIT P19.007- NOTICE OF DECISION TO APPROVE

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for the use and development of a Place of Assembly (Function Centre), use of land for Accommodation (Residential Building), use of land for a licensed premises and a reduction in the required car parking at 90 Main Street, Koondrook.

The application was advertised to surrounding property owners and occupiers and one written objection was received. In addition to the objection, a petition in support of the proposal has also been received.

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

RESOLUTION

Moved: Cr Mark Arians

Seconded: Cr Sonia Wright

That Council approve Planning Application P19.007 for the use and development of a Place of Assembly (Function Centre), use of land for accommodation (Residential Building), use of land for a licensed premises and a reduction in the required car parking in accordance with the endorsed plans and issue a Notice of Decision to Grant a Permit at CA 6, Sec 5, Township of Koondrook Parish of Murrabit, 90 Main Street Koondrook subject to the following conditions:

1. Amended Plans Required

Before the use and building 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:

- **A Noise Management Plan as required by Condition 4.**

2. General Requirement

The use and development of the proposed buildings and works as detailed with the application and shown as the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.

3. Permit Expiry

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

- The development is not commenced within 2 years of the date of this permit.
- The development is not completed within 4 years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within 3 months afterwards.

4. Noise Management Plan

Before the use and development starts, a noise management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:

- Music event operating hours;
- Frequency of events;
- The name of the company that will be in control of the event;
- The type of entertainment act;
- Limitation on stage orientation;
- Speaker height; arrangement and orientation;
- Noise barriers that may be used;
- Noise-reduction measures at source;
- Noise measurement practices to be undertaken; and
- Complaints response procedure and phone number.

5. Amenity

The development 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 building, works or materials
- the emission of noise, vibration, dust, wastewater or waste products

In the event of any such nuisance in the opinion of the Responsible Authority occurring, additional suitable procedures for suppression must be developed and implemented to the satisfaction of the Responsible Authority.

6. Hours of Operation

The use of land for a Licensed Premises must only operate on the days and times as listed in the schedule below and within the areas shown on the endorsed plan.

Monday	11.00am – 11.00pm
Tuesday	11.00am – 11.00pm
Wednesday	11.00am – 11.00pm
Thursday	11.00am – 11.00pm

Friday	11.00am – 11.00pm
Saturday	11.00am – 11.00pm
Sunday	11.00am – 11.00pm
Anzac Day & Good Friday	12 noon – 11.00pm

7. **Limit on Number of Persons**

No more than 120 persons may be present on the premises at any one time without the written consent of the Responsible Authority.

8. **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.

9. **Carparking**

The carparking as shown on the endorsed plan must be properly constructed (with all-weather material) and made available for such purpose prior to the use coming into effect.

10. **Council Assets**

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

11. **Stormwater**

All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.

12. **Environmental Health Officer**

- a) The proposed development must comply with the Food Act 1984 and Food Standards Code.
- b) If the premise is to be used as Prescribed Accommodation, it must comply with the Public Health and Wellbeing Act 2008.
- c) Noise from the proposed change in use must not cause a nuisance, and must comply with the Environment Protection (Residential Noise) Regulations 2018.

13. **North Central Catchment Management Authority**

The finished floor level of the permanent building must be constructed a minimum of 0.3 metres above the 1% AEP flood level of 77.8 metres, i.e. no lower than 78.1 metres to Australian Height Datum (AHD).

Note: Flood levels for the 1% AEP (100 year ARI) flood event have been estimated for this area under the provisions of the Water Act 1989. The applicable flood level for the location described above is 77.8 metres AHD.

North Central CMA advises that in the event of a 1% AEP flood event it is possible that the property may be subject to inundation from Murray River. However, it is recommended that a licensed surveyor be engaged to determine the exact effect of the applicable flood level on the property.

14. **Environment Protection Authority**

Effective noise levels from the use of the premises must comply with the requirements of the State Environment Protection Policies (Control of Music Noise from Public Premises) No. N-2.

Note: If the applicant wishes to operate an event outside the hours specified in SEPP N-2; or hold more than six concerts in a financial year, the applicant must contact EPA's Development Assessment Unit for further advice and assessment.

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: 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. Consent for 'Works Within the Road Reserve' must be obtained from Council prior to carrying out any vehicle crossing works. All disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.

Note 4: A Liquor Licence from the Victorian Commission for Gambling and Liquor Regulation must be obtained.

Note 5: 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 Office 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>.

CARRIED

8.4 GANNAWARRA SHIRE SPORT AND RECREATION STRATEGY 2019 - 2029

EXECUTIVE SUMMARY

The Gannawarra Shire Sport and Recreation Strategy 2019-2029 and accompanying Implementation Plan has been developed to consolidate the strategic direction of Council's investment and planning into sport and recreation facilities to better facilitate long-term planning and development of sport and recreation opportunities across the Shire.

Following endorsement of the draft strategy, public submissions were invited and a total of 19 submissions were received during the submission period. Minor changes have been made to the strategy to reflect the nature of the submissions and address community concerns.

RESOLUTION

Moved: Cr Brian Gibson

Seconded: Cr Sonia Wright

That Council

- 1. Note the submissions received for the Gannawarra Sport and Recreation Strategy 2019-2029**
- 2. Adopt the Gannawarra Sport and Recreation Strategy 2019-2029.**

CARRIED

9 INFORMATION REPORTS

Nil

10 URGENT ITEMS

Nil

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION – NO. 69

That:

- 1. A report be drafted by our administration on the practices adopted by other councils regarding an Independent CEO Performance Review and Remuneration Committee (CEO Employment Matters Advisory Committee) for the purpose being that Gannawarra Shire adopt an objective methodology in this process and seek Industry Best Practice Standards, now and for future Councils.**
- 2. These findings are to be presented at the June General meeting for a decision.**

RESOLUTION

Moved: Cr Sonia Wright

Seconded: Cr Mark Arians

That:

1. **A report be drafted by our administration on the practices adopted by other councils regarding an Independent CEO Performance Review and Remuneration Committee (CEO Employment Matters Advisory Committee) for the purpose being that Gannawarra Shire adopt an objective methodology in this process and seek Industry Best Practice Standards, now and for future Councils.**
2. **These findings are to be presented at the August General meeting for a decision.**

CARRIED

12 DELEGATES REPORTS**12.1 DELEGATES REPORT - 17 APRIL, 2019 TO 14 MAY, 2019**Cr Lorraine Learmonth

19 April	Rotary Annual Easter Art Show Award Selection – Kerang Rotary Annual Easter Art Show 2019 Gala Official Opening – Kerang
20 April	Quambatook Tractor Pull – Quambatook
23 April	Council Proposed 2019/2020 Budget Social Media Video Recording – Kerang Regional Organic Waste Meeting – Swan Hill Lakes Development Committee Meeting – Lake Charm
25 April	ANZAC Day Dawn Service – Kerang ANZAC Day Service - Cohuna ANZAC Day Service – Leitchville
29 April	Quambatook Progress Association Meeting – Quambatook
1 May	Leitchville Progress Association Meeting – Leitchville
3 May	Rhythm and Sing – Kerang Meet and greet Ray Kingston, Independent Candidate for Mallee – Kerang
8 May	Arts & Creative Industries Forum for Local Government – Melbourne
9 May	Seniors Advisory Group Meeting – Koondrook

Cr Sonia Wright

25 April	ANZAC Day Dawn Service – Cohuna ANZAC Day Service – Koondrook/Barham
9 May	Council Proposed 2019/2020 Budget Social Media Video Recording – Cohuna

Cr Charlie Gillingham

23 April	Lakes Development Committee – Lake Charm
25 April	ANZAC Day Service – Quambatook
3 May	Meet and greet Ray Kingston, Independent Candidate for Mallee – Kerang

Cr Charlie Gillingham (cont.)

- 3 May Council Proposed 2019/2020 Budget Social Media Video Recording – Kerang
- 11 May Quambatook Recreation Reserve Club Rooms Opening – Quambatook

Cr Steve Tasker

- 25 April ANZAC Day Dawn Service – Barham
- ANZAC Day Service – Murrabit
- 30 April Council Proposed 2019/2020 Budget Social Media Video Recording – Kerang
- 14 May Koondrook Development Committee Meeting – Koondrook

Cr Brian Gibson

- 25 April ANZAC Day Service – Kerang

Cr Mark Arians

- 24 April Kerang Progress Association Meeting – Kerang

This table represents attendances at Council meetings and briefings:

Function Attended	Councillor (✓)						
	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Ordinary Council Meeting (17 April)	✓	✓	✓	✓	✓	✓	✓
Council Briefing and Strategic Briefing (6 May)	✓	X	✓	✓	✓	✓	A

A = Apology

X = Absent

13 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 6:49pm

The Minutes of this Meeting were confirmed at the Ordinary Meeting of the Gannawarra Shire Council held on 26 June 2019.

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Cr Charlie Gillingham – Acting Mayor
CHAIRPERSON