



GANNAWARRA
Shire Council

Council Meeting

MINUTES

Wednesday, 17 February 2021

6.30pm

Seniors Citizens Centre

Kerang

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**MINUTES OF GANNAWARRA SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE SENIORS CITIZENS CENTRE, KERANG
ON WEDNESDAY, 17 FEBRUARY 2021 AT 6.30PM**

PRESENT:

Cr Charlie Gillingham (Mayor)	Avoca Ward
Cr Garner Smith (Deputy Mayor)	Yarran Ward
Cr Keith Link	Yarran Ward
Cr Ross Stanton	Murray Ward
Cr Kelvin Burt	Patchell Ward
Cr Travis Collier	Patchell Ward
Cr Jane Ogden	Patchell Ward

IN ATTENDANCE: Chief Executive Officer
Manager Governance

1 ACKNOWLEDGEMENT OF COUNTRY

The Gannawarra Welcome to Country video was played as the Acknowledgement of Country.

2 OPENING DECLARATION

The Deputy Mayor read the Opening Declaration.

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Kelvin Burt

Seconded: Cr Travis Collier

That the minutes of the Council Meeting held on 16 December 2020 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Councillor Travis Collier declared a General Conflict of Interest in relation to Item 7.6.

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 10 DECEMBER 2020 TO 10 FEBRUARY 2021

EXECUTIVE SUMMARY

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Ross Stanton

That Council note the records of Councillor Briefings from 10 December 2020 to 10 February 2021.

CARRIED

7 BUSINESS REPORTS FOR DECISION

7.1 COUNCILLOR CODE OF CONDUCT REVIEW

EXECUTIVE SUMMARY

Council is required to ensure that its Councillor Code of Conduct meets the requirements of the *Local Government Act 2020* (the Act) and the Local Government (Governance and Integrity) Regulations 2020 (the Regulations) to include certain matters in the Code by 24 February 2021.

Council Policy No. 078 – Code of Conduct and Values for Elected Members (the Code) has been reviewed to include four new mandatory standards of Councillor conduct (conduct standards); a new internal arbitration process for determining complaints alleging misconduct under the Code and a number of new statements supporting each conduct standard.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Ross Stanton

That Council adopt revised Policy No. 078 – Councillor Code of Conduct as attached to this report.

CARRIED

7.2 QUARTERLY FINANCIAL REPORT - QUARTER ENDING 31 DECEMBER 2020

EXECUTIVE SUMMARY

At 31 December, 2020 Council is anticipating that the budgeted underlying surplus of \$1.154 million will increase by \$564k to an anticipated underlying surplus of \$1.718 million.

The budgeted Operating Result of \$7.944 million surplus will decrease by \$1.124m to an anticipated Operating Result of \$6.820 million surplus. This decrease is due to the deferral of grant income anticipated to be recognised into 2021/22.

Council's Capital Works program is progressing with an anticipated variation in scheduled works of \$1.968m. The adopted capital budget for 2020/2021 is \$17.504 million and it is expected to decrease to \$15.536 million by 30 June, 2021. This decrease is due to the timing of major multi-year projects awaiting confirmation or delayed notification of grants.

The financial position of the Council remains stable.

MOTION

Moved: Cr Garner Smith

Seconded: Cr Travis Collier

That Council receive the report outlining the 2020/2021 quarterly financial report as at 31 December, 2020.

AMENDMENT

Moved: Cr Keith Link

Seconded: Cr Garner Smith

That a person from the finance committee come to a Councillor Briefing Session every month to explain where we are at.

LOST

The Motion was then put to the vote.

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Travis Collier

That Council receive the report outlining the 2020/2021 quarterly financial report as at 31 December, 2020.

CARRIED

7.3 SPORT AND RECREATION VICTORIA - COMMUNITY SPORTS INFRASTRUCTURE STIMULUS PROGRAM

EXECUTIVE SUMMARY

Council has been invited by Sport and Recreation Victoria to resubmit a funding application to the Community Sports Infrastructure Stimulus Program for the Sir John Gorton Precinct All Abilities Project. The report is seeking Council endorsement for the project, as required by the grant criteria, and for Council to consider an allocation of \$100,000 as part of the capital works program 2021/22 as a funding contribution to support this project.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Keith Link

That Council

- 1. Endorse a submission to Sport and Recreation Victoria's Community Sports Infrastructure Stimulus Program for the Sir John Gorton Precinct All Abilities Project Stage 1 for \$1.1M;**
- 2. Approve an allocation of \$100,000 as part of the 2021/22 Capital Program as a funding contribution to support this project.**

CARRIED

7.4 COMMUNITY ENGAGEMENT POLICY

EXECUTIVE SUMMARY

The introduction of the *Local Government Act 2020* requires Council to adopt and maintain a community engagement policy on or before March 1, 2021. The draft policy has been made available for public feedback with two submissions received during the advertised period. With this feedback considered, the draft Policy is now presented for adoption. With the adoption of Policy No. 143 Community Engagement, the current policy No. 131 Communications and Community Engagement will be superseded and is therefore recommended to be repealed.

RESOLUTION

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

That Council

- 1. Adopt Policy No. 143 Community Engagement as presented and attached to this report;**
- 2. Authorise the Chief Executive Officer to make amendments to the document to correct any minor drafting errors that do not materially alter their intent;**
- 3. Repeal Policy No. 131 Communications and Community Engagement.**

CARRIED

7.5 G08-2020 INDUSTRIAL ESTATE EXPANSION - TATE DRIVE, KERANG

EXECUTIVE SUMMARY

Council officers have completed a tendering and evaluation process and seek approval from Council to appoint S&R Engineering and Construction Pty Ltd as the successful tenderer for the civil works relating to the development of stage 9 of the Tate Drive Industrial Estate in Kerang.

Council Officers also recommend that the project budget be increased to meet the project deliverables and Grant timeframes.

BUDGET DISCUSSION

The Tate Drive Industrial Estate budget of \$1,300,000 is derived from a split between State Government Grant Funding of \$900,000 and a Council contribution of \$400,000.

To deliver the project and all required Grant deliverables, a budget increase will be required of \$250,000 to allow officers to proceed to construction works and deliver the project this financial year.

RESOLUTION

Moved: Cr Kelvin Burt

Seconded: Cr Travis Collier

That Council:

- 1. Award tender G08-2020 Industrial Estate Expansion – Tate Drive, Kerang to S&R Engineering and Construction Pty Ltd for the lump sum amount, not subject to rise and fall, of \$1,204,550.42 excluding GST.**
- 2. Approve an additional \$250,000 capital expenditure for the Industrial Estate Expansion – Tate Drive, Kerang project.**

CARRIED

Councillor Travis Collier left the Chamber at 7:03pm

7.6 G09-2020 MURRABIT NETBALL CHANGEROOMS

EXECUTIVE SUMMARY

Council officers have completed a tendering and evaluation process and recommend that the appointment of Membrey Master Builders as the successful tenderer for the development of the Murrabit Netball Changerooms.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Keith Link

That Council Award tender G09-2020 for the Murrabit Netball Changerooms to Membrey Master Builders for the lump sum amount, not subject to rise and fall, of \$303,664.95 excluding GST.

CARRIED

Councillor Travis Collier returned to the Chamber at 7:06pm.

7.7 APPLICATION FOR PLANNING PERMIT P20.043 – NOTICE OF DECISION TO APPROVE

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for a three lot subdivision at 24-26 Murray Parade, Koondrook.

The application was advertised to surrounding property owners and occupiers and one written 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 Ross Stanton

Seconded: Cr Kelvin Burt

That Council approve Planning Application P20.043 for a three lot subdivision and issue a Notice of Decision to Grant a Permit at Lot 1, TP130477, 24-26 Murray Parade, Koondrook subject to the following conditions:

1. Layout

The Plan of Subdivision lodged with Council for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or conditions of this permit, without the written consent of the Responsible Authority.

2. Statement of Compliance

All conditions of this permit must be complied with prior to the issue of a Statement of Compliance for the subdivision.

3. Drainage

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.

4. Easements to be Created

All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

5. Consent for Works on Road Reserves Required

Consent for 'Works Within the Road Reserve' must be obtained from the Responsible Authority prior to the carrying out of any works within the Road Reserve including but not limited to vehicle crossing, footpath and kerb and channel works.

6. Native Vegetation

Native vegetation must not be removed from any of the lots except as required for a dwelling approved by a planning permit.

7. Soil Testing

Before a dwelling is constructed on lot 2 and 3, soil tests must be carried out to the satisfaction of the Responsible Authority and where necessary the land must be remediated to ensure its suitability for the proposed development.

8. Public Open Space Contribution

The applicant or owner must pay to the Responsible Authority a sum equivalent to 5% of the

site value of all the land in the subdivision. This payment shall be made prior to the issue of a Statement of Compliance.

9. Environmental Health Officer

Developments on the proposed subdivision must connect to Lower Murray Water's reticulated sewerage system.

10. VicRoads

- a) Direct vehicular access to the subject land from Koondrook-Murrabit Road must not be permitted.
- b) Vehicular access to all three subdivisional lots (Lot 1, Lot 2 and Lot 3) must be via the local road (Murray Parade).

11. Lower Murray Water

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Lower Murray Water pursuant to Section 8 of that Act.
- b) The requirements of Lower Murray Water must be met, in regard to the provision of water supply and sewerage services to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance.
- c) The holder of this permit or authorised agent must meet Lower Murray Water's requirements regarding easements in favour of the Lower Murray Urban and Rural Water Corporation prior to the submission of any plan of subdivision for Certification.

LOWER MURRAY WATER NOTES

URBAN WATER SUPPLY:

- The land is located inside the Corporation's Urban Water District.
- A new customer contributions charge for water is payable for the three additional lots.
- The Developer is required to enter into a Developer Design and Construct agreement with LMW to extend the water reticulation network.

SEWERAGE:

- The land is located inside the Corporation's Sewerage District.
- A new customer contributions charge for sewer is payable for the three additional lots.
- The Developer is required to enter into a Developer Design and Construct agreement with LMW to extend the water reticulation network.

GENERAL:

- The subdivider is required to pay the Urban Subdivision Processing Fee.
- All other requirements must be met prior to the Corporation consenting to Certification and agreeing to the issue of a "Statement of Compliance".

12. North Central Catchment Management Authority

Prior to certification a suitable restriction must be placed on title which requires:

- a) Any new dwelling/s on proposed Lot 2 and 3 must be sited on land where the existing natural surface level is greater than 77.1 metres AHD.

Note: Flood levels for the 1% AEP (100 year ARI) flood event have been declared for this area under provisions of the Water Act 1989. The applicable 1% AEP flood level for the location described above is 77.6 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.

13. Powercor

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Note: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Note: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- d) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Note: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- Reserves established by the applicant in favour of the Distributor.
 - Substation lease at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
- e) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Note:

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/ In Favour Of
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

POWERCOR NOTES

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>. Queries about

this subdivision may be directed to the Customer Requests Team on 1800 771 434 or crr@powercor.com.au.

14. Telecommunications

- a) The owner of the land must enter into an agreement with:
 - i.a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - ii. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- b) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - i. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - ii. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Note: 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>.

CARRIED

8 URGENT ITEMS

Nil

9 NOTICES OF MOTION

Nil

10 QUESTION TIME

Author	Question	Response
Mr Keith den Houting	<p>Will council please consider rotating council meetings throughout the communities within the Gannawarra Shire? An example could be 4 of the 8 venues in the first year with 4 in the following year. That will still leave 8 meetings per year in Kerang. It will also give councillors an opportunity to meet at each venue twice in their next 4 years term. An important aspect of this rotating is that this time could be utilised by a discussion with locals about local issues.</p> <p>While I realise that it involves quite a deal of work with administrative issues the benefits will outweigh those inconveniences.</p>	<p>Council is keen to engage with the community in ways which are meaningful, purposeful and practical. Some ways Council have engaged and consulted to date; include listening posts, attendance at community group meetings and having focus group sessions.</p> <p>Councillors are also looking at further ways to go out and engage with communities to hear about their local issues. The formality and meeting procedures of Council Meetings, which are a decision making forum, is somewhat restrictive to allowing for informal and open discussion. Also, logistically, adequate internet and communications equipment is required to ensure that livestreaming can occur and this may be problematic to setup at some locations in the Shire.</p> <p>Regardless, Councillors are investigating practical and flexible ways to go out to communities to listen first hand and gain direct feedback.</p>

Leigh Skeeta Verhey	What partnering can the Gannawarra Shire do with the Benwell-Guttrum and Gunbower working groups to achieve a positive outcome for the communities surrounding the proposed flooding projects within these forest areas?	Council is not the responsible land manager.
	Working with the Gannawarra Shire, can we explore using current water infrastructure to deliver water consistently to parts of the forest without inundation of flood water to achieve greater access to our forests within the shire?	Council are not the land managers nor the responsible authority, these matters should be referred to North Central Catchment Management Authority.
Di Peace	Does the Shire recognise the environmental value of wetlands on both private and public land?	Council does recognise the importance of wetlands within the Gannawarra Shire Region and works with the responsible land managers and authorities which DELWP, Parks Victoria, North Central Catchment Management Authority, Goulburn Murray Water and Aboriginal Victoria.
	Does the Shire have ways to connect communities with our local indigenous culture through our local forests?	Yes we do have mechanisms in place. This engagement includes Murray District Aboriginal Services and Local Elders. These connections are led by these groups and we show great respect to their needs and culture from their perspective.
Geoff Wakeman	What is Gannawarra Shire doing to protect one of its most valuable Ecotourism sites from Patterson Curse infestation? How are you: a. ensuring it does not spread further b. ensuring the existing outbreaks are controlled c. ensuring the fireplaces/campsites are available and not over-run with Paterson's curse?	The land managers, DELWP and Parks Victoria are responsible for the Gunbower Forest. These matters should be referred to these responsible agencies in the first instance.

Geoff Wakeman	Is it the Shire's long-term plan to only have a limited number of access tracks through the Gunbower Forest as many are now not graded?	The land managers, DELWP and Parks Victoria are responsible for the access tracks in the Gunbower Forest.
Geoff Kendell	Has Council considered the invitation by Central Murray Environment Floodplains Group to tour the Region to hear and see first-hand the damage that is being done to our Environment?	Yes Councillors have discussed and are considering the invitation.
	With the retirement of so much highly productive Agricultural land and loss of water has the Shire considered how they can effectively utilise this land with their replacement Ecotourism?	The current Council Plan has a strategic focus of driving innovative agriculture, renewable energy and nature based tourism objectives.
Audrey Dickins	It has been 10 years since the Gunbower Forest was declared a National Park promising a boost to the local economy with tourism unfortunately this has not occurred due to the current management and poor environmental watering practices, what position is council taking to address the situation?	Mark Francis, CEO for the Murray River Tourism Board has advised that visitation to the Murray region, which includes the Gunbower Forest, has increased by nearly 40% since 2012 from 2.15 million to nearly 3 million per annum in 2019.
	Does the Shire promote educational opportunities in our local school programs to explore the environmental assets within these forests helping to promote generational connection?	Council does not have any direct role preparing school curriculum. Council has aligned its tourism brand with the nature based activities and this growing focus is helping to highlight the importance of the environment.

11 DELEGATES REPORTS

11.1 DELEGATES REPORTS

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Loddon Mallee Waste and Resource Recovery Group (LMWRRG) Forum	Cr Ogden
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith

NB: * Audit and Risk Committee - no delegate report is required as the Audit and Risk Committee formally reports back separately to Council in accord with the Audit and Risk Committee Charter.

12 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 7:26pm.

The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 17 March 2021.

Mayor Charlie Gillingham

CHAIRPERSON