

Ordinary Council Meeting

MINUTES

Wednesday, 18 September 2019
6:30pm
Council Chambers
Kerang

Order Of Business

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MINUTES OF GANNAWARRA SHIRE COUNCIL ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, KERANG ON WEDNESDAY, 18 SEPTEMBER 2019 AT 6:30PM

PRESENT: Cr Lorraine Learmonth (Mayor) Yarran Ward

Cr Sonia Wright Yarran Ward
Cr Steven Tasker Murray Ward
Cr Charlie Gillingham (Deputy Mayor) Avoca Ward
Cr Mark Arians Patchell Ward
Cr Brian Gibson Patchell Ward

IN ATTENDANCE: Stacy Williams Acting Chief Executive Officer

Lisa Clue Manager Governance

Gallery: 6 Media: 1

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 OPENING DECLARATION

The Deputy Mayor read the Opening Declaration.

3 APOLOGIES

RESOLUTION

Moved: Cr Mark Arians

Seconded: Cr Charlie Gillingham

That the apology received from Cr Jodie Basile be accepted.

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Brian Gibson Seconded: Cr Steven Tasker

That the minutes of the Ordinary Council Meeting held on 21 August 2019 be confirmed.

5 DECLARATION OF CONFLICT OF INTEREST

Nil

6 QUESTION TIME

Ms Andrea Otto asked three questions relating to Council's spend on legal advice relating to Council minutes, wages growth and the review of the Communications and Engagement Strategy.

The Mayor took questions one and three on notice and the and Acting CEO provided a response to question two.

7 ASSEMBLY OF COUNCILLORS

7.1 ASSEMBLY OF COUNCILLORS 21 AUGUST, 2019 TO 17 SEPTEMBER, 2019

EXECUTIVE SUMMARY

This report presents to Council written records of Assembly of Councillors in accordance with Section 80A of the *Local Government Act 1989*.

RESOLUTION

Moved: Cr Sonia Wright Seconded: Cr Charlie Gillingham

That Council note the records of Assembly of Councillors from 21 August, 2019 to 17 September, 2019.

8 BUSINESS REPORTS FOR DECISION

8.1 CHRISTMAS CLOSURE 2019

EXECUTIVE SUMMARY

To enable Council staff to enjoy the Christmas holiday period with friends and family, it is proposed that Council close its main administration offices, libraries, Kerang Long Day Care Centre and Works Depot from the usual closing time on Tuesday, 24 December, 2019 and re-open at the usual opening time on Thursday, 2 January, 2020.

RESOLUTION

Moved: Cr Sonia Wright Seconded: Cr Mark Arians

That Council:

- 1. Acknowledge the closure of the Council offices over the Christmas/New Year period from the usual closing time on Tuesday, 24 December, 2019 through to the usual opening time on Thursday, 2 January, 2020.
- 2. Advertise the office closure in the local newspaper, website and Facebook.

CARRIED

8.2 AUDIT COMMITTEE - 3 SEPTEMBER, 2019 MEETING

EXECUTIVE SUMMARY

The Gannawarra Shire Council Audit Committee met on Tuesday, 3 September, 2019. The Audit Committee was updated with the closing letter and draft management letter from the External Audit for 2018/2019.

RESOLUTION

Moved: Cr Brian Gibson Seconded: Cr Charlie Gillingham

That Council note the recommendations and outcomes of the Audit Committee meeting held on 3 September, 2019.

8.3 2019 ANNUAL FINANCIAL STATEMENTS

EXECUTIVE SUMMARY

Under Section 132 (2) (4) (5) of the *Local Government Act 1989*, a Council cannot submit its Financial Statements or Performance Statement to the Auditor-General or the Minister unless the Council has passed a resolution giving 'in principle' approval to the Financial Statements and Performance Statement, and authorising two Councillors, on behalf of the Council, to certify the statements once amendments or changes requested by the Auditor-General have been made.

RESOLUTION

Moved: Cr Brian Gibson Seconded: Cr Sonia Wright

That Council:

- 1. Acknowledge that the 'in principle' 2019 Financial Statements, and 'in principle' 2019 Performance Statement have been presented to and endorsed by the Audit Committee at its meeting on 3 September, 2019.
- 2. Approve the 'in principle' 2019 Financial Statements and 'in principle' 2019 Performance Statement.
- 3. Approve the Principal Accounting Officer to be authorised to effect any changes required by the Victorian Auditor-General's Office.
- 4. Nominate Cr Learmonth and Cr Gillingham to be authorised to certify on behalf of Council the 'final statement' 2019 Financial Statements, and 'final statement' 2019 Performance Statement, which are also to be signed by the Chief Executive Officer and the Principal Accounting Officer, and submit to the Minister and Auditor-General.

8.4 2019 ANNUAL REPORT - RECEIVE AND NOTE

EXECUTIVE SUMMARY

The Gannawarra Shire Council 2019 Annual Report has been drafted in preparation for the anticipated completion of the Independent Auditor's Reports for both the 2018/19 Financial Statements and 2018/19 Performance Statement.

Once the Independent Auditor Reports have been received, all documents will be merged and final edits made with a copy of the 2019 Annual Report to be submitted to the Minister for Local Government by 30 September 2019 as per Section 131(6) of the *Local Government Act*.

After the 2019 Annual Report has been submitted to the Local Government Minister, Council must give Public Notice that the Annual Report has been prepared and can be inspected at the Council offices and available for inspection by the public at various other locations. The report will be presented for adoption by Council at the October Council meeting before being professionally printed and more widely distributed.

RESOLUTION

Moved: Cr Charlie Gillingham Seconded: Cr Steven Tasker

That Council:

- 1. Receive and note the 2019 Annual Report, including the 'in-principle' Financial Statements and Performance Statement.
- 2. Submit the 2019 Annual Report to the Minister for Local Government prior to 30 September 2019.

8.5 APPLICATION FOR PLANNING PERMIT P19.038 - 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 car wash and associated signage at 74 Penglase Street, Koondrook.

The application was advertised to surrounding property owners and occupiers and four written objections were received.

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

RESOLUTION

Moved: Cr Brian Gibson Seconded: Cr Steven Tasker

That Council approve Planning Application P19.038 for use and development of a car wash and associated signage in accordance with the endorsed plans and issue a Notice of Decision to Grant a Permit at Lot 2 & 3, LP132236, 74 Penglase Street, Koondrook subject to the following conditions:

1. Amended Plans Required

Before the 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:

- Landscaping plans and planting schedule as required by Condition 2.
- Drainage discharge plan as required by Condition 3.

2. Landscaping Plan

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

- Details of surface finishes of driveways;
- Landscaping and planting within all open areas of the site; and
- A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant.

3. <u>Drainage</u>

All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Prior to commencing works, a drainage discharge plan must be provided to, and approved by, the Responsible Authority to ensure compliance with this condition. The plans must be drawn to scale with dimensions and when approved, the plans will be endorsed and will form part of the permit. The information and plan must include:

- Details of how the works on the land are to be drained.
- Details of the water reuse and treatment system for the facility.

4. General Requirement

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

5. Permit Expiry

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

- a) The development is not commenced within 2 years of the date of this permit.
- b) 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.

6. Amenity

The use and 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, smell, fumes, vapour, steam, dust, wastewater, waste products, grit, oil or artificial light.

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.

7. Hours of Operation

The use may only operate between the hours of:

Monday to Sunday: 7.00am to 10.00pm

8. Access Location

Vehicular access to the carwash must only be permitted from Dalton Street, no access is permitted from Penglase Street.

9. Surfacing

All carparking areas, driveways and vehicle movement areas must be constructed, drained and surfaced to the satisfaction of the Responsible Authority.

10. Vehicle Movement

- a) All vehicles entering or exiting the site must do so in a forward direction.
- b) Adequate signs and pavement markings must be provided to direct and control the flow of traffic within the site.
- c) A sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for a queuing area and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.

11. Carparking

No fewer than 3 car spaces must be provided on the land for the use and development.

12. Advertising

Details of the proposed signage must be submitted to and approved by the Responsible Authority.

13. Signage

The size, design and location of the signs hereby permitted must accord with the endorsed plans and must not be altered or modified without the further consent of the Responsible Authority.

14. Vehicles Types

The facility may only be used for passenger vehicles (cars & utes) and motorcycles. No heavy vehicles will be allowed.

15. 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.

16. Acoustic Fencing

Before the use starts an acoustic fence must erected along the western and southern boundaries of the site. The design of the fence must be prepared by a suitably qualified acoustic engineer. The details of the design, height and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.

17. 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.

18. 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.

19. Maintenance

The approved buildings and subject site must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

20. Environmental Health Officer

- a) Noise levels must comply with the Noise from Industry in Regional Victoria (NIRV) (publication 1411) guideline provided by EPA Victoria.
- b) There must be no emissions of noise and /or vibrations from the premises which are detrimental to either of the following:
 - The environment in the area around the premises; and
 - The wellbeing of persons and/or their property in the area around the premises.
- c) All wastewater must be retained within the boundaries of the property in a hygienic manner, or disposed of through Lower Murray Water's reticulated sewer system. There must be no discharge of wastewater into neighbouring properties or land.

21. EPA Victoria

There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:

- The environment in the area around the premises; and
- The wellbeing of persons and/or their property in the area around the premises.

22. VicRoads

In relation to the internally illuminated sign:

a) The luminance of the advertising sign must be such that it does not give a veiling

luminance to the driver, of greater than 0.25 cd/m2, throughout the driver's approach to the advertising sign.

- b) Sequences of images giving the illusion of continuous movement must not be displayed.
- c) Images capable of being mistaken for traffic signals or traffic control devices because they, for example, contain red, amber or green circles, octagons, crosses or triangles must not be displayed.
- d) Flashing background, flashing text or flashing images must not be displayed.
- e) The sign must not dazzle or distract road users due to its colouring.

23. Lower Murray Water

The holder of this permit or authorised agent must consult with and meet the requirements and terms of Lower Murray Water in regards to water supply and sewage disposal services and /or any other services provided by the Corporation, including any costs associated with providing such services.

URBAN WATER SUPPLY:

- The land is located inside the Corporation's urban Water District.
- A backflow prevention device is required to be installed immediately behind the LMW water meter, in accordance with Australian/New Zealand Standard 3500.1:2018.
- The back flow prevention device is to be tested by a licenced plumber with accreditation in backflow prevention, prior to the operating of the car wash. A copy of the initial test report is to be forwarded to the LMW Kerang Office.
- The backflow prevention device is required to be tested annually by a licenced plumber with accreditation in backflow prevention. A copy of the test report is to be forwarded to the LMW Kerang Office.

SEWERAGE

- The land is located inside the Corporation's Sewerage District.
- A new customer contributions charge for sewer is payable for the proposed lot one.
- A new sewer connection point and 150mm sanitary drain is required to be installed to service the car wash development. The drain is required to be installed to LMW standards.
- The owner of the car wash is required to enter into a Trade Waste Agreement with LMW. This will include the installation of a pre-treatment device of adequate size to treat wastewater from the site prior to disposal.
- An inspection shaft and trafficable cast iron cover is required to be installed on the sanitary drain within 1m of the property boundary.
- A copy of the plumbing contractor's compliance certificate is required to be forwarded to LMW.

24. North Central Catchment Management Authority

- a) The floor level of the plant room must be 150mm higher than the 1% AEP flood level 77.5 metres AHD i.e. no lower than 77.65 metres AHD.
- b) The fill pad used for the plant room must be limited to within two metres from the external walls.

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 77.5 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 the 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.

- NOTE 1: A BUILDING PERMIT MUST BE OBTAINED FOR THE CAR WASH BUILDING AND FREESTANDING SIGN 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 SHALL 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. VEHICLE CROSSINGS FOR ENTRY TO AND EXIT FROM THE CARWASH MUST BE CONSTRUCTED FROM CONCRETE, AND GENERALLY CONSISTENT WITH IDM DRAWING SD 240.

NOTE 4: 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 **A**BORIGINAL **A**FFAIRS **V**ICTORIA 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.

8.6 G02-2019 QUAMBATOOK-BOORT ROAD BRIDGE REPLACEMENT

EXECUTIVE SUMMARY

This report seeks approval from Council to award Contract G02-2019 Quambatook-Boort Road Bridge Replacement to Murray Constructions Pty Ltd.

RESOLUTION

Moved: Cr Charlie Gillingham Seconded: Cr Steven Tasker

That Council award Contract G02-2019 Quambatook-Boort Road Bridge Replacement to Murray Constructions Pty Ltd for the lump sum amount, not subject to rise and fall, of \$592,999 incl. GST.

CARRIED

8.7 G03-2019 APPIN SOUTH BRIDGE REPLACEMENT

EXECUTIVE SUMMARY

This report seeks approval from Council to award Contract G03-2019 Appin South Bridge Replacement to Murray Constructions Pty Ltd.

RESOLUTION

Moved: Cr Charlie Gillingham Seconded: Cr Steven Tasker

That Council award Contract G03-2019 Appin South Bridge Replacement to Murray Constructions Pty Ltd for the lump sum amount, not subject to rise and fall, of \$776,655 incl. GST.

8.8 G04-2019 WINNING AND STOCK PILING OF SANDSTONE

EXECUTIVE SUMMARY

To seek approval from Council to appoint Mibus Bros (Aust) Pty Ltd as the successful tenderer for contract G04-2019 for the Winning and Stockpiling of Sandstone from both Denyer's and Coughlan's Pits.

Tenders were called for the Winning and Stock Piling of Sandstone for the purpose of road maintenance and construction. This enable Council staff to comply with Council's Road Management Plan and the Council Plan 2017-2021. Seven Tender Submissions were received. All submissions were compliant with the Tender Specification.

RESOLUTION

Moved: Cr Brian Gibson Seconded: Cr Charlie Gillingham

That Council award contract G04-2019 Winning and Stock Piling of Sandstone to Mibus Bros (Aust) Pty Ltd for a contract term of two years with the option of three, one year extensions up to a total contract period of five years.

CARRIED

8.9 G07-2019 HEAVY PLANT REPLACEMENT - COMBINATION ROLLER

EXECUTIVE SUMMARY

The report seeks approval from Council to award contract G07-2019 to J.A. Cox Engineering Pty Ltd for the supply and delivery of one combination roller.

RESOLUTION

Moved: Cr Mark Arians Seconded: Cr Steven Tasker

That Council award contract G07-2019 to J.A. Cox Engineering Pty Ltd for the supply and delivery of one combination roller for the lump sum payment, not subject to rise and fall of \$111,892.00 (Including GST).

CARRIED

9 INFORMATION REPORTS

Nil

10 URGENT ITEMS

Nil

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - 71

MOTION

Moved: Cr Sonia Wright Seconded: Cr Mark Arians

That Council:

- 1. Note that the future of the Cohuna Swimming Pool is proposed to be considered as an action item in 2020-21 as part of the development of the Aquatics Strategy component of the Gannawarra Sport and Recreation Strategy 2019-29
- 2. Approve bringing forward the development of the Aquatics strategy from 2020-21 to the 2019-20 financial year.
- 3. Redirect \$50,000 from the adopted budget allocated to the Koondrook Caravan Park Stage 2, to fund the works required with the funds being reimbursed back to the Koondrook Caravan Park Stage 2 project in the 2020/2021 budget cycle.
- 4. That as part of the Gannawarra Aquatics Strategy, a long term financial plan is included.

LOST

Cr Sonia Wright called for a Division

In Favour: Crs Sonia Wright and Mark Arians

<u>Against:</u> Crs Brian Gibson, Lorraine Learmonth and Steven Tasker

Abstained: Cr Charlie Gillingham

12 DELEGATES REPORTS

12.1 DELEGATES REPORTS - 21 AUGUST, 2019 TO 17 SEPTEMBER, 2019

Cr Lorraine Learmonth

21 August Loddon Mallee Waste Forum – Swan Hill
 23 August Book Week Parade – Kerang & Cohuna

26 August Loddon Mallee Waste and Resource Recovery Group Special Meeting –

Bendigo

Quambatook Progress Association Meeting – Quambatook

27 August Visit to Indigenous Garden at Elders request – Kerang
 4-5 September Murray River Group of Councils Meeting – Echuca
 10 September Lake Charm Community Lunch – Lake Charm

11 September Cohuna Recreation Reserve Cricket Net Opening – Cohuna

Leitchville Recreation Reserve Cricket Net Opening – Leitchville

Leitchville Progress Association Meeting - Leitchville

12 September Meeting with Minister for Energy, Environment & Climate Change on

Kerbside Reforms – Melbourne

16 September Walk to School Launch – Cohuna

Community Halls Meeting – Lake Charm

Cr Sonia Wright

3 September Audit Committee Meeting – via teleconference

11 September Cohuna Recreation Reserve Cricket Net Opening – Cohuna

Leitchville Recreation Reverse Cricket Net Opening – Leitchville

16 September Cohuna Progress Association Meeting – Cohuna

Cr Charlie Gillingham

3 September Audit Committee Meeting – Kerang

Cr Steve Tasker

21 August Official Launch – Our Vivid History Book – Swan Hill

12 September Gannawarra Shire Municipal Fire Management Committee Meeting –

Kerang

Cr Mark Arians

23 August Book Week Parade – Kerang

28 August Kerang Progress Association Meeting – Kerang

2 September Show and Shine Meeting – Kerang

4 September Combined Progress Association Meeting – Cohuna

7 September Heritage Day – Kerang

This table represents attendances at Council meetings and briefings:

	Councillor (✓)						
Function Attended	Gibson	Arians	Basile	Gillingham	Learmonth	Tasker	Wright
Ordinary Council Meeting (21 August)		✓	✓	✓	✓	✓	✓
Council Briefing and Strategic Briefing (9		✓	✓	✓	✓	✓	Χ
September)							

X = Absent

13 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 7:11pm.

The Minutes of this Meeting were confirmed at the Ordinary Meeting of the Gannawarra Shire Council held on 16 October 2019.

Cr Lorraine Learmonth - Mayor

CHAIRPERSON