



GANNAWARRA
Shire Council

Council Meeting

MINUTES

Wednesday, 15 June 2022

10:00am

Senior Citizens Centre

Kerang

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**MINUTES OF GANNAWARRA SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE SENIOR CITIZENS CENTRE, KERANG
ON WEDNESDAY, 15 JUNE 2022 AT 10:00AM**

PRESENT:

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

IN ATTENDANCE: Chief Executive Officer
Governance & Compliance Coordinator

Gallery: 26

Media: Nil

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 Keith Link

Seconded: Cr Kelvin Burt

That the minutes of the Council Meeting held on 18 May 2022 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Ross Stanton declared a General Conflict of Interest in relation to the Business Report for Decision on Planning Permit Application P21147.

Cr Garner Smith declared a General Conflict of Interest in relation to the Business Reports for Decision on Planning Permit Application P21147 and Application For Planning Permit P21.063 – Notice Of Decision To Approve.

Cr Keith Link questioned whether the Mayor had a perceived Conflict of Interest in the Planning Permit Application P21147. The Mayor responded that it was up to Councillors to declare their Conflicts of Interest and that he does not have a Conflict of Interest in that matter.

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 12 MAY TO 9 JUNE 2022

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 Travis Collier

Seconded: Cr Jane Ogden

That Council note the records of Councillor Briefings from 12 May to 9 June 2022.

CARRIED

7 BUSINESS REPORTS FOR DECISION

7.1 AUDIT AND RISK COMMITTEE - 10 MAY, 2022 MEETING

EXECUTIVE SUMMARY

The Audit and Risk Committee (ARC) met on Tuesday, 10 May 2022. The focus of the ARC meeting was to review the progress on the financial position of the Council through the VAGO Audit Strategy, Quarterly Budget Report, Fees and Charges, Capital Works Program and a review of the Proposed Budget 2022/2023. Other reports related to governance, compliance and risk management matters.

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Jane Ogden

That Council receive and note the summary of the discussions of the Audit and Risk Committee meeting held 10 May 2022.

CARRIED

7.2 COMMUNITY ASSET COMMITTEES

EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) provides for councils to establish Community Asset Committees for the purpose of managing community assets within the municipality, and requires the CEO to submit an annual report to Council in relation to the activities and performance of Community Asset Committees.

This report relates to the activities and performance of Council's three Community Asset Committees being the Leitchville War Memorial Swimming Pool Community Asset Committee, the Quambatook Caravan Park Community Asset Committee and the Community Halls Community Asset Committee.

RESOLUTION

Moved: Cr Travis Collier

Seconded: Cr Kelvin Burt

That Council receives and notes the report on activities and performance of its three Community Asset Committees being:

- 1. Quambatook Caravan Park Community Asset Committee**
- 2. Leitchville War Memorial Swimming Pool Community Asset Committee**
- 3. Community Halls Community Asset Committee.**

CARRIED

7.3 ASSET PLAN

EXECUTIVE SUMMARY

Section 92 of the *Local Government Act 2020* (the Act) includes a new requirement for councils to prepare an Asset Plan in accordance with their deliberative engagement practices for a period of at least the next 10 financial years. The Asset Plan is to transparently and clearly set Council's direction and priorities that support the efficient and responsible management of its assets on behalf of the community.

The first Asset Plan developed under the Act is required to be developed and adopted in accordance with Council's community engagement policy by 30 June 2022.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Ross Stanton

That Council:

- 1. Adopt the Gannawarra Shire Council Asset Plan 2022-2032 which has been developed under section 92 of the *Local Government Act 2020*.**

CARRIED

RESOLUTION

Moved: Cr Kelvin Burt

That Question Time be moved to become Item 7.4 of the Agenda.

CARRIED

7.4 QUESTION TIME

Author	Question	Response
Andrea Otto – Koroop	My questions are both in regard to P21147 Given LEAP's response to concerns around Property devaluations states "there will be no Off-site impacts, property devaluation isn't expected" and the condition 4 of Permit states not detrimentally affected. Can Council please advise how Amenity will be measured including appearance, dust, noise and odour and the methodology that will be used?	Council officers will investigate any alleged breaches of planning conditions and will undertake enforcement action if there is substantive evidence that a breach has occurred.
	The Applicant and Council Management were silent in relation to objector's groundwater measurement query/s. As	Notice of the application was given to Goulburn Murray Water whose areas of interest are surface water and groundwater quality. GMW

	Councillors have you sought clarity on the groundwater relevant to the district?	raised no issues with the application.
Linda – Gannawarra	The applicant stated the channel was clay lined. Objectors noted this is incorrect have you sought information to clarify the status, history and physical characteristics of channel number 3 in the Torrumbarry system?	Goulburn Murray Water's areas of interest are surface water and groundwater quality. Notice of the application was given to GMW who raised no objection with the application.
Dianne Peace – Cohuna	The wind data appeared incorrect for this location. Can you explain the wind directions and the risks this poses including the residents of Koondrook/Barham, forest users and neighbours relating to odour, dust and noise? Please explain how these emissions will not detrimentally affect amenity?. How will this be measured and why is the methodology not included in the conditions?	The application was referred to relevant referral authorities who offered no objection to the application and included conditions as outlined in the recommendation. If any alleged breaches of the planning conditions occur, Council officers will investigate and undertake enforcement action if there is substantive evidence that a breach has occurred.
	Do Councillors consider that the proposed development along the Gunbower Creek will set a precedent and pose a threat to the environment and future tourism expansion.?	The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions and support from the referral authorities.
Stephen Bates – Gannawarra	Please explain how the Shire of Gannawarra will ensure that the applicant will continue to meet all conditions if a permit is granted.	Council officers will investigate any alleged breaches of planning conditions and will undertake enforcement action if there is substantive evidence that a breach has occurred.
	How does this development not inhibit the movement of animals through habitat corridors?	This proposal is a farming enterprise and any fencing proposed will not be dissimilar to any other normal farming enterprise located throughout the area.
Kylie – Gannawarra	As Application P21147 was deficient in key information in particular dimensional plans and fencing plans have the councillors sought clarification from relevant authorities in relation to the commonwealth environment protection and biodiversity act.	Notice of the application was given to all relevant referral authorities including the Department of Environment, Land, Water and Planning (DELWP) who raised no issues with the proposal subject to conditions.

	<p>Re P21147 as this proposal has a significant change in land use and has far-reaching implications for future developments in environmentally sensitive areas and could be viewed as not in the best interest of the broader community - have the councillors sought independent legal advice from an expert planning lawyer in relation to p21147?</p>	<p>The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.</p>
Peter – Gannawarra	<p>With regard to the application P21147 and the Gannawarra Planning Scheme states (GPS)13.07-1S 01/07/2021 VC203 Land use compatibility. Can you please Explain how a 5000 head outdoor piggery is not a conflict to this clause? Objective To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies Ensure that use or development of land is compatible with adjoining and nearby land uses. Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.</p>	<p>The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.</p>
	<p>Outdoor rotational piggeries including areas such as the golden plains shire area have been known to have vermin issues. In addition cropping practices can bring about increase in vermin - if approved how will the council ensure vermin is controlled when the applicant has stated there will be no use of bait?</p>	<p>An amenity condition has been included as part of the proposed recommendation which includes vermin. If alleged breaches of this or any other condition occur, Council officers will investigate and will undertake enforcement action if there is substantive evidence that a breach has occurred.</p>
Jodie – Cohuna	<p>re P21147 as Councillors have you sought expert advice in relation to the Japanese Encephalitis virus and the risks P21147 poses to public health and tourism in the immediate area?</p>	<p>The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.</p> <p>The public health response to Arbovirus including JEV is the</p>

		responsibility of Department of Health and a referral to this agency was not required.
	Historically dairy farms were smaller acreage run by family. A consequence of this is higher density rural living compared to non-dairy areas, such as the Wimmera and Mallee. Gannawarra North could be termed a hamlet. Do you consider the number of residential houses surrounding land associated with P21147 and the close proximity to townships an amenity risk too great to take?	The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.
Mandy – Gannawarra	Is the Council aware that Campaspe Shire Council in 2021 did not recommend approval of intensive agriculture due to clauses in their planning scheme to protect amenity, environment and farming land?	This application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.
	Can you explain why there is no monitoring of effluent or water quality in the conditions?	There are no effluent ponds to monitor. Goulburn Murray Water's areas of interest are surface water and groundwater quality. If GMW had any issues, they would have included a condition for monitoring water quality
Tanya Black – Cohuna	It is suggested that 40000 people visit the forest annually and counts indicate approximately 1/3 enter via Condiorios Bridge: Explain how the effect on tourism is going to be monitored and what compensation will be given to impacted businesses?	The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.
	Given Pigs are omnivores, Explain who will monitor and what methodology will be used to monitor the loss of endangered, threatened and other species , (frogs turtles brushtail curfew, snakes, goannas, echidnas, pythons ect)that make their way into enclosures or are impacted by loss of habitat corridors due to the Feral Pig Proof Fence.	The fencing is not expected to impact habitat corridors as it is not dissimilar to any other farm fencing found throughout the area. In addition, notice of the application was given to DELWP who offered no objection to the application.

Jamie	<p>Explain how the Council will ensure that the applicant for the proposed 5000 free range piggery will continue to meet all conditions if a permit is granted?</p>	<p>Council officers will investigate any alleged breaches of planning conditions and will undertake enforcement action if there is substantive evidence that a breach has occurred.</p>
	<p>From our experience already with a free range piggery close by, how will the dust be controlled with the townships of Koondrook/Barham being so close?</p>	<p>Council officers will investigate any alleged breaches of planning conditions when it is brought to their attention and will undertake enforcement action if there is substantive evidence that a breach has occurred.</p>
Wayne Parkinson – Teal Point	<p>If approved, would the proposed piggery be required to comply by an audited process against the document prepared for pig producers and licensed pest controllers to assist in the control of mosquitoes in piggeries, specifically, the Integrated Mosquito Management Principles for Piggeries which was developed in March 2022 by the Japanese Encephalitis Vector Management Group consisting of representatives from Agriculture and Health agencies and the pork industry?</p>	<p>Yes – this is correct</p>
	<p>Since Gannawarra Shire has obligations to the public under the OH&S regulations and given that pigs are one of the main amplifiers of Japanese Encephalitis Virus (Agriculture Victoria , Biosecurity Japanese Encephalitis, Frequently asked Questions,) will Gannawarra Shire erect signage warning campers, and notify residents in Koondrook and surrounds (via notice or email) of the possible increased risk of JEV in the area, due to the maximum of 5,000 pigs?</p>	<p>The public health response to Arbovirus including JEV is the responsibility of Department of Health. Council may be asked to assist with response but is not the lead agency. Council, as part of its emergency management responsibilities does have a Arbovirus Plan and under direction of Department of Health participates in an annual Arbovirus program- monitoring mosquito numbers, treatment of breeding sites as well as public education and prevention messaging.</p>
Audrey – Gunbower	<p>As councillors have you sought expert advice in relation to the Japanese encephalitis virus and the risks p21147 does pose to public health and the risk to tourism</p>	<p>The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject</p>

	strategy?	to conditions. The public health response to Arbovirus including JEV is the responsibility of Department of Health and a referral to this agency was not required.
	The applicant stated the channel was clay lined. Objectors noted this is incorrect have you sought information to clarify the status, history and physical characteristics of channel number 3 in the Torrumbarry system?	Notice of the application was given to Goulburn Murray Water who raised no objection with the application.
Teresa – Koondrook	As councillors have you sought expert advice in relation to the Japanese encephalitis virus and the risks p21147 does pose to public health and the risk to tourism strategy?	The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions. The public health response to Arbovirus including JEV is the responsibility of Department of Health and a referral to this agency was not required.
	As the shire has received significant funds from Regional Development Victoria based on the immediate environment have you performed a risk-benefit analysis for the proposed project?	The application has been assessed on its merits against the provisions of the Gannawarra Planning Scheme and has been recommended for approval subject to conditions.
Keith den Houting – Kerang	Council purchased a parcel of environmental water for well in excess of \$100,000 plus is now committed to spending \$3.58 million on the Quambatook weir pool. This is admirable and I fully support it but at the Gunbower creek and Safe's lagoon we already have this kind of amenity, with free water supplied by irrigation and nothing to spend. Why then would council even contemplate allowing a free range piggery within 30 metres of this amenity?	The application has been assessed on its own merits against the provisions of the Gannawarra Planning Scheme.
	In 2011 council approved a free range piggery at Cawardine's road, As you can see from the council paper work if this 2022 application	If the application is approved, the Landscape Plan must be submitted to and approved by the Responsible

	<p>is approved the applicant is required to submit a landscape plan for approval by the responsible authority as well as make 2 reports per annum on monthly soil testing. I was still on council for a further 5 years after 2011 and as far as I remember council never received further reports after that permit was granted. Will council have an opportunity to have input into the Landscape plan and will council follow up on the required permit conditions if the permit is approved?</p>	<p>Authority prior to the use and development commencing</p>
Angela – Koondrook	<p>With regards to P21147, can you explain why there is no proposed monitoring of effluent or water quality in the permit conditions?</p>	<p>There are no effluent ponds to monitor. Goulburn Murray Water's areas of interest are surface water and groundwater quality. If GMW had any issues, they would have included a condition for monitoring water quality</p>
	<p>In regards again to P21147, does the council view certain permit conditions as subjective and not measurable?</p>	<p>The conditions as set out in the recommendation are considered to be enforceable against the provisions of the planning scheme.</p>

Cr Ross Stanton declared a General Conflict of Interest in relation to the next item on the Agenda and left the meeting at 10:29am.

Cr Garner Smith declared a General Conflict of Interest in relation to the next two items on the Agenda and left the meeting at 10:29am.

7.5 PLANNING PERMIT APPLICATION P21147

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for the use and development of land for a rotational outdoor pig farm for up to 5,000 pigs in accordance with the endorsed plan at 191 Orrs Road, 127 Orrs Road and 1399 Cohuna-Koondrook Road, Gannawarra.

The application was advertised to surrounding property owners and occupiers and 59 written objections were received.

The proposal is considered to be appropriate for the site and consistent with the provisions of the Gannawarra Planning Scheme. The application has therefore been recommended for approval.

RESOLUTION

Moved: Cr Keith Link

Seconded: Cr Travis Collier

That Council approve Planning Application P21147 for the use and development of land for a rotational outdoor pig farm for up to 5,000 pigs and alteration of access to the Cohuna-Koondrook Road being a road in a Transport Zone 2 in accordance with the endorsed plans subject to the following conditions:

1. **Amended Plans**

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) Landscaping Plan as required by Condition 8;
- c) Environmental Management Plan as required by Condition 11.

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. **Size of Establishment**

The maximum number of pigs housed on the rotational outdoor pig farm at any time must not exceed 5,000.

4. **Amenity**

The use and development of the site must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;

d) Presence of vermin.

5. **Operation of Facility**

The rotational outdoor pig farm must at all times operate to the satisfaction of the Responsible Authority.

6. **Surfacing**

All driveways and vehicle movement areas associated with the rotational outdoor pig farm must be constructed, drained and surfaced with an all weather material and treated to prevent dust causing loss of amenity to the neighbourhood, or erosion, to the satisfaction of the Responsible Authority.

7. **No Mud on Roads**

Appropriate measures must be implemented throughout the construction stage of the development 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.

8. **Landscape Plan Required**

Prior to the plans being endorsed, 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 include a 20 metre vegetation buffer around the perimeter of the site that will provide screening for all surrounding properties. The landscaping plan must consist of indigenous trees and shrubs and ensure an effective visual screen to the satisfaction of the Responsible Authority.

9. **Completion of Landscaping**

Before the use 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.

10. **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.

11. **Environmental Management Plan**

Prior to the use and development commencing, an Environmental Management Plan (EMP) must be submitted to and approved by the Responsible Authority. When approved, the EMP will be endorsed and will then form part of the permit. The use and development must at all times be undertaken in accordance with the endorsed Environmental Management Plan.

12. **Native Vegetation**

No native vegetation is to be removed as a consequence of the works allowed by this permit, except in accordance with the provisions of the Gannawarra Planning Scheme.

13. **Department of Transport**

a) No direct access is permitted to the development from the Cohuna-Koondrook Road except at the existing access to Lot TP820130.

b) Prior to commencement of the buildings and works, the following must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:

- i. All disused or redundant vehicle crossings must be removed, and the area reinstated to surrounding conditions.
- ii. The existing Stock Crossing and associated signage on the Cohuna-Koondrook Road must be removed.

Note: The proposed development requires reinstatement of disused crossovers to kerb and channel, and removal of signage, separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.

14. 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) Proposed operations must be in accordance with the National Environmental Guidelines for Rotational Outdoor Piggeries (Revised), 2013.
- c) Moveable pig shelters must be located at least 30m from Goulburn Murray Water channels No 3, 1/8/3, 2/8/3 and 8/3 which are located on the subject land.
- d) Moveable pig shelters and paddocks used for the stocking of pigs must be located at least 60m from Goulburn Murray Water Drain No 6 and 1/6 which are located on the western side of the property. This setback may be reduced to 30m where a vegetated filter strip is maintained with runner developing, non-clumping grasses and has no depressions where any run-off can concentrate before entering the drain.
- e) Straw bedding must be collected from the shelters at the end of the pig cycle and be removed off-site.
- f) Paddocks used for stocking of pigs must be returned to pasture/cropping at the end of each pig cycle and must not be reused for stocking with pigs again until appropriate soil monitoring has demonstrated that all nutrients associated with pig use have been stripped from the soil.

15. Department of Environment Land Water and Planning

Access and Encroachment

- a) No access is permitted to the subject land via the Crown land.
- b) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- c) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the adjoining Crown land. Overland flows must be maintained at the same rate post-development as on the undeveloped land.

Setbacks from Waterways

- d) Setbacks from creeks and channels must be a minimum of 30 metres.
- e) No buildings or structures are permitted within 30 metres from the adjoining Crown land.

Fencing adjoining Crown land

- f) Prior to work commencing, the shared boundary with Crown land must be fenced to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning in accordance with the Fences Act 1968 and at the applicant's expense. Fencing must be:
 - erected on the boundaries of the land;

- stock and domestic pet proof;
- without gates or openings on to adjoining Crown land.
- at least 1.2 metres in height.

Works

g) To prevent impacts on Crown land, all works are to be contained within the freehold land and must take place from the freehold side of the boundary.

Protection of native vegetation to be retained

- h) A native vegetation protection fence must be erected around all native vegetation to be retained. This fence must be erected at:
- i. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - ii. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

Note:

- The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Environment, Land, Water and Planning.
- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2019) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au)

16. Agriculture Victoria

The use and development allowed by the permit must be undertaken in accordance with the;

- a) Endorsed site plans (as amended);
- b) Western Plains Pork Pty Ltd: Proposed Rotational Outdoor Piggery at Orrs Road, Gannawarra, Environmental Management Plan (as amended), and;
- c) National Environmental Guidelines for Rotational Outdoor Piggeries (NEGROP; Australian Pork Limited, 2013).

Note 1: *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.*

Note 2: **North Central Catchment Management Authority**
Flood levels for the 1% AEP probability (100 year ARI) have not been determined for this area under the Water Act 1989. Information available at North Central CMA indicates that in the event of a 1% AEP flood event it is unlikely that the property will be subject to inundation from either Gunbower Creek or the Murray River, however due to the flat topography of the land it may be subject to shallow overland flooding.

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 888 544 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

Cr Link called for a Division

In Favour: Crs Link, Collier and Gillingham

Against: Crs Ogden and Burt

The Chair, Mayor Gillingham adjourned the meeting at 10:39am to allow members of the gallery to leave.

The Meeting resumed at 10:42am.

Cr Ross Stanton returned to the meeting at 10.42am.

7.6 APPLICATION FOR PLANNING PERMIT P21.063 – NOTICE OF DECISION TO APPROVE

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for a 27 lot subdivision at Lot 1, TP107083, Cohuna-Koondrook Road, Cohuna.

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 Keith Link

Seconded: Cr Kelvin Burt

That Council approve Planning Application P21.063 for a 27 lot subdivision and issue a Notice of Decision to Grant a Permit at Lot 1, TP107083, Cohuna-Koondrook Road, Cohuna subject to the following conditions:

Amended Plans

- 1. Before the plan of subdivision is certified, 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. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) Detailed construction plans as required by Condition 4.**
 - b) Drainage Discharge Plan as required by Condition 14.**
 - c) As constructed plans as required by Condition 9.**
 - d) Landscaping plan as required by Condition 13.****

Layout

- 2. 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.**

Statement of Compliance

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

Detailed Construction Plans

- 4. Before any road, drainage or landscaping works associated with the development or subdivision start, detailed construction 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 include:
 - a) Fully sealed pavement with kerb and channel;**
 - b) Street lighting, preference for minimum Category PR3 standard;**
 - c) Any underground drains;**
 - d) Other underground utilities (e.g. Telstra, sewer, water etc.)****

Before the issue of a Statement of Compliance, all works constructed or carried out must be in accordance with those plans, to the satisfaction of the Responsible Authority.

General

5. Prior to certification of the Plan of Subdivision, plans of the design, construction and layout in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au), must be submitted to and approved by the Responsible Authority.
6. Details of a contact person/site manager must be provided, so that this person can be easily contacted should any issues arise.
7. Appropriate measures must be implemented throughout the construction stage of the development 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.
8. All works must be at no cost to Gannawarra Shire Council.

As Constructed Plans

9. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, the applicant or developer shall submit to the satisfaction of the relevant authority the following:
 - a) An assets statement for each street;
 - b) A certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
 - c) 'As constructed' drainage information shall be provided to Council's satisfaction including pipematerial, diameters and lengths, invert depths, pit sizes;
 - d) Full set of 'as constructed' digitised construction plans in PDF and CAD format for landscaping, roads and drainage (USB or other format as appropriate).

Body Corporate

10. The proposed lot to contain the drainage detention basin must be owned and managed by a body corporate.
11. The stormwater discharge pump, raw water pump station and all associated pipework shall be owned and managed by a body corporate.

Easements to be Created

12. 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.

Landscaping

13. Before the development starts a landscape plan, showing street tree location (one per lot) and species, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plans will be endorsed and will then form part of the permit. Trees must be planted according to this plan prior to issue of Statement of Compliance under the Subdivision Act 1988.

Drainage Discharge Plan

14. Before any of the development starts or before the plan of subdivision is certified under the Subdivision Act 1988, a properly prepared drainage discharge plan with computations 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 a minimum of three copies must be provided. The information submitted must show the details listed in the Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:

- a) Details of how the works on the land are to be drained and/or retarded;
- b) Computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;
- c) Underground pipe drains conveying stormwater to the legal point of discharge for each allotment;
- d) A maximum discharge rate in accordance with the requirements of the Responsible Authority;
- e) Documentation demonstrating approval from the relevant authority for the legal point of discharge.

Before the issue of a Statement of Compliance, all works constructed or carried out must be in accordance with those plans, to the satisfaction of the Responsible Authority.

Street/Road Name Allocation

15. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, the applicant must:
- a) Lodge an application to the Council's Street Naming Committee for the approval of any street names and street numbers on the proposed plan of subdivision;
 - b) Provide and install street name plates.

Generation of Dust

16. The applicant must ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by works within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.

Defects Liability

17. A 12 month defect liability period shall apply from the date of issue of Statement of Compliance for all roadworks, drainage, footpath, kerb, landscaping and fencing. The developer shall arrange for a final inspection to be undertaken with Council representatives at least four (4) weeks prior to the expiration date of this defect liability period.

Supervision Fees

18. Payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority.

Plan Checking Fee

19. Payment to the Responsible Authority of an engineering design checking fee of an amount up to 0.75% of the value of documented works.

Public Open Space Contribution

20. 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.

Prior to Commencement of Construction

21. Before any road/drainage works associated with the subdivision start, the following items must

besatisfied;

- a) Issue of the certified Plan of Subdivision.
- b) Approval of the construction plans.

Department of Transport

22. Prior to the issue of certification for the subdivision hereby approved, functional layout plans and functional stage Road Safety Audit must be prepared and submitted to the Head, Transport for Victoria for approval. When approved, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans prepared by AWCE Pty Ltd date stamped 5 March 2022 (Drawing no. COH-002, Revision 1) but modified or annotated to show:

- a) Existing features of Cohuna Koondrook Road within 100 metres of the site access including linemarking, vegetation, existing crossovers, utility infrastructure and road signs, etc.
- b) Existing features of King George Street within 100 metres of the site including linemarking, vegetation, existing crossovers, services, utility infrastructure and road signs, etc.
- c) Installation of a basic left and right turn treatment (BAL and BAR) in accordance with AustRoads guidelines.
- d) Footpath connections linking the internal pedestrian path to an appropriate crossing point on King George Street.
- e) Relocation of the existing 100km/h speed zone on Cohuna Koondrook Road towards the north past the site frontage.
- f) Associated swept path diagrams of the largest design vehicle anticipated to access the site.
- g) Associated signage and linemarking.

23. Subsequent to the approval of the Functional Layout Plans and prior to the commencement of any roadworks required by the Head, Transport for Victoria under this permit, the permit holder must submit detail design stage Road Safety Audit, to the Head, Transport for Victoria for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road Safety Audit must be addressed in the detailed design plans to the satisfaction of and at no cost to the Head, Transport for Victoria.

24. Prior to the issue of Statement of Compliance of the subdivision hereby approved, all required roadworks as per the approved detail design plans must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria.

25. All vehicles must enter and exit the site in a forward direction at all times.

Note:

- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include the provision of:
 - i. A single access crossover on Cohuna-Koondrook Road and associated basic left and right turn treatments.
 - ii. The relocation of the existing speed zone on Cohuna-Koondrook Road.
 - iii. The installation of a pedestrian refuge treatment on King George Street and associated footpath connections.

Coliban Water

26. The owner is required to provide reticulated water and sewerage services to each of the lots

within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.

27. The diameter of the proposed sewer mains extension for this subdivision is DN225. However, diameter of the existing sewer main is DN150. The downsizing of the sewer mains will create an attenuation of flow and operational issues. The owner is required to make an upgrade of DN225 for the existing DN150 sewer main located on the western road and the deflected section that is connecting to the Sewer Pump Station on Murray St.
28. The sewer mains to be constructed at a depth to ensure that the full lot control can be achieved for all the lots proposed in the subdivision.
29. All Coliban Water assets within the subdivision, are to be protected by an easement created in favour of Coliban Region Water Corporation.
30. Specific requirements for the servicing of the new lots will be provided to the applicant after a plan of certification has been referred to us. It is further requested that a final copy of the plan as certified by Council be forwarded to us for record purposes.

Goulburn Murray Water

31. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
32. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Coliban Water.
33. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
34. No dwellings are to be constructed within 30 meters of Goulburn-Murray Water's Torrumbarry No. 2/3 Channel.
35. Prior to the issue of Statement of Compliance, the owner shall enter into an agreement with the Responsible Authority and Goulburn-Murray Water under Section 173 of the Planning and Environment Act requiring that, in relation to Lots 9, 10, 11, 13 and 15:
 - a) Any buildings and works (other than a dwelling) within 30 metres of Goulburn-Murray Water's No. 2/3 Channel are occupied and used only at the owner's risk.
 - b) The owner must not pursue any action against Goulburn-Murray Water for either damages or loss, or any damage or injury caused to the building, works or any other property due to:
 - i. The building or works settling or subsiding
 - ii. Leaking, seepage, flooding, bursting, breakage or subsiding of any part of the channel; or
 - iii. Any Goulburn-Murray Water works associated with any part of the channel.
 - c) The owner must, on demand, indemnify and hold harmless Goulburn-Murray Water against any action sustained, incurred or suffered by Goulburn-Murray Water (including where an action is made, owed, paid or brought by any third party) due to:
 - i. The owners breach of this agreement, including, but not limited to, c) above, and
 - ii. Death or personal injury and any damage or injury caused to the building or any other property due to:
 - The building or works settling or subsiding
 - Leading, seepage, flooding, bursting, breakage or subsiding of any part of the Channel; or
 - Any Goulburn-Murray Water works associated with any part of the channel.

- d) The owner, on receiving written notice, allows Goulburn-Murray Water, its agents, employees, contractor or relevant service authorities to enter the subject land for the purpose of carrying out any work, without any liability.
- e) The owner agrees that any Goulburn-Murray Water asset within the channel must not be damaged or materially affected by the construction of the building or works or by undertaking any work on or in the vicinity of any Goulburn-Murray Water asset adjacent to the channel.
- f) The owner must pay to Goulburn-Murray Water that part of the reasonable cost and expense of any work required to be carried out due to:
 - i. Direct or indirect damage or injury caused by building and works or the construction of the building, including, but not limited to damage to any part of the channel, Goulburn-Murray Water asset or interruption of service, repair or blockages; or
 - ii. The increased difficulty or expense of carrying out any work due to the building and works being located adjacent to the channel.
- g) The owner agrees that any amount required to be paid by the owner under f) above including GST, must be paid within 30 days of receiving a written notice from Goulburn-Murray Water requiring payment. Interest at the rate fixed under the *Penalty Interest Rate Act 1983 (Vic)* from time to time may accrue if payment is not made by the due date.
- h) That the obligations under this agreement run with the subject land.

North Central Catchment Management Authority

36. Prior to certification a restriction is to be included on the plan of subdivision stating that the finished floor level of any dwelling on any of the allotments must be constructed a minimum of 450 millimetres above natural surface 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, due to the flat topography of the land in the event of a 1% AEP flood event it is possible that the property may be subject to inundation.

Powercor

37. This letter shall be supplied to the applicant in its entirety.

38. 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.

39. 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.

40. 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.

41. 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.
42. 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.

Notes:

- 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/CIWQuickCalculator>. Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or crr@powercor.com.au.

Country Fire Authority

43. Hydrants

- a) Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA.
 - i. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - ii. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
Note - CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA website (www.cfa.vic.gov.au).

44. Roads

- b) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width.
- c) Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.
- d) Dead-end roads and cul-de-sacs more than 60mets in length from the nearest intersection must have a turning circle with a minimum radius of 8mts (including roll-over kerbs if provided); T or Y heads of dimensions specified by CFA may be used as

alternatives.

- e) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 mtrs. Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
- f) Curves must have a minimum inner radius of 10mtrs.

Notes

The siting, layout and design of the proposal should consider the bushfire context at both the landscape and site scale. The proposal should be designed to ensure that it does not conflict with the policy contained at Clause 13.02 of the Gannawarra Shire Planning Scheme.

The current proposal shows a direct interface between the subdivision and adjacent vegetation which may result in high construction standards (Bushfire Attack Levels) and have implications for future development of the land depending on staging on this development and development occurring on the adjoining land. The use and development controls (subdivisions of more than 10 lots) of Clause 13.02-1S state:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Telecommunications

45. The owner of the land must enter into an agreement with:

- a) 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
- b) 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.

46. 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:

- a) 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
- b) 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

Cr Garner Smith returned to the meeting at 10:45am.

7.7 COHUNA RECREATION RESERVE MASTERPLAN

EXECUTIVE SUMMARY

The Cohuna Recreation Reserve Masterplan has been under development since July 2021, with a number of community consultation sessions with key users that enabled a co-design process to occur. After a recent community feedback process on the draft Masterplan which saw 31 responses, some minor amendments have been made with the inclusion of a small playground. The document is now presented for Council adoption.

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

That this matter lay on the table until the next scheduled Council Meeting.

CARRIED

8 URGENT BUSINESS

Nil

9 NOTICES OF MOTION

Nil

80 DELEGATES REPORTS**10.1 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
Timber Towns 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.

Councillors gave verbal updates on attendance at meetings to which there are the appointed delegate.

11 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 10:59am.

The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 20 July 2022.

Mayor Charlie Gillingham

CHAIR