



GANNAWARRA
Shire Council

Council Meeting

MINUTES

Wednesday, 18 May 2022

6:30pm

Virtual Meeting via ZOOM

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**MINUTES OF GANNAWARRA SHIRE COUNCIL
COUNCIL MEETING
HELD VIA ZOOM
ON WEDNESDAY, 18 MAY 2022 AT 6:30PM**

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: Acting Chief Executive Officer
Director Corporate Services

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 Jane Ogden

That the minutes of the Council Meeting held on 20 April 2022 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Cr Ross Stanton declared a General Conflict of Interest in relation to Item 7.4.

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 13 APRIL TO 11 MAY 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 Kelvin Burt

That Council note the records of Councillor Briefings from 13 April to 11 May 2022.

CARRIED

7 BUSINESS REPORTS FOR DECISION

7.1 COUNCIL POLICY REVIEW

EXECUTIVE SUMMARY

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they are reflective of current practices. This report addresses the following policies which have recently been reviewed:

- Policy No. 092 – Councillor Allowances and Support
- Policy No. 100 – Fraud and Corruption
- Policy No. 127 – Compliance
- Policy No. 128 – Asset Disposal and Rationalisation
- Policy No. 129 – Diversity

RESOLUTION

Moved: Cr Travis Collier

Seconded: Cr Jane Ogden

That Council endorse the following reviewed policies:

- **Policy No. 092 – Councillor Allowances and Support**
- **Policy No. 100 – Fraud and Corruption**
- **Policy No. 127 – Compliance**
- **Policy No. 128 – Asset Disposal and Rationalisation**
- **Policy No. 129 - Diversity**

CARRIED

7.2 QUARTERLY BUDGET REPORT - QUARTER ENDING 31 MARCH 2022

EXECUTIVE SUMMARY

At 31 March, 2022, Council is anticipating that the budgeted underlying surplus of \$586k will increase by \$1.158m to an anticipated underlying surplus of \$1.744 million. This increase is due to the early payment of the Victoria Grants Commission annual allocation for 2022/23 in the current financial year and the earlier than anticipated sales of industrial estate lots.

The budgeted Operating Result of \$9.382 million surplus will decrease by \$228k to an anticipated Operating Result of \$9.154 million surplus. This decrease is due to the deferral of grant income anticipated to be recognised into 2022/23.

Council's Capital Works program is progressing with an anticipated variation in scheduled works of \$2.163 million. The adopted capital budget for 2021/2022 is \$16.542 million and it is expected to decrease to \$14.379 million by 30 June, 2022. 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.

RECOMMENDATION

That Council receive the report outlining the 2021/2022 Quarterly Budget Report as at 31 March, 2022.

MOTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

That Council lay this matter on the table until the next scheduled meeting and request a report on why Council employee costs have been over budget by \$5M for the four years ending June 2022.

LOST

Cr Smith called for a Division

In Favour: Crs Smith, Link and Burt

Against: Crs Gillingham, Ogden, Collier and Stanton

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

That Council receive the report outlining the 2021/2022 Quarterly Budget Report as at 31 March, 2022.

CARRIED

Cr Link called for a Division

In Favour: Crs Gillingham, Ogden, Collier and Stanton

Against: Crs Burt, Smith and Link

7.3 PROPOSED BUDGET 2022/2023

EXECUTIVE SUMMARY

The Budget has been prepared in accordance with the requirements of the *Local Government Act 2020*. The Budget seeks to achieve the actions and activities set out in the Council Plan by balancing the demand for services and infrastructure with the community's capacity to pay.

The proposed increase in rate revenue for the 2022/2023 financial year is 1.75% in line with the order by the Minister for Local Government under the Fair Go Rates System.

Continued capital investment in assets (\$13.229m) comprising new works (\$4.979m) and renewal works (\$4.970m) as features in the budget.

The Budget also achieves a Comprehensive Income result of (\$6,770m) surplus.

RESOLUTION

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

That Council:

- 1. Accept the Proposed Budget 2022/2023 as presented and attached to this report, prepared by Council for the purposes of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.**
- 2. Authorise the Chief Executive Officer or delegate, to implement the Communication Plan for the Proposed Budget 2022/2023.**
- 3. Agree that subject to changes to the Proposed Budget 2022/2023 after the implementation of the Communication Plan, the Proposed Budget 2022/2023 will be presented for adoption as Council's Budget 2022/2023, in accordance with Sections 94 and 96 of the *Local Government Act 2020*, at the Council Meeting to be held on Wednesday 29 June, 2022.**

CARRIED

Cr Ross Stanton declared a General Conflict of Interest in relation to the next item on the Agenda and left the meeting at 7:09pm.

7.4 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 46 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.

RECOMMENDATION

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>.

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

That this matter lay on the table until our next regularly scheduled meeting and that the Mayor convene a meeting between Councillors, the applicant, the objectors and the public within two weeks.

CARRIED

Cr Ross Stanton returned to the meeting at 7:18pm.

7.5 G10-2021 SUSTAINABLE RECREATIONAL WATER FOR QUAMBATOOK

EXECUTIVE SUMMARY

The Sustainable Recreation Water for Quambatook Project is an innovative project designed to provide improved amenity and liveability opportunities to the township of Quambatook. The project will provide water control through the upgrade of a Causeway along the Avoca River, isolating flows to contain recreational water in a section of the Avoca River.

The project will also provide a walking trail along the river looped with the inclusion of a new pedestrian bridge crossing, located in the heart of town.

The project is supported by \$2,050,000 million from the State Government's Regional Infrastructure Fund.

Council officers have completed a tendering and evaluation process and recommend the appointment of Earthwork Civil & Constructions Pty Ltd as the successful tenderer for the development of the new infrastructure along the Avoca River.

RESOLUTION

Moved: Cr Kelvin Burt

Seconded: Cr Ross Stanton

That Council award contract G10-2021 for Sustainable Recreational Water for Quambatook Trail and Water infrastructure works to Earthwork Civil & Constructions Pty Ltd for the lump sum amount, not subject to rise and fall, of \$1,532,569.60 excluding GST.

CARRIED

7.6 DOMESTIC ANIMAL MANAGEMENT PLAN - ANNUAL REVIEW

EXECUTIVE SUMMARY

Council must review the Domestic Animal Management Plan (DAM Plan) on an annual basis and if appropriate, amend the plan. A copy of the DAM Plan must be provided to the Secretary, including any amendments. In addition, Council must also publish an evaluation of the implementation of the DAM Plan in its annual report.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

That Council note the annual review of the Domestic Animal Management Plan.

CARRIED

7.7 DRAFT 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 Ross Stanton

Seconded: Cr Kelvin Burt

That Council:

- 1. Note the requirement to develop and adopt an Asset Plan by 30 June 2022 in accordance with Section 92 of the *Local Government Act 2020*.**
- 2. Endorse the Draft Gannawarra Shire Council Asset Plan 2022-2032 for community consultation.**
- 3. Note the final Draft Gannawarra Shire Council Asset Plan 2022-2032 will be presented to Council for adoption at the 15 June 2022 Council meeting, with due regard to outcomes from community consultation.**

CARRIED

8 URGENT BUSINESS

Nil

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - 80

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

That Gannawarra Council request a report on aquatic facilities in Gannawarra containing

- 1. Information currently with council on the structural integrity of all pool shells within Gannawarra Shire.**
- 2. A projection, based on current information, of the likelihood of failure of the Cohuna main pool relative to time to 2037.**
- 3. A recommendation to Council of the confidence that the main Cohuna pool, as it currently stands, will still be sound and usable by the community in 2032.**

This report is to be available by the July 2022 briefing.

CARRIED

10 QUESTION TIME

Nil

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
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.

12 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 7:45pm.

The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 15 June 2022.

Mayor Charlie Gillingham

CHAIR