



GANNAWARRA

Shire Council

Wednesday, 19 July 2023

10:00am

Senior Citizens Centre

Kerang

AGENDA

Council Meeting

Order Of Business

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| | Nil | |

Geoff Rollinson
CHIEF EXECUTIVE OFFICER

1 WELCOME TO COUNTRY

Playing of the Welcome to Country video clip.

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Meeting - 28 June 2023

5 DECLARATION OF CONFLICT OF INTEREST

General conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in Section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

Material conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in Section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

Disclosure of a conflict of interest

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with Section 130 of the Act, a councillor who has disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with Section 130 of the Act may result in a penalty of 120 penalty units

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 21 JUNE TO 11 JULY 2023

Author: Mel Mathers, Executive Assistant - Chief Executive Office

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: 1 Record of Councillor Briefing - 27 June 2023
2 Record of Councillor Briefing - 10 July 2023

RECOMMENDATION

That Council note the records of Councillor Briefings 21 June to 11 July 2023.

EXECUTIVE SUMMARY

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

DECLARATIONS OF CONFLICT OF INTEREST

The Officer preparing this report declares that they have no conflict of interest in regards to this matter.

COUNCIL PLAN

Council Plan 2021-2025: Be a creative employer of choice through our adherence to good governance and our inclusive culture.

BACKGROUND INFORMATION

In accordance with Clause 32 of the Gannawarra Shire Council Governance Rules, a written record of a meeting held under the auspices of Council is, as soon as practicable, reported at a meeting of the Council and incorporated in the minutes of that Council meeting.

The record must include:

1. The names of all Councillors and members of Council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a Councillor attending
4. Whether a Councillor who has disclosed a conflict of interest left the meeting.

CONSULTATION


Consultation with Councillors and staff has occurred to ensure the accuracy of the Councillor Briefing records.

CONCLUSION

To ensure compliance with Clause 32 of the Gannawarra Shire Council Governance Rules, it is recommended that Council note the Councillor Briefing records as attached to this report.


RECORD OF A COUNCILLOR BRIEFING



| | | |
|----------------------------------|--|--|
| Type of Meeting | Councillor Workshop | |
| Date: | Tuesday, 27 June 2023 | |
| Time: | 4:00pm – 6:04pm | |
| Location: | Senior Citizens Centre, Kerang | |
| In Attendance: (Councillors) | Cr Charlie Gillingham Cr Jane Ogden Cr Travis Collier Cr Kelvin Burt Cr Ross Stanton Cr Keith Link Cr Garner Smith | |
| Apologies: | Nil | |
| In Attendance: (Officers) | Geoff Rollinson, Wade Williams, Paul Fernee, Roger Griffiths, Alissa Harrower, Mel Mathers | |
| In Attendance: (Other) | Melissa Scadden – Managing Partner, Justitia Lawyers | |
| Matters Discussed: | Building Better Teams Councillor Workshop | |
| Conflict of Interest Disclosures | | |
| Matter No. | Councillor/Officer making disclosure | Councillor/Officer left meeting Yes/No |
| Nil | | |
| Completed By: | Geoff Rollinson – Chief Executive Officer  | |

RECORD OF A COUNCILLOR BRIEFING



| | | |
|--|--|--|
| Type of Meeting | Councillor Briefing | |
| Date: | Monday, 9 July 2023 | |
| Time: | 9:00am – 4:54pm | |
| Location: | Senior Citizens Centre, Kerang | |
| In Attendance: (Councillors) | C Cr Charlie Gillingham Cr Travis Collier Cr Kelvin Burt Cr Ross Stanton Cr Keith Link Cr Garner Smith | |
| Apologies: | Cr Jane Ogden | |
| In Attendance: (Officers) | Geoff Rollinson, Wade Williams, Paul Fernee, Roger Griffiths, Alissa Harrower, Mel Mathers, Scott Bourne, Kellie Burmeister, Brenton Hall | |
| In Attendance: (Other) | Tony Raunic – Managing Principal, Hunt & Hunt | |
| Matters Discussed: | Workshop: <ul style="list-style-type: none">Governance Rules and Conduct Landscape Workshop Draft July Council Agenda: <ul style="list-style-type: none">7.1 Council Policy Review7.2 Audit and Risk Committee – 20 June 2023 Meeting7.3 Governance Rules Review7.4 Planning Permit Application P230057.5 Petition – Fly the Flag, Be the Change Councillor Briefing Updates: <ul style="list-style-type: none">Rejection of MotionRoad Management Plan ComplianceCouncil Plan 2021-2025 Action Plan Year Two Progress Reports2022/2023 Capital Works Program UpdateRenewable Energy UpdateFuture Listing ReportChildcare Update Councillor Issues | |
| Conflict of Interest Disclosures | | |
| Matter No. | Councillor/Officer making disclosure | Councillor/Officer left meeting Yes/No |
| 7.4 – Planning Permit Application P23005 | Cr Garner Smith | Yes |
| Completed By: | Geoff Rollinson – Chief Executive Officer  | |

7 BUSINESS REPORTS FOR DECISION

7.1 COUNCIL POLICY REVIEW

Author: Katrina Thorne, Coordinator Community Partnerships

Authoriser: Paul Fernee, Acting Director Community Wellbeing

Attachments: 1 Policy No. 142 - Public Art

RECOMMENDATION

That Council endorse the reviewed Policy No. 142 – Public Art

EXECUTIVE SUMMARY

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

- Policy no. 142 – Public Art

PURPOSE

The purpose of this report is to ensure good governance practices are in place whilst meeting legislative requirements.

ATTACHMENTS

- Policy No. 142 – Public Art

DISCUSSION

Council offices undertake regular reviews of Council policies to ensure compliance with relevant legislation and that they reflect current practice. Council policies are reviewed as needed; however, most policies must be reviewed within either 12 months or 2 years after a General Election. Reviewed policies are presented to Council for endorsement, or for repeal if it is determined that the policy is no longer required.

Council policies provide guidance to staff, Council and the community and are published on Council's website.

Below is a summary of a recommended adjustments to the recently reviewed policies:

| Policy No. | Policy Title | Comments |
|-------------------|---------------------|---|
| 142 | Public Art | <p>This policy provides a framework for the commission and acquisition of artworks that will become either Public Art or part of Council's Art Collection.</p> <p>Proposed adjustments to the policy are administrative alterations only to ensure the review history is reflected correctly.</p> |

RELEVANT LAW

Not applicable

RELATED COUNCIL DECISIONS

Council first adopted Policy 142 in October 2021 and it was last reviewed and endorsed on 17 August 2022.

OPTIONS

Council may wish to endorse the recommended policy or make alternative adjustments or decide to not make any adjustments to the policy at this time.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

Not applicable

INNOVATION AND CONTINUOUS IMPROVEMENT

Council policies provide guidance to Council, staff and the community in decision making and service delivery.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Not applicable.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

COUNCIL PLANS AND POLICIES

Policy No. 143 – Community Engagement

Policy No. 085 – Asset Management

Policy No. 123 – Roadsides, Parks and Reserves Trading

Policy No. 141 – Public Transparency

Policy No. 128 – Asset Disposal and Rationalisation

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regard to this matter.



Public Art

COUNCIL POLICY NO. 142

1. POLICY PURPOSE

To provide a framework for the commission and acquisition of artworks that will become either Public Art or part of Council's Art Collection. This policy provides a transparent and accountable decision-making process about the design, placement and conservation of artworks on Council managed land within the Gannawarra Shire.

2. POLICY STATEMENT

Public art is an important way to build an engaged and inclusive community. Council understands art has a positive impact on communities and is committed to working with artists and local creatives to facilitate art projects that inspire creativity, build identity and celebrate sustainability in public spaces. The Public Art Policy provides a framework to support Council's commitment to the inclusion of artistic works in its urban strategic planning.

Artworks acquired by Council can be of different forms. This includes large artworks such as sculptures that will be permanently placed on Council's managed land as Public Art; and paintings that will become part of Council's Art Collection.

This policy covers artworks proposed for Council managed land and for Council's Art Collection. This includes pieces of art commissioned or acquired by Council; proposed by individuals or community groups; permanent and temporary artworks. Donations of artworks from individuals or groups may be accepted subject to the criteria of this Policy. There is no obligation for Council to acquire any artwork.

Definitions

| Term | Meaning |
|------------------|--|
| Art | The product of creatives who intend their work and activities to be seen and read as art. It embraces material and immaterial products and concepts emanating from the imaginative and creative thinking of artists. |
| Public Art | Art in any media located in public spaces that is Council managed or impacted by Council's Planning Scheme. |
| Art Acquisition | The act of acquiring artwork through donation or purchase. |
| Art Commission | The act of requesting the creation of artwork. |
| Assessment Panel | Representatives from across the organisation from the following departments: Economic Development, Community Wellbeing, Infrastructure and Development. The Arts and Culture Officer will be the Panel chair. |

This Public Art Policy aims to ensure artworks commissioned or acquired by donation or purchase on Council's managed land are:

- a. Strategically planned
- b. Appropriate to their context, placement and location
- c. In alignment with Indigenous heritage and local history
- d. In alignment with the areas' brand and themes
- e. Relevant to the local community
- f. Supported by the local community
- g. Of excellent quality and aesthetic value
- h. In accordance with Council's planning, environmental and social policies and strategies
- i. Maintained effectively over the long term

3. CRITERIA

Public art and artwork acquisitions and/or commissioned by Council, will be assessed against the following criteria:

- a. Standards of innovation and quality
- b. Relevance and suitability of the artwork to the proposed site and the Gannawarra community
- c. Consideration of public safety and access
- d. Consideration of ongoing maintenance and durability requirements
- e. Adequate funding and resources to build and maintain the asset
- f. Responsiveness to the guidelines of this Public Art Policy
- g. Responsiveness to the Gannawarra Planning Scheme

4. PROCESS

Council will assess and select public art proposals following the guideline below:

- a. Community members, including artists and organisations interested in displaying their work on a Council's managed public space or having their work added to Council's Art Collection must submit an Expression of Interest (Eoi).
- b. An assessment panel will assess public art and artwork proposals considering:
 - Consultation with Council's Planning Department to determine if any permits are required.
 - If a Public Land Manager consent is required.
 - Artwork maintenance requirements.
- c. The assessment panel will review proposals and inform applicants of the outcome.
- d. Once an artwork is approved, a formal agreement between Council and the artist will identify the terms and obligations of both parties.
- e. Council will maintain a register of the Art Collection available for public access.
- f. Artworks acquired and commissioned become the property of Council on the date a formal agreement is signed.
- g. Artworks from the Art Collection can be displayed temporarily or permanently at public spaces if safety and art preservation requirements are met.
- h. A virtual exhibition of Council's Art Collection is available to be displayed at organisations and/or events.
- i. No continuous commitments for art acquisitions will be made by Council.
- j. Council is responsible for displaying, transporting, relocating and deaccessioning artworks from Council's Art Collection.
- k. Artworks from Council's Art Collection can be donated and/or disposed of in alignment with this policy. The artist or the artist's family are to be advised in the event of donation or disposal of an artwork.

6. MAINTENANCE, REPAIR AND CONSERVATION

The artist is to provide Council with a maintenance manual to assist in conserving and maintaining the public art. Maintenance and repair is to be funded through Council's annual budget allocation which will be determined by the number, age and value of the collection. The artist will be given first priority to undertake any maintenance required on the artwork.



7. DISPOSAL, DEACCESSION, REPURPOSE AND RELOCATION

Disposal, deaccession, repurpose and relocation of Public Art may be considered by Council subject to:

- a. How the artwork fits the objectives and criteria of this Policy
- b. The relevance of the work to the Gannawarra community
- c. Maintenance costs
- d. Damage, deteriorating artwork or poor condition
- e. Public safety
- f. Changes to the use of the public space

Relocating Public Art will occur in consultation with artists and other relevant stakeholders involved in its establishment. Artwork that has been identified for deaccession is to be fully documented prior to disposal or repurposing. Works will be offered back to the artist and/or donor in the first instance, followed by donating to a suitable non-for-profit organisation, or otherwise disposed of.

8. RELATED POLICIES

- Policy No. 143 – Community Engagement
- Policy No. 085 – Asset Management
- Policy No. 123 - Roadsides, Parks and Reserves Trading
- Policy No. 141 – Public Transparency
- Policy No. 128 – Asset Disposal and Rationalisation

9. POLICY REVIEW

Council will review this policy as required but always within two years of a Council election. At the time of review, this policy was compliant with the Victorian Charter of Human Rights and Responsibilities Act 2006.

10. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna offices or online at www.gsc.vic.gov.au. Any enquiries in relation to this policy should be directed to the Chief Executive Officer on (03) 5450 9333.

Altus Folder – 3.000518
Originally adopted: 20/10/2021
Reviewed: 17/08/2022
To be reviewed by: 2026

7.2 AUDIT AND RISK COMMITTEE - 20 JUNE 2023 MEETING

Author: Phil Higgins, Director Corporate Services

Authoriser: Phil Higgins, Director Corporate Services

Attachments: Nil

RECOMMENDATION

That Council receive and note the summary of the discussions of the Audit and Risk Committee meeting held 20 June 2023.

EXECUTIVE SUMMARY

The Audit and Risk Committee (ARC) met on Tuesday, 20 June, 2023. The focus of the ARC meeting was to review the Community Care Review documents.

PURPOSE

To ensure Council's operating framework is meeting our compliance requirements. This is achieved through well-developed Council policies; continual financial performance monitoring; risk and fraud control monitoring and overview the audit functions.

ATTACHMENTS

Nil.

DISCUSSION

Details of the 20 June, 2023 ARC Meeting:

Member attendees:

John Campbell – Independent Member – Chair

Francis Crawley – Independent Member

Laura Conti – Independent Member

Cr Garner Smith – Councillor Representative

Also in attendance:

Staff

Geoff Rollinson – Chief Executive Officer

Phil Higgins – Director Corporate Services

Shanna Johnny – Chief Financial Officer

Allison Peace –Administration Officer

Apologies

Cr Charlie Gillingham – due to declared Conflict of Interest

The following items were considered by the ARC at the meeting:

| Report | Item for Discussion | Recommendation/Outcome |
|-----------------------|---|------------------------------------|
| Community Care Review | The Community Care Review was presented for discussion. | The report was received and noted. |

RELEVANT LAW

Section 53 and 54 *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

The ARC was established by Council at its meeting on 19 August 2020.

Council first re-appointed Cr Gillingham and Cr Smith to the ARC at its 17 November 2021 meeting.

OPTIONS

There are no specific recommendations for Council's consideration in this report.

SUSTAINABILITY IMPLICATIONS

The *Local Government Act 2020* gives the ARC a broader focus and a stronger emphasis on key responsibility areas in financial and performance reporting, internal control environment (ICE), risk management, fraud prevention, internal audit, external audit and compliance management risks.

COMMUNITY ENGAGEMENT

The three independent members on the ARC ensure that there is involvement by key community members. The previously vacant independent member position was filled in May 2023.

INNOVATION AND CONTINUOUS IMPROVEMENT

The framework of the Audit Plan and ICE Plan are being implemented.

COLLABORATION

There were various reports from various agencies reviewed in the agenda.

FINANCIAL VIABILITY

The ARC is operating within the adopted budget.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

The ARC is a requirement of the *Local Government Act 2020*.

COUNCIL PLANS AND POLICIES

A review of Council policies is a key component of the ICE Plan.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

7.3 GOVERNANCE RULES REVIEW

Author: Alissa Harrower, Manager Governance

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: 1 Gannawarra Shire Council Governance Rules – Proposed amendments - July 2023 (tracked changes)

RECOMMENDATION

That Council:

1. Endorses the amendments proposed to Council's Governance Rules as attached to this report for community feedback; and
2. Receives a report at the August 2023 Council meeting to consider the proposed final reviewed Governance Rules.

EXECUTIVE SUMMARY

Council is required to develop, adopt and keep in force Governance Rules, pursuant to Section 60 of the *Local Government Act 2020* (the Act). The Governance Rules also incorporate Council's Election Period Policy.

The Governance Rules were last reviewed and endorsed by Council at the August 2022 Council meeting. Since then, a number of required changes have been identified. These changes are presented to Council for endorsement to commence a community engagement process. A final report to present any feedback from the community and to consider a final version of the Governance Rules for adoption will be presented to the August 2023 Council meeting.

PURPOSE

To ensure compliance with Sections 60 and 69 of the *Local Government Act 2020*, whilst providing for good governance practices.

ATTACHMENTS

Gannawarra Shire Council Governance Rules – Proposed amendments - July 2023 (tracked changes)

DISCUSSION

Since the last review of the Governance Rules in August 2022, further changes have been identified to improve the operation of Council meetings.

A summary of proposed changes and the purpose of the change is included in the table below.

| Rule | Current Rule | Proposed change | Purpose |
|---------|---|--|--|
| 7(3)(f) | The procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are | The procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two | The addition of absolute majority ensures a consistent approach as per Rule 7(3) (a) which states <i>Subject to paragraphs</i> |

| | | | |
|---------------------|---|--|---|
| | only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected. | nominees remaining in which case a further vote must be taken and the nominee with an absolute majority will be declared elected. | <i>c) and d, the Mayor must be elected by an absolutely majority of the Councillors.</i> |
| 13(4)(c) (proposed) | | A written notice to call an unscheduled meeting must: (c) include the proposed motion or a summary of the proposed action. | The addition of this rule will ensure officers are able to draft the Council report with the appropriate information required as well as an officer recommendation. |
| Rule 25(3)(b) | Admitted as Urgent Business in accordance with Clause 27. | Admitted as Urgent Business in accordance with Clause 28. | Currently, clause 27 does not reflect the relevant rule. Clause 28 reflects Urgent Business. |
| Rule 28(2) | A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 12pm on the day of the meeting. | A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 12 noon on the day prior to the meeting. | To align with the current meeting day and times. This Rule was not updated when meetings changed from evening to morning. |
| Rules 101(3) | Questions must be submitted on a Question Time form to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 5.00pm on the day prior to the Council meeting. | Questions must be submitted on a Question Time form to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 12 noon on the day prior to the Council meeting. | To align with the current meeting day and times. This Rule was not updated when meetings changed from evening to morning. |
| 104(1) (proposed) | | A petition or joint letter must be received by Council no later than 12 noon ten business days before the Meeting at | This will ensure the item can be listed in the agenda and is given the time and consideration required |

| | | | |
|---------------------------------------|--|---|--|
| | | which it is intended to be considered to ensure its inclusion in the agenda. | to prepare a report for Council. |
| Division 9 (proposed) | | <p>Division 9. Tabling of Arbiters Decision</p> <p>(1) In accordance with section 147(4) of the <i>Local Government Act 2022</i>, a copy of the arbiter's decision and statement of reason must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting.</p> <p>(2) A copy of the decision and statement of reason will not be included in the agenda.</p> <p>(3) If the arbiter's decision and statement of reason contains any confidential information, the confidential information must be redacted from the copy tabled under subsection (4) of The Act.</p> <p>(4) Discussion on the item will be at the discretion of the Chair.</p> | There is currently no Rule in place to guide the tabling of an Arbiter's Decision and Statement of Reason. By including this Rule, officers and Councillors will be clear on the process to be followed. |
| Schedule 2 – Question Time Guidelines | Completed Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief | Completed Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than 12 noon | These changes will allow for improved community engagement and will also ensure all Councillors are provided with Question Time questions, |

| | | | |
|---|---|---|---|
| | <p>Executive Officer no later than 8.30am on the day prior to the Council meeting.</p> <p>Questions will be read by the Mayor or Chief Executive Officer.</p> | <p>on the day prior to the Council meeting.</p> <p>All Councillors will receive a copy of the questions received and if applicable, the answers to be provided, prior to the relevant Council Meeting.</p> <p>When the Council Meeting moves to public question time, the Mayor or in their absence, the Meeting Chair, will call on each person who has submitted an approved question to ask their question verbally, if they wish. If they do not wish to ask their question, the Mayor or Chief Executive Officer will read out their question on their behalf.</p> | <p>ensuring they are best placed when representing their community.</p> |
| Schedule 3 – Guidelines for Petitions and Joint Letters | <p>Processing a petition</p> <p>Petitions should be forwarded to the Chief Executive Officer. The CEO will provide a copy of petitions to all Councillors and submit the petition to the next Council meeting.</p> | <p>Processing a petition</p> <p>Petitions should be forwarded to the Chief Executive Officer no later than 12 noon, 10 business days before the Meeting at which it is intended to be considered. The CEO will provide a copy of petitions to all Councillors and submit the petition to the Council meeting.</p> | |

In respect of Section 69 of the Act, a number of proposed amendments have been made to Schedule 4 – Election Period Policy. These proposed amendments bring the Policy in line with the 2024 Council Election.

RELEVANT LAW

Local Government Act 2020

RELATED COUNCIL DECISIONS

The Gannawarra Shire Council Governance Rules were last reviewed and endorsed by Council at its meeting on 17 August 2022.

OPTIONS

Option 1. Council may choose to endorse the proposed amendments for community feedback.

Option 2. Council may choose to not endorse the amendments to the Governance Rules. This option is not recommended by officers.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications resulting from the Governance Rules review.

COMMUNITY ENGAGEMENT

Community engagement will be conducted, allowing the community to review and provide feedback on the draft Governance Rules, prior to the finalisation and adoption by Council.

The *Local Government Act 2020* requires Council to ensure that a process of community engagement is followed in developing or amending its Governance Rules.

The public exhibition of the draft Governance Rules will be advertised on Council's website and social media pages. The draft Governance Rules will be accessible via Council's website or in person at Council's Kerang and Cohuna Customer Service Centres.

Community feedback must be received in writing by COB Wednesday, 2 August 2023 and can be provided in the following ways:

- Through Council's website at www.gsc.vic.gov.au
- Emailed to council@gsc.vic.gov.au
- By mail to PO Box 287, Kerang VIC 3579.

INNOVATION AND CONTINUOUS IMPROVEMENT

In the 11 months of operation under the current Governance Rules, additional improvements have been identified, providing for good governance practices in order to achieve the best outcomes for the community via the operation of Council meetings.

COLLABORATION

Officers have reviewed a number of councils Governance Rules including those listed by the Victorian Local Government Inspectorate.

FINANCIAL VIABILITY

The review of Council's Governance Rules contains no budgetary implications or considerations.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Gannawarra Shire Council Plan 2021 – 2025

- Improve the health, safety and wellbeing of our community through partnerships, services and programs.
- Be a creative employer of choice through our adherence to good governance and our inclusive culture.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

GANNAWARRA SHIRE COUNCIL GOVERNANCE RULES

PROPOSED AMENDMENTS - JULY 2023 (TRACKED CHANGES)

PART 2 – THE MAYOR, DEPUTY MAYOR AND ACTING MAYOR

7. Election of Mayor

- 1) Any meeting to elect the Mayor must be chaired by the Chief Executive Officer.
- 2) The election of the Mayor must be undertaken by a show of hands.
- 3) In determining the election of the Mayor, the following will apply:
 - a) Subject to paragraphs c) and d), the Mayor must be elected by an absolute majority of the Councillors.
 - b) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
 - c) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
 - d) In this clause, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.
 - e) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again.
 - f) the procedure in paragraph (e) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with an absolute majority will be declared elected.
- 4) If the Mayor is temporarily absent, including being unable to attend a Council meeting for any reason, the Deputy Mayor is the appointed Acting Mayor unless there is no elected Deputy Mayor or such person is unavailable in which case an Acting Mayor is to be appointed.

PART 3 – COUNCIL MEETINGS

Division 2 - Notice of meetings and availability of agendas

13. Unscheduled Council meetings

- 1) Council may by resolution call an unscheduled meeting of the Council.
- 2) The Mayor, or three Councillors may by written notice call an unscheduled meeting of the Council.
- 3) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting of the Council.

- 4) A written notice to call an unscheduled meeting must:
 - a) specify the business to be transacted; and
 - ~~b)~~ be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with clause 14); ~~and-~~
 - ~~b)c)~~ include the proposed motion or a summary of the proposed action.
- 5) The Chief Executive Officer must determine the date, time, place and format for the meeting, giving consideration to:
 - a) the urgency of the business to be transacted;
 - b) the availability of Councillors; and
 - c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted; and
 - d) relevant factors listed at subclause 12. 5).
- 6) The Chief Executive Officer must arrange for notice of the meeting on Council's website.
- 7) Any resolution of Council to call an unscheduled meeting must specify the date, time, place and format of the unscheduled meeting and the business to be transacted. The date and time of the unscheduled meeting must not be prior to 6pm on the day following the Council meeting at which the resolution was made. Determination of the meeting format will consider factors listed at subclauses 12. 5) and 13. 5).
- 8) The Chief Executive Officer must call an unscheduled meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
- 9) The unscheduled meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- 10) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled meeting, unless Council, by unanimous resolution determines to admit another matter.

Division 4 – Conduct of business

25. Unscheduled Council meetings

- 1) The order of business of Council meetings will be determined by the Chief Executive Officer, in consultation with the Mayor, to facilitate and maintain open, efficient and effective processes of government.
- 2) Although preparation should aim at consistent agendas from meeting to meeting, this should not preclude altering the order of business to enhance the fluent and open process of government of the Council, to meet identified needs of Council or to take advantage of opportunities which may arise from time to time.
- 3) No business can be dealt with at a meeting unless it is:
 - a) contained on the agenda; or
 - b) admitted as Urgent Business in accordance with Clause ~~27~~28).
- 4) In determining the agenda, the Chief Executive Officer should consider:
 - a) the general attitude of the Council;

- b) convenience to the community and interested community groups particularly in relation to the administration of the municipal district;
 - c) the sensitivity of issues;
 - d) the interest of the community and community groups; and
 - e) any other relevant factor which may impact on the fluent and open processes of the government of the Council.
- 5) As a guide, the Chief Executive Officer should list items, giving priority as follows:
- a) Procedural and protocol matters, which may include:
 - An Acknowledgement of, or Welcome to Country
 - Opening Declaration or Prayer
 - Receipt of apologies
 - Requests for leave of absence
 - Confirmation of minutes
 - Declarations of Conflict of Interest
 - Questions from the public
 - Petitions
 - b) Reports for Council decision
 - c) Other matters, which may include:
 - Notices of Motion
 - Urgent Business
 - Council Delegates Reports.

28. Urgent Business

- 1) Business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
- a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - b) deferring the item until the next meeting will mean a decision on the item will not have any effect on the matter; or
 - c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - d) it cannot be addressed through an operational service request process.
- Provided the matter does not:
- Substantially affect the levels of Council service;
 - Commit Council to significant expenditure not included in the adopted budget;
 - Establish or amend Council policy; or
 - Commit Council to any contractual arrangement.
- 2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 12 noon on the day ~~prior of~~ to the meeting.
- 3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

Division 7 – Public Participation

101. Question Time

- 1) At every meeting of Council, with the exception of unscheduled or emergency meetings, time may be allocated to enable any member of the community to address Council.
- 2) Sub-clause 1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 of the Act.
- 3) Questions must be submitted on a Question Time form to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than ~~5:00pm~~ 12 noon on the day prior to the Council meeting.
- 4) Council may allocate reasonable time to each person who wishes to address the Council having regard to:
 - (a) the nature of the matter to be discussed;
 - (b) priorities in relation to other Council business;
 - (c) other members of the community present who also wish to address the Council;
 - (d) whether such an opportunity has already been provided to the person.
- 5) Council may decide to defer discussion to a later date and the views of the person addressing the Council should be sought concerning that other date.
- 6) Question Time guidelines are provided in Schedule 2.

104. Petitions and Joint Letters

- 1) a) A petition or joint letter presented to Council must lay on the table until the next meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.
b) A petition or joint letter must be received by Council no later than 12 noon ten business days before the Meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- 2) Any Councillor presenting a petition or joint letter will be responsible for ensuring that –
 - a) they are familiar with the contents and purpose of the petition or joint letter; and
 - b) the petition or joint letter is not derogatory or defamatory.
- 3) Guidelines for Petitions and Joint Letters are provided in Schedule 3.

Division 9 – Tabling of Arbiters Decision

- 1) In accordance with section 147(4) of the Local Government Act 2022, a copy of the arbiter's decision and statement of reason must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reason and recorded in the minutes of the meeting.
- 2) A copy of the decision and statement of reason will not be included in the meeting agenda.
- 3) If the arbiter's decision and statement of reason contains any confidential information, the confidential information must be redacted from the copy tabled under subsection (4).
- ~~4) Discussion on the item will be at the discretion of the meeting Chair.~~

SCHEDULE 2 – QUESTION TIME GUIDELINES

Question time at Council meetings provides an opportunity for members of the public to ask questions of Gannawarra Shire Council.

- Questions must be submitted on a Question Time form, available from Council's website and the Kerang and Cohuna Customer Service Centres.
- A maximum number of two questions may be asked by any one person at each Council meeting.
- ~~Completed~~ Questions Time forms must be submitted to the Chief Executive Officer or a person authorised for this purpose by the Chief Executive Officer no later than ~~8.30am~~ 12 noon on the day prior to the Council meeting.
- All Councillors will receive a copy of the questions received and if applicable, the answers to be provided, prior to the relevant Council Meeting.
- ~~Questions will be read by the Mayor or Chief Executive Officer.~~
- When the Council Meeting moves to public question time, the Mayor or in their absence, the Meeting Chair, will call on each person who has submitted an approved question to ask their question verbally, if they wish. If they do not wish to ask their question, the Mayor or Chief Executive Officer will read out their question on their behalf.
- The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten days.
- Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in section 3 of the Act such as:
 - Council business information;
 - security information;
 - land use planning information;
 - law enforcement information;
 - legal privileged information;
 - personal information;
 - private commercial information;
 - confidential meeting information;
 - internal arbitration information;
 - Councillor Conduct Panel confidential information.
 - an issue outside the Gannawarra Shire Council core business.
- or if the questions is:
 - defamatory, indecent, abusive or objectionable in language or substance
 - repetitive of a question already answered (whether at the same or an earlier meeting)
 - asked to embarrass a Councillor or Council officer
- No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

SCHEDULE 3 – GUIDELINES FOR PETITIONS AND JOINT LETTERS

Processing a petition

Petitions should be forwarded to the Chief Executive Officer no later than 12 noon, 10 business days before the Meeting at which it is intended to be considered. The CEO will provide a copy of petitions to all councillors and submit the petition to the ~~next~~ Council meeting.

The first named petitioner or the person submitting the petition will be advised of the outcome.

A pro-forma for petitions is available for download from the council's website at www.gannawarragsc.vic.gov.au.

For further information about the process for presenting petitions, please contact the Council's governance staff on (03) 5450 9333.

SCHEDULE 4 – ELECTION PERIOD POLICY

COUNCIL POLICY NO. 118

1. INTRODUCTION

Councils must comply with special arrangements during the election period in the lead up to a general election.

Election period policy provisions contained within the *Local Government Act 2020* (the Act) are intended to ensure councils do not interfere with the integrity or probity of the election process.

The Act regulates council activity in two ways. It prohibits councils from making certain types of decisions and it requires that materials produced by councils must not contain matter that will affect voting at the election.

The 'election period' as defined by the Act for the ~~2020-2024~~ local government elections will commence on ~~224~~ September 2024~~0~~ and end at 6 pm on election day, ~~264~~ October 2024~~0~~.

2. POLICY PURPOSE

The purpose of this policy is to specify procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period before the ~~2020-2024~~ general election; the limits on public consultation and the scheduling of Council events; and procedures to ensure that access to information held by Council is made equally available to candidates during the election.

3. DEFINITIONS

| Term | Definition | Source |
|----------------------|--|---|
| Advertising sign | Means any board, notice, structure, banner or other similar device used for the purposes of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic and where goods or services may be obtained. | Community Amenity Local Law 2023 |
| Candidate | Means a person who has nominated as a candidate for an election under section 256 of the Act. | Act s.3(1) |
| Council land | Means any land owned or vested in, or under the control and management of the Council, including, but not limited to Roads, Municipal Reserves, watercourses and reservations. | Community Amenity Local Law 2023 |
| Councillor Candidate | Means a current Councillor who has nominated, or is considering nominating for election in the 24-26 October 2020-2024 Council elections. | Policy |
| Electioneering | Means any action, statement and/or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election. | Policy |
| Election Manager | Means – (a) the VEC; or (b) a person appointed in writing by the VEC. | Act s.3(1) |
| Electoral Material | Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting. | Act s.3(1) |

| Term | Definition | Source |
|----------------------|--|------------------------------|
| Electoral Matter | Means matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election. Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on- (a) The election; or (b) A candidate in the election; or (c) An issue submitted to, or otherwise before, the voters in connection with the election. | Act s.3(4) Act s.3(5) |
| Election Period | Means the period that- (a) starts at the time that nominations close on nomination day; and (b) ends at 6 pm on election day. | Act s.3(1) |
| Nomination Day | Means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act and the regulations. | Act s.3(1) |
| Publication | Means: a) A published work in any form (eg hardcopy or digital) including but not limited to brochures, articles, letters, posters, policies, strategies, papers, commentary. b) The act or process of publishing. | Policy |
| Publish | Means publish by any means including by publication on the Internet. | Act s.3(1) |
| Public consultation | Means a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public. | Policy |
| Significant decision | Means an irrevocable decision that significantly affects the municipality | Policy |

4. ACCOUNTABILITY

4.1 Council

Council will function in accordance with this Election Period Policy during the election period.

4.2 Chief Executive Officer

In addition to the Chief Executive Officer's statutory responsibilities, the Chief Executive Officer will:

- Prior to an election period, ensure that Councillors and Council staff are advised in regard to the application of this Policy.
- Ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

- Not include in the agenda for any Ordinary Council meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

5. POLICY

5.1 Decision making

- 5.1.1 In accordance with Section 69 of the Act Council is prohibited from making any decision during the election period for a general election that:
- a) relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
 - b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
 - c) the Council considers could be reasonably deferred until the next Council is in place; or
 - d) the Council considers should not be made during an election period.
- 5.1.2 Council is prohibited from making any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 5.1.3 A Council decision made in contravention of a) or b) above is invalid.
- 5.1.4 Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of point 3 above is entitled to compensation from Council for that loss or damage.
- 5.1.4 During the Election Period, the Council, a Committee of Council, the CEO or a Council employee acting under delegation will not:
- a) approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Gannawarra Shire Planning Scheme, which has been adopted by Council; or
 - b) use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

5.2 Extraordinary Circumstances

If Council considers that there are extraordinary circumstances which require the making of a decision during the Election Period that in doing so would breach the Act, Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

5.3 Council Resources

Application of Resources

Councillors will continue to be provided with resources and receive information during the election period to continue to perform their elected role.

Council resources such as office space, staff, email services, equipment, branding and stationery are only to be used for normal Council business during the election period and not for any election campaign activities.

Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.

Councillor-candidates should be mindful to manage any perceived conflicts even where a direct expense is not incurred, this may include for example:

- Where campaign-related calls are received on a Council device, provide and encourage the caller to use a non-council number for future calls.
- Where campaign-related emails are received in a Council email account, send any responses from a private email and encourage the correspondent to use that account in future.

Council staff

Council staff must not be asked to undertake any tasks connected directly or indirectly with the election campaign of a councillor standing for re-election.

Councillors' Entitlement to Reimbursement

Reimbursements of councillors' out-of-pocket expenses during the election period will only apply to expenses incurred in the performance of normal Council duties, and not for expenses that support, or are connected with a candidate's election campaign.

5.4 Public Consultation

Public consultations will be avoided during the election period.

Council will not continue or commence public consultation on major policy decisions, contentious or potentially sensitive matters after the commencement of the election period.

Public consultation associated with activities and decisions which are the subject of statutory processes, for example

- Applications under the *Planning and Environment Act 1987*
- Consultation required under ~~Section 223 of the Local Government Act 1989~~ [Council Policy No. 143 – Community Engagement](#)

can be expected to continue through the election period to ensure Council does not breach its statutory obligations.

Public consultation not associated with activities and decisions which are the subject of statutory processes shall only proceed if prior approval is given by the Chief Executive Officer.

Where community engagement has occurred prior to the election period but a related report has not yet proceeded to a Council meeting, results of the consultation will also not be provided to a Council meeting until the election period has concluded.

Any public consultation that does proceed during the election period will be vetted for electoral matter and express or implicit links to the election.

Postponing consultation

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right where possible and practicable, to postpone public consultation and any associated decisions where the matter is considered likely to affect voting in the election.

5.5 Council Events

Normal Council events are not prohibited during the election period however Council will keep these events to a minimum.

Any civic or ceremonial Council event held during the election period should meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan;
- It is routinely held at the same time of year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or services an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be conscious of the fact that they are representing Council and are not to use the opportunity for electioneering.

Material printed or disseminated during the election period to publicise a function or event will be subject to a certification process.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

5.6 Information

With respect to Council held information, Councillor candidates will be treated in the same way as other candidates.

Councillors may continue to automatically access Council held documents during the election period, but only as is necessary for them to perform their current role and functions. Information routinely provided to Councillors will include:

- Information that is publicly and freely available, eg Council Plans, Annual Reports, strategies, policies.
- Information and advice provided by Council officers as part of Council meeting agendas.
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings. It is likely that the briefing information provided to Councillors during the election period will be of a more routine nature than normal, given the approach to decision making during the election period.

All requests received by Council staff for information about Council projects, programs or services will be responded to in a 'business as usual' manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates or the public.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign, will be referred to the Chief Executive Officer or the Director Corporate Services for consideration.

All election related enquiries from candidates or prospective candidates will be directed to the Election Manager.

Information Request Register

An Information Request Register will be maintained by the Manager Governance during the election period. This Register will be a public document and records requests by persons who identify themselves as candidates when seeking information relating to electoral matters or when making other general enquiries. The register will also record the responses provided.

Any candidate may, upon request, obtain information about the recorded requests made by another candidate as recorded in the Information Request Register and a copy of information given in response to the request.

The Manager Governance may, at his or her discretion, automatically circulate to all candidates, the response to any request recorded in the Information Request Register.

5.7 Council Publications

Council is prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been certified, in writing, by the Chief Executive Officer, Manager Governance or their delegate.

The prohibition does not apply to the publishing of any document published before the election period commences, or publication of any document required to be published in accordance with, or under any Act or regulation.

Certification of Publications

New publications to be printed, published or distributed during the election period must first be certified by the Chief Executive Officer, Manager Governance or their delegate.

The certification will be in writing on or affixed to a copy of the publication and be in the following form:

'Certified in accordance with Gannawarra Shire Council Governance Rules'

Copies of all certified documents will be retained on Council records.

Publications which require certification may include:

- Brochures, pamphlets, handbills and flyers
- Reports (other than agenda papers and minutes required under the Act for Council meetings)
- Advertisements and notices, except newspaper notices of meetings
- New website material
- Social media publications (which includes Facebook and Twitter posts)
- Emails with multiple addresses, used for broad communication with the community

- Mass mail outs or identical letters sent to many people by or on behalf of Council
- Media releases
- Material to publicise a function or event
- Any publication or distribution of councillors' speeches.

Documents permitted or required under legislation (such as rate notices, food premises registrations and parking fines) are not publications for the purposes of the prohibition and do not require certification.

Council publications including Councillor Information

References to councillors who are standing for re-election in Council publications printed, published or distributed during the election period could be considered electoral matter and will be carefully vetted during the certification process.

Existing publications

Existing publications, including material published on Council's website in advance of the election period, are not subject to certification requirements.

Existing publications will be reviewed at the start of the election period. Publications or material which is prominently displayed and might be regarded as likely to influence how people vote may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

In the context of Council's website, prominently displayed means content visible on the Gannawarra Shire Council's website: www.gannawarragsc.vic.gov.au and all pages contained within.

During the election period, Councillor profile pages will be limited to names, contact details and date elected.

Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The ~~2019-20~~ 2023-2024 Annual Report may be published during the election period with the approval of the CEO. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors.

The Annual Report does not require certification by the Chief Executive Officer, however any publication of an extract or summary of the Annual Report will require certification.

Council and Delegated Committee Meetings

Council's Governance Rules require Council to:

- Give public notice of Council meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

No Delegated Committee meetings will be scheduled during the election period.

Agenda papers and minutes of Council meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

Social Media

At the start of the election period, a message will be posted on Council's social media channels and website stating these channels will have no new content added until after the election period unless it relates to existing Council services.

Any new publication on social media channels including Facebook, Twitter, Instagram, blogs and wiki pages created by Council during the election period must be certified by the Chief Executive Officer, Manager Governance or their delegate.

As public comments posted on Council's social media channels could be considered electoral matter, staff responsible for administering social media channels will, where possible, disable public commenting. Where public commenting cannot be disabled, staff will monitor their respective channels during the election period and where possible, remove electoral matter as soon as reasonably practicable after it is posted.

5.8 Media Services

Restriction on services

During the election period, Council resources must not be used in any way that might promote a councillor as an election candidate.

New Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

Media Releases/Spokespersons

Media releases during the election period will minimise references to specific councillors and will not identify any councillor in a manner that could promote a councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer will be consulted.

Media releases will require certification by the Chief Executive Officer.

Councillors

Councillors must not use their position as an elected representative or their access to Council resources to gain media attention during the election period in support of an election campaign.

5.9 Assistance to Candidates

All election enquiries from candidates, whether sitting councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Chief Executive Officer.

Council staff

Upon becoming a candidate in a Gannawarra Shire Council election, the Council staff member must:

- Inform the Chief Executive Officer
- Take leave from their duties at least for the duration of the election period ~~(in accordance with s29 Local Government Act 1989)~~
- Return any Council equipment (including but not limited to motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at Council ~~(in accordance with s29 Local Government Act 1989)~~.

5.10 Advertising signage

Candidates and their supporters are not permitted to affix, attach or place advertising signs on Council land or a Council road during election campaigns including during the election period.

Advertising signs must be erected or placed in accordance with Gannawarra Shire Council Local Law No. 1 Community Amenity and the Gannawarra Planning Scheme.

Gannawarra Planning Scheme - Clause 52.05-10 (Signs not requiring a permit):

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

6. RELATED LEGISLATION/POLICIES

Local Government Act 2020

| | |
|---------------------------|-----------------------|
| <u>Originally Adopted</u> | <u>19 August 2020</u> |
| <u>Reviewed:</u> | <u>17 August 2022</u> |
| <u>Reviewed:</u> | |
| <u>Next review:</u> | <u>2028</u> |

7.4 PLANNING PERMIT APPLICATION P23005

Author: Kellie Burmeister, Manager Planning and Regulatory Services
Authoriser: Wade Williams, Acting Director Infrastructure and Development
Applicant: Stem Beef
Owner:
Proposal: The use and development of the land for a 2,000 standard cattle unit (SCU) beef cattle feedlot in accordance with the endorsed plans.
Location: Lot 2, PS304343, 602 Mead Road, Macorna North.
Attachments: 1 Response to objections

RECOMMENDATION

That Council approve Planning Application P23005 for the use and development of the land for a 2,000 standard cattle unit (SCU) beef cattle feedlot in accordance with the endorsed plans subject to the following conditions:

Amended Plans

1. 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 showing all proposed buildings, infrastructure and works;
 - b) Fully dimensioned elevation plans of all proposed buildings, infrastructure and works;
 - c) Landscaping Plan as required by Condition 9;
 - d) Condition 28 as required by North Central Catchment Management Authority.

Layout not to be Altered

2. 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.

Size of Establishment

3. The maximum number of cattle housed in the feedlot at any time must not exceed 2,000 standard cattle units (SCU).

Environmental Health Office

4. All wastewater must be contained within the property boundaries to the satisfaction of Council's Environmental Health Officer.

Amenity

5. 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.

Operation of Facility

6. The cattle feedlot must at all times operate to the satisfaction of the Responsible Authority.

Road Upgrading

7. Before the use begins and/or the building(s) is/are occupied, the developer must pay a 100% contribution to upgrade Mead Road from its intersection with Leitchville-Kerang Road. This upgrade must begin from edge of eastbound lane of the Leitchville-Kerang Road and incorporate earthworks, pavement, sealing, drainage, line-marking and signage in accordance with plans and specifications approved by the Responsible Authority including:
- a) Mead Road must be sealed to a point at least 50m from the edge of seal on Leitchville-Kerang Road.
 - b) Replacement of existing culvert.
 - c) High stress double/double seal or asphalt equivalent.
 - d) Intersection dimensions to accommodate B-Double turning movements.
- Road construction details may only be varied in writing by the Responsible Authority at its sole discretion. The cost of all works must be borne by the applicant.

Drainage

8. All stormwater and surface water discharging from the site, buildings and works must be retained on site with appropriate underground pipe drains and retaining catchment that meets the satisfaction of the Responsible Authority.

Surfacing

9. All driveways and vehicle movement areas, including car and truck parking areas associated with the cattle feedlot 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.

No Mud on Roads

10. 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.

Landscape Plan Required

11. 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 generally around the perimeter of the site as shown on the proposed plan that will provide screening for 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.

Completion of Landscaping

12. 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.

Landscaping Maintenance

13. 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.

Native Vegetation

14. 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.

Minister for Agriculture

15. Any permit issued for the use and development of a cattle feedlot must:
- specify that the permit allows up to a maximum of 2,000 standard cattle units.
16. Any permit issued for a cattle feedlot must include the following conditions:
- The use and development of the cattle feedlot must comply with the *Victorian Code for Cattle Feedlots – August 1995* to the satisfaction of the Responsible Authority.
 - The use and development of the cattle feedlot must be in accordance with “*Stembeef Pty Ltd Application for Cattle Feedlot*” to the satisfaction of the Responsible Authority.

Goulburn Murray Water

17. The feedlot must be operated generally in accordance with the requirements of the *Victorian Code for Cattle Feedlots* (August 1995).
18. All structures and infrastructure associated with the feedlot development complex must be located at least 60m from the Goulburn Murray Water’s Torrumbarry No. 2/2 channel and Torrumbarry No. 5/7 drain.
19. The development must be located within a controlled drainage area, designed to ensure that stormwater unrelated to the development can be diverted around the site and potentially contaminated stormwater and effluent generated from the feed pad/feedlot area is discharged to an appropriately sized effluent pond via an appropriate drainage and collection system.
20. Contaminated stormwater from the feed pad/feedlot and manure stockpile area must not be discharged to any waterways, channels or drains.
21. The effluent pond must be compacted to a permeability of no greater than 1×10^{-9} metre/second and be of sufficient capacity and design such that all effluent and liquid water can be accommodated in the event that conditions are too wet for irrigation/re-use.
22. The floor of the manure stockpile must be compacted and sealed such that no moisture is able to seep from the stockpile into soil and the stockpile must be bunds to ensure all runoff is diverted to the effluent pond system.
23. Irrigation and wastewater re-use must be managed in accordance with the principles and requirements outlined in EPA Publications 1910.2 *Victorian Guideline for Water Recycling* and 1911.2 *Technical Information for the Victorian Guideline for Water Recycling* (March 2021 and 168 *Guidelines for Wastewater Irrigation* (April 1991).
24. No land application of effluent either directly or shandied with irrigation water must occur within 60m of any Goulburn Murray Water drain.
25. Irrigation of reclaimed water must be done to optimize the uptake of water, nutrients and other pollutants such that they don’t leach to groundwater or runoff to surface waters. The rate of application must be consistent with the capability of the land and appropriate

for the type of plant grown, the soil type and topography. Appropriate harvesting must be undertaken to ensure nutrient removal.

26. Adequate fencing must be in place along Goulburn Murray Water's Torrumbarry Drain No. 5/7 and Channel No. 2/2 where these assets intersect the property to prevent stock from accessing the drain or channel to prevent any damage to Goulburn Murray Water Infrastructure.

Note:

Any enquiries regarding adequate fencing requirements along Goulburn Murray Water's Channels/Drains are to be directed to GMW's Torrumbarry Area Office by calling 1800 013 357.

Agriculture Victoria

27. The farm must at all times comply with the *Victorian Code for Cattle Feedlots – August 1995*.
28. The use and development of the feedlot is in accordance with the *Livestock Environmental and Planning, "Stembeef Pty Ltd Application for Cattle Feedlot" written by Robyn Tucker of Livestock Environmental and Planning (14 Dec 2022)*; as endorsed to form part of any permit issued to the satisfaction of the Responsible Authority.
29. Prior to the use of the proposed feedlot commencing, it is recommended that a pre-operation assessment be undertaken to ensure that the construction aligns with approved plans.

North Central Catchment Management Authority

30. Prior to the commencement of works, detailed plans and computations of the proposed on-site drainage must be submitted to and approved by the Responsible Authority and North Central CMA, demonstrating the following requirements are met:
- a) Banks surrounding the proposed feedlot are designed to prevent flood water (from local drainage runoff) from entering the proposed feedlot.
 - b) Plans and computations that demonstrate the internal drains and dams are designed to hold runoff from the development site from storm events up to and including the 10% AEP storm event.
31. All fences constructed associated with the proposed feedlot must be constructed of post and wire or post and rail.
32. All buildings and works must be setback a minimum of 100 metres from designated waterways.

Note:

Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the *Water Act 1989*. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is unlikely the property will be subject to inundation from a designated waterway.

The site, located in Environmental Significance Overlay (ESO4) Areas of poor drainage or potentially subject to inundation under the Gannawarra Planning Scheme. This overlay is to identify and ensure any development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and with local drainage conditions and will not cause any significant rise in flood levels or flow velocity.

Note 1: *Any new or otherwise vehicular entrances to the subject land from the road must be constructed as per the Infrastructure Design Manual Standard Drawing 265. Consent for Works Within the Road Reserve; must be obtained from Council prior to carrying out any vehicle crossing works.*

Note 2: **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>.

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for the use and development of the land for a 2,000 standard cattle unit (SCU) beef cattle feedlot in accordance with the endorsed plans at 602 Mead Road, Macorna North.

The application was advertised to surrounding property owners and occupiers and five 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.

PURPOSE

To seek Council's decision on planning application P23005 for the use and development of the land for a 2,000 standard cattle unit (SCU) beef cattle feedlot.

DECLARATIONS OF CONFLICT OF INTEREST

The Officer preparing this report declares no Conflict of Interest in regards to this matter.

COUNCIL PLAN

Gannawarra Shire Council Plan 2021-2025:

- Continue to support existing agriculture and facilitate diversification to improve regional productivity through sustainable planning.

BACKGROUND INFORMATION

The subject land comprises three parcels of land, the parcel of land relevant to this application is Lot 2 PS304343. This parcel of land comprises an area of 98.14ha.

The proposal is to establish a 2,000 standard cattle unit (SCU) cattle feedlot. The feedlot is proposed to be constructed and operated in accordance with the Class A standards specified in the Victorian Code for Cattle Feedlots. Typically there would be up to 1,800 head of cattle in the proposed feedlot at any one time and up to 7,200 head in a year. However, it has been indicated that if smaller cattle were fed (e.g. animals with a finished weight of 400kg) there could be up to 2,667 head at a time. *The stocking density will be 15m²/SCU.* 23 pens totalling an area 30,000m² is to be provided, 17 of these pens are to comprise an area of 1,500m² each and six of the pens will each have an area of 750m².

The feedlot pens, 1,600m³ sedimentation basin, 15,000m³ holding pond and manure stockpile area are to sit within a controlled drainage area (CDA). The feedlot complex is to be surrounded by a 0.3m bank that forms the CDA. It is noted that any mortalities will be managed by composting within the manure stockpile area.

In addition a feed processing and commodities storage shed is proposed to be constructed on the subject land. This structure is proposed to be constructed with materials with a non-reflective finish and is located outside the controlled drainage area, however, it is to be bunded. Feed milling will occur during the operating hours of 7:00am – 6:00pm, it is indicated within the submitted application that feed milling will not usually occur on weekends.

It is noted within the application that it is not proposed that manure will be spread on farm, it is likely to be transferred to other land owned by the proponent for use on cropping land or will be made available to other farmers for re-use. An area of 23ha has been set aside for effluent reuse, this is to be planted to fodder crops for silage production.

It is indicated within the application that traffic will generally access the proposed feedlot (the access point to the site is off Mead Road) via the Leitchville-Kerang Road, however, it is acknowledged that a small number of vehicles may travel to/from the site via the Murray Valley Highway. It is estimated that 497 B-double equivalent trucks per year will access the site (this includes trucks bringing cattle on-site, trucks transporting cattle off-site, trucks transporting feed to the site and trucks removing manure).

A copy of the application can be viewed [here](#).

CONSULTATION

The application was referred externally to the Minister for Agriculture pursuant to Section 55 of the *Planning and Environment Act 1989*. The Minister did not object to the granting of a planning permit subject to conditions.

The application was also referred externally to Goulburn Murray Water, North Central Catchment Management Authority and Agriculture Victoria under Section 52 of the *Planning and Environment Act 1989*. None of the authorities offered any objection to the granting of a planning permit subject to conditions.

The application was referred internally to the Council's Engineering, Environmental Health and Building departments, who offered no objection subject to the inclusion of conditions.

Notice of the application was given to adjoining property owners and occupiers on 14 March 2023 and a notice was placed in the Gannawarra Times newspaper on Tuesday 21 March 2023. Five objections were received.

The key issues raised in the objections were:

- Traffic impacts, work hours, use of dairy infrastructure, odour, chemicals and farm machinery.
- Nutrients leaching into groundwater, potential for impacts to surface water quality, specifically Pyramid Creek, Johnson and Hird Swamps and dust and odour.
- Road maintenance.
- Nutrient management and drainage concerns.
- Mead Road, effluent re-use and biosecurity.

In response to the issues raised by the objectors, the applicant has provided the attached response.

A consultation meeting was held with Council officers, the applicant, proponent and some objectors on Monday 10 July 2023. Each objector was asked to raise their concerns with the applicant. Whilst the objections have not been withdrawn from this meeting, it was an opportunity for all parties to gain a better understanding of the proposal.

Another objection to the application has now been received by Council, however, this was after the consultation meeting had already occurred. The issues raised were heavy rain or flooding at the site could cause substantial land degradation and runoff containing high nutrient levels entering the waterways and groundwater.

ASSESSMENT

The subject land is situated within the Farming Zone (FZ) pursuant to Clause 35.07 of the Gannawarra Planning Scheme. One of the purposes of the FZ is 'To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision'. Another purpose of the FZ is 'To encourage the retention of productive agricultural land.' A third purpose of the FZ is 'To provide for the use of land for agriculture.'

A planning permit is required pursuant to Clause 35.07-1 of the Gannawarra Planning Scheme for use of land as a cattle feedlot, this is given the total number of cattle to be housed in the proposed feedlot is greater than 1000 head. The Victorian Code for Cattle Feedlots 1995 defines a cattle feedlot as follows:

"Land on which cattle are restrained by pens or enclosures for the purposes of intensive feeding and includes any structure, work or area:-

- (a) in which such cattle are handled, fed, loaded and unloaded;
- (b) where the animal wastes from the feedlot are accumulated or treated pending removal or disposal;
- (c) where the animal wastes from the feedlot are treated, placed or dispersed on the land. (This does not include land that does not form part of the land on which the feedlot pens and associated works are located.);

(d) in which facilities for feeding such cattle are maintained and the feed for such cattle is stored; or

(e) set aside for the purpose of landscaping and planting of vegetation.

It does not include any area in which cattle are penned or enclosed for:

(a) grazing; or

(b) hand feeding prior to 12 weeks of age or for weaning, or for the provision of subsistence rations due to fodder shortage, abnormal seasonal conditions or other like events; or

(c) the provision of supplementary rations for cattle which have daily access to pasture."

A permit is required to construct those buildings and works associated with the proposed cattle feedlot per Clause 35.07-4 as the buildings and works are associated with a use in Section 2 of Clause 35.07-1.

The majority of the subject site is covered by the Environmental Significance Overlay Schedule 4 and a portion of the subject land is covered by the Land Subject to Inundation Overlay, it is important to note that no part of the proposed development is to be sited within the LSIO. One of the purposes of the ESO is 'To identify areas where the development of land may be affected by environmental constraints.' One of the environmental objectives to be achieved by the ESO4 is 'To ensure that any development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and with local drainage conditions and will not cause any significant rise in flood levels or flow velocity.' As the proposed feed processing and commodities building exceeds a floor area of 200m² a planning permit is triggered for the proposal pursuant to Clause 42.01-2. The proposed building measures 40m x 21m, this equates to a total floor area of 840m².

The Specific Controls Overlay (SCO2) covers the whole site. The purpose of the SCO2 is 'To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.' The specific control SCO2 relates to the Goulburn-Murray Water Connections Project and Water Efficiency Project Incorporated Document, (November 2021).

A small section of the land parcel is identified as being an area of cultural heritage sensitivity. It is noted that the proposed feedlot is not located within the area of cultural heritage sensitivity.

The Planning Policy Framework (PPF)

- Clause 11 (Settlement): Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.
- Clause 12.01-1S (Protection of biodiversity): The objective is 'To protect and enhance Victoria's biodiversity.'
- Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs): The objective is 'To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.'
- Clause 13.02-1S (Bushfire Planning): The objective is 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'
- Clause 13.03-1S (Floodplain Management): The objective is 'To assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.'
- Clause 13.05-1S (Noise Management): The objective is 'To assist the management of noise effects on sensitive land uses.'

- Clause 13.07-1S (Land Use Compatibility): The objective is 'To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.'
- Clause 14.01-1S (Protection of agricultural land): The objective is 'To protect the state's agricultural base by preserving productive farmland.'
- Clause 14.01-2S (Sustainable agricultural land use): The objective is 'To encourage sustainable agricultural land use.'
- Clause 14.01-2R (Agricultural productivity - Loddon Mallee North): One of the strategies is 'Support emerging agribusinesses and location clusters, including intensive animal industries.'
- ☐ Clause 14.01-2L (Sustainable Farming): One of the strategies is 'Encourage on-farm drainage and sustainable agricultural industries that are based on efficient use and re-use of water.'
- ☐ Clause 14.02-1S (Catchment Planning and Management): The objective is 'To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.'
- Clause 14.02-2S (Water Quality): The objective is 'To protect water quality.'
- Clause 15.01-2S (Building Design): The objective is 'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.'
- Clause 15.01-2L (Building Siting – Gannawarra): The preferred setback distance from buildings fronting and not fronting 'Other Roads' in the Farming Zone is 20m the preferred setback distance from 'Other Boundaries' is 5m.
- Clause 15.01-6S (Design for Rural Areas): The objective is 'To ensure development respects valued areas of rural character.'
- Clause 15.03-2S (Aboriginal Cultural Heritage): The objective is 'To ensure the protection and conservation of places of Aboriginal cultural heritage significance.'
- Clause 18.02-4L (Roads – Gannawarra): One of the strategies listed is 'Encourage protection of road infrastructure in agricultural areas.'

Particular Provisions

- Clause 53.08 (Cattle Feedlot): The purpose of this Clause is 'To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.' Clause 53.08-1 stipulates that all use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995 and that the Code must be complied with to the satisfaction of the responsible authority.

The decision guidelines of Clause 65

The proposal generally complies with the provisions of Clause 65.01 and Clause 65.02.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

- Victorian Code for Cattle Feedlots - August 1995

Relevant incorporated or reference documents

- Planning Practice Note 87: Preparing a planning permit application for animal production.

Relevant Planning Scheme amendments

Nil.

OPTION ANALYSIS

Council has two options in relation to this report:

1. To approve Planning Application P23005 and issue a Notice of Decision to grant a planning permit subject to appropriate conditions. The objector has the opportunity to appeal Council's decision at VCAT.
2. To refuse Planning Application P23005 and issue a Notice of Refusal stating the grounds of refusal. The permit applicant has the opportunity to appeal Council's decision at VCAT.

RISK IMPLICATIONS

There are no risk implications to Council.

FINANCIAL IMPLICATIONS

Nil.

CONCLUSION

The proposed use and development is considered to be appropriate for this site.

The application was advertised to surrounding property owners and occupiers as well as notice in the Gannawarra Times newspaper and five written objections were received.

It is considered that the proposal is consistent with the Gannawarra Planning Scheme, in particular the Planning Policy Framework and the purpose of the Farming Zone.

Given the above, it is recommended that the application be approved subject to conditions as outlined earlier in this report (see recommendation).

Applicant response to objectors

Submission 1

The issues identified relate to:

- Nutrient leaching into groundwater
- Potential for impacts to surface water quality, specifically Pyramid Creek and Johnson and Hirds Swamp.
- Dust and odour

Nutrients leaching into groundwater

Although groundwater is expected to be relatively shallow, it will be protected by soils with ~4 m of clay or clayey loam soil overlying the shallowest groundwater level.

A Waste Management Plan (WMP), including a Nutrient Management budget (Table 11), has been prepared for the property. Manure will go off-farm, only effluent and mortalities compost will be reused on-farm. Note: the values for “area needed for reuse” for the summer silage crops are wrong in the report. These are corrected in the table below. These errors do not affect the conclusions.

Table 11: Effluent Nutrient Budget

| Movement | N | P | K |
|---|-----|------|-------|
| Nutrients for reuse (kg/yr) | 921 | 371 | 5,713 |
| Nutrients harvested summer silage (kg/yr) | 440 | 80 | 400 |
| Area needed for reuse (ha) | 2.1 | 4.6 | 11.3 |
| Nutrients harvested winter silage (kg/yr) | 137 | 19 | 118 |
| Area needed for reuse (ha) | 6.7 | 19.7 | 48.3 |
| Nutrients harvested double cropping (kg/yr) | 577 | 99 | 518 |
| Area needed for reuse (ha) | 1.6 | 3.8 | 11.0 |

The area allocated for effluent reuse is 23 ha. The minimum area required under a summer silage crop is 11.3 ha. This would remove all the applied nitrogen, phosphorus and potassium, and fertiliser will need to be applied to make up the deficit. If the area is double cropped, which is expected to occur in most years, the minimum area required is 11 ha. Hence, the nutrient balance is very conservative, and nutrient leaching does not pose a significant risk. 10 ha of land has been allocated for mortalities compost reuse. It is expected that there could be ~36 mortalities per year. If these weigh 500 kg, this is 18 t/yr of mortalities. Compost production is likely to be ~9.75 t/yr. From Tucker et al. (2015), it could be expected that mortalities compost could contain 1.6% N, 0.6% P and 1.1% K on a wet basis. With ~9,745 kg/yr of compost, this equates to ~156 kg N/yr, 58.5 kg P/yr and 107 kg K/yr. These nutrient rates can easily be sustainably managed on the land areas available under the proposed cropping regimes. Consequently, concerns about nutrient leaching to groundwater are unfounded. Nevertheless, the soil will be monitored to confirm nutrient levels and required fertiliser application rates for crops.

Agriculture Victoria assessed the application and raised no concerns about nutrients leaching to groundwater. In their response, they noted that: “The WMP shows there is sufficient land available to utilise the feedlot’s annual effluent production. The proposed soil monitoring parameters across the reuse areas will determine the sustainability of on-going effluent application to land. It is

common practice for cattle feedlots to sell manure off-farm in order to export nutrients and ensure there is sufficient reuse area on the subject property for effluent irrigation.”

Nutrient Runoff to Surface Waters

Pyramid Creek and Hird Swamp are approximately 1.5 km from the closest reuse area. Johnsons Swamp is ~2.3 km from the closest reuse area. Hence, they are protected by distance from the site. There is relatively flat topography between the feedlot development site and the creek and swamps. There are no waterways on the farm that connect to the creek or swamps and the site is unlikely to flood in a 1% AEP flood event. Given the conservative nutrient reuse rates, the likelihood of nutrients from applied effluent or mortalities compost reaching the Creek or swamps can be considered very low. Hence, these surface waters can be considered suitably protected.

It is important to recognise that broadacre cropping farms and dairies routinely apply fertiliser to soil to optimise crop production. The proposed nutrient application rates for the effluent and mortalities compost are significantly lower than crop or intensive fodder / pasture requirements.

Agriculture Victoria assessed the application and raised no concerns about nutrient runoff to surface water. North Central CMA also assessed the application and did not object to the granting of a permit subject to conditions.

Dust and odour

Separation distances for odour have been assessed using the method provided in the Victorian Code for Cattle Feedlots which is embedded in the VPP and the Gannawarra Shire Planning Scheme. This indicates a satisfactory outcome. It is widely accepted that providing suitable separation distances for odour also protects nearby sensitive uses from dust from the feedlot complex.

The report supporting the application details the design features that will promote rapid drying of pens after rainfall and the manure management practices that will minimise odour emissions.

Agriculture Victoria assessed the application and raised no concerns about dust and odour. They confirmed that the separation distance methodology had been suitably applied.

Submission 2

This submission (which is not an objection) pertains to road maintenance. As this is a council concern, no further comment will be made here.

Submission 3

Submission 3 is an objection based on nutrient management and drainage concerns, with no specific concerns identified. Refer to response for submission 1.

Submission 4

This submission is from a neighbour living within an isolated house block surrounded by the subject farm. The submission raises concerns about dust and noise from traffic, work hours, whether the farm's dairy infrastructure will be used by the feedlot, odour from "effluent ponds and manure storage areas" and mortalities composting (note: there appears to be some confusion as the areas to the north and north west of the house are mortalities compost reuse areas, not manure storage areas) as well as use of chemicals and farm machinery.

Traffic impacts

The proposal is concerned about noise and dust from traffic. It is estimated that the equivalent of 497 B-double equivalents will service the feedlot. On average, this is two trucks per weekday. The

access for the feedlot will be situated on Mead Road approximately 960 m from the subject house. Most vehicles will access the site from the sealed Leitchville-Kerang Road. Hence, the length of the unsealed Mead Road to be used by most vehicles is about 340 m. Given the small number of trucks, the distance of the access to the house and the short length of unsealed road to be used, traffic noise and dust are most unlikely to impact the submitter.

Work Hours

The normal operating hours will be 7 AM-6 PM. Milling will not usually occur on weekends. Feeding will occur once a day in the morning, after 7 AM. Cattle handling will generally also occur during normal operating hours and seldom on weekends. Heavy vehicle movements will normally occur between 7 AM and 6 PM on weekdays. However, cattle leaving the site may also be transported earlier in the morning during very hot weather for welfare reasons.

Use of Dairy Infrastructure

It is not intended that the dairy infrastructure will be used for the feedlot.

Odour

Refer to response to submitter 1.

In relation to mortalities composting, a tried and tested method will be used. Dead stock will be taken to the composting pad for composting as soon as possible after discovery. They will be placed onto a layer of manure or straw at 45-60 cm thick, then immediately completely covered with a further 60 cm of manure. An additional layer of carcasses can be added on top, but this also needs to be covered with at least 60 cm of damp manure or other bulking agent. The hand "squeeze test" will be used to confirm that moisture can just be squeezed from the bulking agent. At the start of the process, the following details will be recorded:

- date of batching,
- location of composting site,
- number of cattle, and
- approximate weight of the carcasses.

During the composting process the following will be done:

- check the windrows daily to ensure the carcasses are still covered with the bulking agent. Add more cover material as needed, including over any seepage of fluid, to minimise odours. Allow to heat up undisturbed.
- after 5-6 months check the windrow and if there is not remaining flesh, turn and commence the second heat cycle.
- the windrow should be turned then completely covered with damp manure or other cover material. It should heat up and the high temperature should be sustained for at least a week.
- when the pile cools, the process can be considered complete.
- the compost will then be screened to remove bones that can be added to a new pile.
- finished mortalities compost will be stored in a separate windrow from actively composting material.

The mortalities compost piles will be kept separate from the manure-only windrows and positioned such that runoff from these cannot cross-contaminate the manure windrows.

Section 6.1.3 of the report supporting the application outlines strategies that will be used to minimise odour nuisance from reuse activities. It also details a complaints management procedure.

Chemicals

Only animal health chemicals will be used within the feedlot. These will have no impact whatsoever on the submitter.

Farm machinery

The farm machinery to be used will include the trucks detailed in the application report, feedmill, a feed truck or wagon and front end loaders / tractors and bobcats for cleaning pens. None of this equipment is unusual or foreign to farms in the district.

Submitter 5

Submitter 5 raises concerns about Mead Road, the need for the effluent reuse area to have whole farm plan reuse in place and biosecurity.

Mead Road

The upgrading and maintaining of Mead Road to provide for “the main thoroughfare for milk tankers and others” is a council matter.

Effluent Reuse / Runoff Capture

The North Central CMA has assessed the application and required no conditions around the proposed reuse practices. The effluent will be blended with irrigation water and applied by surface / flood irrigation. A whole farm plan will be in place with runoff collected and re-irrigated.

Biosecurity

Good biosecurity is of the utmost importance to the proponent. The last thing Stembeef would want is a disease outbreak that threatens theirs stock and those of others. Cattle, mortalities, effluent and manure may contain a variety of pathogens and need to be managed in a way that protects public health. Vermin may be vectors for the transfer of pathogens and also need to be managed.

The main human exposure for pathogens in feedlot effluent, manure or compost is by inhalation of aerosols or dust. Other exposure pathways include direct human-animal contact; direct or indirect contact with contaminated tissue; direct or indirect contact with manure; and contact with contaminated work clothes (e.g. when washing these). Windborne exposure to dust or other contaminants is recognised as an important exposure pathway. This can be a concern where inadequate waste management practices are adopted, for example, spreading inadequately composted mortalities on land.

Biosecurity will be an important component of the feedlot’s NFAS QA system and a detailed biosecurity procedure will be in place. Employees will also be trained in biosecurity.

All cattle arriving at the feedlot will be individually electronically identified and assessed for their animal health status at the time of unloading. Staff will receive training on the importance of early detection of disease, what to do if they suspect an animal may be exhibiting symptoms of disease and best practice guidelines for specific notifiable and serious diseases. This includes any new and / or casual employees to ensure the importance of biosecurity and all biosecurity principles employed onsite are understood. If there are any suspicious signs of disease, the new animals will be isolated, and the feedlot veterinarian consulted for further action. All cattle must be accompanied by a fully completed National Vendor Declaration (NVD) upon arrival, and, where possible, a National Cattle Health Declaration (NCHD). Contact between newly arrived cattle and existing stock will be minimised for at least seven days.

If there are any suspicious signs of disease or mortality at any time during the feeding period, the suspect cattle will be isolated, and the feedlot veterinarian consulted for further action. If a mortality occurs, the carcass will be removed and disposed of immediately and the carcass is promptly and completely covered by a layer of manure to prevent odour generation and to control fly and vermin populations. The mortalities composting area is inaccessible by cattle in the feedlot. If the cause of death is unknown or suspicious, a post-mortem is conducted by the Cattle Supervisor, or where appropriate, the feedlot or company veterinarian.

All cattle leaving the property must be 'fit to load' and selected to minimise potential welfare issues, disease and contamination spread through transport.

Visitors to the feedlot will need to go straight to the office on arrival where they will need to complete the visitor log on entry and exit. Any visitors deemed to be high risk will not be allowed onto the property unless procedures are followed to reduce the risk. This may include cleaning and / or changing clothing and boots at the office prior to moving further into any feedlot areas. Only designated farm machinery and vehicles will be used on the property. Outside and contractor vehicle use will be limited to specific areas and avoided in production areas. Contractors and equipment will be asked to comply with equipment cleanliness before entering the property and equipment may be inspected. Machinery handling manure will be cleaned regularly and not cross utilised with feeding activities unless cleaned and disinfected thoroughly.

Feed processing, manure and mortalities composting have the potential to attract vermin and other vectors including rodents, cats, dogs, foxes, wild birds and insects. These can spread disease. Control measures include:

- good general cleanliness practices, prompt removal of waste feed, ensuring mortalities are always well covered, keeping lawns around sheds short to minimise habitats;
- minimising vector access to feedstuffs through appropriate storage and handling of incoming feedstock and outgoing product;
- preventing water from pooling and stagnating across the site where insects can breed;
- regularly removing manure from under fence lines;
- using robust manure and mortalities composting processes; and
- strategic use of fly, insect and rodent baits as necessary.

Practices to minimise airborne pathogen transfer:

- avoiding manure handling (e.g. pen cleaning, turning of compost windrow) when the manure is very dry;
- undertaking manure handling activities only under still or low wind conditions and avoiding these activities if the prevailing wind is carrying directly towards the closest receptors or the town or under overcast conditions;
- robust composting of manure and mortalities;
- spreading mortalities compost on-farm only under still or low wind conditions and avoiding these activities if the prevailing wind is carrying directly towards the closest receptors or under overcast conditions;
- surface irrigating effluent which does not promote aerosol formation. Effluent irrigation will only occur during suitable weather conditions: it will only occur under still or low wind conditions, it will not occur if the prevailing wind is carrying directly towards the closest receptors or the town, if heavy rain is expected or if the soil moisture profile is near full and nutrient runoff could result from irrigation.

7.5 PETITION - FLY THE FLAG, BE THE CHANGE

Author: Scott Bourne, Communications Coordinator

Authoriser: Paul Fernee, Acting Director Community Wellbeing

Attachments: 1 Petition to Council - Fly the Flag, Be the Change

RECOMMENDATION

That Council not approve to fly a dove flag from Council installations for reconciliation on International Human Rights Day, 10 December 2023.

EXECUTIVE SUMMARY

A petition requesting for a dove flag to be flown from Council installations for reconciliation on International Human Rights Day, 10 December 2023, has been received by Council.

As outlined in Policy No. 148 – Flags, any community requests to fly flags not listed in the Community Flag Schedule needs to be determined by a Council resolution.

PURPOSE

The purpose of this report is to consider a community request to fly a dove flag from Council installations for reconciliation on International Human Rights Day, 10 December 2023., ensuring compliance with Council Policy No. 148 – Flags.

ATTACHMENTS

Petition to Council - Fly the Flag, Be the Change

DISCUSSION

In December 2022, Council received a petition containing 30 names, requesting that a dove flag be flown from Council installations for reconciliation on International Human Rights Day, 10 December 2023. The signatories requested the flying of this flag “in reconciliation of Gannawarra Shire’s failure to ‘ensure our communities are welcoming and inclusive’”, citing Australian Human Rights Commission Act 1986 Schedule 2 – International Covenant on Civil and Political Right, Part III, Article 7 as its reasonings for this application. This article states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation”.

Council resolved at the 21 December 2022 Council Meeting to lay the petition on the table until such time a Flag Flying Policy has been developed as per resolution made by Council at its 16 November 2022 Council Meeting.

Council resolved at the 17 May 2023 Council Meeting to endorse Policy No. 148 – Flags and Community Flag Schedule. As per this policy, any requests to fly additional flags not listed in the Community Flag Schedule will be determined by Council resolution.

What is International Human Rights Day?

Observed every year on 10 December, International Human Rights Day marks the day the United Nations General Assembly adopted, in 1948, the Universal Declaration of Human Rights (UDHR) – a document which proclaims the inalienable rights that everyone is entitled to as a human being -

regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth or other status.

This year marks the 75th anniversary of the UDHR's declaration.

What is the dove flag?

First used by early Christians, the image of a dove became a secular peace symbol after World War Two, popularised by a Dove lithograph by Pablo Picasso. The use of the dove on flags grew in popularity in March 2022 following Russia's invasion of Ukraine.

Despite this, there is no universal definition of what a dove flag looks like, its colours or dimensions.

The petition's reasoning for flying the dove flag

The organiser of this petition published a story in the 25 May 2023 edition of the *Koondrook-Barham Bridge*, confirming the purpose of flying the dove flag was to "highlight a grave inequity and discrimination that existed, one based on what appeared to be fear and phobia more than logic or science". The story stated that a minority were excluded from accessing Council facilities due to their "vaccine pass". This refers to Council's implementation of the State Government's Victorian Roadmap: Delivering the National Plan in late 2021 and early 2022. As part of these measures, any person aged over 12 years and two months needed to have received both doses of a COVID-19 vaccine and provide verification of their vaccination status, or have a valid medical exemption, to access Council facilities.

The reasoning to accept the request to fly the dove flag does not align with Section 3.7 of Council Policy No. 148 – Flags, which states that "regard should be given to whether flying the flag will cause offence to sectors of the community or whether highlighting a particular issue, cause or group would be inconsistent with Council's values, commitment to inclusiveness or does not align to Federal or State legislation". In this instance through the pandemic, Council – like other councils across Victoria – were implementing guidelines and orders that were consistent with the private and public sectors through the *Public Health and Wellbeing Act 2008*.

This reasoning is also contrary to Section 3.8 of Council Policy No. 148 – Flags, which states that Council will not enter into agreements to raise flags with parties "whose purposes to display the flag requested for flying misrepresent the flag's intent". In this instance, the request to use a dove flag does not align with the petition's intent.

RELEVANT LAW

Flags Act 1953

Public Health and Wellbeing Act 2008

Public Health and Wellbeing Regulations 2019

RELATED COUNCIL DECISIONS

Council resolved at the 21 December 2022 Council Meeting to lay the petition 'Fly the flag, be the change,' requesting a dove flag be flown from Gannawarra Shire Council installations for reconciliation on International Human Rights Day, 10 December 2023, on the table until such time a Flag Flying Policy has been developed as per resolution made by Council at its 16 November 2022 Council Meeting.

Council resolved at the 17 May 2023 Council Meeting to endorse Policy No. 148 – Flags and Community Flag Schedule.

OPTIONS

The following options are available for Council to consider:

1. Reject the request to fly a dove flag from Council installations for reconciliation on International Human Rights Day, 10 December 2023 on the grounds that the “purposes to display the flag requested misrepresents the flag’s intent”.
2. Accept the request to fly a dove flag from Council installations for reconciliation on International Human Rights Day, 10 December 2023. Council officers do not recommend this option.

SUSTAINABILITY IMPLICATIONS

Accepting the request to fly a dove flag from Council installations for reconciliation on International Human Rights Day, 10 December 2023 for the reasons outlined in the petition would contradict the *Public Health and Wellbeing Act 2008* and *Public Health and Wellbeing Regulations 2019*. These key pieces of legislation are designed to protect the health of Victoria's population, and guide the government’s response to major infectious disease outbreaks.

COMMUNITY ENGAGEMENT

As part of investigations regarding this request, officers contacted the Australian Human Rights Commission and United Nations Information Centre – Canberra regarding the dove flag and International Human Rights Day celebrations.

Correspondence received from the Australian Human Rights Commission on 11 April 2023 recommended that any Human Rights Day celebrations should “have positive messages celebrating achievements in human rights and reflecting on challenges”.

The Gannawarra Refugee Support Group also provided feedback regarding this proposal via a Letter to the Editor published in the 24 January 2023 edition of the *Gannawarra Times*. The letter states the petition “wrongly quotes from the United Nations Charter, which sets out its aims following the atrocities of WWII and other totalitarian states.”

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

If Council accept the request to fly a dove flag from Council installations for reconciliation on International Human Rights Day, 10 December 2023, the author of the petition will be required to pay all costs associated with purchasing Dove flags to be flown outside the Kerang Council Building and at Garden Park, Cohuna.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Department of Prime Minister and Cabinet, Australian National Flag Protocols

COUNCIL PLANS AND POLICIES

Policy No. 148 – Flags

TRANSPARENCY OF COUNCIL DECISIONS

This report will be presented in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.


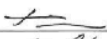


From: Lloyd [REDACTED]
Sent: Monday, 5 December 2022 11:40 AM
To: Council <council@gannawarra.vic.gov.au>; Garner Smith <garner.smith@gsc.vic.gov.au>; Charlie Gillingham <charlie.gillingham@gsc.vic.gov.au>; Ross Stanton <ross.stanton@gsc.vic.gov.au>; Kelvin Burt <kelvin.burt@gsc.vic.gov.au>; Travis Collier <travis.collier@gsc.vic.gov.au>; Keith Link <keith.link@gsc.vic.gov.au>; Jane Ogden <jane.e.ogden@gsc.vic.gov.au>
Subject: GSG Petition to Council

Dear Council and Councillors

Please find the attached petition to council for the December 21 council meeting.

All the best
Lloyd Polkinghorne
[REDACTED]

*Petition To Gannawarra Shire**'Fly the flag be the change'**Ratepayers and residents would like to bring Council's attention a request to fly a dove flag from Gannawarra Shire Council installations for reconciliation on International Human Rights Day, December 10, 2023.**The day commemorates the 1948 UN General Assembly Universal Declaration of Human Rights, and the ratepayer and resident signatories in the attached seek the flying of a dove flag in reconciliation following Gannawarra Shire's failure to 'ensure our communities are welcoming and inclusive'.**GSC 'promotes connectivity and accessibility across the Shire for all community members to fulfil their potential as equal citizens'.**Unfortunately, through the last 18 months, a vulnerable minority were forfeited the 'quality of life for all people living in our Shire' that the Gannawarra Shire Council Social Inclusion Strategy 2019-2023 awards them.**If 'the Gannawarra Shire Council will continue to foster the spirit of inclusiveness' 'Council will (should) seek to identify and remove barriers that people face – particularly those within the Council's immediate sphere of influence'.**'Every individual is able to feel welcome in their community and have the opportunity to fully participate in all aspects of rural community life'**"Access for All" – principles are based on all aspects of the DDA and ensure that no-one is discriminated against directly or indirectly through the actions or inactions of Council. It also includes equitable access and inclusion within the Council to facilities, services and employment'.**The Gannawarra Shire Council Social Inclusion Strategy 2019-2023 is underpinned by the Australian Human Rights Commission Act 1986, Schedule 2—International Covenant on Civil and Political Right, PART III, Article 7, No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*

| PRINT NAME | FULL ADDRESS | SIGNATURE |
|---------------------|--------------|--|
| ALESMA MILLARD | |  |
| Tim Millard | |  |
| Lloyd Polkinghorne | |  |
| Lauren Polkinghorne | |  |
| | | |

Petition To Gannawarra Shire

'Fly the flag be the change'

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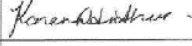
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
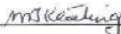

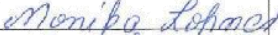

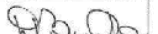
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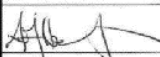
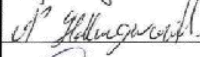

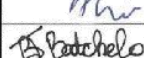
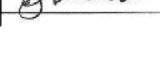
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| PRINT NAME | FULL ADDRESS | SIGNATURE |
|-------------------|--------------|--|
| EMMA HOLLINGWORTH | |  |
| KAREN ARTHUR | |  |
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| RHONDA FOWLER | |  |
| MARIE KEATING | |  |
| DENNIS KEATING | |  |
| MONIKA LOHNER | |  |
| KARL LOHNER | |  |
| Doss Brubaker | |  |

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| ALVETTE HOLLINGWORTH | |  |
| IVETL HOLLINGWORTH | |  |
| CHRIS D'SILVA | |  |
| BARBAR D'SILVA | |  |
| BERNADETTE BATCHELOR | |  |

Petition To Gannawarra Shire*'Fly the flag be the change'*

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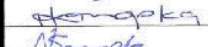


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| PRINT NAME | FULL ADDRESS | SIGNATURE |
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| Chris Kanopka | |  |
| NADIENE | |  |
| GA KANOPKA | |  |
| Aiden Kanopka | |  |
| | | |

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PRINT NAME FULL ADDRESS SIGNATURE

ASHTON WRIGHT

AShton

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PRINT NAME FULL ADDRESS SIGNATURE

*Kyle Wilson**Kyle Wilson*

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PRINT NAME FULL ADDRESS SIGNATURE

LISA WILSON



*Petition To Gannawarra Shire**'Fly the flag be the change'**Ratepayers and residents would like to bring Council's attention a request to fly a dove flag from Gannawarra Shire Council installations for reconciliation on International Human Rights Day, December 10, 2023.**The day commemorates the 1948 UN General Assembly Universal Declaration of Human Rights, and the ratepayer and resident signatories in the attached seek the flying of a dove flag in reconciliation following Gannawarra Shire's failure to 'ensure our communities are welcoming and inclusive'.**GSC 'promotes connectivity and accessibility across the Shire for all community members to fulfil their potential as equal citizens'.**Unfortunately, through the last 18 months, a vulnerable minority were forfeited the 'quality of life for all people living in our Shire' that the Gannawarra Shire Council Social Inclusion Strategy 2019-2023 awards them.**If 'the Gannawarra Shire Council will continue to foster the spirit of inclusiveness' 'Council will (should) seek to identify and remove barriers that people face – particularly those within the Council's immediate sphere of influence'.**'Every individual is able to feel welcome in their community and have the opportunity to fully participate in all aspects of rural community life'**'Access for All' – principles are based on all aspects of the DDA and ensure that no-one is discriminated against directly or indirectly through the actions or inactions of Council. It also includes equitable access and inclusion within the Council to facilities, services and employment'.**The Gannawarra Shire Council Social Inclusion Strategy 2019-2023 is underpinned by the Australian Human Rights Commission Act 1986, Schedule 2—International Covenant on Civil and Political Rights, PART III, Article 7, No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*

PRINT NAME FULL ADDRESS SIGNATURE

ALAN & CHERYL COOKE



A J. Cooke

Cheryl A Cooke

Petition To Gannawarra Shire

'Fly the flag be the change'

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GSC 'promotes connectivity and accessibility across the Shire for all community members to fulfil their potential as **equal citizens**'.

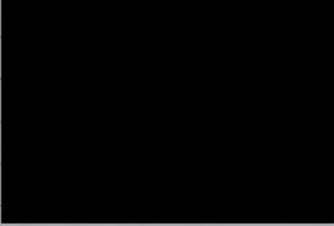


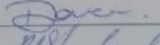
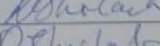
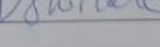
Unfortunately, through the last 18 months, a vulnerable minority were forfeited the 'quality of life for all people living in our Shire' that the Gannawarra Shire Council Social Inclusion Strategy 2019-2023 awards them.

If 'the Gannawarra Shire Council will continue to foster the spirit of inclusiveness' 'Council will **(should)** seek to identify and remove barriers that people face – particularly those within the Council's **immediate sphere of influence**'.

'**Every individual** is able to feel **welcome** in their community and have the opportunity to **fully participate** in all aspects of rural community life'

"Access for All" – principles are based on all aspects of the DDA and ensure that no-one is discriminated against directly or indirectly through the actions or inactions of Council. It also includes equitable access and inclusion within the Council to facilities, services and employment".

The Gannawarra Shire Council Social Inclusion Strategy 2019-2023 is underpinned by the Australian Human Rights Commission Act 1986, Schedule 2—International Covenant on Civil and Political Right, PART III, Article 7, No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, **no one shall be subjected without his free consent to medical or scientific experimentation**.

| PRINT NAME | FULL ADDRESS | SIGNATURE |
|-------------|---|--|
| G. DOVE |  |  |
| G. DOVE | |  |
| T. DOVE | |  |
| R. Sherlock | |  |
| D. Sherlock | |  |

Sent from my iPhone

7.6 PROPOSED 2023 COUNCIL MEETING DATES, TIMES AND LOCATIONS

Author: Mel Mathers, Executive Assistant - Chief Executive Office

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: 1 Proposed Council Meeting Dates for remainder of 2023

RECOMMENDATION

That Council adopt the list of dates for the remaining 2023 scheduled meetings of Council as detailed in, and attached to this report.

EXECUTIVE SUMMARY

In accordance with Council's Governance Rules, Council by resolution may change the date, time, place or format of, or cancel any meeting which has been fixed and must provide notice of the change to the public.

Following a request from Councillors to reinstate the times of Council meetings to the evenings, this report proposes scheduled Council meetings for the remainder of 2023 continue to be held on the third Wednesday of each month with all meetings will commencing at 6:00pm at the Senior Citizens Centre, Kerang.

The date for the Meeting to conduct the Mayoral Election will remain unchanged and has also been included in the meeting schedule for the remainder of 2023.

August – Wednesday 16 @ 6:00pm

September – Wednesday 20 @ 6:00pm

October – Wednesday 18 @ 6:00pm

November – Monday, 6 @ 9:00am*

November – Wednesday 15 @ 6:00pm

December – Wednesday 20 @ 6:00pm

* Mayoral Election

PURPOSE

The purpose of this report is to consider times for the remainder of the 2023 scheduled meetings of Council, ensuring compliance with Council's Governance Rules.

ATTACHMENTS

Proposed Council Meeting dates for the remainder or 2023.

DISCUSSION

Council's Governance Rules require Council to fix the date, time and place of all scheduled Council meetings for the following calendar year, at or before the last meeting each calendar year. The Governance Rules also allow Council by resolution to change the date, time, place or format of, or cancel any meeting which has been fixed and must provide notice of the change to the public.

The meeting schedule for 2023 was adopted by Council in November, 2023 with meetings to be held on the third Wednesday of each month, commencing at 10:00am.

Following a request from Councillors to reinstate the times of Council meetings to the evenings, this report proposes scheduled Council meetings for the remainder of 2023 continue to be held on

the third Wednesday of each month with all meetings will commencing at 6:00pm at the Senior Citizens Centre, Kerang.

The date for the Meeting to conduct the Mayoral Election remains unchanged, occurring on Monday, 6 November at 9:00am on the morning of the Monthly Councillor Briefing.

RELEVANT LAW

Local Government Act 2020 – Section 61 – Council meetings

Gannawarra Shire Council Governance Rules – Rule 12 – Date, time and place of Council meetings.

RELATED COUNCIL DECISIONS

Council adopted the 2023 Meeting Schedule at its meeting held 16 November 2023.

OPTIONS

Option 1. Council may choose to endorse the meeting schedule for the remainder of 2023 with meetings commencing at 6:00pm.

Option 2. Council may choose not to endorse the proposed change to the meeting schedule for the remainder of 2023 with meetings commencing at 10:00am.

Option 3. Council may choose to hold meetings at a time to be determined and not listed in this report.

SUSTAINABILITY IMPLICATIONS

By moving Council Meetings to outside of business hours, this provide better opportunity for the public to attend and engage with Council.

COMMUNITY ENGAGEMENT

Members of the public unable to attend or view Council meetings are able to access recordings of meeting recordings and/or meeting minutes from Council's website.

INNOVATION AND CONTINUOUS IMPROVEMENT

Officers are continually seeking opportunities for continuous improvement regarding Council meetings ensuring efficiency and benchmarking against other Local Government areas.

COLLABORATION

Not Applicable

FINANCIAL VIABILITY

The adopted Annual Budget 2023/24 provides for expenses associated with meetings of Council.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

COUNCIL PLANS AND POLICIES

Gannawarra Shire Council Plan 2021 – 2025 – Be a creative employer of choice through our adherence to good governance and our inclusive culture.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

MEETINGS OF COUNCIL 2023



| Month | All Meetings to be held at 6:00pm Kerang Senior Citizens Centre |
|------------------|--|
| August | Wednesday 16 |
| September | Wednesday 20 |
| October | Wednesday 18 |
| Mayoral Election | Monday, 6 @ 9:00am |
| November | Wednesday 15 |
| December | Wednesday 20 |

8 URGENT BUSINESS

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - 85

Author: Councillor Garner Smith

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

I, Councillor Garner Smith , give notice that at the next Meeting of Council be held on 19 July 2023, I intend to move the following motion:

MOTION

Gannawarra council request a report on council's support for the VNI west proposal at the next council meeting, including

- **The potential impact on residents local to the proposal**
- **The relationship to current and proposed renewable energy projects in Gannawarra**
- **The benefits to Gannawarra community**
- **The benefits to Gannawarra council**
- **The potential PILOR payments for Gannawarra council**
- **Planning and other processes involving the Gannawarra Shire Council**

9.2 NOTICE OF MOTION - 86

Author: Councillor Garner Smith
Authoriser: Geoff Rollinson, Chief Executive Officer
Attachments: Nil

I, Councillor Garner Smith , give notice that at the next Meeting of Council be held on 19 July 2023, I intend to move the following motion:

MOTION

Gannawarra council write to the North Central Catchment Management Authority requesting

- **Justification of the flooding of the Gunbower Forest for the third consecutive year, directly after a major flood event in 2022**
- **Reassurance for the Gannawarra Shire Council and the Gannawarra community that**
 - **Continued watering will not harm the health of the forest**
 - **Will not contribute to possible flooding either directly around the forest or along the Gunbower Creek system, considering all river storages are at a maximum and the soil profile is full**
 - **Will not result in backflow of black water or flooding debris into the Gunbower Creek that may result in fish kills and negatively impact the water supply for Gunbower Creek communities, including Cohuna**

10 QUESTION TIME

Question Time provides an opportunity for members of the public to submit questions, in advance, to gain a response at the Council meeting.

QUESTIONS FROM THE GALLERY

Completed Question Time forms must be submitted to the Chief Executive Officer via email council@gsc.vic.gov.au no later than 8:30am on the day prior to the Council meeting.

A maximum number of two questions may be submitted in writing by any one person.

Questions will be read by the Mayor or Chief Executive Officer.

The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten (10) business days.

Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in Section 3 of the *Local Government Act 2020* such as:

- Council business information
- security information
- land use planning information
- law enforcement information
- legal privileged information
- personal information
- private commercial information
- confidential meeting information
- internal arbitration information
- Councillor Conduct Panel confidential information
- an issue outside the Gannawarra Shire Council core business

or if the question is:

- defamatory, indecent, abusive or objectionable in language or substance
- repetitive of a question already answered (whether at the same or an earlier meeting)
- asked to embarrass a Councillor or Council officer.

No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

11 DELEGATES REPORTS

11.1 DELEGATES REPORTS

Author: Mel Mathers, Executive Assistant - Chief Executive Office

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

EXECUTIVE SUMMARY

Council has memberships with peak Local Government associations, local and regional forums along with statutory committees. Some memberships require that a Councillor be appointed to act as a delegate to formally represent Council; typically in a voting capacity. This Agenda item provides an opportunity for Council appointed delegates to present a verbal update on any pertinent matters arising from Council's membership on the following associations.

| Association | Appointed Council Delegate |
|--|----------------------------|
| Central Victorian Greenhouse Alliance | Cr Stanton |
| Community Halls Community Asset Committee | Cr Burt |
| Loddon Campaspe Group of Councils | Mayor |
| 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.

12 CONFIDENTIAL ITEMS

Nil