



**GANNAWARRA**  
*Shire Council*

## **Council Meeting**

# **MINUTES**

**Wednesday, 19 July 2023**

**10:00am**

**Senior Citizens Centre**

**Kerang**

**Order Of Business**

<b>1</b>	<b>Acknowledgement of Country .....</b>	<b>3</b>
<b>2</b>	<b>Opening Declaration.....</b>	<b>3</b>
<b>3</b>	<b>Apologies .....</b>	<b>3</b>
<b>4</b>	<b>Confirmation of Minutes .....</b>	<b>3</b>
<b>5</b>	<b>Declaration of Conflict of Interest .....</b>	<b>3</b>
<b>6</b>	<b>Briefing Sessions.....</b>	<b>4</b>
6.1	Records of Councillor Briefings - 21 June to 11 July 2023.....	4
<b>7</b>	<b>Business Reports for Decision .....</b>	<b>4</b>
7.1	Council Policy Review .....	4
7.2	Audit and Risk Committee - 20 June 2023 Meeting.....	5
7.3	Governance Rules Review .....	5
7.4	Planning Permit Application P23005.....	6
7.5	Petition - Fly the Flag, Be the Change .....	10
7.6	Proposed 2023 Council Meeting Dates, Times and Locations .....	11
<b>8</b>	<b>Urgent Business.....</b>	<b>11</b>
<b>9</b>	<b>Notices of Motion.....</b>	<b>12</b>
9.1	Notice of Motion - 85 .....	12
9.2	Notice of Motion - 86 .....	13
<b>10</b>	<b>Question Time.....</b>	<b>13</b>
<b>11</b>	<b>Delegates Reports .....</b>	<b>14</b>
11.1	Delegates Reports .....	14
<b>12</b>	<b>Confidential Items .....</b>	<b>14</b>
	Nil	

**MINUTES OF GANNAWARRA SHIRE COUNCIL  
COUNCIL MEETING  
HELD AT THE SENIOR CITIZENS CENTRE, KERANG  
ON WEDNESDAY, 19 JULY 2023 AT 10:00AM**

<b>PRESENT:</b>	<b>Cr Charlie Gillingham (Mayor)</b>	<b>Avoca Ward</b>
	<b>Cr Kelvin Burt</b>	<b>Patchell Ward</b>
	<b>Cr Travis Collier</b>	<b>Patchell Ward</b>
	<b>Cr Ross Stanton</b>	<b>Murray Ward</b>
	<b>Cr Garner Smith</b>	<b>Yarran Ward</b>
	<b>Cr Keith Link</b>	<b>Yarran Ward</b>

**IN ATTENDANCE:**     **Chief Executive Officer**  
                              **Manager Governance**

**Gallery: Nil**

**Media: 1**

**1        ACKNOWLEDGEMENT OF COUNTRY**

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

**2        OPENING DECLARATION**

Cr Kelvin Burt read the Opening Declaration.

**3        APOLOGIES**

Cr Jane Ogden was noted as an apology.

**4        CONFIRMATION OF MINUTES**

**RESOLUTION**

Moved:     Cr Travis Collier

Seconded: Cr Kelvin Burt

**That the minutes of the Council Meeting held on 28 June 2023 be confirmed.**

**CARRIED**

**5        DECLARATION OF CONFLICT OF INTEREST**

Cr Charlie Gillingham declared a General Conflict of Interest in relation to Item 9.2.

Cr Garner Smith declared a General Conflict of Interest in relation to Item 7.4.

## **6 BRIEFING SESSIONS**

### **6.1 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.

#### **RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Kelvin Burt

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

**CARRIED**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 COUNCIL POLICY REVIEW**

#### **EXECUTIVE SUMMARY**

Council officers undertake regular reviews of Council policies to ensure compliance with relevant legislation and 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

#### **RESOLUTION**

Moved: Cr Keith Link

Seconded: Cr Travis Collier

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

**CARRIED**

**7.2 AUDIT AND RISK COMMITTEE - 20 JUNE 2023 MEETING****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.

**RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Ross Stanton

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

**CARRIED**

**7.3 GOVERNANCE RULES REVIEW****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.

**RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Keith Link

**That Council lay Item 7.3 Governance Rules on the table until the next scheduled Council meeting.**

**CARRIED**

Cr Garner Smith left the room at 10:08am.

## **7.4 PLANNING PERMIT APPLICATION P23005**

### **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.

### **RESOLUTION**

Moved: Cr Keith Link

Seconded: Cr Kelvin Burt

**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:
  - a) 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:
  - a) 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.
  - b) 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  $1 \times 10^{-9}$  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>.*

**CARRIED**

Cr Garner Smith returned to the room at 10:13am.

**7.5 PETITION - FLY THE FLAG, BE THE CHANGE****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.

**RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Kelvin Burt

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

**CARRIED**

## **7.6 PROPOSED 2023 COUNCIL MEETING DATES, TIMES AND LOCATIONS**

### **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

### **RESOLUTION**

Moved: Cr Kelvin Burt

Seconded: Cr Garner Smith

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

**CARRIED**

## **8 URGENT BUSINESS**

Nil

## **9 NOTICES OF MOTION**

### **9.1 NOTICE OF MOTION - 85**

#### **RESOLUTION**

Moved: Cr Garner Smith

Seconded: Cr Keith Link

**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**

**CARRIED**

#### **RESOLUTION**

Moved: Cr Ross Stanton

Seconded: Cr Travis Collier

**That Councillor Kelvin Burt take the Chair for Item 9.2.**

**CARRIED**

Cr Charlie Gillingham left the room at 10:35am.

## 9.2 NOTICE OF MOTION - 86

### RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

**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**

**CARRIED**

Cr Charlie Gillingham returned to the room at 10:43am and resumed the Chair.

## 10 QUESTION TIME

Author	Question	Response
Audrey	How did the applicant demonstrate the site for intensive animal production would not be affected by a 1-in 100-year flood?	Notice of the application was given under Section 52 to North Central Catchment Management Authority (NCCMA). NCCMA had no objections and also advised that information available indicates that in the event of a 1% AEP flood event, it is unlikely that the property will be subject to inundation from a designated waterway.
	Did Pyramid Creek overflow during the 2022 flood as it did in 1973, 1974 and 2011?	North Central Catchment Management Authority as the floodplain manager would be in the best position to answer this question, however, it is our understanding that parts of the Pyramid Creek did overtop during the 2022 flood.

## 11 DELEGATES REPORTS

### 11.1 DELEGATES REPORTS

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith
Timber Towns Victoria	Cr Smith

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

Councillors gave verbal updates on attendance at meeting to which they are the appointed delegate.

## 12 CONFIDENTIAL ITEMS

Nil

**The Meeting closed at 10:57am.**

**The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 16 August 2023.**

**Mayor Charlie Gillingham**  
**CHAIRPERSON**