



# **AGENDA**

## **Ordinary Council Meeting**

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**6.00pm Tuesday 28 May 2019**

**VENUE:**  
**Bannockburn Shire Hall**  
**Council Chambers**  
**12 High Street, Bannockburn**

NEXT COUNCIL MEETING  
6.00pm Tuesday 11 June 2019

Copies of Golden Plains Shire Council's Agendas & Minutes  
Can be obtained online at [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au)

## Code of Conduct Principles

### WORKING TOGETHER

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

### BEHAVING WITH INTEGRITY

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

### MAKING COMPETENT DECISIONS

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

## Order Of Business

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**1 OPENING DECLARATION**

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire

**2 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledge the traditional Wadawurrung owners of the land where we meet today. Council pays its respects to Wadawurrung Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

**3 APOLOGIES AND LEAVE OF ABSENCE****4 CONFIRMATION OF MINUTES****Recommendation**

That the minutes of the Ordinary Council Meeting held on Tuesday 23 April 2019 as circulated, be confirmed.

**5 DECLARATION OF CONFLICT OF INTEREST****6 PUBLIC QUESTION TIME**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 YOUNG ACHIEVER AWARD ACKNOWLEDGEMENT**

**File Number:**

**Author:** Lisa Letic, Director Community Services

**Authoriser:** Lisa Letic, Director Community Services

**Attachments:** 1. Trinity Crawford Bio (under separate cover)

#### **PURPOSE**

Golden Plains Shire is proud to recognise the fantastic achievements and contributions made by young people in the community. We are fortunate today to present a certificate of recognition to Trinity Crawford.

Trinity Crawford is being recognised as a semi - finalist of the Seven News Young Achiever Award held on Friday 10 May 2019.

The purpose of the Seven News Young Achiever Awards is to acknowledge, encourage and most importantly promote the positive achievements of all young people in Victoria up to and including 29 years of age. Finalists are recognised in eleven categories with each category winner announced on the night, followed by the announcement of the 2019 Victorian Young Achiever of the Year.

Trinity, lives in Sutherlands Creek and was nominated for her leadership attributes and outstanding contribution to the Golden Plains Shire community through extensive volunteering pursuits.

**7.2 DELEGATES REPORT - 24 APRIL 2019 TO 27 MAY 2019****File Number: 78-07-002****Author: Sharon Naylor, Executive Assistant - Chief Executive Officer****Authoriser: Eric Braslis, CEO****Attachments: Nil****RECOMMENDATION**

That Council receive and note the Delegates Report – 24 April 2019 to 27 May 2019.

**CR OWEN SHARKEY**

25 April Anzac Day Ceremony in Bannockburn  
25 April Councillor Conversation Post in Inverleigh  
26 April G21 Board Meeting  
8 May Meeting with Andy Meddick MP  
8 May Budget Consultation Session in Smythesdale  
9 May Linton and District Progress Association AGM  
14 May Audit and Risk Committee Meeting  
15 May Budget Consultation Session in Bannockburn  
21 May Councillor Briefing Meeting  
22 May Visit to Rocklea Farm  
24 May Tourism Greater Geelong and The Bellarine Partner Race Day  
25 May Official Opening of the Bannockburn Victoria Park Netball Court upgrade

**CR DAVID EVANS**

25 April Anzac Day Ceremony in Meredith  
25 April Anzac Day Ceremony in Teesdale  
25 April Councillor Conversation Post in Inverleigh  
29 April Geelong Rural and Peri Urban Advisory Committee meeting  
8 May Budget Consultation Session in Smythesdale  
14 May Audit and Risk Committee Meeting  
14 May G21 Health and Wellbeing Pillar Meeting  
15 May Budget Consultation Session in Bannockburn  
20 May Meredith Committee of Management Meeting  
21 May Councillor Briefing Meeting

### 7.3 DRAFT INVERLEIGH STREETScape MASTERPLAN

**File Number:****Author:** Greg Anders, Director Assets and Amenity**Authoriser:** Greg Anders, Director Assets and Amenity**Attachments:**

1. Responses to Questions on Notice (under separate cover)
2. Individual Submissions (under separate cover)
3. Questions on notice (under separate cover)
4. Postcard and online feedback for Option Two and Works Plan (under separate cover)

**RECOMMENDATION**

That Council:

1. Receive and note the feedback received from the Inverleigh Community on the Draft Inverleigh Streetscape Masterplan.
2. Acknowledge that the routine and minor maintenance identified through the community consultation and engagement process (Works Plan) will be delivered under Council's annual road and drainage maintenance and capital works program.
3. Acknowledge that the community does not currently support the Draft Inverleigh Streetscape Masterplan and set it aside for review in the future.

**BACKGROUND**

Council at its meeting of 27 November 2019 received a report outlining the background to the preparation of various streetscape plans for Inverleigh. At that meeting, Council resolved to defer any decision pending further consultation.

As a result further refinements were made to the draft streetscape plans and those plans were presented to the community, as a meeting held on Monday 25 February at the Inverleigh Bowls Club. Having heard clearly from the community at that meeting, Council at its meeting on 26 February resolved to *"Abandon the concept plan option for one-way service roads within the Draft Inverleigh Streetscape Masterplan and continue to work with the community on refining the option that retains two-way traffic."*

What followed was a further engagement program through March which saw responses from 77 Inverleigh residents via our postcards, 33 via the online survey on Council's website, along with several individual submissions including one from the Inverleigh Progress Association. The overwhelming themes that emerged were:

- Retain the 'country feel' of the Inverleigh township;
- No median strip on the Hamilton Highway;
- Retain the two-way service roads; and
- No major infrastructure changes to the Inverleigh Streetscape.

Based on this feedback, council prepared a 'works program' intending to address many of the issues that the community felt were more immediate and remedial type concerns;

- Fix road surfaces
- Better drainage
- Plant and protect trees
- Improve parking





*This image depicts the Works Plan consultation.*

The Works Plan process also asked ‘What have we missed?’ and Council went back to the Inverleigh community as the final phase of the engagement process. There were 42 responses and the most popular response was Street Furniture.

**POLICY CONTEXT**

- Delivering good governance and leadership
- Managing the natural and built environment

**DISCUSSION**

At this stage, it would appear that there is an opportunity to address short term maintenance issues within the precinct, and to develop a longer term streetscape plan, that will enable more substantial improvements in future years.

Appreciating that through the Works Plan, a number of township maintenance items, including things like patching of pot holes, line marking, minor drainage improvements, installation of street furniture and tree protection thought bollard installation can occur quite easily, no major or significant design or investment can or will be made without clear long term plan.

It is recognising that at this stage, further work would be necessary to better understand and appreciate how some of the requested changes to the streetscape would affect the community. The areas where change may bring unexpected consequences include;

- On Street Car Parking  
In providing for two way traffic, detailed road designs will reveal how the tree roots will be protected, how best to include parking (angled, 90”, included or not include parallel parking alongside the footpath).
- Truck Parking and Highway Pedestrian Crossing.  
The community very clearly supports the retention/provision of parking for heavy vehicles on both sides of the Hamilton Highway and that appreciates the need to ensure a safe pedestrian crossing connecting the northern and southern retail areas. However, the northern heavy vehicle parking area, if retained in its current location will significantly and detrimentally impact pedestrian safety at the proposed crossing site, so further work is necessary to accommodate both elements.

- **The Central (Highway) Median**  
The community has expressed its clear opposition to having a constructed central median. However, the community is also largely supportive of improving turning movement safety at the major intersections. Again, to accommodate both elements it's likely that a painted median with provision for delineated right-turn lanes be introduced.
- **Pedestrian Paths and Shared Footways**  
Further work is required to determine the best way to accommodate pedestrians and bicycle/motorised scooter movements throughout the precinct.

As a result 3 options are proposed in terms of the Draft Inverleigh Streetscape Masterplan:

- Abandon the Draft Inverleigh Streetscape Masterplan
- Acknowledge the community does not currently support the Draft Inverleigh Streetscape Masterplan and set it aside for review at a future opportunity
- Proceed with detailed design and implementation of the Draft Inverleigh Streetscape Masterplan.

### **CONSULTATION**

The community consultation and engagement process associated with development of the Draft Inverleigh Streetscape Masterplan has been presented earlier within the report, however should Council wish to continue to work through the development of the Streetscape Masterplan, the further consultation will be necessary as part of the detailed design.

### **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

### **CONCLUSION**

Council is committed to creating a healthy, active and engaged community that provides opportunities for all residents, especially young people and older residents, to engage with their local community. The Draft Inverleigh Streetscape Masterplan has attracted a passionate response and strong engagement from Inverleigh residents. Council has carefully reviewed all feedback and submissions received on the Draft Inverleigh Streetscape Masterplan. In respect of the community consultation feedback, it is imperative that Council deliver a clear decision on the future of the Draft Inverleigh Streetscape Masterplan. The Works Plans genuinely reflects the community's desires and is provided to Council as a positive option that will be delivered in a timely manner and concludes the Masterplan discussion in Inverleigh.

It is considered that in regard to the Streetscape Masterplan, more community consultation and engagement would be required on a small number of key elements during the detailed design phase of the project if the project were to continue. However, the Inverleigh community has clearly indicated to the Council that it is very strongly united in its view that the rural streetscape in Inverleigh should be better maintained but not changed in the manner proposed through the Master-planning process.

Accordingly, it is recommended that Council undertake the routine and minor maintenance works identified through the community consultation process (Works Plan) and review the Draft Inverleigh Streetscape Masterplan in future years.

## 7.4 PLANNING APPLICATION P18-160 FOR THE BUILDING OF A HOUSE FOR 110A & 110J, STEPHENS ROAD, BANNOCKBURN

**File Number:**

**Author:** [REDACTED] Town Planner

**Authoriser:** [REDACTED] Director Assets and Amenity

**Attachments:**

1. Application Form & Title (under separate cover)
2. Applicant's Planning Report (under separate cover)
3. Plans (under separate cover)
4. Farm Mangement Plan (under separate cover)
5. Officer Assessment Report (under separate cover)

### RECOMMENDATION

That Council resolve to issue a Notice of decision to refuse Planning Permit P18-160 for the use and development of land for a dwelling at Crown Allotment 110A & Crown Allotment 110J, Stephens Road, Bannockburn, for the following reasons:

- (a) The proposal is inconsistent with the Planning Policy Framework (Clauses 11.03-3S & 14.01-1S, & 21.05-1) which aims to protect productive agricultural land by directing housing to existing settlements and discouraging the development of small lots in rural areas for dwellings.
- (b) The proposal is contrary to the Local Planning Policy Framework in particular Clause 21.05-1 (Agriculture) and the Rural Land Use Strategy which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and by containing residential development within existing town boundaries.
- (c) The proposal does not satisfy the provisions of the Farming Zone, because it does not adequately justify the need for a dwelling based on the agricultural activities proposed to be conducted on the land.

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### EXECUTIVE SUMMARY

This report relates to planning permit application P18-160 which seeks approval for the use and development of a dwelling at Crown Allotments 110A & CA110J, Parish of Wabdallah. This 10 hectare parcel of land, located on Stephens Road, Bannockburn, is zoned Farming (FZ) and is subject to the Environmental Significance Overlay - Schedule 2 (ESO2) and partially subject to the Land Subject to Inundation Overlay (LSIO). The need for a permit is triggered under the provisions of the Farming zone and the Environmental Significance Overlay. This report provides a summary of the application, relevant planning considerations and assessment.

### BACKGROUND

Council records indicate, that the subject vacant land parcel, consisting of two crown allotments, has existed in its current configuration for at least 92 years, as per Council's surveyed County of Wabdallah map, dated 17/11/1927.

The dwelling is proposed to be centrally located on the rear portion of the land. Lodged in support of the application was a Farm Management Plan (Attachment 4). The Farm Management Plan (FMP) describes how the site is proposed to be used, as justification for the need for a dwelling in the Farming zone

**POLICY CONTEXT****Golden Plains Planning Scheme****Planning Policy Framework**

- Clause 11.01-1R Settlement – Geelong G21
- Clause 11.03-3S Peri-urban areas
- Clause 14.01-1S Protection of agricultural land

**Local Planning Policy Framework**

- Clause 21.05-1 Agriculture

**Zone**

Clause 32.07 Farming Zone (FZ)

**Overlay**

- Clause 42.01 Environmental Significance Overlay (Schedule 2)

**DISCUSSION**

This proposal is inconsistent with the Planning Policy Framework (Clauses 11.03-3S & 14.01-1S, & 21.05-1) which aim to protect productive agricultural land by directing housing to existing settlements and discouraging the development of small lots in rural areas for dwellings.

The proposal is contrary to the Local Planning Policy Framework in particular Clauses 21.05-1 (Agriculture) and the Rural Land Use Strategy which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and by containing residential development within existing town boundaries.

The proposal does not satisfy the provisions of the Farming Zone, because it does not adequately justify the need for a dwelling based on the agricultural activities proposed to be conducted on the land.

Council has maintained a clear and consistent approach to its assessment of applications for dwellings within the Farming Zone by refusing those that are not reasonably required for an agricultural use. Officers are of the opinion that the proposed use is not a genuine proposal that clearly demonstrates the need for a dwelling. (Refer to Attachment 5 for detailed assessment and justification of the recommendation).

**CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) & (d) of the *Planning and Environment Act 1987*. Notice was given via letter to six (6) adjoining or surrounding landowners and/or occupants in conjunction with a sign placed at the front boundary (property access) of the subject site. The application and supporting information was listed on the Golden Plains Shire Website.

Council received no objections to the application proposal.

**CONFLICT OF INTEREST**

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a dwelling at Crown Allotment 110A & Crown Allotment 110J, Stephens Road, Bannockburn, for the following reasons:

The proposal is inconsistent with the Planning Policy Framework (Clauses 11.03-3S & 14.01-1S, & 21.05-1) which aims to protect productive agricultural land and by directing housing to existing settlements and discouraging the development of small lots in rural areas for dwellings.

The proposal is contrary to the Local Planning Policy Framework in particular Clauses 21.05-1 (Agriculture) and the Rural Land Use Strategy which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and by containing residential development within existing town boundaries.

The proposal does not satisfy the provisions of the Farming Zone, because it does not adequately justify the need for a dwelling based on the agricultural activities proposed to be conducted on the land.

## 7.5 PLANNING APPLICATION P16-276 - TWO LOT SUBDIVISION FOR 12 COPE STREET, SCARSDALE

**File Number:**

**Author:** [REDACTED] Town Planner

**Authoriser:** [REDACTED] Director Assets and Amenity

**Attachments:**

1. Copy of Application Documents (under separate cover)
2. Copy of Planning Report (under separate cover)
3. Copy of Land Capability Assessment (under separate cover)
4. Copy of Full Assessment Report (under separate cover)

### RECOMMENDATION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the development of the land for a two lot subdivision at 12 Cope Street, Scarsdale for the following reasons:

- a) Insufficient information has been received regarding stormwater management for the proposed development.
- b) The proposal is inconsistent with the Golden Plains Domestic Wastewater Management Plan.

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### EXECUTIVE SUMMARY

This report relates to a planning permit application proposing the development of land for a two (2) lot subdivision at 12 Cope Street, Scarsdale. The subject site is located in the Township Zone and no overlays apply. A planning permit is triggered for subdivision in the Township Zone. A request for further information was sent to the applicant with no response received. The application was referred to the Council meeting for determination as the recommendation is to refuse the granting of a planning permit.

### BACKGROUND

The subject site is known as Crown Allotment 11, 11J & 11F, Section 5, Parish of Scarsdale, 12 Cope Street, Scarsdale. The subject site is zoned Township Zone with no overlays applying. The directly adjoining and nearby land to the north, south and west are also zoned Township Zone, with land to the east of Cope Street zoned Rural Living Zone.

The subject site is made up of three parcels totalling 5283 square metres in area and currently contains two dwellings and a shed orientated towards Cope Street. Vehicular access is provided from Cope Street. There are minimal planted trees scattered on the site as well as planted gardens.

The application proposes the development of the land for a two (2) lot subdivision allowing the realignment of the existing 3 lots (attachment 1).

### POLICY CONTEXT

#### Zone

Clause 32.05 Township Zone

### DISCUSSION

#### *Stormwater Management*

Stormwater runoff simply refers to the management of surface runoff which results from rain. It is water that flows over the land as opposed to seeping into the ground. It originates in most cases from heavy rain, and runs overland downhill to the nearest drain, creek, or waterway.

Given the effects of urbanisation, natural land which used to capture large volumes of rain has been lost and large amounts of rain is now unable to seep into the ground. This natural land is now developed by streets, rooftops, parking areas meaning that the stormwater must find another way to reach the nearest drainage system.

Aside from the sheer volume of stormwater that flows in urban areas, the issue is that stormwater collects pollutants as it flows overland. These pollutants include bacteria from human and animal waste, nutrients and chemicals from garden fertilizers and pesticides, sediments, petrol by-products from leaking cars and other vehicles, and metals from rooftops, as well as industrial substances. Whatever, its origin, it can be very harmful to the environment, including humans, animals, and plants.

It is considered that the information required from Council's Works Department is necessary before an application is approved is to ensure that stormwater runoff does not detrimentally impact properties downstream of the application site.

#### *Wastewater Management*

Domestic wastewater management aims to ensure that existing and future houses in unsewered areas install and maintain onsite systems that can manage domestic wastewater within the boundaries of the property in a manner that protects public health and the environment.

When septic systems are installed on inappropriate sized allotments, it allows for the potential of the system to fail. If the system does fail, it can seep from the property and can pollute surrounding soils, waterways or groundwater, exposing the community to environmental, public health and amenity risks.

Given the size of the proposed allotments, Lot 2 in particular, is not capable of treating and retaining effluent waste on site.

#### **CONSULTATION**

No advertising was carried out as the application did not advance to the stage where Council was satisfied that enough information was submitted to make full assessment and carry out public notification.

#### **CONFLICT OF INTEREST**

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

#### **CONCLUSION**

In conclusion, it is considered that without this necessary information, it would be very difficult to make a balanced and proper planning decision regarding this subdivision without placing Council and other landowners at risk. It is therefore determined that the planning application cannot be supported as there is insufficient information to determine a relevant stormwater management strategy for the development and the proposal is inconsistent with the Golden Plains Domestic Wastewater Management Plan.

## 7.6 PLANNING SCHEME AMENDMENT C80 - INVERLEIGH FLOOD MAPPING

**File Number:****Author:** Geoff Alexander, Strategic Planner**Authoriser:** Greg Anders, Director Assets and Amenity**Attachments:**

1. Additional Background Information (under separate cover)
2. Flood Mapping (under separate cover)
3. Floodway Overlay Schedule 1 (under separate cover)
4. Land Subject to Inundation Overlay Schedule 1 (under separate cover)
5. Proposed Clause 22.11 (under separate cover)

### RECOMMENDATION

That Council:

1. Adopt Amendment C80, which modifies the Land Subject to Inundation Overlay and Floodway Overlay Mapping in Inverleigh, proposes new Floodway Overlay and Land Subject to Inundation Overlay Schedules for Inverleigh and modifies Clause 22.11 (Floodplain Management).
2. Requests the Minister for Planning to approve Amendment C80 in accordance with section 31 of the *Planning and Environment Act 1987*.

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### EXECUTIVE SUMMARY

Planning Scheme Amendment C80 has been prepared to implement the recommendations of the Inverleigh Flood Study (2018). A key component of the amendment is to provide significant modifications to the extent and nature of existing flood mapping in Inverleigh. Following exhibition of the amendment Council is now in a position to consider adopting the amendment and requesting approval from the Minister for Planning.

### BACKGROUND

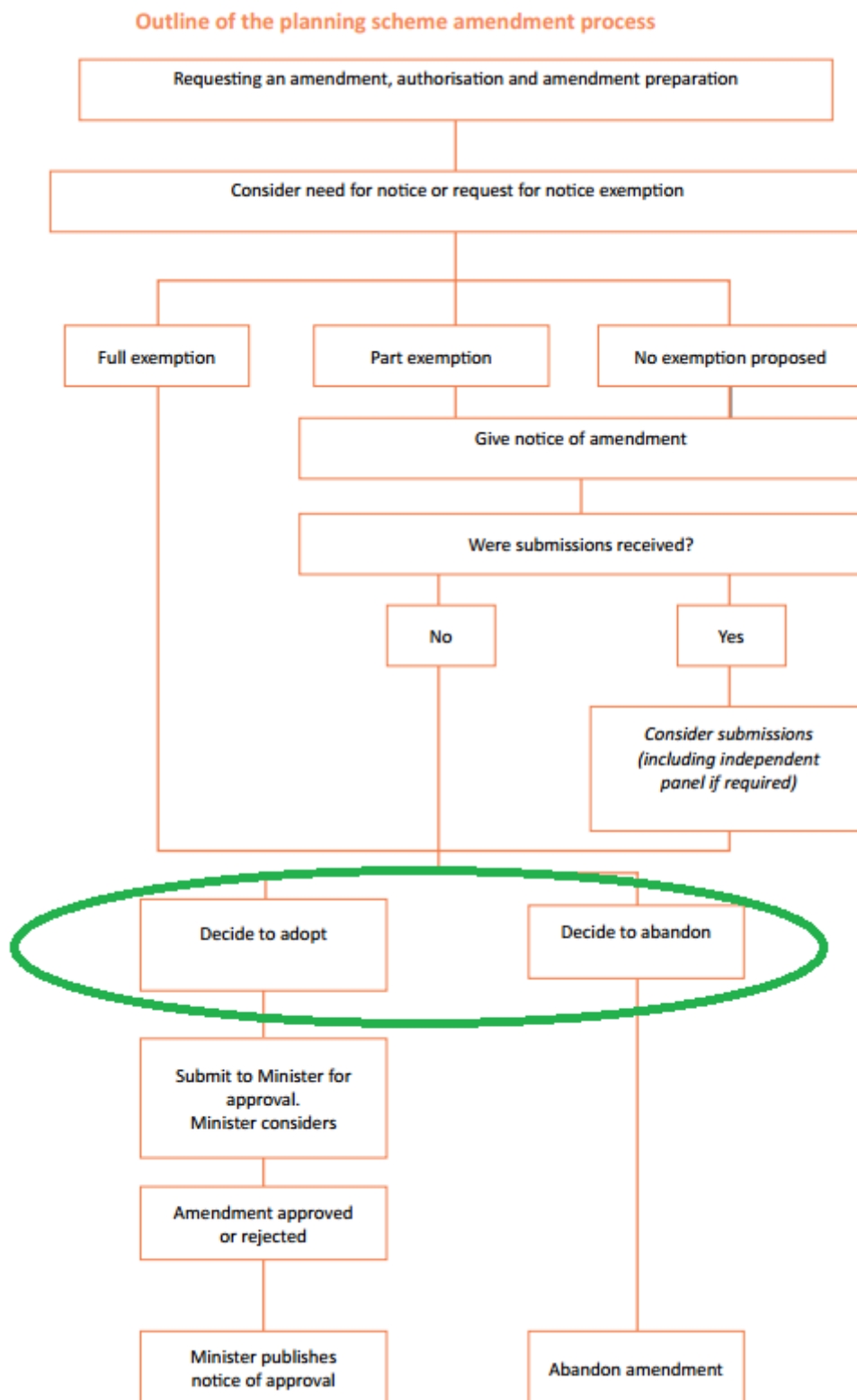
At the ordinary meeting on 25 September, 2018, Council resolved to:

*“Approve an application being made to the Minister for Planning for the authority to prepare and exhibit an amendment to the Golden Plains Planning Scheme under Section 9 (2) and Section 19 of the Planning and Environment Act 1987 to introduce the new LSIO and FO mapping for Inverleigh.”*

Council officers prepared an amendment to implement the new flood mapping in Inverleigh as per the recommended mapping. Officers applied for authorisation with the Minister for Planning to proceed with the amendment which was granted on 17 December, 2018. The Amendment was then exhibited between 14 February and 16 March, 2019. One submission (signed by two parties) was received which was subsequently withdrawn. Further background information pertaining to the amendment is provided at attachment 1. The current stage of the amendment process is depicted in figure 1 below.



Figure 1 – Planning Scheme Amendment Process



## DISCUSSION

The amendment comprises of:

### Changes to LSIO and FO mapping in Inverleigh summarised as follows

- The Land Subject to Inundation Overlay (LSIO) and or the Floodway Overlay (FO) are proposed to be applied to eighty five additional properties not currently affected by the Overlays.
- Forty five properties that are currently partially affected by the LSIO or FO will now be subject to an increase in the extent of the LSIO and FO mapping on the property.
- In a small number of locations the extent of the LSIO and FO has been reduced.
- In some cases an area currently affected by the LSIO is proposed to have the Overlay deleted and replaced with the FO and vice versa.

The proposed FO and LSIO mapping is provided at attachment 2 to this report.

### Changes to the FO and LSIO Schedules in Inverleigh summarised as follows

- It is proposed to delete the existing FO and LSIO schedules from Inverleigh and replace them with modified versions known as the FO1 and the LSIO1.
- The FO1 and LSIO1 have been based on the existing FO and LSIO schedules but have headings that have been brought into alignment with "*The Form and Content of Planning Schemes*".
- Duplicate Planning Permit exemptions (listed elsewhere in the Scheme) that exist in the FO and LSIO are not present in the FO1 and LSIO1.
- Additional Planning Permit exemptions have been added based on the identification of further types of development that would have a negligible impact on flooding. Additional exemptions include but are not limited to a swimming pool, a pergola and an upper storey extension to an existing building.

The proposed FO1 Schedule is provided at attachment 3. The proposed LSIO1 Schedule is provided at attachment 4.

### Changes to Clause 22.11 (Floodplain Management) summarised as follows

- Correction of minor typographical errors in clause number references.
- The Inverleigh Flood study is made a reference document.

The proposed Clause 22.11 is provided at attachment 5.

## CONSULTATION

The exhibition process both met and exceeded the requirements of the *Planning and Environment Act 1987*. Exhibition included:

- Letters sent to all owners and occupiers directly affected.

- Letters sent to prescribed ministers.
- Letters sent to authorities with a potential interest in the amendment.
- Amendment C80 information and maps published on the Golden Plains and the Department of Environment Land Water and Planning (DELWP) websites.
- Notice published in the Leigh News (30 Jan), the Golden Plains Times (7 Feb) the Geelong Advertiser (9 Feb) and the Government Gazette (14 Feb).

Correspondence was received from the Country Fire Authority (CFA), the Environment Protection Authority (EPA) and the Minister for Roads, acknowledging the amendment but making no requests for changes.

One submission was received not in support of the amendment from two residents in Inverleigh. The submission claims that the flood study report does not contain enough information to verify its accuracy. The submission expresses doubt about the flood frequency analysis (which has increased at one gauge site by 23% compared to an old study), and requests details of any independent peer review of the flood study. The submission also requests more information on a hydraulic calibration report and hydrology summary, referred to but not included in the report. Following discussions with the submitter and the provision of additional technical information the submission was withdrawn in writing on 17 May, 2019 leaving no outstanding submissions.

### **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

### **CONCLUSION**

Amendment C80 updates the LSIO and FO mapping in Inverleigh in accordance with a recent flood study that was completed for the town. The amendment generally increases the extent of the flood mapping and 85 properties not previously affected by the FO or LSIO are now proposed to be affected. In some cases the amendment also proposes replacement of LSIO mapping with FO mapping and vice versa. In addition the amendment proposes new LSIO1 and FO1 Schedules for Inverleigh as a response to a condition of authorisation required by the DELWP and provides minor policy neutral changes to Clause 22.11.

The amendment is justified by the Inverleigh Flood Study (2018). As there are no outstanding objections, it is recommended that Council adopts the amendment and refers it to the Minister for Planning for approval.

## 7.7 ELDER PARK MANAGEMENT - EOI APPROVAL

**File Number:****Author:** Dean Veenstra, Recreation and Youth Team Leader**Authoriser:** Lisa Letic, Director Community Services**Attachments:**

1. Aerial Map - Elder Park Rokewood (under separate cover)
2. EOI Advertisement - Golden Plains Times 040419 (under separate cover)
3. Rokewood-Corindhap EOI Submission- Elder\_Park (under separate cover)

**RECOMMENDATION**

That Council enter into a five year lease agreement with Rokewood/Corindhap Football Netball Club for the management of Elder Park, Rokewood.

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**EXECUTIVE SUMMARY**

Council sought Expressions of Interest in April 2019 for a community group to manage Elder Park Rokewood in accordance with the lease terms and a grazing management plan. One submission was received from the Rokewood/Corindhap Football Netball Club.

It is recommended that a five year lease be entered into with the Rokewood/Corindhap Football Netball Club to manage Elder Park, Rokewood.

**BACKGROUND**

At the February 2019 Council meeting, Council approved that an EOI be advertised in the Golden Plains Times and on social media seeking a community group to manage Elder Park Rokewood under a lease agreement with Council. The Rokewood/Corindhap Football Netball Club made the only submission (see attached).

The Elder Park site is Council freehold land, zoned Public Park and Recreation Zone, and is directly managed by Council. The site is currently under-utilised, and requires maintenance including mowing to reduce fire fuels.

The Rokewood/Corindhap Football Netball Club currently manage the adjoining land at the Rokewood Common, and this arrangement to manage Elder Park will financially benefit the community (fundraising for the club) and Council (reduction in maintenance costs) as well as address the fire risk at the site and provide opportunity for third party use of the site on request.

**POLICY CONTEXT**

This report aligns to Council's priorities of: 'Promoting Healthy & Connected Communities' and 'Managing the Built Environment' as per the 2017-2021 Council Plan.

**DISCUSSION**

In December 2018, the club wrote a letter to Council seeking permission to manage (crop/graze/repair fences) Elder Park. At the February Council meeting, approval was given to seek expressions of interest from community groups to take on management of the reserve.

An advertisement was placed in the Golden Plains Times on 4 April 2019 requesting submissions by 18 April 2019. Posts were also made on Council's social media platforms.

The advertisement sought applicants who met the following criteria:

- Able to maintain appropriate insurances to conduct grazing activities
- Applicant is based in Rokewood

- Applicant delivers services for the benefit of the Rokewood community
- Applicant is willing to enter into a lease agreement with Golden Plains Shire Council and manage the property in accordance with the lease and a Grazing Management Plan.

Only one submission was received – an EOI from the Rokewood/Corindhap Football Netball Club. The club wish to use the site for cropping and grazing and will repair the fences. This submission was assessed against the criteria and recommended for approval based on the following conditions:

- The group follow the Grazing Management Plan developed by Council's Natural Resource Team. The use of the site for grazing is compatible with the current grazing of Rokewood Common and Elder Park can be used to 'rest' the native grasslands on the Common from the current set stocking regime.
- That cropping is not supported as Council does not allow cropping on Council owned or managed land at any other sites in the municipality. Council's Natural Resource Team has advised that cropping would remove the current grass cover across much of the site. Cropping may also interfere with other short term public uses of the site during the term of the lease.
- The lease agreement includes a clause that gives the management entity the discretion to consider community use of the site on request, which the club has indicated they are willing to do.

Elder Park is currently not listed on Council's mowing schedule and a dedicated annual maintenance budget of \$5,000 was removed in recent years. If the club is not appointed as the management entity, Council will need to reinstate the site on the annual mowing schedule. A lease to manage the land will also save Council resources which can be used for maintenance at other sites.

## **CONSULTATION**

The EOI process was published in the Golden Plains Times on 4 April 2019, and through Council's social media platforms.

## **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

## **CONCLUSION**

Elder Park, Rokewood is a Council owned and managed site that is underutilised by the community. The Rokewood/Corindhap Football Netball Club has submitted an EOI to manage the site.

A lease with the club to manage the site would encourage maintenance of the site and assist with fire risk management. The lease will be for a period of five years and will follow a grazing management plan with conditions to allow for consideration of community use of the site.

## **7.8 REVIEW OF INSTRUMENT DELEGATION - COUNCIL TO MEMBERS OF STAFF (INCORPORATING PLANNING DECISIONS REVIEW)**

**File Number:**

**Author:** Candice Holloway, Corporate Governance Coordinator

**Authoriser:** Philippa O'Sullivan, Director Corporate Services

**Attachments:** 1. Instrument of Delegation - Council to Members of Council Staff (under separate cover)

### **RECOMMENDATION**

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation:

1. Adopt the Instrument of Delegation from Council to members of Council staff as shown in Attachment 1, subject to the conditions and limitations specified in that Instrument.
2. Authorise the Chief Executive Officer to execute the instrument of delegation outlined above by affixing the Common Seal.
3. Approve the instrument of delegation to come into force immediately upon execution.
4. Approve that, once the new the instrument of delegation are in force, the previous delegations from Council to the members of Council staff are revoked.
5. Note that the duties, functions and powers set out in the instrument must be performed and executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

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### **EXECUTIVE SUMMARY**

The Local Government Act 1989 enables Council to delegate functions, duties and powers, other than exemptions under sections 86(4) and 98(1) of the Act, to the CEO, Council staff and special committees established under Section 86.

A review of the instruments of delegation from Council to members of Council staff has been undertaken. The review included:

- incorporation of changes to the instrument issued by Maddocks Lawyers since the last review;
- an internal review to ensure alignment with overall organisational requirements, structure and position responsibilities; and
- a detailed review of the delegations under the under the Planning and Environment Act 1987 with the goal to introduce efficiencies into the Statutory Planning Department.

The changes are summarised in detail within the report.

The updated instrument of delegation is presented for Council's adoption (Attachment 1).

### **BACKGROUND**

Council is authorised by the Local Government Act 1989 to act in only one of two ways:

1. A decision by resolution of Council, and
2. Instrument of delegation to others to act on Council's behalf.

The power of a Council to act by resolution is set out in Part 1:

*"3(3B)(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council."*

Alternatively, a Council may act by formal delegation to others under Section 98 of the Act, including delegation of powers under other legislation:

*"98(1) A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—*

- (a) this power of delegation; and*
- (b) the power to declare a rate or charge; and*
- (c) the power to borrow money; and*
- (d) the power to approve any expenditure not contained in a budget approved by the Council; and*
- (e) any power, duty or function of the Council under section 223; and*
- (f) any prescribed power."*

Delegation by Council of powers to the CEO and members of Council staff is formalised via written instruments of delegation. Delegation of powers is considered essential to enable day-to-day decisions to be made.

There are several reasons why delegations should be reviewed regularly, including:

- identifying decision-makers to ensure accountability and responsibility for decisions;
- ensuring Council set conditions, limitations and guidelines for decision-makers, including reporting requirements;
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

Delegations must be performed and executed in accordance with any guidelines or policies of Council and position roles and responsibilities. Members of Council whom have delegation are provide with the necessary training and supporting materials to assist them in understanding their roles as a delegated officer.

Council last reviewed and adopted Instrument of Delegation to Members of Council Staff at the 24 April 2018 Ordinary Council meeting.

## **POLICY CONTEXT**

Section 98 of the Local Government Act 1989 governs delegations.

The duties, functions and powers set out in the instruments of delegation must be performed and executed, in accordance with any guidelines or policies of Council.

The proposal to streamline the decision making process for planning permit applications is complementary with the State Government's VicSmart planning permit process in that, when implemented more decisions will be made by officers under delegation and average processing times will decrease.

## **DISCUSSION**

Council subscribes to the Maddocks Lawyers Delegations and Authorisations Service. This service not only assists Council in managing its delegations and authorisations, but also assists members of staff to understand the scope of their powers and avoid any risk of acting outside their delegated authority. This service includes provision of instruments of delegation templates based on the best practice model along with regular updates taking into account any legislative changes to the various acts and regulations included in the delegations.

A review of delegations from Council to members of Council staff has recently been undertaken.

**Summary of Changes – Instrument of Delegation from Council to members of Council staff:**

- Updates to provisions following legislative changes provided by Maddocks Lawyers.
- Updates to position titles in accordance with current organisational structure.
- Review of the delegations under the under the Planning and Environment Act 1987 to introduce efficiencies into the Statutory Planning Department. The background, details and findings provided below.
- Minor cosmetic changes.

**Details of Review – Delegations under Planning and Environment Act 1987:**

During 2016/17 and 2017/18 Council made decisions on 806 planning permit applications. Of the above applications:

- 760 (or 94%) were issued under delegation by the planning officers;
- 37 received objections and were determined by Council; and
- 10 were recommended for refusal by the officers, and also determined by Council.

Under Council's current Planning and Environment Act 1987 delegations, all applications that receive any objections must be referred to Council for decision, together with any applications which the officers believe should be refused. The current practice is to also refer to Council for determination all applications received for development plan approvals.

Of the applications that are referred to Council for decision (approximately 50 per year), Council rarely does not support the officers' recommendations.

It is also to be noted that applicants can apply to VCAT for a decision to be made on the application if the responsible authority (*ie*, Council) fails to decide the application within the prescribed time, being 60 days. Currently, the annual average time to decide permit applications is 77 days, and approximately 47% only are being issued within the prescribed 60 day period.

A more detailed breakdown of permit processing days reveals major delays associated with further information requests. Around 30 percentage of applications received by Council are lodged with insufficient supporting documentation and subsequently receive a formal request for further information. Frequently further information requests are ignored and development proposals are left to lapse. Officers are not currently delegated to refuse applications where further information requests have been ignored. Delegations to refuse lapsed applications would significantly improve average process times.

On the basis of the above information, it is suggested that Council should consider the decision making frameworks / procedures for dealing with planning permit applications that have been in place for some time at many Victorian municipalities.

Whilst the models in use vary from council to council, the basic essentials are the same. In each council the planning officers have broad and wide-ranging powers of delegation to make decisions under the Planning and Environment Act 1987, but with very clear conditions and limitations that require council to make decisions on certain types of applications.

The effective functioning of the Council's statutory planning department relies heavily on the delegation of decision making responsibilities to professional planning staff. Delegation offers a number of significant advantages to Council and the community, including:

- The Council has more time to address higher order strategic matters and initiatives;
- Council officers take more responsibility for giving advice and decision making and are able to provide consistent and informed advice to applicants and objectors; and
- The processing / decision time for an application can in most cases be significantly reduced thus enabling Council to improve its level of customer service and because the average time for making decisions on permits will decrease.



The proposals, if implemented will also:

- Reduce the number of planning permit applications being decided by the Council; and
- Allow the planning staff to devote more time to assessments rather than report writing, agenda preparation and attendance at formal Council meetings.

The following applications are proposed to be added to the planning officers' delegations, allowing officers to determine:

- Applications where a determining referral authority requires that an application be refused (to be refused);
- Applications for the removal or variation of restrictive covenants, irrespective of whether objections have been received or not;
- Applications with insufficient information and/or poor quality information, which cannot be lapsed (to be refused).

### **CONSULTATION**

Under the Local Government (General) Regulations 2015 Council must make available for public inspection a register of delegations kept under sections 87 and 98 of the Act, including the dates on which the last reviews under sections 86(6) and 98(6) took place.

Changes to the current delegations will be communicated internally.

### **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the officer preparing this report declares no conflict of interest in regards to this matter.

### **CONCLUSION**

After a thorough review of Council's Instruments of Delegation to Members of Council Staff, it is now appropriate for Council to adopt the amended Instrument of Delegation. By carrying out a review of the instruments of delegation Council will ensure compliance with legislation and provide a clear framework to ensure the members of Council staff are aware of and acting within their designated levels of authority. It is further recommended that Council support the initiative to extend the officers powers of delegation under the Planning and Environment Act 1987 to improve operational efficiencies and to reduce the average time taken to make decisions on planning permit applications.

## **7.9 LOCAL GOVERNMENT INSPECTORATE – GOLDEN PLAINS SHIRE COUNCIL EXAMINATION REPORT**

**File Number:****Author:** Candice Holloway, Corporate Governance Coordinator**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Local Government Inspectorate Golden Plains Shire Council Examination Report - February 2019 (under separate cover)
2. Council Response to the Examination Report - April 2019 (under separate cover)

### **RECOMMENDATION**

That Council:

1. Receive and note the Local Government Inspectorate Golden Plains Shire Council Examination Report (Attachment 1).
  2. Receive and note the Council response to the examination report lodged with the Local Government Inspectorate (Attachment 2).
  3. Note the outstanding actions identified in the response (Attachment 2) have been added to the Outstanding Internal and External Audit Actions Report to allow progress to be reported to the Audit and Risk Committee.
  4. Note the examination report and response is publically available on Councils website.
- 

### **EXECUTIVE SUMMARY**

At the request of the CEO, in November 2018 Golden Plains Shire Council participated in an examination by the Local Government Inspectorate (LGI) to ensure Council's processes and practices, specifically, in relation to governance and procurement, met the requirements of the Local Government Act 1989 (the Act).

The LGI lodged a report on 28 February 2019 detailing the results on the examination. Council were requested to respond to the matters raised in the report and a response was lodged with the LGI on the 2 April 2019.

A number of recommended actions were made by the LGI to improve current process and practices. Council were supportive of all the recommendations contained within the LGI report and a number of activities are now underway or planned to implement the recommendations made by the LGI.

The actions in place are being monitored internally and a progress report on the actions will be provided at the September Audit and Risk Committee meeting.

### **BACKGROUND**

The LGI is the dedicated integrity agency for local government in Victoria and has powers under the Local Government Act 1989 (the Act) to examine, investigate and prosecute any matter relating to a councils operations and any breaches of the Act.

The recent examination of the Golden Plains Shire Council commenced in November 2018. The LGI undertook the examination following some concerns proactively raised by Council's Chief Executive Officer in relation to procurement practices.

The examination process included:

- a series of meetings with senior staff;
- provision and review of Council records and documents; and

- follow up decisions with senior staff.

The LGI provided the examination report (Attachment 1) to the Chief Executive Officer on the 2 March 2019. The report is broken down into the following areas;

- Governance culture
- Governance schedule
- Policy framework
- Sale of land
- CEO/Senior Officer performance reviews
- Corporate credit cards
- Interest returns
- Audit Committee
- Special Committees
- Councillor expenses and reimbursement
- Government grants
- Delegations
- Authorised officers; and
- Procurement.

## **POLICY CONTEXT**

The examination was conducted by the LGI under powers prescribed in the Local Government Act 1989.

Implantation of recommended actions supports the delivery Strategic Direction 4 - Delivering good governance and leadership in the Council Plan 2017-2021.

## **DISCUSSION**

Council were requested to respond to the matters raised in the report and a response (Attachment 2) was lodged with the LGI on the 2 April 2019.

As discussed and detailed in the LGI report (Attachment 1), most of the areas examined came with recommendations on ways to improve current process and practices. Council were supportive of all the recommendations contained within the report and steps have been taken to implement any outstanding recommended actions. To ensure and track completion, any outstanding actions will be added to the Outstanding Internal and External Audit Actions Report overseen by the Audit and Risk Committee.

The examination has been beneficial to Council and the advice provided during various stages of the process was extremely valuable. The examination highlighted areas that can be improved and strengthened by making adjustments to current processes and practices and additional, identified measures to lead towards best practice in the local government sector. It is noted that the report also highlighted some areas where Council are meeting expectations, such as policy review and appointment of authorised officers.

## **CONSULTATION**

In an effort to ensure Council is transparent and accountable, the LGI examination report and Council's response lodged with the LGI will be made publically available on Council's website and presented to the Council Meeting 28 May 2019 for noting.

**CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**

Following the recent LGI examination, a number of activities are underway or planned to implement recommendations made the LGI. Council are committed to strengthening governance and procurement practices and will continue to report progress to Audit and Risk Committee through the Outstanding Internal and External Audit Actions Report.

**7.10 BUDGET REPORT - 9 MONTHS ENDED 31 MARCH 2019****File Number:** 40-01-015**Author:** Fiona Rae, Finance Manager**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Financial Dashboard (under separate cover)
2. Income Statement (under separate cover)
3. Balance Sheet (under separate cover)
4. Statement of Cash Flows (under separate cover)
5. Statement of Capital Works (under separate cover)
6. Budget Report - 9 Months to 31st March 2019 (under separate cover)
7. Corporate Summary (under separate cover)
8. Key Strategic Area Report (under separate cover)

**RECOMMENDATION**

That Council adopts the Budget Report for the 9 months ended 31 March 2019.

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**EXECUTIVE SUMMARY**

As at 31 March 2019, the Income Statement reports total operating revenue of \$34.2m and total operating expenditure of \$28.3m which results in a year to date surplus of \$5.9m. This is \$146k favourable variance compared to the adopted budget. The surplus from operations is forecast to be \$6.3m for the year ending 30 June 2019.

The Capital Works Statement indicates total capital works expenditure of \$8.3m, which is \$2.6m below the March YTD adopted budget, with the March forecast capital works program revised from \$20.9m to \$14.0m with \$6.9m forecast to carry over to 2019-20.

The forecast cash balance, compared to the original budget at 30 June 2019 is forecast to be \$8.7m favourable. This is primarily due to the assumption that the Federal Government will once again distribute 50% (\$2.7m) of the 2019-20 Financial Assistance Grant's (FAG's) funding early in June 2019, and the forecast carry-over of \$6.9m of capital expenditure to 2019-20.

**BACKGROUND**

Section 138 of the Local Government Act 1989 requires a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date be presented to Council at least every 3 months.

Council practice is for the Audit and Risk Committee to recommend the report to Council. The Quarterly Budget Report has been reviewed by Senior Management and was tabled at the Audit and Risk Committee meeting held on 14 May 2019.

**POLICY CONTENT**

Local Government Act 1989 (as amended)

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2014

Strategic Resource Plan

Annual Budget

## DISCUSSION

Council has completed nine months of the 2018-19 financial year. The attached budget report has been prepared on an operating basis and includes the following:

- Income Statement;
- Balance Sheet;
- Statement of Cash Flows;
- Statement of Capital Works
- Corporate Summary; and
- Key Strategic Area Report.

The forecast figures in the statements reflect the original budget adopted by Council, adjusted for income and expenditure brought forward from last year and any known permanent variances.

As at 31 March 2019, the Income Statement reports total operating revenue of \$34.2m and total operating expenditure of \$28.3m which results in a year to date surplus of \$5.9m. This is \$146k favourable compared to the adopted budget.

The current forecast projects a surplus of \$6.3m for the year ending 30 June 2019 compared to the original surplus of \$3.3m. This positive movement of \$3.0m is primarily due to:

- \$1.5m capital grants and contributions forecast to be received in 2018-19, that were not received in 2017-18 due to the timing of capital projects,
- \$1.6m new capital grants forecast to be received in 2018-19,
- \$271k additional 2018-19 FAG allocation from Victorian Grants Commission,

Offset by:

- \$245k rolled forward expenditure from 2017-18, to complete funded operating projects/programs, and
- \$114k decrease in net revenue for Sago Hill gravel pit operations due to gravel no longer sold externally.

This forecast result ensures that allocated budgets remain available for projects and services to be fully expended by 30 June 2019, however this is often not the case. Further detail is provided in the attached budget report.

The 'Adjusted Underlying Result', which removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other capital contributions to fund capital expenditure from the result, is forecast to be a surplus of \$424k, compared to a budget deficit of \$23k. This formula is prescribed within the *Local Government (Planning and Reporting) Regulations 2014*.

This increase of \$447k in the 'Adjusted Underlying Result' is due to:

- \$425k rolled forward expenditure from 2017-18, to complete funded operating projects/programs,
- \$151k additional 2018-19 Financial Assistance Grant allocation from Victorian Grants Commission
- \$300k increase in Public Open Space and Developer Community Contributions,
- \$1.14m decrease in forecast employee costs, and
- \$418k other favourable operating variances.

Offset by:

- \$115k decrease in net revenue for Sago Hill gravel pit operations due to gravel no longer sold externally,
- \$50k relocation of Haddon House prior to commencement of the Golden Plains Community & Civic Precinct construction works,
- \$846k decrease in User Fees and Charges revenue,
- \$116k increase in Procurement Contracts and Materials costs,

- \$107k increase in Software Development costs, and
- \$753k other unfavourable operating variances.

The increase is not anticipated to impact on Council's financial position. \$425k is due to timing differences for projects and services funded in 2017-18. A number of YTD favourable variances relate to significant savings due to vacant staffing positions. These savings are expected to offset the remaining annual forecast operating variances.

Total expenditure in the Statement of Capital Works is now forecast to be \$14.0m with \$6.9m forecast to carry over to 2019-20, compared to the original budget of \$15.1m. Key movements include \$4.2m projects rolled forward from 2017-18, and \$6.9m projects forecast to roll forward to 2019-20.

The capital program is 39% completed compared to the original forecast of \$20.9m, or 58% of the revised forecast of \$14.0m. Significant capital projects include:

- Golden Plains Community & Civic Centre \$5.0m
- Bannockburn Heart construction \$2.4m
- Bridge rehabilitation – Coopers Bridge \$1.7m
- Tall Tree Road upgrade \$1.4m

## **CONSULTATION**

Nil

## **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

## **CONCLUSION**

The financial results and statements to 31 March 2019 demonstrate a positive result compared to the adopted budget, with a surplus from operations of \$5.9m and a cash balance of \$17.6m. The March forecast capital works program has been revised from \$20.9m to \$14.0m with \$6.9m forecast to carry over to 2019-20.

There have been no permanent variances that would be considered material in terms of Council's financial sustainability and the financial results detailed in the attached budget report remain consistent with the objectives adopted in Council's Strategic Resource Plan and meet the principles of sound financial management as required under Section 136 of the Local Government Act.

**7.11 AUDIT & RISK COMMITTEE REPORT - 14 MAY 2019****File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Audit & Risk Committee Meeting Minutes (under separate cover)**RECOMMENDATION**

That Council receive the Audit & Risk Committee report from the meeting of 14 May 2019.

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**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 14 May 2019 meeting of the Audit & Risk Committee.

**BACKGROUND**

The Audit & Risk Committee (the Committee) is an independent advisory committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development

**POLICY CONTEXT**

To remain compliant with Section 139 of Local Government Act 1989, the Audit and Risk Committee has been established to assist Council in fulfilling its responsibilities relating to risk management, financial management and control and reporting.

**DISCUSSION**

The meeting minutes as provided in Attachment 1 provide a summary of the topics discussed, recommendations and actions from the meeting.

**CONSULTATION**

Nil

**CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**

The next meeting of the Committee is scheduled for Tuesday, 10<sup>th</sup> September 2019.



## 7.12 REVIEW OF AUDIT & RISK COMMITTEE CHARTER

**File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. **Audit and Risk Committee Charter - Revised May 2019 (under separate cover)**

### RECOMMENDATION

That Council:

1. Note that the Audit and Risk Committee charter has been reviewed to ensure it remains relevant and effective;
2. Approve the recommended proposed amendment to the Audit and Risk Committee Charter to provide more clarity in relation to the appointment and annual re-affirmation of the Audit and Risk Committee Chair.

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### EXECUTIVE SUMMARY

In accordance with section 9b of the Audit and Risk Committee charter, it states that the Committee must *'review and assess the adequacy of the Audit and Risk Committee Charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation'*. As part of the review of the Audit and Risk Committee Charter (Charter), changes in legislation and reporting requirements were considered. In addition, a review of other like Council's charters was undertaken.

Based on these reviews, it is considered that the current charter in place continues to adequately address all responsibilities required of the Audit and Risk Committee.

The only proposed change relates to Chairperson, point 3. It is recommended that point 3 include an additional sentence being *"The Chairperson is re-affirmed on an annual basis and the appointed chair is capped to a three year term"*. This is tracked as a change in the Audit and Risk Committee Charter provided in Attachment 1.

### BACKGROUND

The Audit and Risk Committee is an advisory Committee appointed, pursuant to section 139 of the Local Government Act 1989 to assist Council in fulfilling its responsibilities relating to risk management, financial management, control and reporting.

The Audit and Risk Committee Charter outlines the specific responsibilities of the Audit and Risk Committee.

In accordance with Section 9b, the Audit and Risk Committee must review the Charter annually to ensure it remains relevant and effective.

### POLICY CONTEXT

To ensure Council remains compliant with section 139 of the Local Government Act, an Audit and Risk Committee has been established with the Charter outlining the responsibilities of the Committee

### DISCUSSION

At the Audit and Risk Committee meeting held on 14 May 2019, the Audit and Risk Committee noted and recommended that the revised charter be presented to Council for adoption at 28 May Council Meeting.

Following a review of the current Audit and Risk Committee charter against other like Councils, the only proposed change relates to the appointment and election of the Chair.

It was proposed that an additional sentence is added to point 3 to enable the Committee to re-affirm the Chair on an annual basis. This provides an opportunity for the Committee members to confirm the chairs role and responsibilities on an annual basis. It is also proposed that the appointment of the Chair is capped to a three year term. This enables the role of the Chair to be shared between members.

### **CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

### **CONCLUSION**

Following the review of the Audit and Risk Committee Charter, only one proposed change is recommended in relation to the chair appointment. All other sections of the Audit and Risk Committee Charter remain effective and relevant and therefore it is recommended that Council approve the revised Charter.

**7.13 COUNCILLOR EXPENSES REPORT - 9 MONTHS ENDED 31 MARCH 2019**

**File Number:**

**Author:** Philippa O'Sullivan, Director Corporate Services

**Authoriser:** Philippa O'Sullivan, Director Corporate Services

**Attachments:** Nil

**RECOMMENDATION**

That Council note the contents of the Councillor Expenses Report for 9 months ended 31 March 2019.

**EXECUTIVE SUMMARY**

The attached report outlines Councillor allowances and expenses that have been paid during the first three quarters of the 2018-19 financial year from 1 July 2018 - 31 March 2019.

In order to ensure the highest levels of transparency and accountability, Council make Councillor allowances and expenses available to the public through a quarterly statement reported at Council meetings.

**BACKGROUND**

The Local Government Act 1989 provides that the Mayor and Councillors are paid an allowance and provided with appropriate tools and support to enable them to properly undertake their statutory obligations.

The provision of efficient communications equipment, reimbursement of official travel and telephone expenses and, if applicable, child care expenses is generally provided by municipalities across the state in order to assist Councillors to maximise their responsibilities.

The Local Government Act 1989 requires that Councils must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. Council has therefore adopted the Councillor Reimbursement Policy which details the resources and support that are provided to Councillors to enable them to effectively discharge their official duties. A copy of the policy is available on Council's website.

**POLICY CONTENT**

Sections 75 and 76 of the Local Government Act 1989 (as amended).

Council Policy 4.14 – Councillor Reimbursement.

Victorian Government's policy statement on Local Government Mayoral and Councillor Allowances and Resources.

**DISCUSSION**

Summarised in the attached document are the figures for allowances and expenses for the Mayor and Councillors that have been paid during the first three quarters of the 2018-19 financial year from 1 July 2018 - 31 March 2019. The actual expenditure is compared to the annual budget as follows:

| Category                        | Annual Budget \$ | Actual \$ | Percentage Spent |
|---------------------------------|------------------|-----------|------------------|
| Conferences & Training Expenses | 17,000           | 10,482.41 | 61.7%            |
| Travel Expenses                 | 5,000            | 1,300.36  | 26.0%            |
| Car Expenses                    | 6,000            | 3,833.61  | 63.9%            |
| IT & Communications             | 5,000            | 2,541.47  | 50.8%            |
| Childcare Expenses              | -                | -         | -                |

**CONSULTATION**

A formal consultation process is not required.

**CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**

The attached report outlines Councillor allowances and expenses that have been paid during the first three quarters of the 2018-19 financial year from 1 July 2018 - 31 March 2019. Quarterly reporting of Councillor allowances and expenses provides an opportunity for transparency and openness in relation to these costs.

**7.14 APPOINTMENT OF ACTING CEO****File Number:****Author:** Eric Braslis, CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council appoints Philippa O'Sullivan as Acting Chief Executive Officer for the period from 5pm on Friday 7 June to Monday 8 July, 2019 inclusive.

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**EXECUTIVE SUMMARY**

It is best practise that the Council formally appoint an Acting CEO where the CEO has a period of continuous leave greater than four weeks. Given the CEO will be absent for a period of four weeks, this report provides for approval of Annual Leave for the CEO and the appointment of Philippa O' Sullivan as the Acting CEO whilst the CEO is on annual leave.

**BACKGROUND**

With the current CEO taking 4 weeks annual leave from 8 June to 7 July, an Acting CEO needs to be put in place.

**DISCUSSION**

This report seeks Council's appointment of an Acting CEO for the period of 5pm on Friday 8 June to Monday 8 July 2019. In accordance with best practise, where the period of leave of the CEO exceeds four continuous weeks, then Council should appoint an Acting CEO by resolution. Council may appoint to the position of Acting CEO –

- A Council Director
- A suitably experienced and qualified individual on a short term contract

**CONSULTATION**

Councillors have been briefed and had the opportunity to discuss and consider options available to appoint an Acting CEO.

**CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**

That Philippa O'Sullivan be appointed as the Acting CEO whilst the CEO is on annual leave.

**7.15 ASSEMBLY OF COUNCILLORS****File Number:** 02-03-004**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** 1. Assembly of Councillors**RECOMMENDATION**

That Council notes the Assembly of Councillors Record from 24 April 2019 to 27 May 2019 as attached.

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**EXECUTIVE SUMMARY**

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 24 April 2019 to 27 May 2019.

**BACKGROUND**

In accordance with Section 80A of the Local Government Act 1989 a written record of assembly of Councillors must be reported at an ordinary Council meeting and minuted as soon as practicable.

**DISCUSSION**

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 assembly

**CONSULTATION**

A formal consultation process is not required.

**CONFLICT OF INTEREST**

In Accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**


The information provided in this report is compliant with Section 76A of the Local Government Act 1989.



### Assembly of Councillors Record

|  |  |
|--|--|
| Date of meeting:                               | Tuesday 21 May 2019  |
| Time:  | 9.00am   |
| Purpose of meeting:                            | Councillor Briefing session  |
| Councillors present:                           | Cr Owen Sharkey, Mayor<br>Cr Helena Kirby<br>Cr Nathan Hansford<br>Cr Les Rowe<br>Cr Des Phelan<br>Cr David Evans  |
| Apologies:                                     | Cr Joanne Gilbert<br>Lisa Letic, Director Community Services   |
| Council staff present:                         | Eric Braslis, Chief Executive Officer<br>Greg Anders, Director Assets & Amenity<br>Philippa O' Sullivan, Director Corporate Services<br>Louisa White, Healthy, Active and Engaged Communities Manager<br>Fiona Rae, Finance Manager<br>Laura Wilks, Strategic Planning Team Leader<br>Brodie Marston, Recreation Development Officer<br>Dean Veenstra, Recreation and Youth Team Leader<br>Leigh Page, Town Planner<br>Tracey Simmons, Town Planner<br>Geoff Alexander, Strategic Planner<br>Stuart Symes, Senior Environmental Health Officer   |
| Other people present:                          | Matthew Mudge, Cardno<br>Terry Maguire, Regional Ratings Valuation<br>Bill Wright, Opteon<br>Jordan Quinn, Opteon  |
| Conflict of Interest Disclosures (Councillors) | Nil  |
| Conflict of Interest Disclosures (Officers)    | Nil  |
| Matters discussed:                             | <p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>- 2019 Revaluation Briefing</li> <li>- Bannockburn Transport Strategy Update</li> <li>- GPS Play Space Strategy-Findings &amp; Issues Paper</li> <li>- Young Achiever Award Acknowledgement</li> </ul> <p><b>Reports</b></p> <ul style="list-style-type: none"> <li>- Elder Park Management - EOI Approval</li> <li>- Planning Application P16-276 - Two (2) Lot Subdivision</li> <li>- Planning Application P18-160 for the use and development of the land for a dwelling</li> <li>- Planning Scheme Amendment C80 - Inverleigh Flood Mapping</li> <li>- Best Practice in Development Assessment and Streamlining Planning Decisions</li> <li>- Inverleigh Streetscape Masterplan</li> <li>- Budget Report - 9 Months Ended 31 March 2019</li> <li>- Review of Instruments of Delegation - Council to Members of Council Staff</li> <li>- Local Government Inspectorate – Golden Plains Shire Council Examination Report</li> <li>- Councillor Expenses Report - 9 Months Ended 31 March 2019</li> <li>- Review of Audit &amp; Risk Committee Charter</li> <li>- Audit &amp; Risk Committee Report - 14 May 2019</li> </ul> |



|               |   |
|---------------|---|
|               | <p><b>Updates</b></p> <ul style="list-style-type: none"><li>- Wastewater Technician Activity</li><li>- Road and Bridges Status Report</li><li>- Supervised School Crossings - Golden Plains Shire</li><li>- She Oaks and Maude Communities - Ongoing concerns with heavy vehicles</li><li>- Implementation of the New Local Law - Council Meeting Procedures</li></ul> <p><b>Councillor Issues</b></p> <ul style="list-style-type: none"><li>- SMT Only</li><li>- CEO Only</li><li>- Councillor Only</li></ul> <p><b>Confidential Items</b></p> <ul style="list-style-type: none"><li>- CEO Annual Review Process</li></ul> |
| Completed by: | Eric Braslis, Chief Executive Officer<br>  |



## 8 NOTICES OF MOTION

### 8.1 NOTICE OF MOTION

**File Number:** 001

**Attachments:** 1. Notice of Motion

I, Councillor David Evans, give notice that at the next Ordinary Meeting of Council be held on 28 May 2019, I intend to move the following motion:-

#### **MOTION**

That Council approve the sum of \$15,000 as its contribution to fund the City of Geelong scoping study for a livestock and Education Exchange in our region.

---

#### **RATIONALE**

When under administration City of Geelong closed the Council sales yard. The new Council voted unanimously to form the Geelong Peri Urban Advisory Committee. This committee's first priority project was to see how this region will suffer due to the decision to close that sales yard. Councillors from Geelong; PS and Surf Coast are members of the committee and it was felt that all have a stake in this issue. A figure was determined for each contribution based on the historical ratio of residents in the region using the sales yard.

Geelong \$70,000 Which is now listed in their 2019-20 Budget

Surf Coast \$20,000 Which is being brought to their next meeting

GPS \$15,000

There was an uncertainty if COG were committed to the cost of the study and Surf Coast were awaiting their response. It is expected that Surf Coast shall ratify their contribution at their next Ord. Meeting.

Being part of the study shows unity for an issue that the committee felt enhances our region in many areas not merely economical but in the management practices that need to be maintained to ensure high compliance in animal welfare and trading.

Being part of the study in no way commits us to further funding and if the study recommends a model to be constructed it may well be purely private or funded entirely via Regional development grants. There is the chance that the study recommends no facility, but it was the committee's opinion that all previous works were poorly done and not put to a fair assessment. It was considered that the region having so many hobby farms they posed the largest risks to bio security in our region and any major outbreak will have ramifications throughout our region with all industry including tourism affected. I consider that this is a small cost that may well lead to better long term outcomes for our region.

I commend this Notice of Motion to Council.

Cr David Evans



**NOTICE OF MOTION**

*This form lodges a notice of intention to move a Notice of Motion in accordance with Section 18 of Local Law No.1 – Council Meeting Procedures & Common Seal.*

I, Councillor ...David Evans. give notice of my intention to move at the Ordinary Meeting of Council to be held on .....28th / May / 2019 that:

**Wording of proposed motion:**

Council to approve a contribution of Fifteen Thousand Dollars as its contribution to fund the City of Geelong scoping study for a livestock and Education Exchange in our region.

**Reasoning for proposed motion:**

When under administration City of Geelong closed the council sales yard. The new council voted unanimously to form the Geelong Peri Urban Advisory Committee. This committee first priority project was to see how this region will suffer due to the decision to close that sales yard. Councillors from Geelong, PS and Surf Coast are members of the committee and a it was felt that all have a stake in this issue. A figure was determined for each contribution based on the historical ratio of residents in the region using the sales yard.

|            |          |  |
|------------|----------|--|
| Geelong    | \$70,000 | Which is now listed in their 2019-20 Budget  |
| Surf Coast | \$20,000 | Which is being brought to their next meeting |
| GPS        | \$15,000 |  |

There was an uncertainty if COG were committed to the cost of the study and Surf coast were awaiting their response. It is expected that Surf Coast shall ratify their contribution at their next Ord. Meeting.

Being part of the study shows unity for an issue that the committee felt enhances our region in many areas not merely economical but in the management practices that need to be maintained to ensure high compliance in animal welfare and trading. Being part of the study in no way commits us to further funding and if the study recommends a model to be constructed it may well be purely private or funded entirely via Regional development grants. There is the chance that the study recommends no facility, but it was the committee's opinion that all previous works were poorly done and not put to a fair assessment. It was considered that the region having so many hobby farms they posed the largest risks to bio security in our region and any major outbreak will have ramifications throughout our region with all industry including tourism affected. I consider that this is a small cost that may well lead to better long-term outcomes for our region.

I commend this Notice of Motion to Council.

*David S. Evans*  
COUNCILLOR SIGNATURE

*(This section to be completed and signed by Chief Executive Officer)*

This notice was received by the Chief Executive Officer at ...1:10... am/pm on 22/5/2019

*[Handwritten Signature]*

CEO SIGNATURE

NOM NUMBER: 001

**9 PETITIONS**

**10 URGENT BUSINESS**

**11 CONFIDENTIAL REPORTS FOR DECISION**

Nil