



# AGENDA

## Council Meeting

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**6.00pm Tuesday 23 February 2021**

**VENUE:**  
**Golden Plains Civic Centre**  
**Council Chambers**  
**2 Pope Street, Bannockburn**

NEXT COUNCIL MEETING  
6.00pm Tuesday 23 March 2021

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.

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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 Council Meeting held on Tuesday 19 January 2021 as circulated, be confirmed.

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

## 7 BUSINESS REPORTS FOR DECISION

### 7.1 MEETING RECORD

**File Number:**

**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer

**Authoriser:** Eric Braslis, CEO

**Attachments:** 1. Meeting Notice 16.02.21 [↓](#) 

### RECOMMENDATION

That Council receive and note the Meeting Records from 20 January 2021 to 23 February 2021 as attached.

### EXECUTIVE SUMMARY

To receive any Meeting Records that disclose any conflict of interests declared since the previous Council meeting.

### BACKGROUND

The *Local Government Act 2020* (the Act) outlines obligations and requirements for Councillors to declare and manage conflicts of interests. Council's Governance Rules provide further procedures in relation to Conflict of Interest.

In accordance with chapter 23 of the Governance Rules, procedures at meetings other than Council Meetings, for example Councillor Briefings, requires meetings records to be presented to Council for noting and inclusion on the public record where a conflict of interest was declared.

By disclosing conflicts of interests and following the prescribed procedures, Councillors engage in practices that promote the integrity and transparency of decision-making.

### DISCUSSION

The attached meeting record is prepared in accordance with the Act and Council's Governance Rules.

In accordance with the Act and the Governance Rules, a record of any meeting held under the auspices of Council where a conflict of interest was declared must be presented to the next possible Council meeting.

Meetings held under the auspices of Council may include (but are not limited to) Councillor briefings or forums, advisory committee meetings, public consultations and site meetings (including meetings the Council arranges jointly with other organisations).

These records replace the previous requirements for assemblies of councillors under the Local Government Act 1989.

### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b>	No

(Consideration of the Governance Principles under s.9 of LGA 2020)	
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	No
<b>Human Rights Charter</b>	Yes

**POLICY/RELEVANT LAW**

*Local Government Act 2020*

Governance Rules

**PUBLIC TRANSPARENCY**

All conflicts of interests are documented and reported to external auditors upon request.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**

Option 1 – That Council receive and note the Meeting Record from 23 September 2020 to 14 December 2020 as attached.

This option is recommended by officers as it complies with the *Local Government Act 2020* and Governance Rules.

Option 2 – That Council do not receive and note the Meeting Record from 23 September 2020 to 14 December 2020 as attached.

This option is not recommended by officers as this report is to communicate any conflicts of interest only.

Option 3 – That Council require further information.

This option is not recommended by officers as the conflict of interest records are accessible to Councillors.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

That Council notes the meeting record.




## Meeting Notice

Date of meeting:	Tuesday 16 February 2021
Time:	9.00am
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Helena Kirby, Mayor Cr Ian Getsom, Deputy Mayor Cr Brett Cunningham Cr Gavin Gamble Cr Les Rowe Cr Owen Sharkey Cr Clayton Whitfield
Apologies:	Nil
Council staff present:	Eric Braslis, Chief Executive Officer Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Annmaree Bowey, Corporate Governance Coordinator Jennie Schoof – Community Partnerships Officer Peter O'Brien – Town Planning Officer Sandra Tomic – Town Planning Officer Sarah Fisher – Coordinator Statutory Planning Laura Wilks – Coordinator Strategic Planning Claire Tehan – Manager People and Culture Fiona Rae – Manager Finance Marine Desa – Resource Recovery and Waste Officer Dean Veenstra - Coordinator Recreation and Community Facilities Ben Jordan - Manager Community and Council Planning Leanne Wilson – Manager Development and Regulatory Services
Other people present:	Margaret Roberts – Scarsdale Newtown Community Coordinator
Conflict of Interest Disclosures (Councillors)	Cr Clayton Whitfield – Inverleigh Play Space Naming Consultation Results Cr Owen Sharkey – P20-106 36 Oxley Rise, Batesford
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p><b>Presentations</b></p> <p>Scarsdale Newtown Community Plan 2021-22 Draft Budget Update</p> <p><b>Council Reports</b></p> <p>Inverleigh Play Space Naming Consultation Results P20-106 36 Oxley Rise, Batesford (Two lot subdivision and covenant variation) P20-133 15 Gurney Close, Bannockburn - Use of the land for Domestic Animal Husbandry (keeping of 5 dogs) Active Ageing &amp; Inclusion Plan 2020-2024 Adoption Finance Quarter Two Update Local Government Performance Reporting Indicators - 6 Monthly Report 20/21 Quarterly Council Plan 2017-2021 Implementation - Progress Report Melbourne Cup Public Holiday State Electoral Boundary - Redivision Council submission - DRAFT VAGO Independent Assurance Report to Parliament - Sexual Harassment in Local Government (December 2020) Councillor Code of Conduct Community Engagement Policy Gifts, Benefits &amp; Hospitality Policy Audit &amp; Risk Committee Report - 2 December 2020</p>





	<p>Councillor Expenses and Meeting Attendance report - Second Quarter ending 31 December 2020                  Delegates Report - 19 January 2021 to 22 February 2021</p> <p><b>Council Updates</b>                  Youth Development Service Review and Golden Plains Youth Survey                  Community Subsidy Policy Update - Sport and Recreation Fees and Charges                  Surplus Council Land in Smythesdale                  Summary of submissions to the Bannockburn Growth Plan                  Landfill rehabilitation report                  Councillor Briefing Procedure Policy                  Local Government Rating System Review Outcomes                  Governance Quarter Two Update                  Local Government Act 2020 - Implementation Update</p> <p>Councillor Only                  CEO Only                  SMT Only</p>
<p>Completed by:</p>	<p>Eric Braslis, Chief Executive Officer</p> 

**7.2 DELEGATES REPORT - 19 JANUARY 2021 TO 22 FEBRUARY 2021****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 – 19 January 2021 to 22 February 2021.

	Cr Kirby	Cr Cunningham	Cr Gamble	Cr Getsom	Cr Rowe	Cr Sharkey	Cr Whitfield
Council Meeting	✓	✓	✓	✓	✓	✓	✓
Councillor Briefing	✓	✓	✓	✓	✓	✓	✓
Strategic Councillor Briefing	✓	✓	✓	✓	✓	✓	✓
Conversation Posts							
- B'burn Farmer's Market		✓	✓		✓	✓	✓
- Smythesdale Fiesta	✓	✓	✓	✓	✓	✓	✓
- Virtual	✓	✓	✓		✓	✓	✓
- Coffee with the Councillor	✓	✓	✓		✓	✓	✓
Portfolios	✓	✓	✓	✓	✓	✓	✓

**Cr Helena Kirby**

20 January	Draft Active Ageing & Inclusion Plan Conversation Post (Dereel)
21 January	Draft Active Ageing & Inclusion Plan Conversation Post (Bannockburn)
21 January	Introductory Meeting - GPSC & Centacare Ballarat
22 January	Interview with the Ballarat Courier
26 January	Shelford Australia Day event
26 January	Teesdale Australia Day event
26 January	Community Awards 2020
26 January	Cape Clear Australia Day event
30 January	Council Plan Listening Post (Dereel)
3 February	Committee for Ballarat Big Ideas Forum
5 February	Berrybank Wind Farm Community Engagement Committee meeting
5 February	Meeting with G21 CEO
9 February	Audit & Risk Committee meeting
11 February	Teleconference with Senator Sarah Henderson
12 February	Meeting with Andy Meddick MP
17 February	Virtual meeting with Libby Coker MP
18 February	Active Ageing & Inclusion Advisory Group meeting

**Cr Brett Cunningham**

26 January	Linton Australia Day event
26 January	Scarsdale Australia Day event
26 January	Community Awards 2020

9 February Audit & Risk Committee meeting  
11 February G21 Economic Development Pillar meeting  
15 February Tourism Greater Geelong and the Bellarine Board meeting  
22 February Tourism Greater Geelong and the Bellarine Board planning day

**Cr Gavin Gamble**

26 January Teesdale Australia Day event  
26 January Community Awards 2020  
9 February G21 Transport Pillar meeting

**Cr Ian Getsom**

20 January Draft Active Ageing & Inclusion Plan Conversation Post (Smythesdale)  
26 January Linton Australia Day event  
26 January Scarsdale Australia Day event  
26 January Community Awards 2020

**Cr Les Rowe****Cr Owen Sharkey**

21 January Geelong Regional Library Committee CEO Recruitment meeting  
29 January Geelong Regional Library Committee CEO Recruitment meeting  
29 January Geelong Regional Library Committee CEO Recruitment meeting  
29 January Geelong Regional Library Committee CEO Recruitment meeting  
10 February MAV Representative Briefing  
18 February Geelong Regional Library Committee Board meeting

**Cr Clayton Whitfield**

21 January Draft Active Ageing & Inclusion Plan Conversation Post (Bannockburn)  
26 January Shelford Australia Day event  
26 January Community Awards 2020  
5 February G21 Planning & Services Pillar meeting

### 7.3 INVERLEIGH PLAY SPACE NAMING CONSULTATION RESULTS

**File Number:**

**Author:** Emily Chapman, Governance and Corporate Services Administration Officer

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

**Attachments:** 1. Inverleigh Play Space Summary of Votes  

**RECOMMENDATION**

That Council:

1. Receive the voting results of the Inverleigh Play Space Naming consultation held between 16 December 2020 and 29 January 2021.
2. Hear and consider any submissions and objections received in accordance with section 5 of the *Geographic Place Names Act 1998*.
3. Make a final determination on the name at the March 2021 Council Meeting.

**EXECUTIVE SUMMARY**

At the Council meeting held on December 2020, Council endorsed the following names, Leigh River Park, Inverleigh Community Park, Inverleigh Play Park and Yerram Yaluk Bun for public consultation using the voting method as suggested by the Office of Geographic Names.

Voting was open to all residents of Golden Plains Shire between Wednesday, 16 December 2020 and Friday, 29 January 2021. Communication with the Community clearly stated that the name with the most votes at the conclusion of the consultation period will be forwarded to the Office of Geographic Names for gazettal.

A total of 120 votes were received with “Yerram Yaluk Bun” receiving the highest number of votes. A summary of all votes received has been provided for Councillor’s information in attachment 1.

Voters were given the opportunity to present a submission to Council in support of their vote and 8 residents indicated they would like to make a submission. Once the full submission details are received these will be provided to Council for their information.

As part of the voting process, residents were also given the opportunity to object to the names included in the vote. One objection was received, which was later withdrawn by the resident.

**BACKGROUND**

At the Council Meeting on 26 November 2019, following community consultation Council resolved to name the parcel of land proposed for the new Inverleigh Play Space “Inverleigh River Park” and proceed with official gazettal of the name.

The application to name the parcel of land ‘Inverleigh River Park’ was sent to Geographic Names via the Vicmap Editing Service (VES) on 31 January 2020.

An official response from the Registrar of Geographic Names was received on 23 March 2020 declining the proposal. The reasons outlined in the letter for declining the proposal are as follows:

- The name contains two feature type descriptions in the name, “river and park”.
- The name incorrectly refers to Inverleigh River in the name, when the waterway adjoining the park is named Leigh Creek.
- The proposed name does not fully meet Principle C Linking the name to place, in the Naming Rules and has the potential to cause confusion.

Following the rejection of the proposal Council officers worked with and supported the Inverleigh Community to action an appeal against the Geographic Names Registrar’s decision. It was

determined that lodging an appeal would assist in maintaining a positive relationship with the Inverleigh Community and show continued support for their initially proposed name.

This appeal was rejected and the Registrar's original decision was reaffirmed in their letter dated 27 July 2020. Following the appeal, Council endorsed to put a number of suggested names out for public consultation using the voting method.

## DISCUSSION

As a result of the consultation held between 16 December 2020 and 29 January 2021 a total of 120 votes were received. 5 votes were unable to be counted due to being duplicates from the same voter or voters from the same household where only one vote is able to be counted.

All votes nominated one of the four options, Leigh River Park, Inverleigh Community Park, Inverleigh Play Park and Yerram Yaluk Bun as their preferred name. There were nil responses to the option 'none of the above'.

A summary of the votes received is as follows:

Proposed Name	Number of Votes
Yerram Yaluk Bun	35
Leigh River Park	34
Inverleigh Play Park	24
Inverleigh Community Park	22

A detailed table of all votes received is provided for Councillors information in Attachment 1.

As part of the consultation, 8 residents have indicated they would like to present a submission in support of their vote to Council. These residents have been contacted for their submission details which will be provided to Council as they are received. One objection was received but was later withdrawn.

When considering submissions and objections, Council should recall that all proposed names are compliant with the Naming Rules for Places in Victoria and were included in the vote under the guidance of the Office of Geographic Names. The voting process also clearly indicated that the name with the majority of votes will become the official name of the feature subject to Council approval.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes

<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the recommendation for Council to endorse the name with the highest amount of votes will specifically:

- Assist in achieving the best outcomes for the municipal community.
- Ensure transparency of Council decisions, actions and information.

## POLICY/RELEVANT LAW

The information detailed in this report has been provided under guidance of the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016*.

## COMMUNITY ENGAGEMENT

The community vote commenced on Wednesday 16 December 2020 and closed on Friday 29 January 2021.

The vote was advertised as a public notice for a minimum of 30 days on Council's website and in the Golden Plains Times. These advertisements were further supported by a media release distributed to local media, a news story in the Golden Plains Times, posts on Council's social media, and a Have Your Say page on Council's website.

All communication was also supplied to the Leigh News Facebook page, and the consultation was promoted locally via marketing material.

The Inverleigh Community Play Space Steering Committee also assisted in promoting the vote within the Inverleigh community. A physical poster advertising the community vote was created and displayed on the local community noticeboard and distributed to other sites in the town for potential display.

## PUBLIC TRANSPARENCY

During the naming process Council has ensured that all decisions made have been transparent and available to the community. Information provided to the community has been understandable and accessible via a number of platforms including print and online.

## RISK ASSESSMENT

Geographic Names Victoria (GNV) in their response dated 27 July 2020 have advised that consultation was undertaken with the Emergency Services Telecommunications Authority and Ambulance Victoria on public safety considerations. Given both these services support GNV's views the public safety risk to Council is minimised by following the GNV advice.

## COMMUNICATION

Updates are being provided to the community via Council's Have Your Say Page. Voting results will be made public in the February Council Meeting Agenda.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**Option 1 – That Council support the recommendation as detailed

This option is recommended by officers as the recommendation is requesting Councillors consider the results and submissions received as a result of the Inverleigh Play Space Vote.

Option 2 – That Council do not support the recommendation

This option is not recommended by officers as it would further delay the process of having the Inverleigh Play Space officially named.

Option 3 – That Council request the voting period be extended

This option is not recommended by officers as a significant number of votes were received, with one name receiving the most votes.

Option 4 – That Council abandon the proposal to name the space

This option is not recommended by officers as not naming the space may cause confusion for emergency services when responding to an emergency in the area.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

Following the results of the public consultation held between 16 December 2020 and 29 January 2021 it is recommended that Council receive the voting results and consider any submissions and objections prior to making a final determination on the name at the March Council Meeting.





## Inverleigh Play Space Naming Vote

#	Date of Vote	Suburb	Preferred Name	Reason for Voting for this name
1	16/12/2020	Inverleigh	Leigh River Park	Easy to remember and sounds a name the locals will adopt
2	16/12/2020	Inverleigh	Leigh River Park	It's appropriate for the location
3	16/12/2020	Inverleigh	Inverleigh Play Park	
4	16/12/2020	Inverleigh	Inverleigh Community Park	
5	16/12/2020	Inverleigh	Leigh River Park	
6	16/12/2020	Inverleigh	Inverleigh Play Park	
7	16/12/2020	Bannockburn	Yerram Yaluk Bun	Respect to our aboriginal community
8	16/12/2020	Inverleigh	Inverleigh Community Park	Vote needs to be withdrawn as only 1 vote per household allowed
9	16/12/2020	Inverleigh	Inverleigh Play Park	Because it's a play park in Inverleigh.
10	16/12/2020	INVERLEIGH	Inverleigh Community Park	I like it as a whole community name
11	16/12/2020	Inverleigh	Leigh River Park	
12	16/12/2020	Inverleigh	Inverleigh Community Park	
13	16/12/2020	Inverleigh	Inverleigh Play Park	
14	16/12/2020	INVERLEIGH	Inverleigh Community Park	It's a great community park. Also liked Leigh river park
15	16/12/2020	INVERLEIGH	Inverleigh Play Park	
16	16/12/2020	Inverleigh	Leigh River Park	It is as close to the most preferred of the community originally.
17	16/12/2020	Inverleigh	Inverleigh Play Park	Describes both the location and type of space. Easy to recognise name that people can readily remember.
18	16/12/2020	Teesdale	Leigh River Park	Inverleigh is nothing without the mighty Leigh!
19	16/12/2020	Inverleigh	Inverleigh Play Park	Represents what it is. And is simple to recall. From what I've read the had corroboraries on the place however cultural awareness is low. May I suggest a sign with this explanation.
20	16/12/2020	INVERLEIGH	Inverleigh Community Park	describes exactly what it is with no confusion of where it is.
21	16/12/2020	Inverleigh	Leigh River Park	Closest to the original community choice and just makes sense in its physical location and vernacular
22	16/12/2020	Inverleigh	Leigh River Park	
23	16/12/2020	INVERLEIGH	Inverleigh Play Park	
24	16/12/2020	Gheringhap	Inverleigh Community Park	
25	16/12/2020	Inverleigh	Leigh River Park	Because it is a park beside the Leigh River. The area is used as more than just a kids play area
26	17/12/2020	Inverleigh	Yerram Yaluk Bun	I like the Indigenous link. I don't think there are enough in the area.
27	17/12/2020	Inverleigh	Leigh River Park	
28	17/12/2020	Inverleigh	Leigh River Park	
29	17/12/2020	INVERLEIGH	Inverleigh Community Park	Because it was achieved by the community plus the indigenous name is too hard to pronounce and would be like the Torquay skate park which is never called by its real name as no one can pronounce it.
30	17/12/2020	Inverleigh	Inverleigh Play Park	
31	17/12/2020	Teesdale	Leigh River Park	Leigh River Park stood out to me instantly and I like how it sounds and being near the river I think this name suits it perfectly. We go to this park a lot, it's our 2 children's favourite park 😊
32	17/12/2020	Inverleigh	Yerram Yaluk Bun	
33	17/12/2020	Inverleigh	Yerram Yaluk Bun	This is an opportunity to acknowledge & pay respect to the First Nation people on who's lands we all now live.
34	17/12/2020	Inverleigh	Inverleigh Play Park	It includes the name Inverleigh, its easy for children to say and remember. eg "can we please go to the Inverleigh play park after school?" or "kids remember to meet me at the Inverleigh Play Park"
35	17/12/2020	Lethbridge	Yerram Yaluk Bun	It would be great to see community embrace the local indigenous language and culture
36	17/12/2020	Inverleigh	Inverleigh Play Park	
37	17/12/2020		Leigh River Park	I like the name as it links inverleigh and the river as the location too
38	17/12/2020	Bannockburn	Yerram Yaluk Bun	The early surveyors were tasked with using local indigenous names where ever they could ascertain them. My understanding is this was sourced from the Wathaurung. I deem it very appropriate that it be used in this instance particularly as there are moves to co-name many geographical features which have European names as their primary designation and this may well happen to the Inverleigh River in the future.
39	17/12/2020	INVERLEIGH	Leigh River Park	Due to its location - close to the Leigh river

#	Date of Vote	Suburb	Preferred Name	Reason for Voting for this name
40	18/12/2020	Inverleigh	Inverleigh Community Park	
41	18/12/2020	Inverleigh	Yerram Yaluk Bun	
42	20/12/2020	Inverleigh	Yerram Yaluk Bun	
43	20/12/2020	Inverleigh	Inverleigh Play Park	
44	21/12/2020	INVERLEIGH	Inverleigh Community Park	Because I can not pronounce the aboriginal name
45	21/12/2020	Teesdale	Inverleigh Play Park	Simple and descriptive
46	21/12/2020	Bannockburn	Yerram Yaluk Bun	It honours the traditional owners of the land
47	21/12/2020	INVERLEIGH	Leigh River Park	It relates to exactly what it is. Easily Remembered
48	21/12/2020	Bannockburn	Yerram Yaluk Bun	This name stands out to me as it is most descriptive and unique, making inverleigh stand out as a beautiful place to live and visit. It would be wonderful to see a connection to our traditional owners as inverleigh grows as a community.
49	21/12/2020	Inverleigh	Yerram Yaluk Bun	We should be acknowledging the first nation people of this country. The name is unique and lovely sounding words.
50	21/12/2020	Inverleigh	Yerram Yaluk Bun	
51	21/12/2020	BANNOCKBURN	Yerram Yaluk Bun	Always was, always will be
52	21/12/2020	WINCHELSEA	Inverleigh Play Park	
53	21/12/2020	Inverleigh	Inverleigh Play Park	This name describes exactly what the space is and what the courageous committee who won the funding for it envisaged. Separately the recreation strategy team also discussed putting in some adult exercise equipment in the vicinity of the Play Park. What progress has been made to make that happen?
54	21/12/2020	Inverleigh	Leigh River Park	Best suits the area of the options offered
55	21/12/2020	Inverleigh	Inverleigh Play Park	It identifies the town and the kind of park it is, for young children to play in
56	21/12/2020	Inverleigh	Inverleigh Community Park	
57	22/12/2020	Inverleigh	Leigh River Park	Because it is next to the River; the Leigh River! Because we already call it 'the park next to the River'; so very logical. Because this park has not been built by, paid by, or the idea thought up by anyone of aboriginal descent in our community. It is also in the official language of Australia - English.
58	22/12/2020	LINTON	Inverleigh Play Park	It reflects what the space is about and where it is
59	22/12/2020	Inverleigh	Yerram Yaluk Bun	
60	22/12/2020	Inverleigh	Inverleigh Community Park	
61	22/12/2020	Inverleigh	Inverleigh Play Park	
62	22/12/2020	TEESDALE	Inverleigh Community Park	
63	<del>22/12/2020</del>		<del>Yerram Yaluk Bun</del>	Unable to include vote as no details provided
64	22/12/2020		Yerram Yaluk Bun	
65	22/12/2020	Inverleigh	Inverleigh Community Park	
66	22/12/2020	Scaresdale	Yerram Yaluk Bun	It gives honour to our local indigenous culture
67	22/12/2020	Inverleigh	Leigh River Park	
68	22/12/2020		Inverleigh Community Park	Because it involves the whole community, which I was once a part of a long time ago. Inverleigh still holds a special place in my heart
69	22/12/2020	Inverleigh	Inverleigh Community Park	It's an area for ALL the Community, families, children, grandparents and Community groups such as the CWA members who often meet together at the Park.
70	23/12/2020	Bannockburn	Leigh River Park	Its the only one that isn't a mouthful to say, and asp as its easiest for a young child to say!
71	23/12/2020	Bannockburn	Leigh River Park	
72	24/12/2020		Inverleigh Community Park	sounds like it could be used by all age groups and it is at Inverleigh so no confusion of its location.
73	24/12/2020	Mt Duneed	Inverleigh Community Park	
74	24/12/2020	Inverleigh	Yerram Yaluk Bun	
75	27/12/2020	Inverleigh	Leigh River Park	Close to the name I voted for originally
76	27/12/2020	INVERLEIGH	Inverleigh Community Park	Because it states whatever, and what the space is for in a clear manner.
77	4/01/2021	Inverleigh	Leigh River Park	Its on the Leigh River in an ideal playground surround.

#	Date of Vote	Suburb	Preferred Name	Reason for Voting for this name
78	6/01/2021	Inverleigh	Leigh River Park	
79	6/01/2021	Inverleigh	Leigh River Park	
80	6/01/2021	Bannockburn	Yerram Yaluk Bun	
81	7/01/2021		Inverleigh Community Park	
82	7/01/2021	Inverleigh	Leigh River Park	
83	7/01/2021	Inverleigh	Inverleigh Play Park	Geographic place name, simple, descriptive, easy to say, it is a park for everyone.
84	7/01/2021	Inverleigh	Leigh River Park	
85	7/01/2021	Inverleigh	Leigh River Park	
86	7/01/2021		Inverleigh Community Park	
87	7/01/2021	BANNOCKBURN	Leigh River Park	Has a nice sound to it, also it describes the place pretty well.
88	8/01/2021	Inverleigh	Leigh River Park	
89	13/01/2021	INVERLEIGH	Inverleigh Community Park	
90	13/01/2021	Inverleigh	Yerram Yaluk Bun	
91	13/01/2021	Inverleigh	Leigh River Park	It's similar to what was previously chosen by the community and it's easy to say
92	14/01/2021	Inverleigh	Yerram Yaluk Bun	Respect for the original inhabitants. No real evidence anywhere else in the town.
93	14/01/2021	Teesdale	Yerram Yaluk Bun	
94	19/01/2021	Inverleigh	Inverleigh Play Park	It is a childrens playground. It is in Inverleigh. Three times I have previously voted and obviously a non resident negated this voting so we go for the simplest option.
95	24/01/2021	Inverleigh	Inverleigh Play Park	The kids liked it.
96	24/01/2021	Bannockburn	Yerram Yaluk Bun	I love the idea of incorporating Indigenous language and culture in the community.
97	24/01/2021	Bannockburn	Yerram Yaluk Bun	
98	24/01/2021	INVERLEIGH	Inverleigh Play Park	
99	24/01/2021		Yerram Yaluk Bun	
<del>100</del>	<del>24/01/2021</del>	<del>Inverleigh</del>	<del>Yerram Yaluk Bun</del>	Duplicate Vote
101	24/01/2021	Teesdale	Inverleigh Play Park	
102	25/01/2021	BANNOCKBURN	Yerram Yaluk Bun	
103	25/01/2021	INVERLEIGH	Yerram Yaluk Bun	Preserving Indigenous language, names and words are important for cultural recognition and the history of the river system. The locals will verbally call it what they want anyway or come up with a localism for the space so give it something significant as a formal recognition of the space.
<del>104</del>	<del>25/01/2021</del>	<del>Inverleigh</del>	<del>Inverleigh Play Park</del>	Duplicate Vote
105	26/01/2021	Inverleigh	Yerram Yaluk Bun	
106	26/01/2021	Geelong west	Yerram Yaluk Bun	
107	27/01/2021	Inverleigh	Leigh River Park	Say what it is on the tin
108	27/01/2021	Bannockburn	Yerram Yaluk Bun	
109	27/01/2021	Inverleigh	Yerram Yaluk Bun	It respects the history and true custodianship of this land. It also helps to educate the next generation.
110	27/01/2021	BANNOCKBURN	Inverleigh Play Park	I actually like hkw you described it as inverleigh play space. So like inverleigh play park, describes exactly what it is and thst it is in inverleigh. As the leigh river park could indicate the park near shelford.
111	27/01/2021	Warrnambool	Leigh River Park	
112	27/01/2021	Inverleigh	Yerram Yaluk Bun	In recognition of Aboriginal language and culture
113	28/01/2021	Inverleigh	Yerram Yaluk Bun	In respect for the Traditional Custodians of this land, the Wadawurrung People. To help facilitate understanding of this beautiful land and its custodianship by the Wadawurrung people. It's a beautiful name.
114	28/01/2021	Inverleigh	Inverleigh Community Park	
115	28/01/2021	Bannockburn	Leigh River Park	
116	28/01/2021	Inverleigh	Leigh River Park	
<del>117</del>	<del>29/01/2021</del>	<del>Inverleigh</del>	<del>Yerram Yaluk Bun</del>	Vote needs to be withdrawn as only 1 vote per household allowed
118	29/01/2021	Freshwater Cree	Yerram Yaluk Bun	It's way past time to acknowledge that places already had indigenous identity before colonization, plus it sounds lovely
119	29/01/2021	Inverleigh	Yerram Yaluk Bun	
120	29/01/2021	Teesdale	Yerram Yaluk Bun	Cultural names show respect



## **7.4 P20-106 36 OXLEY RISE, BATESFORD (TWO LOT SUBDIVISION AND COVENANT VARIATION)**

**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council resolves to:

1. Refuse the application to amend the Development Plan applying to the land because it does not satisfy the provisions of the Development Plan Overlay – Schedule 11 (Clause 43.04) which seeks to prevent further subdivision of the land.
  2. Issue a Notice of Decision to Refuse to Grant a Permit for the development of a two lot subdivision and variation to restrictive covenant AK191651C at 36 Oxley Rise, Batesford for the reason that the application does not satisfy the provisions of the Development Plan Overlay – Schedule 11 (Clause 43.04) because the proposed subdivision is not in accordance with the development plan that applies to the land.
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**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a two lot subdivision and variation of covenant at 36 Oxley Rise, Batesford. The report was originally presented to the 15 December 2020 Ordinary Council meeting for a decision, however Council deferred the matter to the February Ordinary Council meeting at the request of the applicant. Since the December Council meeting the applicant has submitted an application to amend the Development Plan applying to the land. This report provides a background to the application and a summary of the relevant planning considerations. The Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

**BACKGROUND****Site description**

The subject land is situated at 36 Oxley Rise, Batesford and is formally known as Lot 306 on Plan of Subdivision 645138. The site is a vacant lot with a total area of 8005m<sup>2</sup>. The land is generally flat and cleared. The site is a corner lot with frontages to Oxley Rise and Millpond Lane which are both sealed roads managed by Council. The site is located in a low density residential area of Batesford in a large staged subdivision known as the Riverstone Estate. Covenant number AK191651C (created 15/02/2013) applies to the land and prohibits, among other things, the construction of more than one dwelling on the land.

**The proposal**

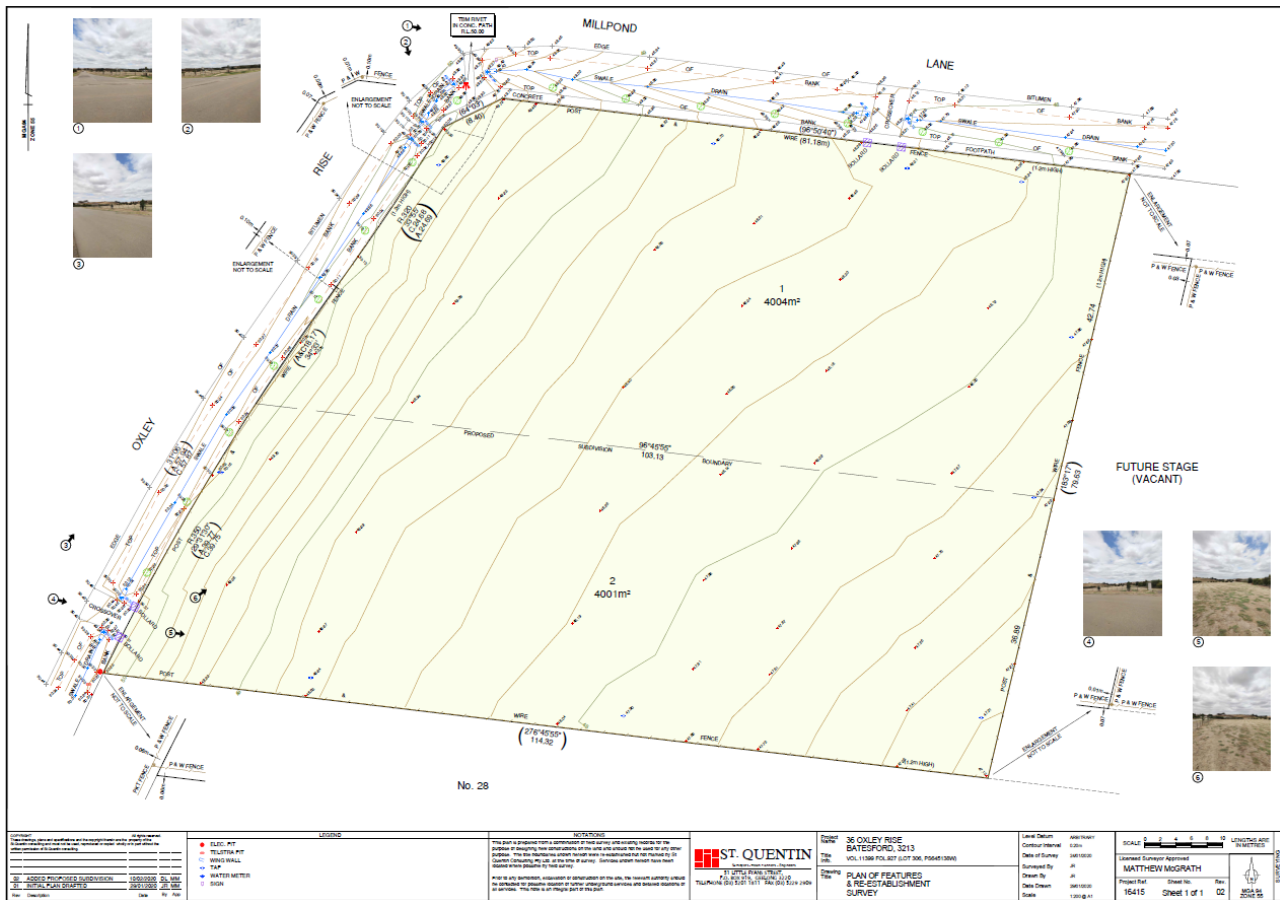
The application proposes the development of the land for a two lot subdivision. The proposed subdivision will create two lots of similar size and dimensions. Proposed lot 1 has an area of 4004m<sup>2</sup> and is on the corner of Oxley Rise and Millpond Lane with access proposed via Millpond Lane. Proposed lot 2 has an area of 4001m<sup>2</sup> with frontage and access to Oxley Rise.

The application also proposes to vary covenant AK191651C. It is proposed to vary section (a)(i) which prohibits the construction of more than one dwelling on the land. The covenant must be varied to allow the construction of additional dwellings on the vacant lots resulting from the subdivision.

Site map



PROPOSED PLAN OF SUBDIVISION



<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>● BENCH MARK</li> <li>○ TALL PT</li> <li>○ TULLITA PT</li> <li>○ TAP</li> <li>○ WATERMETER</li> <li>○ SIGN</li> </ul>	<p><b>NOTES</b></p> <p>1. THIS PLAN OF SUBDIVISION IS A TECHNICAL DRAWING AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER OF THIS PLAN OF SUBDIVISION IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.</p> <p>2. THE USER OF THIS PLAN OF SUBDIVISION IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.</p>	<p><b>ST. QUENTIN</b></p> <p>17 OXLEY RISE, BATESFORD, QLD 4207</p> <p>TEL: (07) 5521 7111 FAX: (07) 5521 7050</p>	<p><b>36 OXLEY RISE</b></p> <p><b>BATESFORD, QLD 4207</b></p> <p>100-11000-000-000-000-000-000-000-000-000</p> <p><b>PLAN OF FEATURES &amp; RE-ESTABLISHMENT SURVEY</b></p>	<p>Drawn: M. MOGRATH</p> <p>Checked: M. MOGRATH</p> <p>Date of Survey: 14/01/2020</p> <p>Designed By: M. MOGRATH</p> <p>Drawn By: M. MOGRATH</p> <p>Date Drawn: 14/01/2020</p> <p>Scale: 1:1000</p>	<p>Scale: 1:1000</p> <p>Project No: 16415</p> <p>Sheet No: 1 of 1</p> <p>CD</p>
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**Amended development plan**

Since the matter was deferred by Council at the December Ordinary Council meeting, the applicant has submitted an application to amend the Development Plan applying to the land for Council's consideration. The application to amend the Development Plan consists of a 'Spot' Development Plan applying only to the subject land and proposing the subdivision of the land into two lots consistent with the planning application proposal.

**CONSULTATION**

Notice of the application was given in accordance with Section 52 (1)(cb) of the *Planning and Environment Act 1987*. Notice was given by mail to 33 owners and occupiers of land benefitting from the covenant. Notice was also given by placing a sign on the land and by placing an advertisement in the Saturday edition of the Geelong Advertiser newspaper. The advertising material was available on Council's website.

As a result of the public notice, 4 objections were received. One of the four objecting parties is a covenant beneficiary. A copy of the objections has been provided to the Councillors under separate cover. The objectors' concerns relate to precedent, neighbourhood character, drainage impacts, integrity issues and breach of the section 173 agreement entered into as part of the original subdivision development.

A consultation meeting was not held for this application due to COVID-19 health restrictions.

**ASSESSMENT**

The application was lodged on 29 April 2020. There are no referral authorities specified in the planning scheme for an application of this type. An application for a two lot subdivision is exempt from referral to utility authorities. The application was internally referred to Council's Works and Environmental Health departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

**PLANNING SCHEME****Planning Policy Framework (PPF)**

## Clause 11.02 Managing Growth

The objective of the policy for the supply of urban land (Clause 11.02-1S) is to ensure a sufficient supply of land is available for residential and other uses. Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

## Clause 15.01 Urban Environment

The objective of the policy for subdivision design (Clause 15.01-3S) is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. In the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by, among other things, providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

## Clause 16.01 Residential Development

The objective of the policy for the location of residential development (Clause 16.01-2S) is to locate new housing in designated locations that offer good access to jobs, services and transport. The policy seeks to increase the proportion of new housing in designated locations within established urban areas, ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

**Local Planning Policy Framework (LPPF)**

## Clause 02.03 Municipal Planning Strategy – Strategic Directions

The Strategic Directions for Settlement (LPP Clause 02.03-1) encourages the consolidation of townships, including directing residential development to within township boundaries. The Strategic Directions for Residential Development (LPP Clause 02.03-6) applies to Low Density Residential Zones and discourages subdivision of land in the Low Density Residential Zone that does not maintain or complement the established character and does not meet the requirements of the Domestic Wastewater Management Plan (DWMP).

## Clause 02.04 Strategic Framework Plans

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The Batesford Structure Plan contained in Clause 02.04 was adopted by Council on 22/11/2001 and shows the subject land within a future 'rural-residential' area of the Batesford township. The structure plan does not make any specific references to the subject land or contain any policies of particular relevance to the application.

## Clause 11.01-1L Settlement

This policy seeks to direct population growth to urban areas provided with water, sewerage and social infrastructure.

## Clause 15.01-6L Low Density Residential Subdivision Policy

This policy applies to subdivisions in the Low Density Residential Zone and encourages subdivision that respects the lot configuration and character elements of the surrounding area. The policy seeks to maintain an open and spacious character through:

- Design that provides for generous areas of open space and landscaping including along accessways.
- Retention of existing vegetation.
- Avoiding creation of lots with battle-axe access.
- The provision of wide driveways with areas available for landscaping.

The policy requires Council to consider (as relevant) whether the subdivision requires the provision of infrastructure, including drainage and roads.

**Zone and overlay provisions**

## Clause 32.03 Low Density Residential Zone (LDRZ)

The site and surrounding land is in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. A permit is required to subdivide land under the provisions of the LDRZ. The LDRZ sets a minimum lot size of 0.4 hectares. The decision guidelines of the LDRZ require Council to consider, as appropriate:

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

## Clause 42.01 Environmental Significance Overlay Schedule 3 (ESO3)

The land is affected by the Environmental Significance Overlay – Schedule 3 (ESO3) which seeks to protect the environmental attributes of the Moorabool Valley and other areas of environmental significance. A permit is required for subdivision under the provisions of the ESO3. There are no



referral authorities specified in the ESO3. The decision guidelines of the ESO3 require Council to consider, among other things:

- the preservation of the natural environment including natural environmental processes, any important landscape or conservation characteristics of the area;
- the need to protect the general environs of any natural vegetation or objects or features from development which would detract from their setting.

#### Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements related to subdivision.

#### Clause 43.04 Development Plan Overlay – Schedule 11 (DPO11)

The land is affected by the Development Plan Overlay – Schedule 11 (DPO11) which applies to 'Hills Road, Batesford – Low Density Residential Zone' (Riverstone Estate). The DPO11 requires the preparation of a development plan and any permit granted must be generally in accordance with the approved development plan. The DPO11 also requires that any permit granted includes a condition for a section 173 agreement ensuring that the land is not further subdivided. The current Development Plan was approved by Council on 6 April 2018. The land has already been subdivided as identified on the Development Plan. The subdivision permit included a condition which required such a section 173 agreement. Notwithstanding, an agreement was not registered on the title of the Land.

### **Particular provisions**

#### Clause 52.02 – Easements, restrictions and reserves

A planning permit is required under Clause 52.02 to create, vary or remove an easement or restriction (covenant). The purpose of this clause is to provide for the removal and variation of restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. The decision guidelines of Clause 52.02 require Council to consider the interests of affected people before making a decision on an application.

### **General provisions**

The decision guidelines contained in Clause 65.01 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

In addition, before deciding on an application to subdivide land, the decision guidelines contained in Clause 65.02 must be considered, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### **Section 60 of the Planning and Environment Act 1987**

Before making a decision on an application to remove or vary a restrictive covenant Council must consider the requirements of section 60 of the Act. Because this covenant was created after 25 June 1991, the application must satisfy the requirements of section 60(2) of the Act. This provision requires Council to be satisfied that any beneficiary will be unlikely to suffer financial loss, loss of amenity, loss arising from change to the character of the neighbourhood or any other material detriment as a consequence of the removal or variation of the covenant.

### **CULTURAL HERITAGE IMPLICATIONS**

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007*.

## **DISCUSSION**

### **Subdivision**

An assessment of the application against the provisions of the planning scheme has found that while the proposed subdivision meets the requirements of the Low Density Residential Zone and Low Density Residential Subdivision Policy (Clause 15.01-6L) the application fails to satisfy the provisions of the Development Plan Overlay – Schedule 11 (DPO11) because the proposed subdivision is not generally in accordance with the approved development plan that applies to the land.

Since the matter was deferred by Council at the December Ordinary Council meeting, the applicant has submitted an application to amend the Development Plan applying to the land. Council officers recommend against approving the amended development plan because it is considered to be contrary to the provisions of the DPO11 which seek to prevent further subdivision of the land. Clause 2.0 of Schedule 11 demonstrates a clear intent to prevent further subdivision of the Land through the requirement for a section 173 agreement to ensure no further subdivision.

The DPO11 requires that a development plan be prepared for the land and that any permit to subdivide land must be generally in accordance with the development plan. The current Development Plan was approved by Council on 6 April 2018 and depicts the subdivision layout and designates lot sizes. The subject land is shown on the Development Plan as having an area of 8000m<sup>2</sup>.

The subject land was created via a subdivision permitted by Planning Permit P11-175 (the 2011 Permit). As required by DPO11, a condition of the 2011 Permit required a section 173 agreement specifying that each lot created by the subdivision could not be further subdivided. An agreement to this effect was executed by Council, the developer and the landowner at the time on or around 30 May 2013 (the Agreement). However, the Agreement was not registered on title. Council's lawyer has advised that the Agreement is unenforceable against the current owners of the Land as it is not recorded on title and the current owners of the Land are not party to the Agreement. Further, the Agreement cannot be recorded on title in its current form because it is expressed to apply to land in a certificate of title that has been cancelled.

As a development plan has been approved, Council must determine whether the proposed subdivision is generally in accordance with the Development Plan. The Development Plan specifies the lot layout and overall lot sizes and dimensions to achieve a low density residential character for the area. The subject land is identified as an 8000 m<sup>2</sup> lot on the Development Plan. The application proposes two lots of 4000m<sup>2</sup>. This doubles the identified density of the land as shown on the Development Plan. Clause 2.0 of Schedule 11 requires any permit to subdivide land to include a condition requiring a section 173 agreement to ensure no further subdivision. Despite the agreement not being registered on the title of the Land, the permit condition and the requirement in the Schedule demonstrate an intent to prevent further subdivision of the Land. The Development Plan identifies the expected development intensity of the final subdivision layout and as the application seeks permission to double the intensity of the intended lot size this is not consistent or generally in accordance with Development Plan.

### **Variation of covenant**

The provisions of the Planning Scheme (Clause 52.02) and Act (Section 60(2)) requires that Council consider the interests of affected people (beneficiaries) before making a decision on an application to remove or vary a covenant. If an objection is received from a beneficiary, Council must not grant a permit unless it is satisfied that the grant of a permit is unlikely to cause material detriment of the kind described in Section 60(2) of the Act. Of the four objections received, only one is from a covenant beneficiary.

An assessment against the matters contained in section 60(2) of the Act has been carried out and it is considered that the proposed covenant variation satisfies each of the matters contained in section 60(2). An assessment against each individual matter is set out as follows:

Financial Loss

No evidence has been provided by the objectors to support any claim of financial loss and it is considered unlikely that the variation of the restrictive covenant will decrease the value of the lots in the estate.

#### Loss of Amenity

The objectors did not raise 'loss of amenity' as a specific concern. Nevertheless, the proposed covenant variation is not considered to cause any loss of amenity.

#### Loss arising from change of neighbourhood character

The proposed covenant variation is not considered to have any detrimental effect on neighbourhood character. The land has an area of approximately 0.8ha and is large enough to accommodate a two lot subdivision and a dwelling on each lot while still maintaining the low density character of the surrounding area. The proposed lots are of adequate size to accommodate building envelopes that meet the minimum setback requirements set out in Schedule 5 to the Design and Development Overlay, which is designed to maintain and protect the low density character of the area.

#### Other material detriment

The proposed variation is not considered to cause any other material detriment. In relation to the objectors concerns regarding drainage impacts the additional development resulting from the variation of the covenant would not affect the capacity and functionality of the drainage network. Council's Works Department require that stormwater run-off from each dwelling is directed to a legal point of discharge and that appropriate works be carried out to ensure that stormwater runoff does not impact downstream properties.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

**GOVERNANCE PRINCIPLES**

In assessing and formulating a recommendation for this planning application, the *Planning and Environment Act 1987* and Golden Plains Shire Planning Scheme have been considered in the officers' assessment.

**POLICY/RELEVANT LAW**

In assessing and formulating a recommendation for this planning application, the *Planning and Environment Act 1987* and Golden Plains Shire Planning Scheme have been considered in the officers' assessment.

**ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Environmental considerations have been taken into account in formulating a recommendation in this matter.

**COMMUNITY ENGAGEMENT**

Notice of the planning application has been undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*, by way of letters to adjoining and adjacent landowners.

**PUBLIC TRANSPARENCY**

As objections have been submitted for this application, the application is being forwarded to Council for a decision, thereby making the determination transparent.

**STRATEGIES/PLANS**

In assessing and formulating a recommendation for this planning application, the Golden Plains Shire Planning Scheme (which consists of strategic plans) has been considered in the officers' assessment.

**RISK ASSESSMENT**

- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal.
- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputational risk to Council.

**COMMUNICATION**

For all options proposed for this application, the outcome will be communicated to all parties in writing.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS****Option 1 – Issue a Notice of Decision to Refuse to Grant a Permit**

This option is recommended by officers because the application is not considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

**Option 2 – Issue a Notice of Decision to Grant a Permit**

This option is not recommended by officers as the matters which are required to be considered have been, and the application is not considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

Option 3 – Defer the matter to another Council Meeting for Consideration

This option is not recommended by officers as there is no outstanding information which would alter the officer recommendation on this matter.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regard to this matter.

**CONCLUSION**

The planning application and application to amend the development plan are not considered to satisfy the provisions of the planning scheme, in particular the provisions of the Development Plan Overlay – Schedule 11 (Clause 43.04) because the proposed subdivision is not in accordance with the development plan that applies to the land. It is therefore recommended that the applications be refused.

## 7.5 P20-133 15 GURNEY CLOSE, BANNOCKBURN (USE OF THE LAND FOR DOMESTIC ANIMAL HUSBANDRY (KEEPING OF 5 DOGS))

### File Number:

**Author:** Sandra Tomic, Town Planner

**Authoriser:** Phil Josipovic, Director Infrastructure and Development

**Attachments:** 1. Recommended Conditions  

### RECOMMENDATION

That Council resolve to issue a Notice of Decision to Grant a Planning Permit for the use of the land for a domestic animal husbandry (keeping of 5 dogs), at 15 Gurney Close, Bannockburn subject to the attached recommended permit conditions.

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### EXECUTIVE SUMMARY

This report relates to a planning permit application for the use of the land for domestic animal husbandry at 15 Gurney Close, Bannockburn.

The application has been referred to a Council meeting for determination because there are objections to the application. This report provides a background to the application and a summary of the relevant planning considerations. Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

### BACKGROUND

#### Site description

The subject land is situated at 15 Gurney Close, Bannockburn and is formally known as Lot 86 on Plan of Subdivision 639026T. The site has an area of 4200sqm, currently containing an existing dwelling and outbuilding, located on the south side of Gurney Close. The dwelling is located central to the site with fencing provided around the dwelling. Landscaping is provided along the side and rear boundaries and to the front of the site. Access is provided via an existing crossover from Gurney Close, a sealed Council road. The existing building and access arrangement will be retained as part of the proposal.

The site is located within the Low Density Residential Zone (LDRZ) and is subject to a Design and Development Overlay Schedule 5 (DDO5) and a Development Plan Overlay Schedule 6 (DPO6). Land surrounding the site is similarly developed with a dwelling and outbuildings and is also zoned LDRZ and subject to the same overlays.

A planning permit is triggered under the following clauses of the Golden Plains Planning Scheme:

- Clause 32.03-1 Use of the land for Domestic animal husbandry as more than 2 animals are proposed to be kept (the condition applicable for this use states that there must be no more than 5 animals); and
- Clause 32.03-4 A permit is required to construct or carry out works associated with a section 2 use.

Domestic animal husbandry is defined as per clause 73.03 of the Golden Plains Planning Scheme as:

Land used to keep, breed, board, or train domestic animals.

**Subject site****Proposal**

The proposal is for the use of the land for domestic animal husbandry.

The site is proposed to be used in the following manner:

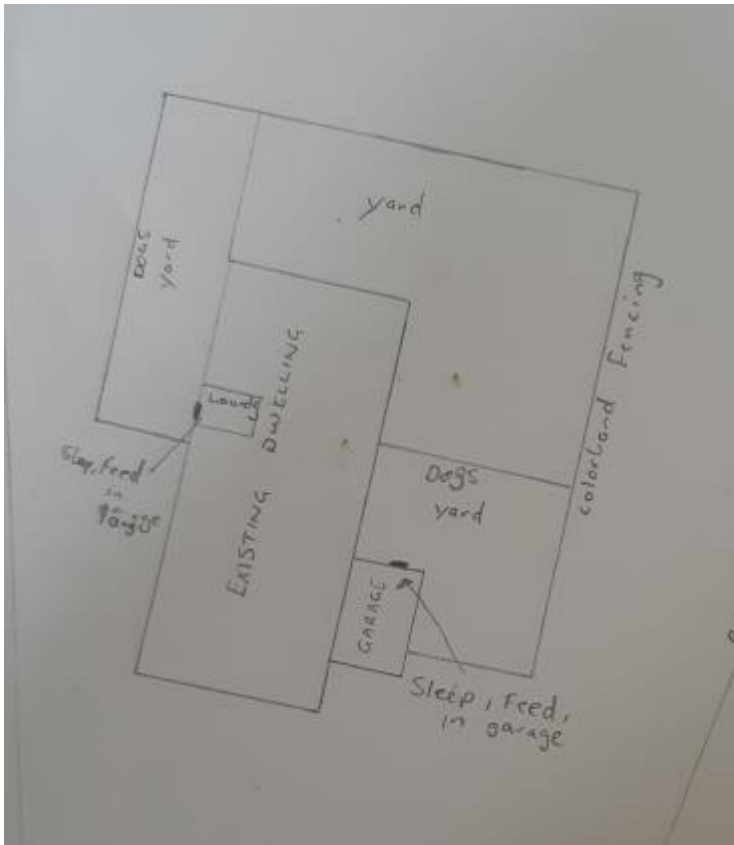
- Keeping of 5 dogs (Toy poodles)
- The dogs are to be kept indoors and outdoors
- The outdoor area is secure with fencing within close proximity to the dwelling
- Breeding with up to 4 litters per year
- Litters are raised completely indoors and allowed to exercise outside
- Pups will go to new homes at around 8 weeks
- Dogs will use the entire enclosed area which is fenced.

There are no building and works required to be completed, this is a retrospective application, the existing fencing and area will be utilised, as shown in the photos provided below.

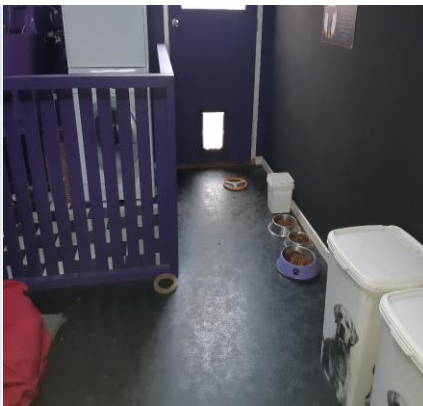
The permit applicant (owner of the property) is member of the Australian Association of Pet Dog Breeders. The application submitted has provided additional detail regarding the running of the business.



**Proposed use of the land (lay out of Domestic animal husbandry areas)**



**Existing areas used for Domestic animal husbandry**



## ASSESSMENT

The application was submitted to Council on 18 May 2020 and a preliminary assessment was undertaken. The application was not referred to any internal or external authorities/departments.

### Golden Plains Planning Scheme

#### Planning Policy Framework (PPF)

**Clause 13.05-1S - Noise abatement**, the objective is to assist the control of noise effects on sensitive land uses. The strategy is to ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design, and land use separation techniques as appropriate to the land use functions and character of the area.

**Clause 13.07-1S -Land use compatibility**, the objective is to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

#### Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

### Zone and overlay provisions

#### Low Density Residential Zone (LDRZ)

The site is located in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low density residential development on lots which in the absence of reticulated sewerage, can treat and retain all wastewater.

#### Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design and Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements related to use. As no building and works are proposed as part of this application that triggers the need for a planning permit under this overlay, therefore no response is provided.

#### Clause 43.04 Development Plan Overlay Schedule 6 (DPO6)

The land is affected by Development Plan Overlay Schedule 6 (DDO6) which is used to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. Development Plan Overlay 6 – Glen Avon Estate – Low Density Residential Development Plan, has previously been approved. There are no permit triggers under this overlay and hence no response provided.

#### General provisions

The decision guidelines contained in Clause 65.01 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.

- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

## DISCUSSION

### Low Density Residential Zone (LDRZ) (Clause 32.03-1 and 32.03-4)

The use and development of the land for Domestic animal husbandry for five (5) dogs is retrospective. Council records indicate that there have been no previous complaints in relation to this activity at the subject land. The application was advertised and received ten (10) objections; from five different households. Objections are addressed later in the report.

The number of dogs being greater than two (2) triggers a planning permit under LDRZ, with five (5) dogs being the maximum number allowed within this zone. There are no decision guidelines under the zone which relate to use of the land. The purpose of the zone relates to the implementation of relevant policy and low-density development on lots, which can treat and retain wastewater. This use and development will rely on the existing domestic wastewater set up which services the site and will not require any alteration. General conditions have been recommended in relation to amenity and waste.

The supporting development (fenced yard areas) around the dwelling are setback approximately 5m from the nearest (eastern) boundary. The closest development to this shared boundary on the neighbouring property is a shed. The remainder of the setbacks range from between approximately 9 to 20m from other boundaries.

The proposed use is considered appropriate within its context with the areas designated within the existing dwelling and yard, which is fenced off. The LDRZ triggers a planning permit (section 2 use) for more than 2 dogs, the maximum number of dogs for the use as stated within the table of LDRZ states must be no more than 5 animals (Dogs). There is no potential for the proposal to expand. The recommendation also includes a condition relating to the number of litters per year, any change to this in the future would require an amendment which would be required to be advertised to adjoining properties. The conditions recommended will ensure that the proposed use will have minimal effect on the amenity of the area and complies with orderly planning of the area.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes

<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

### GOVERNANCE PRINCIPLES

In assessing and formulating a recommendation for this planning application, the *Planning and Environment Act 1987* and Golden Plains Shire Planning Scheme have been considered in the officers' assessment.

### POLICY/RELEVANT LAW

In assessing and formulating a recommendation for this planning application, the *Planning and Environment Act 1987* and Golden Plains Shire Planning Scheme have been considered in the officers' assessment.

### ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Environmental considerations have been taken into account in formulating a recommendation in this matter.

### COMMUNITY ENGAGEMENT

Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice was provided by mail to all adjoining and neighbouring owners. A sign was placed onsite, and the application information was placed on Councils website.

As a result of the public notice ten (10) objections were received.

The main concerns raised by objectors relates to noise, impact on the amenity of the area and general issues around dog breeding such as more dogs than the market might demand and 'puppy farm' breeding practices.

No consultation meeting was held due to the current hold on public gatherings as a result of COVID-19. This includes no unnecessary meetings held by Council.

### Objectors concerns

#### Amenity of the area

The property owner was made aware by Council (Local laws) that the breeding of dogs required a planning permit as the use has been in operation on the site for approximately 24 months. The owner lodged an application as soon as Council made them aware that a (planning) permit was required for the use. The issuing of a planning permit would allow the use to (lawfully) operate on site, subject to conditions aimed at ensuring that the use operates with minimal impact to the

neighbourhood. Recommended conditions address matters including number of dogs (and puppies) on site at any one time and general amenity, including noise and waste. Conditions such as this allow Council to take enforcement action if conditions are not being met or there are complaints.

### Noise

The main concern raised by all objectors related to noise. It was noted that some of the objections said things like 'we are objecting to the high likelihood of noise' and 'potential excessive noise pollution' which may indicate that there is not an existing noise issue. In the case of a retrospective application such as this, the impact on amenity can already been known because the use is operating, and Council records show no complaints have been lodged in relation to dogs on this site.

The permit applicant has submitted that all dogs are house trained and all live in the house in the evening and have the ability to come and go in and out of the house during the daylight hours via a doggy door. The applicant has also submitted that for the most part, there is generally someone at home, though has logically admitted that the dogs, like any dog on private property, will bark from time to time. Specific conditions have been recommended in relation to noise abatement.

### Breeding practices

Breeding practices are governed by Dogs Victoria and relevant legislation. Once the dogs (puppies) reach 3 months of age, they must be rehomed. The applicant has submitted that they do not intend to breed from the fertile bitches more than once every 12 months, rather than the allowable maximum of twice every 18 months.

The planning application is for the five dogs to be used for breeding, which requires a permit under the LDRZ. Local Laws allow for owners to have two dogs (pets) without any local laws permit. Therefore, a maximum of 7 dogs (5 Breeding and two as pets) would be the maximum number of dogs allowed, without a local laws permit. The maximum number of dogs (pets) under local laws is 4, the appropriateness of the number of dogs allowed would be assessed if and when an application was submitted under local laws , there is no current application to increase the number of dogs under the local laws.

## **PUBLIC TRANSPARENCY**

The recommendation, and determination made by the officer has been made in line with the *Planning and Environment Act 1987*, and the Public Transparency Policy adopted by Council.

## **STRATEGIES/PLANS**

In assessing and formulating a recommendation for this planning application, the Golden Plains Shire Planning Scheme (which consists of strategic plans) has been considered in the officers' decision making.

## **RISK ASSESSMENT**

- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal; if the decision of Council is considered unfounded, costs may be awarded against Council. This outcome may impact Council's professional indemnity and reputational risk to Council.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputational risk to Council.

## **COMMUNICATION**

For all options proposed for this application, the outcome will be communicated to all parties in writing

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the proposed development achieves a high compliance against the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Refusal to Grant a Planning Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application achieves a high compliance to the provisions of the Golden Plains Shire Planning Scheme.

Option 3 – Defer the matter to another Council Meeting for Consideration

This option is not recommended by officers as there is no outstanding information which would alter the officer recommendation on this matter.

**CONFLICT OF INTEREST**

The officers preparing this report declare no conflict of interest in regard to this matter

**CONCLUSION**

A recommendation has been made to issue a Notice of Decision to Grant a Planning Permit to allow for the use and development of the land for a domestic animal husbandry. Whilst ten objections to the application were received, the proposal is consistent with relevant planning policy, and officers recommend that the application be approved, subject to appropriate conditions.

**Plans required**

- 1 Within 2 months of the permit being issued, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the advertised plans. The plans must be drawn to scale and with dimensions, but modified to show:
  - a. Site plan showing location of the dwelling, the fences outlining the dog exercise yard and gates.
  - b. Site plan showing setbacks of the existing internal fence, details of the fence to include the external material and height.
2. Within 2 months of the date of this permit a plan for the management and treatment or disposal of all dog waste, including faeces, must be submitted to and approved by the responsible authority. When approved, the dog waste management plan will be endorsed and will then form part of the permit.

**Layout not altered**

- 3 The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**Number of dogs**

- 4 No more than 5 dogs over the age of 3 months may be kept on the land at any one time.

**Registration**

- 5 All dogs over the age of three (3) months must be registered with the responsible authority each year.

**Noise and air quality**

- 6 If the responsible authority receives a complaint and deems that the use is causing unreasonable noise impacts on the amenity of the area, a report from a suitably qualified acoustic engineer must be provided which outlines the measures required to be undertaken to prevent the escape of unreasonable noise and provide measures both in operation, and building design, of the Dog Breeding operation which meets the standards of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1, to the satisfaction of the responsible authority.
- 7 The acoustic report referred to must be submitted to and approved by the responsible authority. Once approved, the report will form part of the permit. The measures identified in the report must be implemented within 3 months of the approval date of the report.
- 8 Offensive odours must not be discharged beyond the boundaries of the premises.
- 9 Appropriate ventilation must be provided in all dog keeping facilities, with appropriate noise abatement measures, to the satisfaction of the responsible authority.

**Waste/effluent**

- 10 The kennels, pens and outdoor yards must be kept in a clean, tidy and sanitary condition at all times to the satisfaction of the responsible authority.
- 11 All waste water must be treated and disposed of within the boundaries of the land and must not drain into an adjoining property, road, watercourse or drain to the satisfaction of the responsible authority.

- 12 All dog waste, including faeces must be regularly collected and disposed of to the satisfaction of the responsible authority.
- 13 Waste disposal must not occur by way of incineration.

**Fencing and containment of dogs**

- 14 The fencing and gates must have the capacity to be closed at all times to limit access and prevent escape of dogs.
- 15 The permit holder must ensure that no dogs escape beyond the property boundaries at any time while being kept on the property.
- 16 The permit holder (or a designated nominee) must be available to ensure that the dogs are under control at all times, and to ensure that the conditions of this permit are fully complied with. If the owner is absent from the site at any time, measures must be taken to ensure that all dogs are suitably contained.

**Expiry**

- 17 The permit for the use of the land expires if:
  - a) The use is not started within two (2) years of the date of this permit; or
  - b) The use is discontinued for a period of two (2) years or more.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterward.



## 7.6 ACTIVE AGEING & INCLUSION PLAN 2020-2024 ADOPTION

**File Number:****Author:** Leanne Green, Manager Active Ageing and Inclusion**Authoriser:** Lisa Letic, Director Community Services**Attachments:**

1. Active Ageing & Inclusion Plan 2020-2024 (under separate cover)
2. Community Feedback (under separate cover)

**RECOMMENDATION.**

That Council adopt the Active Ageing & Inclusion Plan 2020-2024 (Attachment 1)

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**EXECUTIVE SUMMARY**

The Disability Act 2006 (Section 38) requires all Government organisations to have a Disability Action Plan (or similar).

A Disability Action Plan identifies actions to remove physical, civic and attitudinal barriers for people with a disability. It is also designed to increase employment opportunities and influence community attitudes.

The Active Ageing & Inclusion Plan provides the framework for Council to address current and future needs of older residents and people with disability and will assist to improve awareness of ageing, disablement and associated issues and will meet the requirements of the Act.

The Active Ageing & Inclusion Plan 2020-2024 has been developed following the review of the Council's existing Access and Inclusion Plan 2016-2019 and Ageing Well in Golden Plains Shire Strategy and Action Plan 2012-2016. The draft AA&I Plan was placed on public exhibition for a six-week period from 16 December 2020 through to 31 January 2021.

Thirty-three submissions were received with the key themes being confirmation of the proposed actions particularly in relation to increasing transport options, increasing activities for older adults and improving access to information about services. Requests for changes to the document have been addressed including updating the image of the Shire to represent more communities, removal of reference to the medical model of disability. In response to feedback a review of the timeframes has resulted in some actions being addressed earlier than proposed in the draft.

**BACKGROUND**

The information contained in the Active Ageing & Inclusion Plan 2020-2024 (AAIP) builds on the work undertaken previously in the 'Access and Inclusion Plan 2016 - 2019' and the 'Ageing Well in Golden Plains Shire Strategy and Action Plan 2012 - 2016' by adding new actions, retaining relevant ongoing actions and responsibilities in an integrated and strategic manner.

Golden Plains Shire Council recognises that our community will continue to change as the population grows, community aspirations evolve and the prevalence of chronic health conditions increase with an ageing population. These changes will have a range of impacts on the services and facilities it provides for people with a disability and older residents.

The aged care and health sectors are currently experiencing unprecedented changes. The Royal Commission into Aged Care Quality and Safety was established on 8 October 2018 and an Interim Report was delivered on 31 October 2019 which lays the foundations for fundamental reform and redesign of Australia's aged care system.

In the Interim Report Commissioners have identified "Ageing in Place" (supporting people living within their residence as long as they are able as they age) as the way forward for aged care. The report recognises care at home being the preferred place for people to receive their care.

Commissioners have acknowledged that the evidence is, people who are actively engaged in their community life will live longer, use fewer health care services and have a better quality of life.

Golden Plains Shire Council has developed the Active Ageing and Inclusion Plan 2020-2024 to identify the steps Council will take to support 'Ageing in Place' and the inclusion of people with a disability.

A key component in the development of the Active Ageing and Inclusion Plan (AA&IP) was consultation and engagement with the Golden Plains' community and Council staff to assist in identifying access barriers, issues, opportunities and potential priorities for access and inclusion. A barrier during the initial targeted community engagement process was the lack of feedback received. As a result the AA&IP also draws on additional information from other community engagement processes along with feedback received from the community during the public exhibition period 16 December 2020 to 31 January 2021.

## **DISCUSSION**

The Active Ageing & Inclusion Plan 2020-2024 has been developed following the review of the Council's existing Access and Inclusion Plan 2016-2019 and Ageing Well in Golden Plains Shire Strategy and Action Plan 2012-2016.

The AA&IP goal is to improve the overall quality of life for people living, working and visiting the Shire, by removing barriers which directly or indirectly discriminate against aged people and people living with a disability.

To help achieve this, the AA&IP addresses existing areas where access barriers and opportunities exist, and the actions required to remove barriers or realise opportunities. The AA&IP provides timelines for actions, identifies departmental responsibilities, and outlines how communication, monitoring, review and evaluation will occur.

It is envisaged the AA&IP will continue to guide Council into the future as it identifies the needs of older residents and people with a disability, and will assist Council to improve awareness of ageing, disablement and associated issues within the Shire, placing us in a better position to respond.

The AA&IP continues to assist Council to:

- Build a stronger, more vibrant community through increased participation in community life for aged residents and people with a disability.
- Demonstrate Council's leadership in the areas of access, inclusion and equality.
- Ensure facilities and services provided by Council are accessible, equitable and inclusive.
- Demonstrate Council's commitment to diversity and culture.
- Improve outcomes across Council's various roles of construction, planning, regulation and the provision of programs and services.
- Value the rich social and economic contributions people with a disability and older people make to families and communities; and
- Support independence, well-being and quality of life for all people as they age.

The AA&IP aligns with the following Council Plans, Strategies and Policies:

- 2040 Community Vision
- The Municipal Public Health and Wellbeing Plan
- Municipal Early Years Plan
- Municipal Fire Management Plan
- Sport and Active Recreation Strategy 2020-2030
- Community Development Strategy 2015-2019

- Play Space Strategy 2018-2028
- Community Engagement Strategy 2016-2020
- Communications & Marketing Strategy 2019-2021
- Environment Strategy 2019-2027
- Youth Development Strategy 2015-2019

In the development of the AA&IP's actions a broad range of views, experiences, challenges, issues and opportunities were considered in relation to access and inclusion in the Golden Plains community, particularly related to elements within Council's mandate. The Plan identifies four priority areas for access and inclusion in order to meet objectives and goals over the next four years:

1. **Our Social Environment**  
The actions in this section cover topics such as accessible events, community grants, consultations, social supports and diversity.
2. **Our Support Environment**  
These actions are predominantly about our ongoing aged and disability services, transport and safety and continuing to strive to achieve best practice whilst considering the impacts of policy and funding changes in the sector.
3. **Our Built and Natural Environments**  
These actions are based on typical infrastructure access and inclusion issues in regard to 'Universal Design' principles. Continuing to improve accessible parking provision, improving the quality of accessible toilets and playgrounds and recreation especially for children with a disability.
4. **Our Leadership**  
These actions are based on operational processes. They provide actions in the areas of employment, communication with the community and identify the many advocacy roles Council will undertake with external stakeholders.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes

<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the Local Government Act 2020, the development of the Active Ageing & Inclusion Plan 2020-2024 will specifically:

- Ensure priority is given to achieving the best outcomes for the municipal community, including future generations.
- Pursue innovation and continuous improvement.

## POLICY/RELEVANT LAW

The Plan ensures Council's compliance with following legislative requirements:

- The Aged Care Quality Standards 2019, to provide Commonwealth subsidised aged care services.
- The Charter of Aged Care Rights outlines what consumers, their families, carers and representatives can expect from an aged care service and includes information about responsibilities as an aged care consumer.
- The Disability Discrimination Act 1992 determines it is a legal requirement for Local Government to provide equal access to employment, public buildings, goods, services and facilities.
- Section 38 of the Disability Act 2006 makes it mandatory for all Government organisations to have a Disability Action Plan (or similar).

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Good governance to ensure economic, social and environmental sustainability will be applied when assessing accessible infrastructure and recreation facilities for elderly people and people with a disability.

## COMMUNITY ENGAGEMENT

The Draft Plan was placed on public exhibition for a six-week period from 16 December 2020 through to 31 January 2021.

Community Consultations were undertaken to make available the Draft Plan and proactively seek feedback. Council facilitated access through the use of technology for those who were unable to attend in person but expressed interest in the consultation.

Community Consultations were held at the following locations:

- 18<sup>th</sup> January - Bannockburn Cultural Centre
- 18<sup>th</sup> January - Meredith Community Centre
- 20<sup>th</sup> January - Dereel Community Centre
- 20<sup>th</sup> January – The Well Smythesdale
- 21<sup>st</sup> January – Bannockburn Shopping Plaza

The community engagement attracted feedback from 12 Bannockburn residents, 2 Teesdale residents, 6 Inverleigh residents, 1 Lethbridge resident, 6 Dereel residents, 2 Smythesdale residents, 1 Napoleons resident, 2 Ross Creek residents, and 1 service provider via Zoom. A total of 33 people.

Generally, feedback was very positive about the plan and many respondents praised the initiative of Council in the development of the plan. Other feedback included updating the map to identify more communities, reviewing the timeframe of actions and confirmation of the priority areas such as community transport. After the closure of the review period, all comments were considered, and the trends and outcomes are listed in Attachment 2 "Community Feedback".

### **PUBLIC TRANSPARENCY**

The development and delivery of the Active Ageing & Inclusion Plan will provide public transparency in decision making, actions and information that is accessible to members of the community.

### **STRATEGIES/PLANS**

In undertaking development of the Active Ageing & Inclusion Plan 2020-2024, Council has given effect to the Strategic Planning principles under Section 89 of the Act which have been factored into the project plan and schedule. These include:

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;
- (b) strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

### **FINANCIAL MANAGEMENT**

Whilst there are no immediate financial considerations associated with this report, planning for the implementation of the action contained in the Active Ageing & Inclusion Plan will be referred to relevant operational and capital works budgets for consideration

### **SERVICE PERFORMANCE**

The Active Ageing & Inclusion Services area of Council delivers an entry-level tier of support in an increasingly responsive, integrated and consumer-centred support service system. It is designed to provide a relatively small amount of care and support to a large number of frail older people and/ or people with disability to support them to remain living at home and in their communities.

Services are provided through an inclusive approach and based on priority of access ensuring all consumers have equitable access to services. Services can be delivered on a short-term, episodic or ongoing basis and have a strong focus on activities that support independence and social connectedness and provide more choice to consumers.

A wellness and reablement approach is applied across all service outcomes with the aim of promoting greater independence and autonomy. It is based on the premise that even with frailty, chronic illness or disability most people have the desire and capacity to make gains in their physical, social and emotional wellbeing and to live autonomously and as independently as possible.

### **RISK ASSESSMENT**

The Disability Discrimination Act 1992 makes it a legal requirement for local government to provide equal access to employment, public buildings, goods, services and facilities. The Victoria Disability Act 2006 (Section 38) requires all public sector bodies to have a Disability Action Plan. Through the development of the AAI Plan and implementation of associated actions Council is ensuring compliance with this legislation.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

The Active Ageing and Inclusion Plan aligns with and underpins the Charter to ensure a person's right to live a life without discrimination, with respect, recognition and equal opportunities. Specific Rights relating to this plan are:

- 8 Recognition and equality before the law
- 10 Protection from torture and cruel, inhuman or degrading treatment
- 12 Freedom of movement
- 13 Privacy and reputation
- 18 Taking part in public life

## OPTIONS

Option 1 – Note submissions and adopt Final Active Ageing and Inclusion Plan 2020-2024 as presented.

This option is recommended by officers as feedback has been considered and outcomes outlined in attachment 1.

Option 2 – Note submissions and not adopt the Final Active Ageing and Inclusion Plan 2020-2024 with minor changes as raised in briefing on 16 February 2021.

This option is not recommended by officers as the Plan has been on public exhibition for 6 weeks and feedback has been addressed at attachment 1.

Option 3 – Note submissions and defer adoption of Final Active Ageing and Inclusion Plan 2020-2024.

This option is not recommended by officers as further delays will put Council at risk of breaching (Section 38) Victorian Disability Act 2006 which requires all Government organisations to have a Disability Action Plan (or similar). The new Active Ageing & Inclusion Plan 2020-2024 ensures continued compliance with the Act and provides the framework for Council to address current and future needs of older residents and people with disability.

## CONFLICT OF INTEREST








No officer involved in preparing this report has any conflicts of interest in regard to this matter.

## CONCLUSION

The Active Ageing and Inclusion Plan will assist Council to provide an inclusive and accessible community for older residents and people with a disability. It will also assist Council to provide a workplace that is inclusive and accessible for staff and volunteers ageing and with a disability.

## 7.7 FINANCE QUARTER TWO UPDATE

**File Number:****Author:** Fiona Rae, Manager Finance**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. Cashflow Statement (under separate cover) 
5. Corporate Summary (under separate cover) 
6. Key Service Area Summary (under separate cover) 
7. Capital Report (under separate cover) 

### RECOMMENDATION

That Council note the content in the Quarterly Finance Report for the 6 months ended 31 December 2020.

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### EXECUTIVE SUMMARY

As at 31 December 2020, the Income Statement reports total operating revenue of \$36.8m and total operating expenditure of \$21.1m, which results in a year to date surplus of \$15.6m. This is \$5.4m favourable compared to the original budget, and \$2.5m favourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure of \$6.7m, which is \$0.02m below the original budget, and \$2.0m below the revised budget.

The Finance Quarterly Report was presented to the Audit and Risk Committee at the 9 February 2021 meeting for noting.

### BACKGROUND

The content of this report assists Council to gain assurance in relation to financial management of Council's operations. 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, to be presented to Council at least every three (3) months.

Council has completed six (6) months of the 2020-21 financial year. The attached budget report has been prepared on an operating basis and includes a comparison of actual results for the period to 31 December 2020 to the annual budget adopted by Council for the following financial statements:

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

### DISCUSSION

#### Budget Report

The operating result for the period is reporting a surplus of \$15.6m compared to the original budgeted surplus of \$10.2m and revised budgeted surplus of \$13.1m. This favourable variance of \$2.5m against the revised budget surplus is primarily due to:

- \$417k higher rates and charges revenue than budgeted due to higher levels of growth in customers and higher volumes of supplementary notices processed than estimated,
- \$425k operating grants carried forward from 2019-20 due to the timing of performance obligations being met after 30 June 2020 (2019-20 reporting date),
- \$330k lower User Fees and Charges due to reduction in childcare fees stemming from a reduction in enrolments and COVID-19 related closures of community facilities.
- \$259k higher other income due to increased Public Open Space and Development Contributions due to greater development activity than anticipated and \$140k Bannockburn Bowls Upgrade contribution payment received in 2020-21 but budgeted in 2019-20,
- Contract and materials costs \$775k lower than revised budget due to BCSC redundancy payments budgeted against materials and services however actual costs have been allocated to Employee costs and also as the redundancy costs are lower than budget, delay in timing of recycling collection and garbage disposal costs invoices and lower maintenance costs of facilities due to decreased use resulting from COVID-19 restrictions, which is partially offset by increased spending on temporary consultants and contractors,
- Employee costs \$1.2m lower than revised budget due to employee leave taken lower than budgeted, lower maintenance employee costs due to COVID-19 related restrictions leading to decreased usage of facilities, and savings on vacant positions which are currently in the process of being filled. This has been partially offset by BCSC redundancy payments processed against employee costs while the budget was allocated to contracts and materials. It is worth noting though that the actual redundancy payments are lower than budget by approximately \$250k due to a number of resignations in the children services area since the budget was calculated.

The 'Adjusted Underlying Result' removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other capital contributions to fund capital expenditure from the operating result. This formula is prescribed within the *Local Government (Planning and Reporting) Regulations 2014*. At 31 December 2020 the Adjusted Underlying Result is a surplus of \$11.5m, compared to a budget of \$8.9m, this is due to the \$2.6m favourable variances in the operating result.

Total expenditure in the Statement of Capital Works is \$6.7m, \$0.2m below the original budget of \$6.9m, and \$2.0m below the revised budget of \$8.7m.

## Capital Projects

### ***Actual versus Budget***

The capital program has delivered 77% of the YTD revised budget. The revised budget includes projects totalling \$6.5m rolled forward into 2020-21 for projects that span multiple years (refer attached capital projects report). Significant capital projects and amounts rolled forward include:

- Golden Plains Community & Civic Centre \$3.2m
- Bakers Lane/Lomandra Drive Stage 4 Development Costs \$1.5m
- Bannockburn Bowls Upgrade \$586k
- Turtle Bend Upgrade \$259k



**Delivery of Projects**

A number of projects have been completed during the quarter as outlined below:

Project	Project Budget \$	Project Cost \$	\$ Variance	% Variance	Comments
Local Roads Resealing	900,000	989,888	89,888 <i>Unfavourable</i>	9% <i>Unfavourable</i>	Over budget due to some additional works required and length of roads selected in resealing program completed
Replacement of Crane Truck	160,000	163,418	3,418 <i>Unfavourable</i>	2% <i>Unfavourable</i>	Price came in slighter higher than budget
Purchase of Plumtree Keybox	17,250	17,250	0 <i>Favourable</i>	0% <i>Favourable</i>	On budget
Tow Behind Site Hut (Linton Depot)	35,000	35,004	0 <i>Favourable</i>	0% <i>Favourable</i>	On budget

Any overall savings made with these projects will be automatically transferred to consolidated revenue with the opportunity to assist funding the 2020-21 capital program which will be presented to Council for consideration.

The following projects are on track to be delivered on time in 2020-21.

- Golden Plains Community & Civic Centre
- Teesdale Turtle Bend Pedestrian Footbridge
- Bannockburn Bowls Upgrade
- Bannockburn Youth Hub
- Lethbridge Lighting and Irrigation Install

**Contracts approved under CEO delegation via the Contracts, Tenders and Grants Committee**

As part of continuous improvement and reporting in relation to procurement activities, contracts that have been awarded between the values of \$200,000 and \$400,000 are presented to the Contracts, Tenders and Grants Committee to recommend for approval to the CEO. Contracts awarded between these values during the quarter are listed in the table below.

<b>Contracts Awarded – Contract Value Between \$200,000 - \$400,000</b>			
Project	Approved by:	Awarded To	Contract Value \$
Lethbridge Recreation Reserve Sports Lighting Project	CEO	Power Street Electrics	214,176
Teesdale Turtle Bend Pedestrian Footbridge	CEO	Fleetwood Urban	205,890

Council officers have been pro-active with earlier planning of projects and allocation of budgets than traditional processes, which has enabled a number of tenders to be issued and awarded well in advance of a normal year. Projects advertised during the quarter include:

- RFT-02-2020 Slate Quarry Road Bridge
- RFT-03-2020 Geggies Rd Bridge Rokewood
- RFT-12-2020- ICT Customer Property and Regulatory Systems

- RFT-18-2020- Meredith-Shelford Road Widening Stage 2
- RFT-20-2020- Inverleigh Sporting Complex Changeroom and Social Space Upgrade
- RFT-21-2020- Bannockburn Soccer Pitch 2 - Sports Lighting
- RFT-22-2020- Bannockburn Skate Park Upgrade

The table below outlines tenders awarded during the quarter.

<b>Project</b>	<b>Approved by:</b>	<b>Awarded To</b>	<b>Contract Value \$</b>
Shelford-Mt Mercer & Russells Bridge Road Upgrade	Council	Bitu-Mill (Civil) Pty Ltd	1,007,037
Slate Quarry Road Bridge	Council	Bitu-Mill (Civil) Pty Ltd	1,843,071
Geggies Road Bridge Rokewood	Council	Begbies Contracting	390,858
Meredith-Shelford Road Widening	Council	Bitu-Mill (Civil) Pty Ltd	874,535
Lomandra Drive Teesdale Subdivision Detailed Design	CEO	PT Tomkinson Group	121,715
Crushed Rock and Quarry Products Panel	Council	DE Quarry Solutions Pty Ltd, Geelong Quarries, Holcim (Australia) Pty Ltd, North Altona Rock Blasting	Schedule of Rates

In addition, if there have been any contract variations to contracts valued over \$200,000 greater than 10% but less than 15% they will be reported to provide transparency in relation to variances. There were no contract variations of this nature during the quarter.

## REPORTING AND COMPLIANCE STATEMENTS:

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes

<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

## GOVERNANCE PRINCIPLES

The Golden Plains Shire Council Quarterly Finance Report has been prepared in accordance with the *Local Government Act 1989*.

## POLICY/RELEVANT LAW

*Local Government Act 1989*

*Local Government Amendment (Fair Go Rates) Act 2015*

*Local Government (Planning and Reporting) Regulations 2014*

Strategic Resource Plan

Annual Budget

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Environmentally sustainable design and construction is included for all projects.

## COMMUNITY ENGAGEMENT

A formal consultation process was not required.

## STRATEGIES/PLANS

Financial reports are prepared ensuring consistency with the Strategic Resource Plan, Council's long term financial plan.

## FINANCIAL MANAGEMENT

The Quarterly Finance Report is focused on the financial management and results for the reporting quarter. Council's financial management processes are in accordance with the *Local Government Act 1989*, *Local Government (Planning and Reporting) Regulations 2014*, Australian Accounting Standards and other mandatory professional reporting requirements. Financial sustainability is monitored by considering the financial result for the period and reporting key financial indicators on the financial dashboard.

## RISK ASSESSMENT

In accordance Section 138 of the *Local Government Act 1989* a Quarterly Finance Report comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is required to be presented to Council at least every three months.

## COMMUNICATION

The Finance Quarterly Report was presented at the 9 February 2021 Audit and Risk Committee meeting for noting.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**Option 1 – Council note this report

This option is recommended by officers as the Quarterly Finance Report has been prepared in accordance with the *Local Government Act 1989* and presents a favourable financial result to budget and strong financial position.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**


The content included in this agenda and the attached documents are consistent with the adopted Budget and Strategic Resource Plan after taking to account the movements described above. Officers will continue to monitor variances over the remainder of the year, to ensure Council's operating sustainability is maintained.

## 7.8 LOCAL GOVERNMENT PERFORMANCE REPORTING INDICATORS - QUARTER ONE AND TWO REPORT 20/21

### File Number:

**Author:** Emily Chapman, Governance and Corporate Services Administration Officer

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

**Attachments:** 1. Local Government Performance Reporting Indicators Six-Monthly Report 20/21 (under separate cover) 

### RECOMMENDATION

That Council receive the six-monthly report on the Local Government Performance Reporting Indicators (Attachment 1) for the period 1 July 2020 to 31 December 2020.

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### EXECUTIVE SUMMARY

Council is required under the *Local Government Act 2020* and Local Government (Planning and Reporting) Regulations 2020 to report on its performance in accordance with the Local Government Performance Reporting Framework (LGPRF).

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and included in the Golden Plains Shire Council Annual Report.

The six-monthly progress report for the period 1 July 2020 to 31 December 2020 was provided to the Audit & Risk Committee meeting on 9 February 2021 and is now presented to Council for its information. (Attachment 1).

### BACKGROUND

The Local Government Performance Reporting Framework (LGPRF) is a key initiative developed by Local Government Victoria (LGV) within the Department of Environment, Land, Water and Planning (DELWP) to improve the transparency and accountability of Council performance.

The LGPRF requires Councils across Victoria to measure and report on performance in a consistent way. The mandatory performance reporting became a requirement for local government from the 2014-15 local government annual budgeting and reporting cycle onwards.

The framework is made up of 66 measures and a governance and management checklist of 24 items which together build a comprehensive picture of Council performance.

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and also included in the Golden Plains Shire Council Annual Report.

The performance data for each financial year is additionally made publicly available. The 'Know Your Council' website [www.knowyourcouncil.vic.gov.au](http://www.knowyourcouncil.vic.gov.au) provides an opportunity for the community to access performance data for each Council and compare that data against similar Councils.

### DISCUSSION

The six-monthly report at end of Quarter 2 covering the period 1 July 2020 - 31 December 2020 is provided (Attachment 1) for Council's information.

The data captured in the report shows Council's performance for the first six months of the 2020/21 year against the LGPRF indicators.

Data is measured against last year's performance with the aim of maintaining all areas that were tracking well and improving those that weren't.

Of the 55 indicators reported, 19 of these showed positive change against the 19/20 Quarter 2 result and another 21 items were below the previous year results. 15 items do not have any data to compare as they either replace a previous indicator or the way to calculate the result has changed. In the case of the Statutory Planning indicators, results are not yet available due to difficulties experienced with new reporting software. This will be rectified and information provided as a supplementary report once available.

It should be noted that many of these indicator results are cumulative results and will increase each quarter, possibly changing the positive/negative status by 20/21 year end.

Key areas to note are as follows:

- Food Safety indicators continue to track well with just 1 day taken to action any food complaints. Assessment and notification results are likely to improve by the end of the 20/21 period.
- G1 – Council decisions made at meetings closed to the public has decreased and should continue to improve now that the review and subsequent lease of the Bannockburn Children’s Service Long Day Care has been concluded. Future decisions around the Australia Day awards, CEO review and strategic land acquisitions will continue to impact this result.
- G3 – Councillor attendance at Council Meetings is recorded at 100% for the six-monthly period. This data includes incoming and outgoing Councillors as a result of the 2020 election.
- L1 – Current assets compared to current liabilities is being impacted by debtor balance which will reduce throughout the year.
- L2 – Unrestricted cash compared to current liabilities is currently impacted by a high cash balance which will reduce throughout the year to fund capital expenditure.
- WC5 – Kerbside collection waste diverted from landfill has improved on the 19/20 result due to the resumption of Recycling services.
- Results for indicators relating to Community Satisfaction will not be available until survey results are reported annually in June 2021.

A final report for the 2020/21 year will be provided to the Audit and Risk Committee at either the September 2021 or November 2021 meeting pending finalisation of results by Know Your Council and subsequently to Council. The data will also be uploaded to the Know Your Council Website which allows Council to track their progress against similar and all Councils in Victoria for the same period.

## REPORTING AND COMPLIANCE STATEMENTS:

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No

<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the half-yearly reporting of the LGPRF Indicators to the Audit and Risk Committee will specifically:

- Contribute to innovation and continuous improvement
- Ensure transparency of Council decisions, actions and information.

## POLICY/RELEVANT LAW

Reporting on the LGPRF indicators ensures compliance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

## PUBLIC TRANSPARENCY

Council's performance against LGPRF measures will be presented to a public Council meeting six-monthly and reported in the Golden Plains Shire Council Annual Report.

## SERVICE PERFORMANCE

Reporting on the LGPRF Indicators provides valuable insights on the delivery of service performance principles under s.106 of the *Local Government Act 2020*.

## COMMUNICATION

Council's performance against LGPRF measures will be presented to a public Council meeting six-monthly and reported in the Golden Plains Shire Council Annual Report.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## OPTIONS

Option 1 – That Council receive and note the six monthly report in its present form.

This option is recommended by officers as all available indicator results for the first half of the 20/21 period appear in the report and those that don't i.e. Statutory Planning will be reported on as soon as data is available. This report has also been reviewed by the Senior Management Team for accuracy.

Option 2 – That Council do not receive and note the six monthly report.

This option is not recommended by officers as the report is to provide an update on progress only.

Option 3 – That Council require further information.

This option is not recommended by officers as all available LGPRF Indicators have been reported on with a promise to provide Statutory Planning results as soon as the data is available. Further requests for additional information or changes may be implemented in future reports.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

This report provides information on Council's performance in relation to the LGPRF strategic indicators contained in the Local Government (Performance Reporting) Framework 2014 which provide a transparent reporting mechanism to the community in relation to Council's performance.



## 7.9 COUNCIL PLAN 2017-2021 IMPLEMENTATION - QUARTER TWO UPDATE

**File Number:**

**Author:** Emily Chapman, Governance and Corporate Services Administration Officer

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

**Attachments:** 1. Council Plan Progress Report - Quarter 2 2020/21 (under separate cover) 

### RECOMMENDATION

That Council note the report and recognise the achievements attained in the implementation of the actions contained in the Council Plan 2017-2021 for the second quarter from 1 October 2020 to 31 December 2020.

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### EXECUTIVE SUMMARY

This report is to update Council on the progress made in completing the 2020-21 actions contained in the Council Plan 2017-2021.

### BACKGROUND

The Council Plan 2017-2021 contains 40 actions framed around 4 Pillars. This is the second quarterly report to Council regarding implementation of the Plan for 2020-21. Council's management team had previously established an implementation timetable and only selected actions were reported against each quarter. The current reporting template allows for all actions to be updated quarterly so Council is aware of continuous progress being made across all areas of the Council Plan.

### DISCUSSION

Progress for the 2020/21 period has continued across all pillars in the implementation of the Council Plan. Whilst COVID-19 continues to have an impact on some activities, many further tasks have been achieved in this second quarter. Key achievements / highlights in quarter two include:

- Dereel Play Space upgrade completed
- Round 2 of the 2020 Community Strengthening Grants were awarded with \$71,928 provided to 17 successful community groups.
- The Golden Plains Farmers' Market recommenced in November 2020
- Zoom Me a River Project
- Several Youth programs delivered
- COVID-19 Business support continued
- Progressed the Three Trails Project
- Official opening of the new floor at Haddon Recreation Centre
- Inverleigh Structure Plan submitted to Minister
- Fire Hazard Inspections completed
- Community Vision 2040 was developed
- Annual report produced and adopted
- Draft community engagement policy developed and placed on public exhibition
- GPCC Stage 2 completed

A detailed explanation of all actions completed to date can be obtained from Attachment 1 – Council Plan Implementation Report – Quarter 2.

## REPORTING AND COMPLIANCE STATEMENTS:

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the Local Government Act 2020 (LGA 2020), the quarterly reporting of the Council Plan will specifically:

- Contribute to innovation and continuous improvement
- Ensure transparency of Council decisions, actions and information.

## POLICY/RELEVANT LAW

The quarterly progress report is provided in relation to the Council Plan 2017 – 2021. Ongoing monitoring of progress is a requirement under section 89 of the LGA 2020.

## PUBLIC TRANSPARENCY

The Council Plan quarterly progress report is available for the public to view as part of the Council Meeting agenda or on request.

## STRATEGIES/PLANS

The quarterly Council Plan reports provide for ongoing monitoring of progress and regular reviews under section 89 of the LGA 2020.

**SERVICE PERFORMANCE**

The quarterly progress report focuses on Council's performance in relation to the 40 actions of the Council Plan 2017-21. Each quarterly report is a valuable tool in demonstrating service gains and improvements.

**COMMUNICATION**

The Council Plan quarterly progress report will be available for the public to view as part of the Council Meeting agenda or on request.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**

Option 1 – Council receive and note the quarterly report in its present form.

This option is recommended by officers as all current progress for the 20/21 period appears in the report and has been reviewed by the Senior Management Team for accuracy.

Option 2 – Council do not receive and note the quarterly report.

This option is not recommended by officers as the report is to provide an update on progress only. The report does not have an impact on any Council decisions.

Option 3 – Council require further information.

This option is not recommended by officers as all areas of the Council Plan for Quarter 2 2020/21 have been reported on and is required to be noted by Council to meet statutory requirements. Further information or changes may be implemented in future quarterly reports.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

As can be seen in the attached report, many of the planned activities for the 2020/21 period have continued to progress through the second quarter. Continued action against future planning should see the successful completion of all actions by the end of the 2020/21 period.

## 7.10 MELBOURNE CUP PUBLIC HOLIDAY

### File Number:

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

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

**Attachments:** 1. Map showing Part Shire Holiday areas  

### RECOMMENDATION

That Council resolve to seek feedback from the community whether to observe the Melbourne Cup Public Holiday or another alternative for the next four years (2021-2024).

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### EXECUTIVE SUMMARY

Each year Council writes to the Minister for Small Business to request part-shire arrangements as an alternative to the Melbourne Cup Public Holiday. This has been under the direction of previous community consultation held in 2011 and sees the North of the Shire observe the nominated Ballarat Show Day and the Southern part of the Shire observing the nominated Geelong Show Day.

In 2020, due to COVID-19 both the Ballarat and Geelong Shows were cancelled initiating a discussion around reverting the holiday for all parts of the Shire to Melbourne Cup Day. As a resolution of Council and public consultation is required to alter these arrangements, there was insufficient time to make this change prior to the holiday dates scheduled.

The cancellation of the events combined with neighbouring Councils changing their nominated holiday dates caused confusion within the community and it was suggested that Council give consideration to the current public holiday arrangements and whether a change is required for future years.

### BACKGROUND

In 2011 the *Public Holidays Act 1993* was amended to provide regional Councils the ability and flexibility to make the public holiday arrangements that best suit their local communities in lieu of Melbourne Cup Day.

Following this amendment Council wrote to all schools in the Shire requesting their choice for their preferred holiday in 2011 and subsequent years. Each school submitted their choice and the response was for the most relevant Show Day for their area.

Each year, Council has written to the Minister for Small Business requesting part-shire arrangements with a full day alternative public holiday to Melbourne Cup as follows:

- *All the towns in the Shire to the west of a line running north-south, as described on the attached map, and following the Wingeel Road, Gumley-Mt Mercer Road and Meredith-Mt Mercer Road, observe the Ballarat Show day.*
- *All the towns to the east of a line running north-south, as described on the attached map and following the Wingeel Road, Gumley-Mt Mercer Road and Meredith-Mt Mercer Road, observe the Royal Geelong Show day.*

Please see attachment 1 – Map showing Part Shire Holiday areas.

In 2020, only 7 councils (including our Council) observed an alternative public holiday and therefore 72 of the 79 Victorian councils observed the Melbourne Cup Public Holiday. The 6 other councils to observe the alternative public holiday were City of Greater Geelong, Numurkah District within the Shire of Moyne, Moira Shire, Greater Bendigo City Council, Macedon Ranges Shire Council and Wodonga City Council with two of these Councils confirming that they will be undertaking public consultation in their municipality within next two years. The number of Councils observing Melbourne Cup Public Holiday has increased from previous years and may be attributed

to the cancellation of many events due to COVID-19. Prior to 2020, 14 councils requested alternative arrangements in 2018 and 13 in 2019.

Information was also provided from other Councils on which holiday they are planning to observe in 2021. The majority of Council's that responded are continuing to observe the Melbourne Cup Public Holiday.

The Victorian non-metropolitan public holidays are published on the Business Victoria website ([www.business.vic.gov.au](http://www.business.vic.gov.au)) each year at the time they are advised to the Minister.

## DISCUSSION

As previous consultation was conducted 10 years ago, it is recommended that Council seek further feedback from the Community on their preference for alternative arrangements for the Melbourne Cup Public Holiday. Options for the community to consider are as follows:

- Continue to observe current arrangements i.e. Geelong and Ballarat Show Days
- Request another alternative i.e. Geelong Cup Day, Ballarat Cup Day
- Observe the Melbourne Cup Holiday in all parts of the Shire as nominated by the State

A table showing the benefits and challenges with each option are as follows:

Option	Benefits	Challenges
Continue with current arrangements	<ul style="list-style-type: none"> <li>• Minimal confusion</li> <li>• Schools / childcare don't need to communicate changes to families</li> <li>• Northern part of the Shire aligns with Ballarat City Council traditionally taking Show Day as the alternative holiday (this was changed in 2020 due to COVID-19)</li> </ul>	<ul style="list-style-type: none"> <li>• Letter to be sent to Minister each year</li> <li>• Response from the Minister's office and subsequent gazettal of the alternative arrangements can take some time, often only being confirmed one or two months prior to the holiday.</li> <li>• City of Greater Geelong observe Geelong Cup Day which may not align well with GPS residents working in Geelong</li> </ul>
Request alternative option	<ul style="list-style-type: none"> <li>• Allows greater participation in a different event</li> <li>• May align better with parents and their employers in neighbouring Councils</li> </ul>	<ul style="list-style-type: none"> <li>• Changing the arrangements may cause confusion in the community</li> <li>• Schools / childcare will be required to communicate changes to families</li> <li>• Schools may have already published their holiday dates and arranged other programs i.e. camps etc. around this</li> <li>• Letter to be sent to Minister each year</li> <li>• Response from the Minister's office and subsequent gazettal of the alternative arrangements can take some time, often only being confirmed one or two months prior to the holiday</li> </ul>
Observe Melbourne Cup Holiday across all parts of the Shire	<ul style="list-style-type: none"> <li>• Consistent messaging for all residents</li> <li>• May align better with parents and their employers that observe the Melbourne Cup holiday</li> <li>• Don't need to write to the Minister for approval</li> <li>• No delays in confirming the holiday arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Changing the arrangements may cause confusion in the community</li> <li>• Schools / childcare will be required to communicate change to families</li> <li>• Schools may have already published their holiday dates and arranged other programs i.e. camps etc. around this</li> <li>• May not align will with GPS residents working in Geelong and Ballarat</li> </ul>

Once the public holiday arrangements are determined, should the event that the holiday is scheduled for be cancelled, the public holiday as determined by the results of the Community Consultation will remain in place to minimise confusion and allow businesses and schools the confidence to lock in important calendar dates at the beginning of each year.

Information was requested from other Councils on which holiday they are planning to observe in 2021. The majority of Council's that responded are continuing to observe the Melbourne Cup Public Holiday and two Council's are planning on undertaking public consultation in their municipality within the next two years.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the proposal to consult with the community on determining the public holiday arrangements will:

- Assist in achieving the best outcomes for the municipal community.
- Ensure transparency of Council decisions, actions and information.

## POLICY/RELEVANT LAW

The *Public Holidays Act 1993* – Section 8A allows non-metropolitan Councils to request in writing each year that the Minister make a declaration that Melbourne Cup Day is not a public holiday in the whole or any part of the Shire and that another day or 2 half-days be appointed.

Any requests to the Minister must be made at least 90 days prior to the Melbourne Cup Day.

## **COMMUNITY ENGAGEMENT**

Community engagement on the public holiday arrangements was previously undertaken in 2011 which included letters being sent to each of the schools in the Shire requesting their choice for their preferred holiday in 2011 and subsequent years. Each school submitted their choice and the response was for the most relevant Show Day for their area.

If adopted by Council, the community consultation under the new proposal will commence on Wednesday 24 February 2021 and close on Sunday 18 April 2021. Council will promote the engagement as listed in the Communication section of this report.

## **PUBLIC TRANSPARENCY**

Council have followed the Public Transparency Principles by ensuring that all decisions relating to the public holiday dates are transparent. Council have made the community aware of the changes to public holiday dates each year by publishing public notices in the Geelong Advertiser, Ballarat Courier, Golden Plains Times, on Council's webpage and across social media posts.

## **RISK ASSESSMENT**

### **COMMUNICATION**

An online community poll will be created to invite feedback on the preferred holiday. The poll will be promoted through all communication channels to ensure maximum interaction and feedback. This will include social media channels, emails through the Community Engagement Register and promotion in the Golden Plains Times and the Gazette (if able to meet content deadlines).

### **HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## **OPTIONS**

### Option 1 – That Council support the recommendation as detailed

This option is recommended by officers as seeking feedback from the community will ensure confidence in future decisions on the Melbourne Cup Public Holiday.

### Option 2 – That Council do not support the recommendation and continue with current arrangements

This option is not recommended by officers as it does not provide the Community with an opportunity to provide feedback on the Melbourne Cup Public Holiday.

### Option 3 – That Council request further information

This option is not recommended by officers as the community consultation will provide further information for Council to make a future determination on the Melbourne Cup Public Holiday.

## **CONFLICT OF INTEREST**

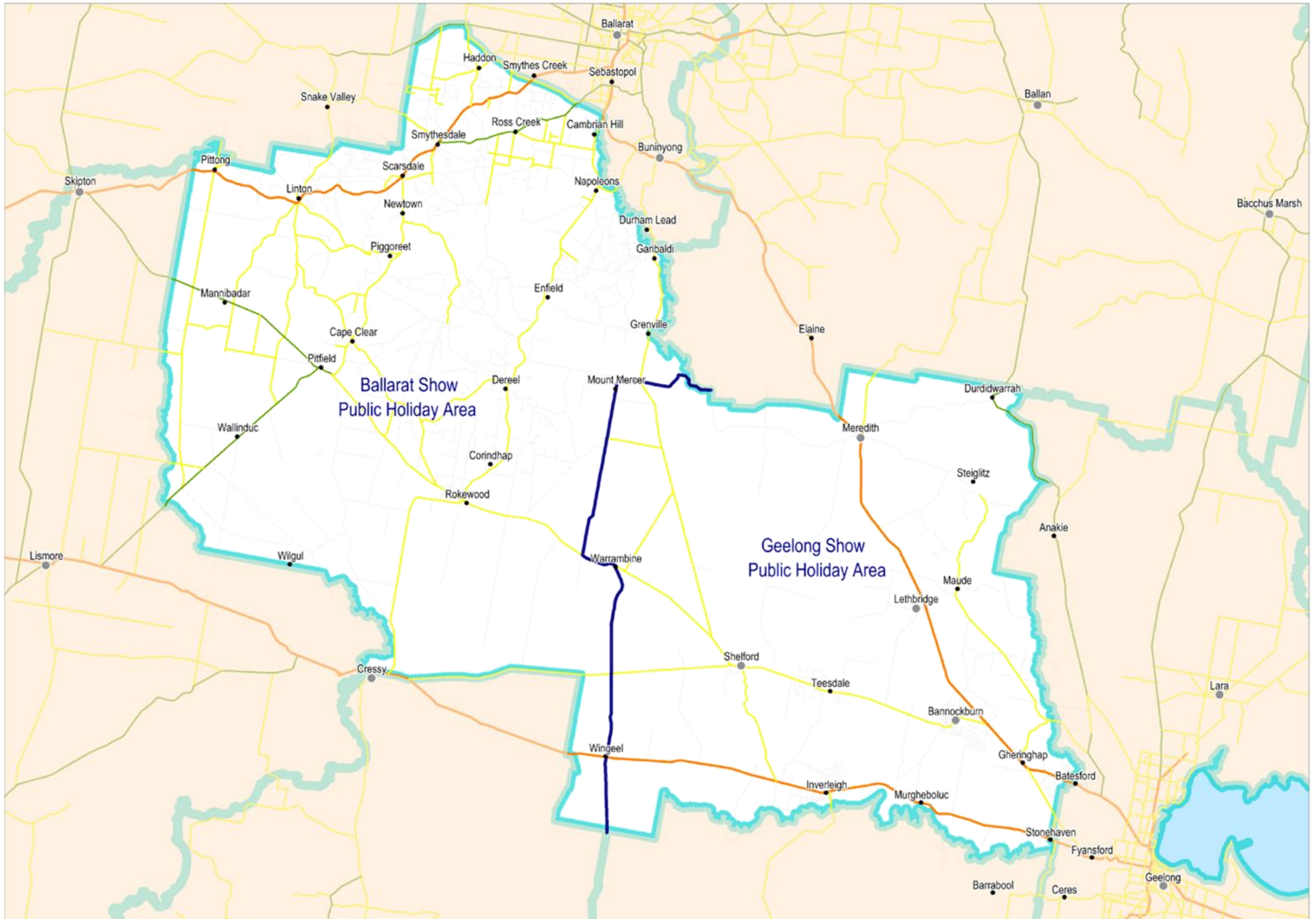
No officer involved in preparing this report has any conflicts of interest in regards to this matter.

## **CONCLUSION**

Given that consultation on the Melbourne Cup Public Holiday was last conducted 10 years ago when the *Public Holidays Act 1993* was first amended it is recommended that Council proceed with community consultation to determine whether to continue with current arrangements over the 2021 – 2024 period or change to observe the Melbourne Cup Public Holiday or another alternative.









**7.11 STATE ELECTORAL BOUNDARY - REDIVISION COUNCIL SUBMISSION - DRAFT****File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Buninyong Electoral District  
2. Polworth Electoral District  
3. Submission to the VEC - DRAFT  

**RECOMMENDATION**

That Council:

1. Note the process of the State Government's electoral boundaries redivision to take place prior to the 2022 State Election.
2. Approve Council's submission to the Victorian Electoral Commission as provided in attachment 1.

**EXECUTIVE SUMMARY**

In planning for the next State Government election in November 2022, the *Electoral Boundaries Commission Act 1982* requires that a formal process called a 'redivision' must take place after every second Victorian State general election to ensure the number of electors within each district and region remains approximately the same over time.

As the last redivision was in 2013, a redivision must take place before the next State election. The 2013 re-division resulted in some changes for Golden Plains Shire namely that the previously titled electoral district, Ballarat East, which covered the rural fringes of Ballarat needed to gain voters and as such was re-named to Buninyong and extended to incorporate to the east (taking in Myrning and part of Balliang), south (including Lethbridge and Mount Mercer) and southwest (including Smythesdale, Linton and Snake Valley). This district now included the bulk of Moorabool and Golden Plains Shires, which considered to have strong associations with Ballarat. In addition, a small slice of the Golden Plains Shire that was currently in the Polworth electoral district was re-distributed to the Buninyong electoral district.

Time frames to provide an initial submission is due by 1 March 2021. The proposed submission is provided in attachment 1 for Councils consideration.

**BACKGROUND**

The purpose of a redivision is to make sure each of Victoria's regions and districts have about the same number of enrolled voters. It is a consultative process and submissions are invited from all members of the public, political parties and other stakeholders.

Factors that are considered are:

- the area and its physical features
- any means of communication and travel
- community interests, including economic, social and regional interests
- demographic trends.

**DISCUSSION**

Quotas are used to work out how many enrolled voters should be in each district and region. Quotas are calculated at the very start of a redivision to provide a snapshot of enrolled voters in Victoria.

Victoria has two quotas: district and region.

To find the district quota, the total number of enrolled voters in Victoria is divided by the number of districts (88).

To find the region quota, the total number of enrolled voters in Victoria is divided by the number of regions (8).

To ensure equal representation in Parliament, the number of enrolled voters in each district and region must not vary by more than 10% (up or down) from the quota.

When a boundary redivision is happening, the quotas and electoral data is published to help people make a submission.

**Golden Plain Shire Council State Districts**

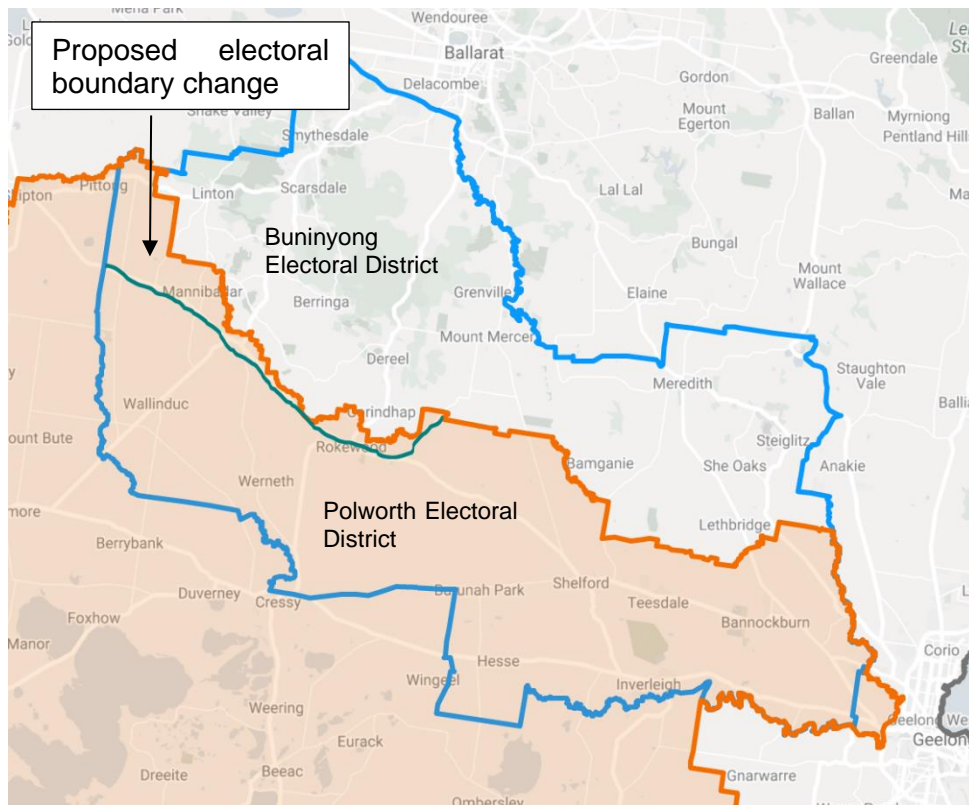
Golden Plains Shire is part of the Western Shire and split between two districts being Buninyong and Polworth. A map of both districts is presented in Attachment 1.

The table below also shows the percentage movements of enrolment data since 2012.

District	2012 Redivision	2014 Election	2018 Election	2020 Redivision
	%	%	%	%
<b>Western Victoria</b>				
Buninyong District	-6.34	-5.46	-3.14	-2.98
Polwarth District	2.6	0.05	-2.43	-1.81

As per the map below, Council proposes as a initial submission to extend the Buninyong boundary to the Rokewood Skipton road which then transfers Mannibadar and Rokewood from the Polworth district to the Bunninyong district.

The main reason and justification for this change is community interest whereby these communities have closer linkages and connections with Ballarat compared to the South West region.



The *Electoral Boundaries Commission Act 1982* sets out the conditions under which a redivision takes place and provides the framework, process and timetable for a redivision. Key dates for input into

### Key Dates

Date	Milestone
16 December 2020	Information session Stage one submissions open
5 pm 1 March 2021	Stage one submissions close
29 March to 2 April 2021	Stage one public hearings
30 June 2021	Proposed electoral boundaries released. Stage two submissions open
5 pm 30 July 2021	Stage two submissions close
9 to 13 August 2021	Stage two public hearings
14 October 2021	Final boundaries released

The State electoral boundaries determined this redivision will take effect when the writ for the 2022 State election is issued on 1 November 2022.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes/No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes/No
<b>Risk Assessment</b>	Yes/No
<b>Communication</b>	Yes/No
<b>Human Rights Charter</b>	Yes/No

## GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community. The submission to the electoral boundary redivision process ensures that Golden Plains Shire Council highlights the opportunity for the shires boundary's to be aligned with community interests.

**POLICY/RELEVANT LAW**

Local Government Act, 2020.

Electoral Boundaries Commission Act 1982

**ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Environmental considerations have been taken into account in formulating a recommendation in this matter.

**PUBLIC TRANSPARENCY**

Including the proposed submission for the Electoral boundary redivision in the public agenda allows our community to see what has been proposed by Council.

**RISK ASSESSMENT****COMMUNICATION**

Councils submission will be communicated on our website to enable the community to see what our proposal is.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS****Option 1 – That Council approve the proposed submission to the Victorian Electoral Commission**

This option is recommended by officers as it provides Golden Plains Shire the opportunity to align the state electoral boundaries to the Shires community of interest

**Option 2 – That Council requests further information**

This option is not recommended by officers as it will result in delay in the Councils submission and therefore will miss the due date of 1 March 2021.

**Option 3 – That council does not approve the submission**

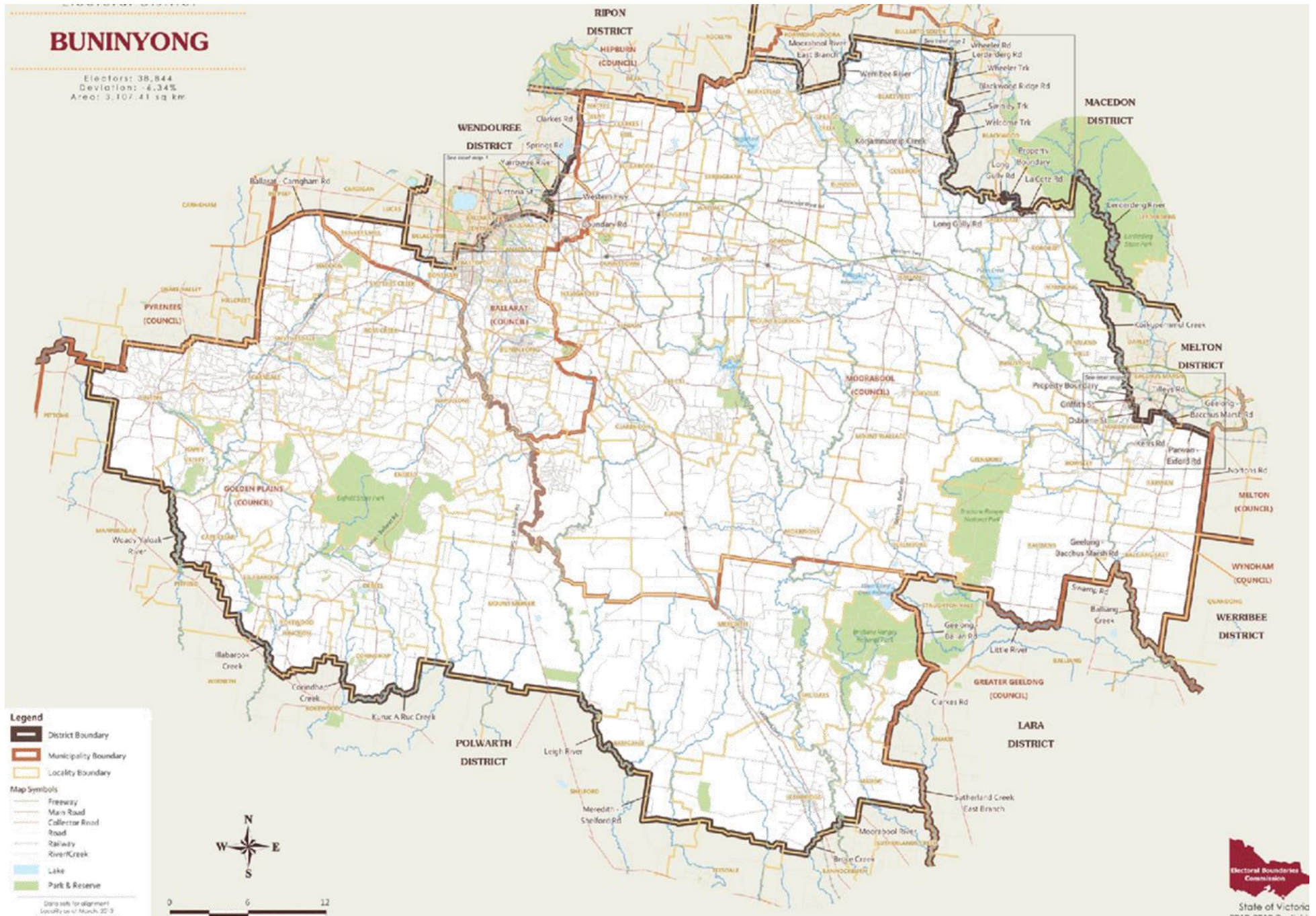
This option is not recommended by officers as this does not provide Council to have a say in the future of the Golden Plains Shire's electoral boundaries and enable regions of the shire to be aligned to the electorates with similar communities of interest.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

In planning for the next State Government election in November 2022, the *Electoral Boundaries Commission Act 1982* requires that a formal process called a 'redivision' must take place after every second Victorian State general election to ensure the number of electors within each district and region remains approximately the same over time. Council has the opportunity to provide a submission on changes to the electoral boundaries. The proposed submission is provided in attachment one.







17 February 2021

Electoral Boundaries Commission  
Level 11, 530 Collins Street  
Melbourne, Victoria 3000

GPS Ref: OUT19/1E0E04D8  
GPS File: 30-03-005  
Your Ref:

**Email**

[submissions@ebc.vic.gov.au](mailto:submissions@ebc.vic.gov.au)

[goldenplains.review@vec.vic.gov.au](mailto:goldenplains.review@vec.vic.gov.au)

**Re: State Electoral Boundaries Submission – Golden Plains Shire Council**

To whom it may concern

Golden Plains Shire Council would like to thank you for the opportunity to provide a submission to the current Victorian State Electoral Commission electoral boundaries redivision. Golden Plains Shire Council note that this is the first opportunity to provide feedback as part of this important process and note that a further opportunity is available once the draft report is released from 31 June 2021.

Golden Plains Shire sits within the State electoral districts of the Polworth district to the South west of the shire and the Buninyong district to the North to North east of the shire. On review of our the current boundaries, Golden Plains Shire Council proposes a slight expansion of the Buninyong electoral boundary to extend to the Rokewood-Skipton road to enable the townships of Mannibadar and Rokewood to move from Polworth to Buninyong. The main driver for this proposal is that this part of the Shire community of interest aligns more closely with Ballarat and Buninyong districts.

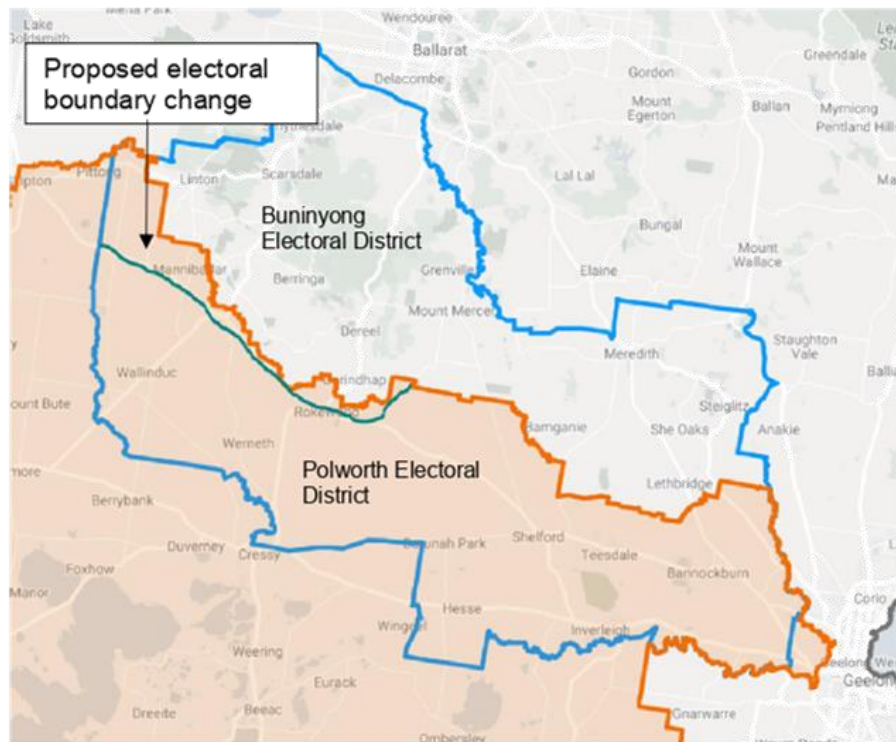
A map is attached below to clearly present Golden Plains Shire Council's proposal.

Thank you again for the opportunity to submit a proposal and we look forward to receiving the draft report for further comment.

Please do not hesitate to contact, Director Corporate Services, Mrs Philippa O'Sullivan on 0407 649 148 should you wish to discuss Golden Plains Shire Council's submission further.

**Cr Helena Kirby**  
**Mayor, Golden Plains Shire Council.**

Encl. Proposed change in boundary map



## 7.12 VAGO INDEPENDENT ASSURANCE REPORT TO PARLIAMENT - SEXUAL HARASSMENT IN LOCAL GOVERNMENT (DECEMBER 2020)

**File Number:**

**Author:** Claire Tehan, Manager People and Culture

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

**Attachments:**

1. Sexual Harassment in Local Government - VAGO's independent assurance report - December 2020 (under separate cover) 
2. Sexual Harassment in Local Government - VAGO's report - Golden Plains Shire Council summary (under separate cover) 
3. VAGO Recommendations to Victorian local Councils (under separate cover) 

### RECOMMENDATION

That Council note the VAGO report into Sexual Harassment in Local Government, the summary report for Golden Plains Shire Council and the recommendations which will be incorporated into Council policies and procedures and rolled out to Council employees and Councillors.

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### EXECUTIVE SUMMARY

In June 2020, Golden Plains Shire Council staff and Councillors were invited to participate in a survey conducted by VAGO on Sexual Harassment in Local Government.

In the Audit Report, VAGO concluded that Councils were not providing workplaces which are free from sexual harassment and that more than one in four survey respondents had experienced sexual harassment in the last 12 months. VAGO have provided 11 recommendations (10 specific to Council) to Victorian local councils.

At Golden Plains Shire Council, we had a 30% response rate (63 staff), with 33.33% of respondents reported experiencing sexual harassment in the last 12 months. 75% of respondents don't believe that sexual harassment is a problem at Council and 83% believe that Council takes sexual harassment seriously, however it is important to ensure that staff understand that we have a zero-tolerance approach and that they will be supported if they do experience sexual harassment in the workplace.

Golden Plains Shire Council will develop a timetable to implement the recommendations as outlined in attachment 3 as part of a broader update of the People & Culture policies and procedures by December 2021, and ensure that sexual harassment training is built into our mandatory training program and regular monitoring surveys are undertaken.

This report was also presented at the Audit and Risk Committee meeting held on 9 February for their noting and support to be presented to Council.

### BACKGROUND

#### Why VAGO conducted the Audit

Sexual harassment in the workplace is unlawful and can cause significant harm to those who experience it. It can also be costly for employers, exposing them to legal liability and increasing staff turnover. Under the *Equal Opportunity Act 2010*, employers must take reasonable and proportionate measures to eliminate sexual harassment in their workplaces.

#### Who took part in the Audit?

In June 2020, 75 out of 79 Council's took part in the VAGO survey on a voluntary basis, with 9,939 council employees and councillors responding. Golden Plains Shire Council employees and Councillors were invited to participate in this survey. The detailed report for GPSC is provided in attachment 2.

In addition to the survey, VAGO also audited five councils as a spread of council type and size.

### **What VAGO examined**

VAGO examined whether Council's were providing their staff and councillors with workplaces that are free from sexual harassment. Specifically, they looked at:

- The prevalence and nature of sexual harassment in council's
- Council's policies, training and communication
- The effectiveness of Council's complaint handling.

### **What VAGO concluded**

The VAGO audit concluded that Councils are not providing workplaces that are free from sexual harassment. More than one in four survey respondents said they had experienced workplace sexual harassment in the last 12 months. They noted that although Councils have the tools that could prevent these experiences, they do not use them to their full advantage. A lack of comprehensive policies, training and communication means councils rarely engage staff in meaningful conversations about sexual harassment and its drivers.

This creates a culture where victims lack confidence to report their experiences. For those who do report, complaint handling is undermined by poor documentation and councils' failure to encourage and support complainants.

### **What VAGO recommended**

This audit report provided eleven recommendations to Victorian local councils and one to the Department of Jobs, Precincts and Regions in relation to identifying and acting on risk factors, regularly collecting data on the prevalence of sexual harassment and the development of regular data collection methodology. All recommendations VAGO made were accepted by the Victorian Local Councils including Golden Plains Shire Council.

A copy of the recommendations relevant to Victorian Councils is attached in Attachment 3.

## **DISCUSSION**

Staff and Councillors at Golden Plains Shire Council were also invited to participate in the survey. Please refer to Attachment 2 for the survey results for Golden Plains Shire Council. A summary of the report is provided below:

### *Response rate*

- There were 63 respondents to the survey which was a 30% response rate for our Council.
- 40 female respondents and 23 male respondents

### *Prevalence of sexual harassment and workplace setting of harassment*

- 33.33% of respondents ( $\pm 9.76\%$  margin of error) reported experiencing sexual harassment in the last 12 months. Sexual harassment is any unwelcome behaviours of a sexual nature that makes a person feel offended, humiliated and/or intimidated. Sexual harassment can be physical, verbal or written.
- Intrusive questions and sexually suggestive comments or jokes were the most frequently experienced.
- 90% of respondents who experienced sexual harassment experienced it during day-to-day work

### *Responses to sexual harassment, barriers to reporting and impacts of sexual harassment*

- Of the 21 people who experienced sexual harassment, 4 reported it to a manager and none made a formal complaint to Council.

- 8 respondents “pretended it didn’t bother me” and 8 respondents “tried to laugh it off”.
- 57% of respondents who did not make a complaint said they didn’t think behaviour was serious enough.
- Other barriers to reporting included the belief “there’d be negative consequences” and “didn’t think it would make a difference”.
- 52% of respondents who experienced sexual harassment said it had a negative impact on them.

#### *Policies, procedures & training*

- 86% of respondents know how to get help if they or a co-worker experienced sexual harassment.
- 63% of respondents have received training on appropriate behaviour
- 95% of the respondents who received training said it covered the standards of appropriate behaviour
- 88% of managers are confident in their ability to respond to a complaint.

#### *Leadership & Communication*

- 11% of respondents don’t agree that Council communicates a zero tolerance attitude to sexual harassment
- 75% of respondents don’t believe that sexual harassment is a problem at Council.
- 83% of respondents believe that Council takes sexual harassment seriously.

### **Actions for Golden Plains Shire Council**

We have just completed a review of the People & Culture policies and procedures in late 2020, however we acknowledge that the recommendations made by VAGO would support and strengthen the zero-tolerance approach that we have at Golden Plains Shire Council for sexual harassment.

A timetable will be developed to implement all of the VAGO recommendations over a 12 month period, with mandatory training and regular surveys to be built into ongoing business-as-usual activities.

### **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No

<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes/No
<b>Human Rights Charter</b>	Yes

## GOVERNANCE PRINCIPLES

A sexual harassment policy will be developed that aligns with the Victorian Equal Opportunity and Human Rights Commission's Guideline: Preventing and responding to workplace sexual harassment - Complying with the Equal Opportunity Act 2010 and the Victorian Public Sector Commission's Model Policy for the Prevention of Sexual Harassment in the Workplace.

## POLICY/RELEVANT LAW

*Equal Opportunity Act 2010*

*Sex Discrimination Act 1984*

*Local Government Act 2020*

*Occupational Health and Safety Act 2004*

*Equal Opportunity Act 2010, Preventing and responding to workplace sexual harassment (2020)*

*Model Policy for the Prevention of Sexual Harassment in the Workplace (2018)*

*Charter of Human Rights and Responsibilities Act 2006*

## RISK ASSESSMENT

There are identified risk implications associated with this report, detailed below:

Sexual harassment in the workplace is unlawful and can cause significant harm to those who experience it. It can also be costly for employers, exposing them to legal liability and increasing staff turnover. Under the *Equal Opportunity Act 2010*, employers must take reasonable and proportionate measures to eliminate sexual harassment in their workplaces

To prevent sexual harassment in the workplace, there is a requirement for clear policies and procedures to be in place, together with awareness across all Council officers of the ways to identify and report sexual harassment. This will be supported by regular training of all staff and communication from the leadership group on the importance of a zero-tolerance approach to sexual harassment.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## OPTIONS

Option 1 – That Council note the VAGO report into Sexual Harassment in Local Government, the summary report for Golden Plains Shire Council and the VAGO recommendations which will be incorporated into Council policies and procedures and rolled out to Council employees and Councillors

This option is recommended by officers as it will allow the VAGO recommendations to be incorporated into Council policies and procedures over the next 12 months. No further options are provided due to the action plan in place to deliver on the recommendations.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

Golden Plains Shire Council takes a zero tolerance approach to sexual harassment and we note the recommendations for all Victorian Councils will strengthen this approach.

### 7.13 COUNCILLOR CODE OF CONDUCT

**File Number:**

**Author:** Annmaree Bowey, Coordinator Governance and Risk

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

**Attachments:**

1. Councillor Code of Conduct 2021 (under separate cover) 
2. Councillor Dispute Resolution Policy 2021 (under separate cover) 

#### RECOMMENDATION

That Council:

1. Adopt the Councillor Code of Conduct 2021 (Attachments 1).
2. Adopt the Councillor Dispute Resolution Policy 2021 (Attachment 2).

#### EXECUTIVE SUMMARY

##### Councillor Code of Conduct 2021

The Councillor Code of Conduct 2021 has been developed in accordance with the *Local Government Act 2020* (LGA20). Section 139(1) of the LGA20 requires Council to develop and adopt a Councillor Code of Conduct by 24 February 2021, which includes matters prescribed by the Local Government (Governance and Integrity) Regulations 2020 (the (Regulations)).

The purpose of the Code is to set out the standards of conduct expected to be observed by Councillors in the performance of their duties and functions as a Councillor (s.139(2) LGA20).

The contents of the Code can be divided into three broad categories:

1. Matters prescribed by the Regulations	Expressly stated in the Regulations – <b>Required</b>
2. Provisions addressing any matters prescribed by the regulations	Relevant to matters expressly stated in the Regulations – <b>Required</b>
3. Any other matter Council considers appropriate	<b>Optional</b>

The LGA20 requires the Code to include the standards of conduct prescribed in Reg. 12, Sch. 1 of the Regulations (s.139(3)(a)&(b)). The Regulations set out the standards expected of Councillors in relation to:

- treatment of others
- elimination of discrimination, sexual harassment, and victimisation
- support for gender equality
- prevention of abusive, obscene or threatening behaviour
- consideration of the diversity of interest and needs of the municipal community, including having regard for their opinions, beliefs, rights and responsibilities

The Regulations also impose obligations on Councillors in relation to:

- ensuring good governance
- interactions with members of Council staff
- reimbursement of out-of-pocket expenses



- development, adoption and implementation of Governance Rules
- complying with directions by the Minister in relation to governance processes
- not discrediting Council
- not deliberately misleading the Council or the Public on any matter.

Nothing in the LGA20 and the Regulations is intended to limit robust political debate or the inclusion of any other matter that Councillors consider will support the performance of their role.

### **Councillor Dispute Resolution Policy 2021**

The Councillor Dispute Resolution Policy 2021 (the Policy) is designed to operate in conjunction with the Code. The Policy incorporates key aspects of the statutory framework for responding to an application for a finding of *misconduct*, *serious misconduct*, and *gross misconduct* against a Councillor. These are set out in the LGA20 and the Regulations, and are mandatory processes.

The Policy focuses on allegations of *misconduct* and *serious misconduct*, as these are the two applications that Council (by resolution), a Councillor or a group of Councillors can make against another Councillor. The Policy notes that the Chief Municipal Inspector can also make an application for a finding of *serious misconduct* by a Councillor, and is the only person who can make an application that alleges *gross misconduct* by a Councillor.

The Policy does not limit, restrict or detract from any other voluntary processes the Mayor and Councillors may consider appropriate for resolving disputes or conflict involving Councillors.

### **BACKGROUND**

The LGA20 establishes minimum standards of conduct for Councillors and a framework for the management of allegations against Councillors that breach the Code and LGA20. Subject to the inclusion of mandatory requirements, the LGA20 also provides an opportunity for Councillors to tailor the Code and accompanying Policy to meet their needs. To achieve this the Code and the Policy has been developed in consultation with, and by all Councillors, to support each of them individually and collectively perform their role.

### **DISCUSSION**

One of the key aspects of the Code is the incorporation of the Golden Plains Shire Values (GPS) values – ‘Pride’, ‘Respect’, ‘Integrity’, ‘Collaboration’ and ‘Excellence’. The aim is to align the values that guide members of Council staff in the performance of their role with the values that underpin the exercise of any power, duty or function performed by Councillors. Incorporating the GPS values into the Code highlights the importance and commitment by Councillors in providing leadership that values diversity, builds and maintains positive relationships, and empowers all persons to achieve shared goals that meet the changing needs and expectations of the municipal community.

Like the Code, the Policy is designed to capture key statutory obligations and the hierarchy of responses (framework) for responding to allegations against Councillors. These are set out in the LGA20 and the Regulations, and are mandatory processes but do not limit, restrict or detract from any other voluntary processes the Mayor and Councillors may consider appropriate for resolving disputes or conflict involving Councillors – particularly where they may prevent a breach of the Code or LGA20.

### **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes

<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

## GOVERNANCE PRINCIPLES

The Code of Conduct 2021 will ensure adherence to the overarching governance principles in s.9 of the *Local Government Act 2020*.

## POLICY/RELEVANT LAW

Local Government Act 2020 (LGA20)

Local Government (Governance and Integrity) Regulations 2020

## RISK ASSESSMENT

The Local Government Act 2020 and Local Government (Governance and Integrity) Regulations 2020 prescribe the provisions that must be included in the Councillor Code of Conduct, as well as and relevant to the same.

## COMMUNICATION

The Senior Management Team were consulted in the initial drafting process.

Councillors were presented with the drafts and invited to provide feedback and comment as a part of the consultation process.

Changes will be incorporated into the draft documents and presented to Councillors for further review before adoption at the Council meeting on 23/2/21.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## OPTIONS

Option 1 – The Councillors adopt the Councillor Code of Conduct 2021.

This option is recommended by officers as the *Local Government Act 2020* requires Councillors to adopt a Councillor Code of Conduct by 24 February 2021.

Option 2 – That Council adopt the Dispute Resolution Policy 2021

This option is recommended by officers as the Dispute Resolution Policy 2021 operates in conjunction with the Councillor Code of Conduct 2021.

Option 3 – The defer the adoption of the Councillors adopt the Councillor Code of Conduct 2021 for further consideration.

This option is not recommended by officers as the *Local Government Act 2020* requires Councillors to adopt a Councillor Code of Conduct by 24 February 2021.

Option 4 – That Council defer the adoption of the Dispute Resolution Policy 2021 for further consideration.

This option is not recommended but could be considered if Council requires further information about the formal processes to manage allegations against Councillors in the *Local Government Act 2020*. This option is not recommended because the Policy is operates in conjunction with the Councillor Code of Conduct 2021.

### **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

### **CONCLUSION**

This Council Report has been prepared so the Councillor Code of Conduct 2021 and Dispute Resolution Policy 2021 are adopted by 24/2/21 in order to ensure compliance with the Local Government Act 2020.

## 7.14 COMMUNITY ENGAGEMENT POLICY

**File Number:****Author:** Derek Scott, Corporate Strategic Planner**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Community Engagement Policy (under separate cover) **RECOMMENDATION**

That Council adopt the Community Engagement Policy as attached.

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**EXECUTIVE SUMMARY**

The *Local Government Act 2020* (Section 55) requires that Council adopt a Community Engagement Policy on or before 1 March 2021.

The Policy has been developed by Council officers following their participation in sector-wide better practice forums and workshops led by Local Government Victoria on the development and implementation of a Community Engagement Policy and taking into consideration the unique attributes of Golden Plains Shire Council and the community.

The Draft Community Engagement Policy was presented in November 2020 for Council to consider and endorse for public exhibition and feedback.

Since that time, the Draft Community Engagement Policy has been made available to the public for viewing and comment with no submissions received.

As no submissions were received on the Draft, the Community Engagement Policy is presented without changes for adoption which will provide the framework and requirements for future engagement activities conducted by Golden Plains Shire Council.

**BACKGROUND**

As part of new requirements introduced under the *Local Government Act 2020*, all Councils are required to adopt and maintain a Community Engagement Policy - with the first Community Engagement Policy adopted on or before 1 March 2021.

A community engagement policy must:

- be developed in consultation with the municipal community; and
- give effect to the community engagement principles; and
- be capable of being applied to the making of the Council's local laws; and
- be capable of being applied in relation to the Council's budget and policy development; and
- describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and
- specify a process for informing the municipal community of the outcome of the community engagement; and
- include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan and
- include any other matters prescribed by the regulations.

To prepare for this requirement, during mid to late 2020, Golden Plains Shire Council officers participated in sector-wide better practice forums and workshops led by Local Government Victoria on the development and implementation of a Community Engagement Policy.

## DISCUSSION

Golden Plains Shire Council is committed to engaging with residents and stakeholders when making decisions that impact the community. The Community Engagement Policy (Attachment 1) has been developed in collaboration with staff from a number of Council areas and will be utilised by officers when developing and implementing community engagement.

In accordance with the Act, the Policy has been developed to give effect to the community engagement principles and define the deliberative engagement practices that will be applied to the Community Vision, Council Plan, Financial Plan, Asset Plan and any other engagement processes as determined.

The Policy provides a clear and succinct process to ensure deliberative engagement practices at Golden Plains Shire are well planned, inclusive, accessible and appropriate. The Policy outlines how the findings of deliberative engagement will be reported back to the community, considered in Council decision making and reviewed in terms of effectiveness for both engaging the audience and quality of information. In addition, the Policy provides further guidance and resources for staff to consider when engaging with the community.

Following Council's endorsement of the Draft Community Engagement Policy, the document was made available to the public for viewing and comment from 26 November 2020 to 11 January 2021. The Draft Policy was publicised via Council's on-line and print media with community members invited to provide written feedback. As no submissions were received by the community no further changes have been proposed to the Final Policy.

The development and adoption of the Community Engagement Policy has been undertaken in accordance with sector / best practice guidance and will enable Council to meet the legislative requirements of the *Local Government Act 2020*.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes

Human Rights Charter	Yes
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## GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community. This Policy ensures the community is appropriately engaged on key matters and areas where they are impacted by Council decisions including, but not limited to, the Community Vision, Council Plan, Asset Plan, Financial Plan and other strategic processes.

## POLICY/RELEVANT LAW

Section 55 of the *Local Government Act 2020* requires that Council must adopt the first community engagement policy on or before 1 March 2021.

The adoption of the Community Engagement Policy will fulfil the requirements of the *Local Government Act 2020*.

## COMMUNITY ENGAGEMENT

The community engagement principles listed under s.56 of the *Local Government Act 2020*, are specifically addressed by the Community Engagement Policy. The Policy identifies requirements for Council officers to engage and consult with the community in Council decisions, with specific reference to deliberative engagement practices for the Community Vision, Council Plan, Asset Plan, Financial Plan and other engagement processes as determined.

Community Engagement on the Draft Policy was undertaken from 26 November 2020 to 11 January 2021 with the document made available for community viewing and comment/submission.

Adoption of the Community Engagement Policy will provide Council staff with a framework and guidance to assist in their development of engagement opportunities within the community.

## PUBLIC TRANSPARENCY

Section 9 of the *Local Government Act 2020* is to ensure the transparency of decision making, actions and information. This is supported by the public transparency principles in s.58 of the Act. This Policy provides for public transparency through engagement with the community on Council decisions for key strategic activities including the Community Vision, Council Plan, Asset Plan, Financial Plan and other engagement processes as determined.

## STRATEGIES/PLANS

Section 9 of the *Local Government Act 2020* is to ensure the municipal community is engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under section 89 of the Act. This Policy requires Council officers to engage with the community in strategic planning for the Council Plan, Community Vision and other strategic plans

## RISK ASSESSMENT

The major risks identified with the development of a Community Engagement Policy was that the community did not substantively support the Policy, the Policy would not meet legislative requirements or the Policy becomes too onerous/resource intensive for Council to implement.

For this reason, Council officers participated in better practice groups established by Local Government Victoria. This enabled collaboration with consultants and like Councils on the best approach for Golden Plains Shire, including the community engagement component, and provided access to resources and guidance that are included with the Policy.

## COMMUNICATION

The Policy was placed on public display from 26 November 2020 to 11 January 2021 with communications advertising that the Draft was available for public viewing and comment. After the

closure of the review period, no submissions were received from the community and no changes are recommended to the Policy.

## **HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

The Policy has been reviewed against, and complies with, the Charter of Human Rights and Responsibilities Act 2006. In particular, the Policy aligns with, and provides for, a person's right to have the opportunity, without discrimination, to participate in the conduct of public affairs (Section 18) and freedom of expression (Section 15).

## **OPTIONS**

### Option 1 – Adopt the Policy

This option is recommended by officers as the Community Engagement Policy will fulfil the requirements of the *Local Government Act 2020* including defining deliberative engagement practices and having the Policy adopted by the 1 March 2020 deadline. In addition, the Draft Policy was placed on public display with no submissions received.

### Option 2 – Defer adopting and further engage the community

This option is not recommended by officers, as there would be insufficient time to appropriately engage the community, consider feedback, update the Policy and have it adopted by Council prior to 1 March 2021. The Policy has been on public display for an extended period of time, where no submissions were received.

## **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

## **CONCLUSION**

The Community Engagement Policy has been developed to meet the legislative requirements of the *Local Government Act 2020* and outlines Council's commitment to engaging the community on key decisions and strategic processes that impact them.

The Policy has been developed to include all principles and requirements of the *Local Government Act 2020* and was provided to the community for feedback. Adoption of the Community Engagement Policy will enable Golden Plains Shire Council to meet the legislative deadline of 1 March 2021.

## 7.15 GIFTS, BENEFITS & HOSPITALITY POLICY

**File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. **Gifts, Benefits and Hospitality Policy- Draft February 2021 (under separate cover)** **RECOMMENDATION**

That Council adopt the Gifts, Benefits and Hospitality Policy as attached.

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**EXECUTIVE SUMMARY**

In order to achieve compliance with Stage 3 Implementation of the phased introduction of the new *Local Government Act 2020*, Council must review and adopt its gift policy by the State Governments requirement date of 24 April 2021.

The Gifts, Benefits and Hospitality Policy was last adopted by Council at its 17 December 2019 Council meeting.

The Golden Plains Shire Council Gifts, Benefits and Hospitality Policy is modelled in accordance with the Victorian Public Sector Commission's (VPSC) Gifts, Benefits and Hospitality – Policy Guide and the Department of Environment, Land, Water and Planning (DELWP) Gifts, Benefits and Hospitality – Model Policy. Whilst it is not mandated for councils to adopt the DELWP model policy, Council has previously seen the opportunity to adopt a policy that is in line with contemporary public sector best practice guidelines and community expectations of public officials.

Following the recent review, proposed changes of significance include, but are not limited to inclusion of a statement that as a general principle Council, Councillors and staff should, where possible, decline any offer of gifts, benefits or hospitality in a way that does not cause offence, minor wording amendments for clarity and minor formatting and reference updates.

The Gifts, Benefits and Hospitality Policy was presented to Audit and Risk Committee at its 9 February 2021 meeting. The committee resolved to forward the policy to Council for consideration and adoption at its 23 February 2020 Council Meeting.

**BACKGROUND**

The new *Local Government Act 2020* was passed by the Victorian Parliament in March 2020. The new Act is being rolled out in four implementation stages, which are to be proclaimed between 6 April 2020 and July 2021.

With the first and second stage of reforms complete, the third stage is now underway. Within the third stage there are several items that need to be completed including the review and adoption of the gift policy.

The Gifts, Benefits and Hospitality Policy was last adopted by Council at its 17 December 2019 Council meeting. The implementation of the *Local Government Act 2020* has initiated this early review of the policy.

**DISCUSSION**

The way organisations respond to offers of gifts, benefits and hospitality is critical to good governance, transparency and earning and sustaining the trust of the community and key stakeholders.

Each public sector organisation is required to develop and implement a gifts, benefits and hospitality policy. The VPSC publishes tools and resources to help agencies implement a suitable



gifts, benefits and hospitality framework. These include a policy guide, model declaration form and register. The VPSC framework recognises that policies can include one of two approaches, either:

- a total ban on the acceptance of gifts, benefits and hospitality; or
- acceptance of gifts within an approved framework.

In addition to the VPSC tools and resources, DELWP have issued a Gifts, Benefits and Hospitality – Model Policy to support the VPSC’s second approach of acceptance of gifts within an approved framework. These resources, along with other supporting information, can be accessed on DELWPs website: <https://www2.delwp.vic.gov.au/boards-and-governance/gifts,-benefits-and-hospitality>.

Whilst it is not mandated for councils to adopt the DELWP model policy, Council has previously seen the opportunity to adopt a policy that is in line with contemporary public sector best practice guidelines and community expectations of public officials. The existing policy has been in operation since December 2019.

The policy is applicable to both staff and the Mayor and Councillors to ensure a consistent approach and standard across the organisation.

Following the recent review, proposed changes of significance include, but are not limited to:

- Inclusion of a statement that ‘as a general principle Council, Councillors and staff should, where possible, decline any offer of gifts, benefits or hospitality in a way that does not cause offence’.
- Minor wording amendments for clarity.
- Minor formatting and reference updates.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

**GOVERNANCE PRINCIPLES**

The Gift, Benefits and Hospitality Policy will ensure adherence to the overarching governance principles in s.9 of the *Local Government Act 2020*.

**POLICY/RELEVANT LAW**

*Local Government Act 2020*

*Independent Broad-based Anti-corruption Commission (IBAC) Act 2011.*

**PUBLIC TRANSPARENCY**

The Gift, Benefits and Hospitality Policy will ensure adherence to the public transparency principles in s.58 of the *Local Government Act 2020*.

**RISK ASSESSMENT**

There are legislative compliance identified risk implications associated with this report.

**COMMUNICATION**

The Senior Management Team, Audit and Risk Committee and Councillors were consulted during the review.

Prior to the initial adoption of the Policy in December 2019, it was first presented to the Staff Consultative Committee Meeting in November 2019.

The policy will be accessible on Council's website and any changes communicated to Councillors and staff.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS****Option 1 – That Council adopt the Gift, Benefits and Hospitality Policy**

This option is recommended by officers as it will achieve compliance with Stage 3 Implementation of the new *Local Government Act 2020* - Council must review and adopt its gift policy by the State Governments requirement date of 24 April 2021.

**Option 2 – That Council do not adopt the Gift, Benefits and Hospitality Policy**

This option is not recommended by officers as all councils are required to have a gift policy in accordance with the *Local Government Act 2020*.

**Option 3 – That Council defer the adoption of the Gift, Benefits and Hospitality Policy**

This option could be considered if Council require further information or extensive revisions, however, the policy must be brought back to 23 March 2020 Council Meeting for consideration to ensure final adoption prior to the State Governments requirement date of 24 April 2021.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

A review of the Gifts, Benefits and Hospitality Policy has been undertaken. The policy must be adopted by 24 April 2021 in order to achieve compliance with Stage 3 Implementation of the phased introduction of the new *Local Government Act 2020*.

**7.16 AUDIT & RISK COMMITTEE REPORT - 2 DECEMBER 2020****File Number:**

**Author:** Emily Chapman, Governance and Corporate Services Administration Officer

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

**Attachments:** 1. **Audit and Risk Committee Meeting Minutes (Unconfirmed) 09.02.21 (under separate cover)** 

**RECOMMENDATION**

That Council note the minutes from the Audit & Risk Committee meeting held on 9 February 2021.

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**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 9 February 2021 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.

**DISCUSSION**

Attendees at the Committee meeting were as follows:

**Councillors:**

Mayor Helena Kirby  
Councillor Brett Cunningham

**Independent Members:**

Andrew Pearce  
Joe Adamski  
Phil Delahunty

**Officers:**

Eric Braslis  
Philippa O'Sullivan  
Lisa Letic  
Phil Josipovic  
Fiona Rae  
Claire Tehan  
Rebecca Failla  
Annmaree Bowey  
Andrew Leary  
Jacquilyn Douglas  
Emily Chapman

**Guests:**

Chris Kol (External Auditor - McLaren Hunt)  
Thivya Mahendran (Internal Auditor – Crowe)

**Declaration of Conflict of Interest:** Nil

The Committee considered the following matters at the meeting:

Audit Committee Action Items  
 Outstanding Internal and External Audit Actions  
 Publications of Interest  
 GPCC Project Update – Final Update  
 Bannockburn Children’s Service Long Day Care – Final Update  
 Finance Quarter Two Report  
 OHS Quarter Two Report  
 Governance Quarter Two Report  
 Local Government Performance Reporting Indicators – 6 monthly report 20/21  
 Review of Fraud and Corruption Policy and Training Program  
 Fraud and Corruption – Instances and Actions  
 Significant changes to Key Systems and Impact on Risk Profile  
 Risk Management and Insurance Quarter Two Report  
 Review of Risk Appetite Statements  
 MAV Liability Mutual Insurance Scheme Structural Reform Update  
 VAGO – Sexual Harassment in Local Government Report  
 Review and approve External Audit Plan and Scope  
 Internal Audit – HR Processes  
 Review progress on Internal Audit Program  
 Gifts, Benefits and Hospitality Policy  
 Employee Code of Conduct  
 Local Government Act 2020 – Implementation Update  
 Review Internal Audit Charter  
 Review Committee Charter

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	No
<b>Human Rights Charter</b>	No

**POLICY/RELEVANT LAW**

To remain compliant with Section 53 of *Local Government Act 2020*, 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.

**RISK ASSESSMENT****HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**

Option 1 – that Council receive the Audit & Risk Committee report from the meeting of 9 February 2021

This option is recommended by officers as the report is to provide an overview of the items tabled at the Audit and Risk Committee Meeting. No decisions are required to be made.

Option 2 – that Council do not receive the Audit & Risk Committee report from the meeting of 9 February 2021

This option is not recommended by officers as the report is to provide an update only.

Option 3 – that Council require further information

This option is not recommended by officers as the full agenda and minutes from the meeting are accessible to Councillors.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

The next meeting of the Committee is scheduled for Tuesday, 11 May 2021.

**7.17 COUNCILLOR EXPENSES AND MEETING ATTENDANCE - QUARTER TWO REPORT****File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. 2020-21 YTD Councillor Expenses  2. 2020-21 Qtr 2 Councillor Expenses  **RECOMMENDATION**

That Council note the contents of the Councillor Expenses and attendance report for the second quarter of 2020/21 being the quarter ended 31 December 2020.

**EXECUTIVE SUMMARY**

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for the second quarter of 2020/21. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council. Providing regular updates throughout the year on the Councillor attendance at meetings enables enhanced transparency rather than only one annual update as reported in Council's annual report.

**BACKGROUND**

In accordance with Legislation and policy, Councillors can be reimbursed for eligible out of pocket expenditure in relation to resources and training to undertake their role as Councillors.

Furthermore, Councillors have a number of roles in providing leadership to the community including decision making on behalf of the community. The formal decision making process is conducted through council meetings which are held on the fourth Tuesday of each month. The meetings provide an opportunity for community members to attend and if required, address the Council in support of their submissions. This report now provides a regular update on Councillor attendance at Ordinary meetings and Special meetings of Council during the year.

**DISCUSSION**

Summarised in the attached document are the figures for allowances and expenses for the Mayor and Councillors for the second quarter of 2020/21.

The actual expenditure in comparison to the annual budget is as follows:-

Category	Annual Budget \$	Actual \$	Percentage spent
Conferences & Training Expenses	17,442	-	0.0%
Travel Expenses	5,430	-	0.0%
Car Expenses	8,000	1,754	21.9%
IT & Communications	3,265	989	30.3%
Childcare Expenses	-	-	
<b>Total Councillor Allowances</b>	<b>34,137</b>	<b>2,743</b>	<b>8.1%</b>

It is worth noting that as a result of the council elections, an extensive councillor induction program was delivered to Councillors to assist them in understanding their role as Councillor and understand key requirements of the role. The induction program was included in the Council's 2020/21 budget under election costs and is captured as a Council administration cost.

**Councillor attendance at scheduled and unscheduled meetings of council**

The table below outlines the Councillor attendance at both ordinary and special meetings of Council for the second quarter of 2020/21.

Council held the following meetings:

- 3 scheduled Council meetings with 2 being held in November and 1 in December 2020.

The Council did not hold any unscheduled meetings in the second quarter.

In addition, an October meeting was not held due to council election period that commenced from Midday on 22 September to 6pm, Friday 24 October 2020.

<b>Councillor</b>	<b>Scheduled Meetings (3 meetings)</b>	<b>Unscheduled Meetings (0 meetings)</b>	<b>Total Meetings (3 meetings)</b>
Brett Cunningham	3	0	3
Gavin Gamble	3	0	3
Ian Getsom	3	0	3
Helena Kirby	3	0	3
Les Rowe	3	0	3
Owen Sharkey	3	0	3
Clayton Whitfield	3	0	3

**REPORTING AND COMPLIANCE STATEMENTS:**

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No

<b>Communication</b>	No
<b>Human Rights Charter</b>	No

### **POLICY/RELEVANT LAW**

In accordance with section 41B of the *Local Government Act 2020*, Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

The expenses outlined in this report comply with Golden Plains Shire Council's, Councillors expenses and entitlement policy.

### **PUBLIC TRANSPARENCY**

In accordance with Section 58 of the *Local Government Act, 2020*, information contained within this report complies with the public transparency principles.

### **FINANCIAL MANAGEMENT**

Councillor expenses and reimbursements are monitored against the annual financial budget to ensure expenses remain within the budget provision adopted.

### **HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

### **OPTIONS**

Option 1 – That Council note the contents of this report.

This option is recommended by officers as it ensure compliance with legislated requirements.

### **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

### **CONCLUSION**

That Council note the contents of the Councillor Expenses and attendance report for the second quarter of 2020/21 being the quarter ended 31 December 2020.



**SCHEDULE OF COUNCILLOR EXPENSES - 2020/2021**

	Cr Helena Kirby	Cr Des Phelan	Cr Nathan Hansford	Cr David Evans	Cr Owen Sharkey	Cr Joanne Gilbert	Cr Brett Cunningham	Cr Ian Getsom	Cr Gavin Gamble	Cr Clayton Whitfield	Cr Les Rowe	TOTAL
July 2020	55	83	-	-	105	-	-	-	-	-	-	243
August 2020	48	98	15	13	949	41	-	-	-	-	13	1,176
September 2020	32	45	20	13	140	19	-	-	-	-	13	282
October 2020	48	100	7	7	54	32	-	-	-	-	7	212
November 2020	38	13	1	9	401	45	-	-	-	-	9	490
December 2020	178	-	-	-	27	-	27	27	27	27	27	340
January 2021	-	-	-	-	-	-	-	-	-	-	-	-
February 2021	-	-	-	-	-	-	-	-	-	-	-	-
March 2021	-	-	-	-	-	-	-	-	-	-	-	-
April 2021	-	-	-	-	-	-	-	-	-	-	-	-
May 2021	-	-	-	-	-	-	-	-	-	-	-	-
June 2021	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL Expenses</b>	<b>398</b>	<b>312</b>	<b>29</b>	<b>28</b>	<b>1,676</b>	<b>137</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>55</b>	<b>2,743</b>

	Cr Helena Kirby	Cr Des Phelan	Cr Nathan Hansford	Cr David Evans	Cr Owen Sharkey	Cr Joanne Gilbert	Cr Brett Cunningham	Cr Ian Getsom	Cr Gavin Gamble	Cr Clayton Whitfield	Cr Les Rowe	TOTAL
1. Conferences & Training Expenses	-	-	-	-	-	-	-	-	-	-	-	-
2. Travel Expenses	-	-	-	-	-	-	-	-	-	-	-	-
3. Car Mileage Expenses	177	-	-	-	1,577	-	-	-	-	-	-	1,754
4. IT & Communication Expenses	222	312	29	28	98	137	27	27	27	27	55	989
5. Childcare Expenses	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL Expenses</b>	<b>399</b>	<b>312</b>	<b>29</b>	<b>28</b>	<b>1,675</b>	<b>137</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>55</b>	<b>2,743</b>

**1. Conferences & Training Expenses**  
 This category covers registration fees & all other costs (eg accommodation, meals) associated with attendance by Councillors at local conferences, training, functions and seminars. These are normally held by Local Government related organisations, professional bodies and institutions, education institutions and private sector providers on areas and events which impact the roles of Councillors and the Shire in general. This category also includes memberships and subscriptions to bodies and organisations whose activities are relevant to the role of Councillors.

**2. Travel Expenses**  
 This category covers costs associated with assisting Councillors in meeting the transport costs incurred in attending meetings, functions and other commitments within and outside the municipality. This comprises use of a taxi, reimbursement for use of private vehicle while conducting Council business, car parking fees, the provision of car parking permits etc as described in the Councillor Expenses Policy. This category also comprises costs associated with accommodation and incidentals when travelling on Council business.

**3. Car Mileage Expenses**  
 This category covers car mileage expenses for the use of Council vehicles by Councillors whenever travelling to conduct Council business.

**4. IT & Communication Expenses**  
 This category covers mobile telephone use associated with ensuring that Councillors are accessible and are able to communicate with constituents, stakeholders, other Councillors, Council Officers and family members while conducting Council business.

**5. Childcare Expenses**  
 The Council will reimburse the cost of necessary carer expenses incurred by Councillors in the course of carrying out their duties, at functions of which partners are invited. This covers childcare and other forms of care needed to support immediate family members.

SCHEDULE OF COUNCILLOR EXPENSES - Quarter end 31 December 2020												
	Cr Helena Kirby	Cr Des Phelan	Cr Nathan Hansford	Cr David Evans	Cr Owen Sharkey	Cr Joanne Gilbert	Cr Brett Cunningham	Cr Ian Getsom	Cr Gavin Gamble	Cr Clayton Whitfield	Cr Les Rowe	TOTAL
October 2020	45	100	- 7	- 7	54	32					- 7	212
November 2020	38	- 13	1	9	401	45					9	490
December 2020	178				27		27	27	27	27	27	340
<b>TOTAL Expenses</b>	<b>264</b>	<b>87</b>	<b>- 6</b>	<b>2</b>	<b>482</b>	<b>77</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>29</b>	<b>1,043</b>

	Cr Helena Kirby	Cr Des Phelan	Cr Nathan Hansford	Cr David Evans	Cr Owen Sharkey	Cr Joanne Gilbert	Cr Brett Cunningham	Cr Ian Getsom	Cr Gavin Gamble	Cr Clayton Whitfield	Cr Les Rowe	TOTAL
1. Conferences & Training Expenses (Accommodation ,meals] (11012)												-
2. Travel Expenses (11008)												-
3. Car Mileage Expenses (11014)	177				451							628
4. IT & Communication Expenses (11010)	87	87	- 6	2	31	77	27	27	27	27	29	415
5. Childcare Expenses												-
<b>TOTAL Expenses</b>	<b>264</b>	<b>87</b>	<b>- 6</b>	<b>2</b>	<b>482</b>	<b>77</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>29</b>	<b>1,043</b>

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**8 NOTICES OF MOTION**

Nil

**9 PETITIONS**

Nil

**10 CONFIDENTIAL REPORTS FOR DECISION**

Nil