



AGENDA

Council Meeting

6.00pm Tuesday 25 May 2021

VENUE:
Former Linton Shire Hall
Council Chambers
68 Sussex Street, Linton

NEXT COUNCIL MEETING
6.00pm Tuesday 8 June 2021

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at 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

Golden Plains Shire spans the traditional lands of the Wadawurrung and Eastern Maar people. We acknowledge them as the traditional owners and custodians. Council pays its respects to Wadawurrung Elders past, present and emerging. Council also respects Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander people who are part of the Golden Plains Shire.

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

That the minutes of the Council Meeting held on Tuesday 27 April 2021 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION**7.1 DELEGATES REPORT - 27 APRIL 2021 TO 24 MAY 2021****File Number:****Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Delegates Report – 27 April 2021 to 24 May 2021.

	Cr Kirby	Cr Cunningham	Cr Gamble	Cr Getsom	Cr Rowe	Cr Sharkey	Cr Whitfield
Council Meeting	✓	✓	✓	✓	✓	✓	✓
Councillor Briefing	✓	✓	✓	✓	✓	✓	✓
Strategic Councillor Briefing	✓	✓	✓	✓	✓	✓	✓
Portfolios	NA	NA	NA	✓	NA	✓	NA
Conversation Post							
- Bannockburn		✓	✓	✓	✓	✓	✓
Coffee with Councillors	✓	✓	✓	✓	✓	✓	✓

Cr Helena Kirby

- 30 April G21 Board meeting
- 6 May Meeting with CFA
- 7 May Water for our Future - Council Webinar
- 10 May National Volunteer Week event
- 11 May Audit & Risk Committee meeting
- 12 May International Nurses Day event
- 13 May The Linton & District Progress Assoc AGM
- 20 May G21 Pillar Collaboration Workshop
- 21 May Meeting with Department of Transport

Cr Brett Cunningham

- 11 May Audit & Risk Committee meeting
- 13 May G21 Economic Development Pillar meeting

Cr Gavin Gamble**Cr Ian Getsom**

Cr Les Rowe

28 April G21 Education and Training Pillar meeting
29 April G21 Arts, Heritage & Culture Pillar meeting

Cr Owen Sharkey

30 April Peri Urban Group Rural Councils meeting
6 May Rural South Central Region MAV meeting
21 May MAV State Council meeting

Cr Clayton Whitfield

7 May G21 Planning & Service meeting

7.2 COUNCIL MEETING DATE UPDATE - JUNE 2021

File Number:**Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** Nil

RECOMMENDATION

That Council approve changing the June 2021 Council meeting date from Tuesday, 22 June 2021 to Tuesday 29 June 2021 due to the Mayor attending the National General Assembly (NGA) of Local Government in Canberra on 22 June 2021.

EXECUTIVE SUMMARY

Council adopted the schedule for the 2021 scheduled Council meetings in November 2020, however since this time, the 2021 National General Assembly (NGA) of Local Government in Canberra event that our Mayor will attend has been confirmed to be held from Sunday 20 June to Wednesday 23 June 2021 and as a result will still be in progress at the same time as the scheduled 22 June Council meeting.

This year, the June month includes five (5) Tuesdays and therefore it is recommended the June Council meeting is rescheduled to 29 June 2021 to enable the Mayor to attend and chair the meeting noting that the June meeting will include the recommended adoption of the 2021-2025 Council Plan and the 2021/22 Council budget.

In order for Council to change this date, in accordance with section 12.4 of Golden Plains Shire Council's Governance Rules being Types, Times and Dates of meetings, states that Council by resolution, may change the date, time and place of any Council meeting and must provide reasonable notice of the change to the public. Therefore, it is recommended that Council approve the council meeting changing from Tuesday 22 June 2021 to Tuesday 29 June 2021.

BACKGROUND

In accordance with our Governance Rules, Council must fix the date, time and place of all scheduled meetings and any Delegated Committee meetings at the last meeting of the calendar year for the following year.

At the time these dates are set, future councillor commitments that can coincide with these dates and specifically in 2020 the COVID-19 pandemic impacted on a number of external events going ahead were unknown. However, it has now been confirmed that the NGA of Local Government in Canberra will be held from Sunday 20 June to Wednesday 23 June 2021 that the Mayor has been approved to attend.

DISCUSSION

Due to the 22 June Council meeting coinciding with the NGA of Local Government in Canberra that the Mayor of Golden Plains Shire Council has been approved to attend, it is recommended that Council approve to change the June 2021 Council meeting date from Tuesday 22 June 2021 to Tuesday 29 June 2021 in accordance with section 12.4 of the Golden Plains Shire Council's Governance Rules and the timing of this resolution enables reasonable notice of the change to the public.

REPORTING AND COMPLIANCE STATEMENTS*Local Government Act 2020 (LGA 2020)*

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

GOVERNANCE PRINCIPLES

This report aligns with the overarching governance principles in s.9 of the Local Government Act 2020.

POLICY/RELEVANT LAW*Local Government Act 2020*

Golden Plains Shire Council's Governance Rules

PUBLIC TRANSPARENCY

Council approving the changing of a scheduled Council meeting date ensures that the public are provided reasonable notice.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Public notice will be provided via the standard advertising means including Council's website,

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 Council approve the changing of the June Council meeting date from 22 June 2021 to 29 June 2021

This option is recommended by officers as it allows the Mayor to attend and chair the meeting

Option 2 – The Council do not approve the changing of the June Council meeting date from 22 June 2021 to 29 June 2021

This option is not recommended by officers as the Mayor not be able to attend and as the June meeting includes the adoption of key reports for Council including the 2021-2025 Council Plan and the 2021/22 Budget.

CONFLICT OF INTEREST

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

CONCLUSION

Due to the timing of the 2021 National General Assembly (NGA) of Local Government in Canberra being held from Sunday 20 to Wednesday 23 June 2021 of which the Mayor will be attending, it is recommended that Council reschedule the June Council meeting from 22 June to 29 June 2021 to enable the Mayor to attend and chair the meeting.

7.3 P11143B & P11144A 168, 174 & 225 LYNCH ROAD, MAUDE (AMENDMENT TO PERMITS FOR EXTRACTIVE INDUSTRY)

File Number:

Author: Peter O'Brien, Town Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: Nil

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Refuse to Grant an Amendment to Planning Permits P11143B & P11144A for the use and development of land for extractive industry at 168, 174 & 225 Lynch Road, Maude on the following grounds:

1. The amendment to the permits will result in increased dust, noise and traffic and inappropriate off-site parking outcomes which will have a detrimental effect on the amenity and safety of the area.
2. The amendment to the permits will result in an increase in heavy vehicle traffic which will cause the deterioration of local roads and pose a safety risk to other road users.
3. The applications for amendment are not considered to satisfy the provisions of the planning scheme, including the Planning Policy Framework (Clauses 13.05-1S, 13.06-1S & 13.07-1S), Clause 52.09 (Stone extraction) and Clause 65.01.

EXECUTIVE SUMMARY

This report relates to applications to amend Planning Permits P11143A & P11144 for extractive industry at 168, 174 & 225 Lynch Road, Maude.

Extractive industry is defined at clause 73 of the Golden Plains Planning Scheme as follows:

Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works. It includes:

- o *The rehabilitation of the land; and*
- o *The treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery, or cement or asphalt products on, or adjacent to, the land from which the stone is extracted or removed.*

Planning permit application P11143B applies to the land on the eastern side of Lynch Road and P11144A applies to the land on the western side of Lynch Road. The land is spread across a number of parcels and has a total area of approximately 175.6ha and contains quarry pits, associated plant, buildings and accessways. The site is located in a Farming Zone approximately 2.5km north-east of the Maude township; some of the land is subject to the Bushfire Management Overlay (BMO), Environmental Significance Overlay (ESO3), and a very small portion of Land Subject to Inundation (LSIO) – 2%. Surrounding land contains a mixture of smaller scale rural activities and associated development.

The applications have been referred to the Council Meeting for determination because there are 5 objections to each of the applications. The report provides a background to the applications and a summary of the relevant planning considerations. Councillors have been provided with a full copy of the applications and objections for consideration before making a decision.

The applications propose to amend existing Planning Permits P11143A & P11144 by deleting the condition on each permit that limits the output of the quarry to 400,000 tonnes per annum (condition numbers 13 & 10 respectively). The condition on each permit is identical and reads as follows:

Output must not exceed 400,000 tonnes per annum for the combined Work Authority 1459 and Work Authority 345 unless with further written consent of the responsible authority.

Planning permits P11143 & P11144 were issued on 3 May 2012 and allow the use and development of the land for extractive industry. The permits were issued following mediation at VCAT between the applicant and objectors.

The quarry has been exceeding the annual output limit for the last few years by as much as 200,000 tonnes. When the matter was brought to Council's attention the applicant was issued with a planning infringement notice (PIN) and ordered to comply with the permit. It is understood that the applicant has ignored Council's order and continued to operate in breach of the output limit imposed by each of the permit conditions.

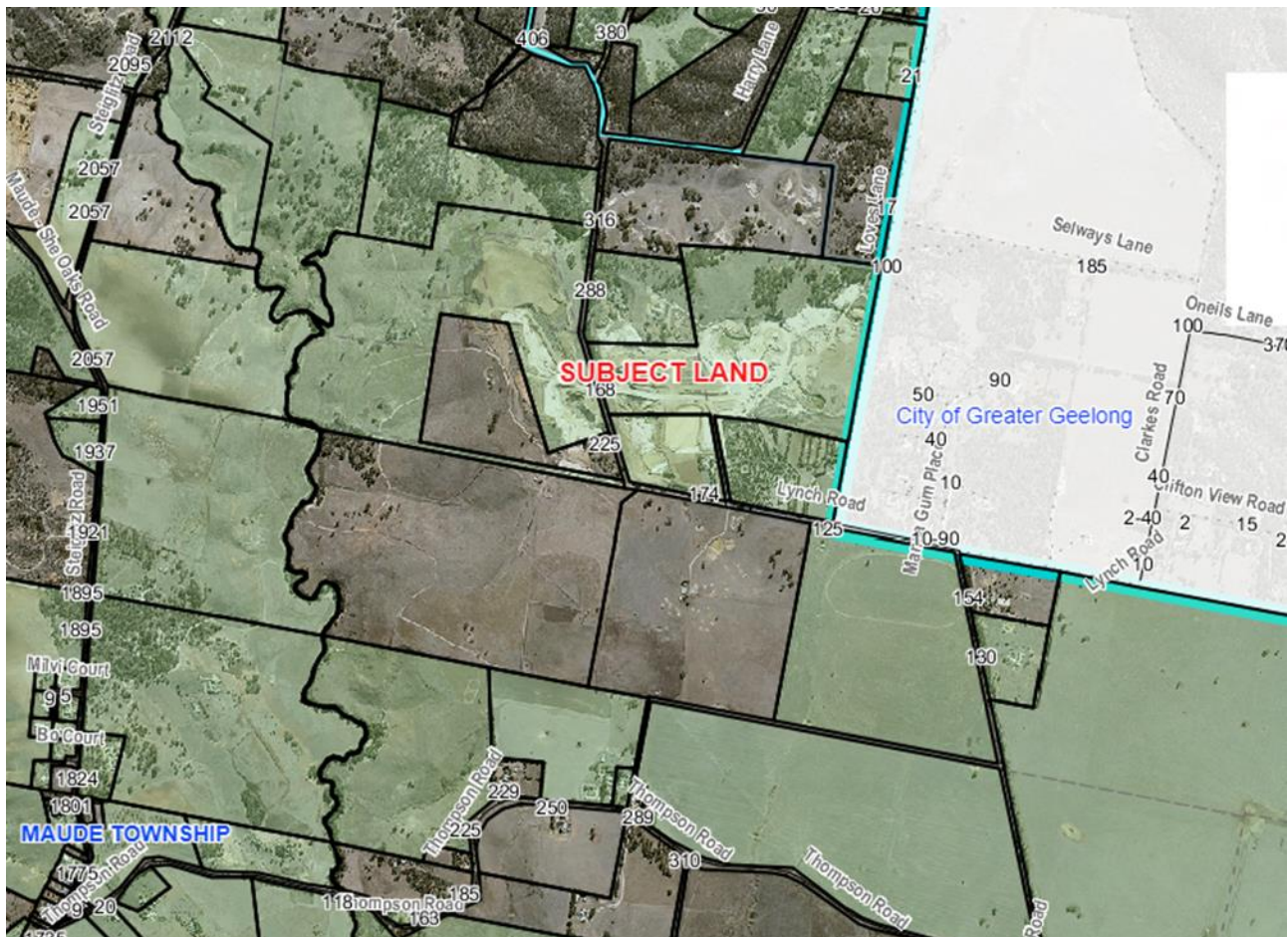
It is recommended the applications should be refused by Council because the removal of the limit on output will result in adverse amenity impacts on the surrounding area including increased dust, noise and traffic.

BACKGROUND

Site description

The subject land is an existing sand quarry ('Chelvon Quarry') situated over a number of parcels of land which are collectively known as 168, 174 & 225 Lynch Road, Maude. Planning permit P11143A applies to the land on the eastern side of Lynch Road and P11144 applies to the land on the western side of Lynch Road. The land has a total area of approximately 175.6ha and contains quarry pits, associated plant, buildings and accessways. The site is located in a Farming Zone approximately 2.5km north-east of the Maude township and some of the land is subject to the Bushfire Management Overlay (BMO), Environmental Significance Overlay (ESO3), and a very small portion of Land Subject to Inundation (LSIO) – 2%. Surrounding land contains a mixture of smaller scale rural activities and associated development.

Site map



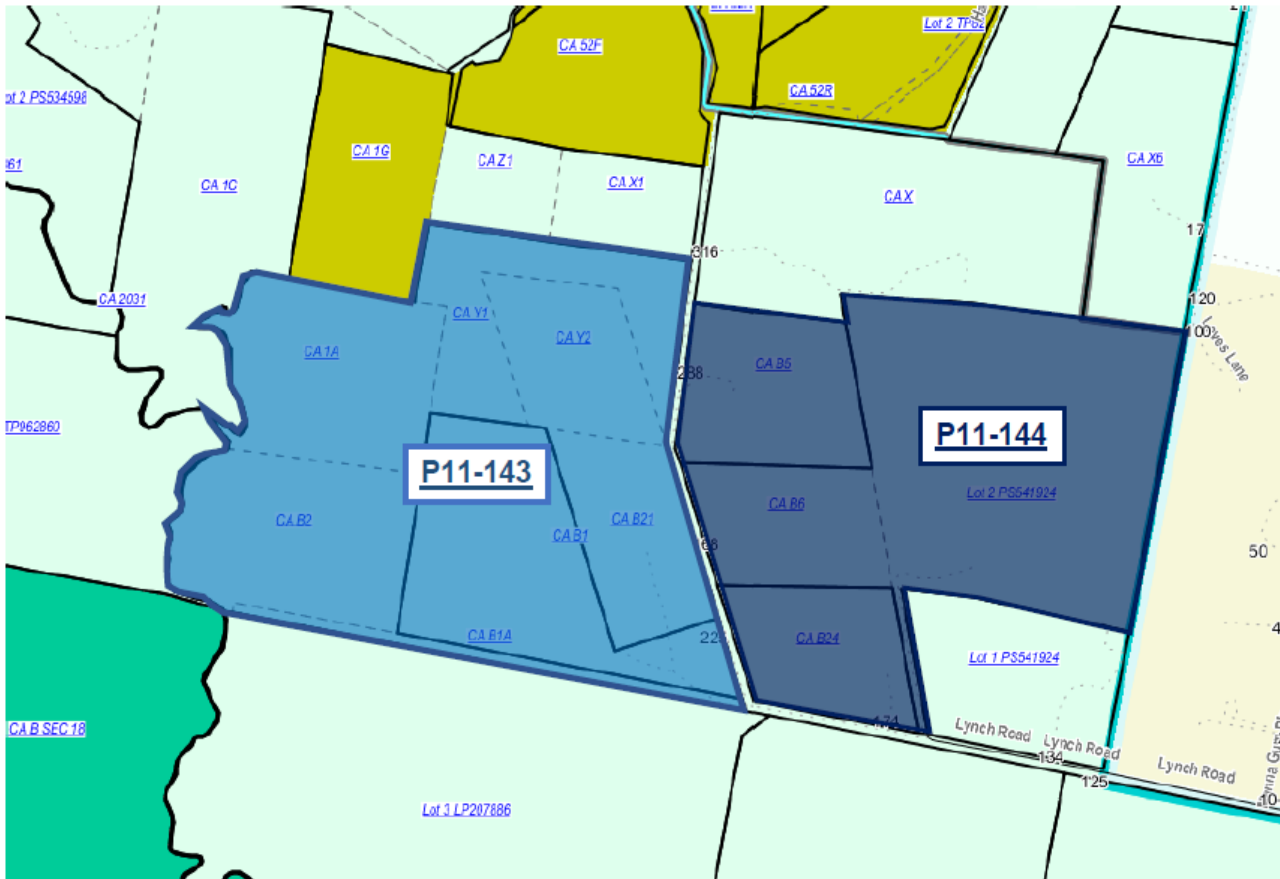
The proposal

The applications propose to amend Planning Permits P11143A & P11144 by deleting the condition on each permit that limits the output of the quarry to 400,000 tonnes per annum (condition numbers 13 & 10 respectively). The condition on each permit is identical and reads as follows:

Output must not exceed 400,000 tonnes per annum for the combined Work Authority 1459 and Work Authority 345 unless with further written consent of the responsible authority.

Planning permits P11143 & P11144 were issued on 3 May 2012 and allow the use and development of the land for extractive industry. The permits were issued following mediation at VCAT between the applicant and objectors.

Map showing land affected by each permit



The quarry has been exceeding the annual output limit for the last few years by as much as 200,000 tonnes. When the matter was brought to Council's attention the applicant was issued with a planning infringement notice and ordered to comply with the permit. It is understood that the applicant has ignored Council's order and continued to operate in breach of the output limit imposed by each of the permit conditions.

CONSULTATION

Notice of the applications were given in accordance with Section 52(1)(a) & (d) of the *Planning and Environment Act 1987* ('the Act'). Notice was sent by mail to adjoining and neighbouring owners and occupiers within 1km of the site. Notice was also provided by placing a sign on the site and a notice in the Saturday edition of the Geelong Advertiser newspaper.

As a result of the public notice, 5 objections were received to each application (four of the objectors objected to both applications). A copy of the objections have been provided to the Councillors under separate cover.

The main concern of objectors relates to increased heavy vehicle traffic (quarry trucks) that would result from the amendment to the permit. Concerns relate to the inadequacy of the existing road network for heavy vehicles, damage to roads from heavy vehicles and ongoing maintenance

issues, and safety risks to other road users. Other concerns were raised regarding amenity impacts such as dust and noise and rehabilitation of the quarry.

An online consultation meeting was held with the applicant and objectors on 11 March 2021. There was no agreement reached or resolution of objections as a result of this meeting.

ASSESSMENT

Processing of the application

The applications were submitted on 26 March 2020 and a preliminary assessment was undertaken. The applications were internally referred to Council's Works Department and as a result a further information request was made for a Traffic Impact Assessment Report and updated Traffic Management Plan. On receipt of the requested information the applications were referred under Section 55 of the Act to the Department of Jobs, Precincts & Regions (Earth Resources Regulation) and Heritage Victoria in accordance with Clause 66.02-8 of the planning scheme. Advice on the application was also sought from the EPA. The referral authorities and Council's Works Department had no objection to the amendment of the permit (the EPA did not respond to Council's request for advice).

Planning Scheme

Clause 13.05-1S Noise abatement

The objective of this clause is:

- To assist the control of noise effects on sensitive land uses

Strategy:

- 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 13.06-1S Air quality management

Objective:

- To assist the protection and improvement of air quality.

Strategies include:

- Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

Clause 13.07-1S Land use compatibility

Objective:

- 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.

Clause 14.03-1S Resource exploration and extraction

Objective:

- To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

Strategies include:

- Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.
- Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.

Clause 18.02-3S Road system

Objective:

- To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Strategies include:

- Make better use of roads for all road users through (among other things) specific freight routes (and) upgrade the road network to provide for upgrading of key freight routes.
- Improve the management of key freight routes to make freight operations more efficient while reducing their external impacts.

Zone and overlays

The site and surrounding area is in a Farming Zone (FZ), except for land to the east (located in the City of Greater Geelong) which is in a Rural Conservation Zone. The purpose of the Farming Zone is, among other things, to provide for the use of land for agriculture, to ensure that non-agricultural uses do not adversely affect the use of land for agriculture, and to encourage the retention of employment and population to support rural communities. Extractive industry is a 'Section 2 – permit required' use in the Farming Zone.

Before deciding on an application to use and develop land, Council must consider the decision guidelines contained in the Farming Zone, which include the following matters:

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use and development will require traffic management measures.

The subject land is partly affected by an Environmental Significance Overlay – Schedule 3, Bushfire Management Overlay and Land Subject to Inundation Overlay.

Particular provisions

Clause 52.09 Stone extraction and extractive industry interest areas

The purpose of this clause includes to ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

Before deciding on an application Council must consider, among other things:

- The ability of the stone extraction operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with relevant regulations.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.

General provisions

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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

Officers are of the view that the applications should be refused by Council because the removal of the limit on output will result in adverse amenity impacts on the surrounding area including increased dust, noise and traffic. In the last 3 years there has been a significant increase in the number of complaints to Council in relation to the quarry which has coincided with the breach of the output limit. These complaints are related to dust, noise, quarry trucks parked illegally and breaches of operating hours. More recent concerns raised via objections to the proposed amendments include safety concerns around the parking of quarry trucks at a school bus stop.

Photograph submitted by an objector showing a truck using a school bus stop area

(Refer to objector attachments for more photographs)



The applicant has admitted that loaded trucks will queue up very early, ready to leave the site, or a roadside, so as to get away early to unload, and to comply with the hours of operation stipulated on the planning permits. However, the use of these (roadside) areas do not form part of the quarry land and hence the permit. In another attempt to circumvent the permit controls, the permit holder has previously worked with a private landowner to create a car parking area (for trucks) on a farm

paddock. Although some objectors stated in the consultation meeting that they were in favour of that situation, it is a prohibited land use in the Farming Zone and was required to cease.

Whilst the desire of truck drivers to leave the site early and start travelling to their unloading destination is understood, this application does not propose to alter the hours of operation. Implementing non-conforming parking arrangements to comply with the hours of operation is not appropriate.

Further, it is not clear why provision cannot be made on the subject land for truck parking and waiting areas, rather than use roadsides or a school bus stop. The increase in complaints and objections from neighbouring landowners provides clear evidence in demonstrating the detrimental effect that increased output has on the amenity of the surrounding area.

The conditions of the permit were agreed upon by the applicant and objectors through mediation at VCAT. Given the potential for the quarry to have adverse amenity impacts and its close proximity to existing residential uses, the permit conditions, in particular those in relation to operating hours and the limit on output, were a fair compromise and afforded an appropriate level of protection to the amenity of the surrounding area.

The permits already allow for operation of Extractive industry. This use needs to be carefully managed to allow it to co-exist in its surrounding setting and ensure it does not reach a tipping point that creates unreasonable intrusion into the private and public realm by not aligning with the stipulated controls. The proposed expansion to the (tonnage limit) operation of these sites is considered to represent a tipping point in the ability of the applications to satisfy the relevant planning scheme policies related to noise abatement, protection of air quality and land compatibility (Clauses 13.05-1S, 13.06-1S & 13.07-1S) and the particular provisions applying to stone extraction (Clause 52.09). Some of the detrimental impacts because of the increased use of the sites is already known given the non-compliance with permit conditions.

The conditions of the permits including the limit on output are important measures designed to protect community amenity and the removal (in entirety, as is proposed) of any of these measures will result in unreasonable impacts on the amenity of the surrounding area, community and sensitive land uses.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

(Consideration of Service Performance Principles under s.106 of LGA 2020)	
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	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 set out in the *Planning and Environment Act 1987*, by way of letters to adjoining and neighbouring owners and occupiers.

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.

CULTURAL HERITAGE IMPLICATIONS

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

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 applications are not considered to satisfy the provisions of the planning scheme, including the Planning Policy Framework (Clauses 13.05-1S, 13.06-1S & 13.07-1S), Clause 52.09 (Stone extraction) and Clause 65.01. The deletion of the condition limiting the output of the quarry will result in increased dust and noise which will have a detrimental effect on the amenity of the area and increased heavy vehicle traffic which will cause the deterioration of local roads and pose a safety risk to other road users. It is therefore recommended that these applications be refused.

7.4 ROAD MANAGEMENT PLAN REVIEW

File Number:

Author: Vicki Shelton, Manager Asset Services

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments:

1. Road Management Plan 2021 - 2025 (under separate cover) 
2. Road Management Plan 2021-2025 Schedule of Amendments (under separate cover) 

RECOMMENDATION

That Council receive and endorse the Draft Road Management Plan 2021 - 2025 for community consultation.

EXECUTIVE SUMMARY

Council has reviewed its adopted Road Management Plan 2017-2021 in accordance with the provisions of *Road Management Act*.

Council must adopt the revised Municipal Road Management Plan 2021-2025 (Plan) by 30 June 2021 in order to have a valid Plan and be compliant with the Road Management (General) Regulations 2016.

This review has:

- Recognised the range of assets managed under the provisions of the Plan;
- Confirmed the identification of categories of roads subject to inspection;
- Reviewed and, where appropriate, revised intervention triggers and response times to ensure that the standards and priorities in relation to the inspection maintenance and repair of the roads are safe, efficient and appropriate for use by the community; and
- Included diagrams and descriptions of roadside use and responsibilities.

In accordance with Section 10 of the Road Management (General) Regulations 2016 the Plan will be made available for community feedback with submissions considered before final adoption of the Plan.

A schedule of amendments proposed is attached to this report (Attachment 1).

BACKGROUND

The purpose of a Municipal Road Management Plan is to establish a system for our road management functions, which is based on policy, operational objectives and available resources and to set a performance standard for our road management functions. The Plan must identify responsibilities, maintenance standards and inspection regimes for all road assets within its control.

The Shire's Municipal Road Management Plan (Plan) was previously reviewed and adopted in December 2017. Each review aims to ensure that the document is clear, accurate and up to date.

As required by the Road Management (General) Regulations 2016, the Plan is required to be reviewed by 30 June 2021 following the appointment of the new Council. Should the amended plan not be adopted by the 30 June 2021 the current plan is still active until such time that the amended plan is adopted.

A comprehensive internal review of the Plan was undertaken including input from external consultants and proposes amendments to the hazard identification and intervention response for road asset infrastructure. Data from our CRMS system, our inspection, maintenance and repair programs informed the proposed changes in inspection regimes and intervention levels. The plan was also simplified to Plain English and formatted to comply with modern asset management practices.

DISCUSSION

The Road Management Plan is primarily a technical document that establishes clear standards in terms of how road condition is to be managed. Roads are classified in terms of hierarchy, which is largely determined by the following:

- Which Authority has carriage of responsibility.
- The intensity of the road use and characteristics such as road width, allowable vehicle speed and the volume of traffic on the road.
- The nature of the surrounding land use, such as urban vs. rural, residential vs industrial, etc.
- The standard of construction a road enjoys. (sealed or unsealed, footpath or not, etc.)

The standard for each of these road classifications is then established in terms of defect severity, frequency of inspection, type of intervention and expected response time. Such standards are specific in awareness of the risk and the reasonable ability of the maintaining authority (Council) to be able to meet those standards.

If these stated standards are reasonably devised and achieved, the organisation has a valid defence against litigation.

In part as a result of the learnings from the last four [4] years, the updated Plan has adjusted its standards and, in all cases, has provided a more realistic measure, generally with a positive outcome.

Changes include

- A time within which a missing roadside pit lid can be 'made safe', as opposed to the time it takes to take delivery of the pit lid. That is achievable through management of pit lid purchasing and storage. With that change the response time will reduce from a minimum of one month to 24 hours.
- The standards that call for intervention (size of pothole that triggers intervention) have also been time adjusted from 6 weeks to 1 month, largely to provide more prompt intervention.

In addition to the above legally focussed measures, this updated RMP has provided greater explanation regarding the needs and benefits of the process, in addition to a more targeted commentary on the less technical aspects, including, but not limited to:

- The identification of roads that are managed by Regional Roads Victoria and those for which Golden Plains Shire has responsibility;
- The demarcation of the responsibilities for the driveway crossovers;
- The impacts of, and responsibility for, the utility services within the road reserve;
- The responsibility and maintenance expectations for nature strips;
- Consents to undertake works in the road reserve;
- Rewrite in Plain English to improve transparency of the Plan.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The review of the Road Management Plan has been completed with the primary intent of minimising risks associated with the management of the road network. This has inherently sought to keep the costs to Council and the Community to a practicable minimum, while maximising road network safety at the same time. Liaison with adjoining Municipalities has occurred where assets are shared. It is also noted that the overall process used within the *Road Management Act* that provides for Road Authorities to establish a Road Management Plan relies on cooperation with Regional Roads Victoria.

POLICY/RELEVANT LAW

The Municipal Road Management Plan has been prepared in accordance with the following Acts, Regulations and Codes of Practice:

- Local Government Act 1989 (Vic);
- Local Government (Best Value Principles) Act 1999 (Vic);
- Road Management Act 2004 (Vic);
- Road Management (General) Regulations 2016 (Vic);
- Road Management (Works and Infrastructure) Regulations 2015 (Vic);
- Road Safety Act 1986 (Vic);
- Wrongs Act 1958 (Vic); and
- Ministerial Codes of Practice.

The Plan was initially prepared in 2004 as per sections 49 to 55 of the Road Management Act (2004). The Road Management (General) Regulations 2016 provides guidance on the review frequency of the Plan.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Whilst roads through their existence carry significant environmental impacts, the *Road Management Act* - and its subsequent progress to the establishment of a Road Management Plan

- are initiatives that promote road safety and reduce financial risk, and accordingly cause no direct impact on the environment.

COMMUNITY ENGAGEMENT

As required by the Road Management (General) Regulations 2016, the Amended Plan will be advertised in a local paper, the Government Gazette and on our website with the document available to be inspected. Any person may make a submission to the proposed amendment. Submissions received will be considered and the Plan updated if required.

PUBLIC TRANSPARENCY

The update of the Golden Plains Shire Council Road Management Plan follows a process that allows for open consultation. The confirmation of the plan is presented in Open Council for transparency.

STRATEGIES/PLANS

The Golden Plains Shire Council Road Management Plan is a risk minimisation document that is necessarily devised by internal, technically skilled resources.

FINANCIAL MANAGEMENT

The Road Management Plan is a key document that provides a policy defence against litigation. The successful use of the plan carries significant financial benefit through the mitigation of Council's exposure to road-based litigation.

SERVICE PERFORMANCE

The ongoing use of a Road Management Plan, including the need to review the document every four [4] years, supports the need to optimise the methodologies involved with roads maintenance.

RISK ASSESSMENT

There are no additional risk implications beyond those discussed in the report, including how they are being managed.

COMMUNICATION

The Road Management Plan is available for public inspection and is available online. Following adoption the Council will issue notice in the Government Gazette that the Plan has been amended.

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 endorse the Road Management Plan – 2021 – 2025 for public submissions

Option 2 – Do Nothing – continue to apply the Road Management plan 2017-2021

Option 1 is recommended by officers as it is a requirement under the Road Management (General) Regulations 2016. The current plan contains intervention levels and inspection regimes which are not able to be met. Not adopting a new plan puts Council in breach of the Act.

CONFLICT OF INTEREST

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

CONCLUSION

The attached Road Management Plan is a well-considered document that provides to the community the essential details as to how roads are to be managed, and also provides a policy defence against litigation, with associated and significant potential financial benefit.

7.5 DRAFT G21 & AFL BARWON TOWARDS 2030: STRATEGY FOR PUBLIC EXHIBITION

File Number:

Author: Brodie Marston, Recreation Development Officer

Authoriser: Lisa Letic, Director Community Services

Attachments: 1. Draft G21 and AFL Barwon Towards 2030: Strategy (under separate cover) 

RECOMMENDATION

That Council:

1. Endorse the draft G21 and AFL Barwon Towards 2030: Strategy (Attachment One) for public exhibition for a period of 6 weeks from Monday 31 May to Sunday 11 July 2021 and invite submissions from the community.
2. Provide feedback to the draft G21 and AFL Barwon Towards 2030: Strategy, during the public exhibition period including:
 - (a) That Council provides in-principle support to the findings and strategic priorities outlined in the draft Strategy.
 - (b) That Council requests that the recommendations of the draft Strategy be presented as aspirational goals within the ten (10) year timeframe rather than statements of deliverables.
 - (c) That the requirement of sporting associations and peak bodies to develop the capacity of local football and netball clubs be strengthened within the recommendations.

EXECUTIVE SUMMARY

The draft G21 and AFL Barwon Towards 2030: Strategy aims to guide the future planning and development of football and netball throughout the G21 Region for the next 10 years.

The draft Strategy is an initiative of AFL Barwon and the G21 Sport & Recreation Pillar and has been informed by a facilities audit, participation data and with the collaboration and engagement of stakeholders in the G21 Region including the five participating Councils.

The project to develop/update the Strategy commenced in January 2020 and the draft document highlights key findings, current trends and strategic priorities for football and netball throughout the G21 Region, including for Golden Plains Shire.

The draft G21 and AFL Barwon Towards 2030: Strategy has been provided to the member Councils to enable a formal public exhibition process including allowing for broader feedback from the football and netball community. It is proposed that the draft Strategy be made available and advertised to the Golden Plains community for a period of 6 weeks from 31 May to 11 July 2021.

BACKGROUND

AFL Barwon in partnership with local government authorities within the G21 region (via the Sport & Recreation Pillar), commissioned insideEDGE Sport and Leisure Planning to develop the G21 and AFL Barwon Towards 2030: Strategy.

The draft G21 and AFL Barwon Towards 2030: Strategy builds on the efforts and achievements realised since the initial 2015 regional Strategy and aims to provide a roadmap for the continued enhancement of facility provision and participation, as well as an updated strategic framework that guides all project partners in collaboration.

The draft Strategy provides clubs, leagues, LGAs and other stakeholders the opportunity to align planning, investment and development priorities across the Region for the next 10 years. It

highlights the initial Strategy's achievements and details how changes and trends since this time have impacted and influenced community sports and their facilities.

The draft Strategy responds to new trends in participation, facilities and demographics and also reconsiders and refocuses on new emerging areas which will require strategic action.

DISCUSSION

The draft Strategy has highlighted a range of critical issues that AFL Barwon and G21 LGAs face regarding growth in football and netball participation and the need to prioritise and plan for infrastructure upgrades and new development.

The draft Strategy has considered a range of regional and local issues specific to Golden Plains Shire including:

- An aspiration that 80% of player and umpire change rooms for football and netball clubs are gender neutral, accessible and universal in their design by 2030.
- Develop partnerships with schools to advocate for access to facilities and consider collaborative investment into school facilities where increased usage outcomes can be demonstrated.
- Where gaps in provision are evident, ensure AFL and netball playing facilities have sports lighting to training standard to assist in meeting demand.
- All new/redevelopments to player and umpire change rooms must be gender neutral in their design.
- Gender neutral change facilities to be prioritised at Victoria Park (Bannockburn).
- Utilising participation projections, it is anticipated that by 2030 access to an additional 1 AFL oval and 1 netball court will be required in Golden Plains Shire. Increasing the capacity and/or capability of existing facilities, including those on education land, should be considered.

Strategic Directions in the draft Strategy highlight the following outcomes for Golden Plains Shire:

TASK	STRATEGIC RECOMMENDATIONS	TIMELINE	COUNCIL RESPONSIBILITY (Initiate, Deliver, Support)
1.2	Project partners and the G21 Sport & Recreation Pillar to work collaboratively in advocating for the continuation of existing, and identification of alternate, funding streams to support infrastructure investment, including the Country Football and Netball Program (CFNP)	Immediate	Deliver
2.1	Utilising facility audit information provided within the Strategy, prioritise collaborative investment with project partners into core facility upgrades where facility gaps are evident.	80% of all player and umpire change facilities to meet gender neutral, accessible and universal design requirements by 2030.	Initiate, Deliver
2.2	A collective, region-based approach with project partners to develop partnerships with schools to advocate for access to facilities where adequate provision is available to meet demand. Consider collaborative investment into school facilities where increased usage outcomes can be demonstrated, and promote and advertise accordingly.	Prior to the resumption of season, identify a collective approach to improve partnerships with schools to assist in meeting demand.	Initiate, Deliver

2.3	Develop all facilities to include lighting to a minimum training level standard – this will help alleviate demand and capacity issues experienced across the Region.	Utilising the facility audit information, upgrade facilities where need and demand necessitate as funding becomes available.	Initiate, Deliver
3.1	All new and redeveloped facilities must meet the requirements in the AFL's Preferred Facility Guidelines including the provision of gender neutral facilities for football and netball players as well as umpires.	100% of new football and netball player and umpire change room developments must be gender neutral.	Deliver
3.2	In conjunction with facility audit data and female participation information, prioritise gender neutral facility developments that address facility gaps.	Upgrade facilities that have existing female football participation but which are not gender neutral as priority (Victoria Park, Bannockburn)	Initiate, Deliver
3.3	In conjunction with facility audit data, continue to improve the quality of netball player and umpire change facilities in the Region to enhance participant experience and opportunity.	All netball player and umpire change facilities to be considered in good to excellent condition by 2030.	Initiate, Deliver
4.2	LGAs, AFL Barwon and Leisure Networks identify vulnerable areas experiencing participation decline. Develop participation strategies that identifies actions for improvement, resource requirements and a focus on school participation and linkages.	Immediate	Deliver
5.1	LGAs, AFL Barwon and project partners successfully provide access to additional football and netball facilities identified by LGA in the Appendices of the report (page 84 & 90). <i>Note (provision is based on teams/players not population as netball doesn't have a provision ratio based on population)</i>	Access to an additional 1 oval and 1 netball court by 2030. Note: the regional additional access is 23 ovals and 26 netball courts by 2030.	Initiate, Deliver
6.1	AFL Barwon and LGAs utilise and program the three identified regional level facilities (Spring Creek Reserve Torquay) to host higher level games and/or events.	Through AFL Barwon fixturing and opportunity for higher level event hosting.	Deliver

Strategic Recommendations to be undertaken by other stakeholders include:

TASK	STRATEGIC RECOMMENDATIONS	TIMELINE	COUNCIL RESPONSIBILITY (Initiate, Deliver, Support)
1.3	AFL Barwon to initiate the development of an annual State of Play report to outline participation trends, facility compliance, new development initiatives and the implementation of the Strategy.	Annually	Support
4.1	Project partners to set up a COVID-19 working group to establish a return-to-play timeline which includes strategies for engagement of participants during competition cessation and the ongoing monitoring of club health from season 2021 onwards.	Immediate	Support
4.3	AFL Victoria, Netball Victoria and AFL Barwon to work collaboratively in clarifying human resource allocation following COVID-19. An assessment and opportunity to further review and support the FDM roles should be explored further	2020/21	Support
6.2	AFL Barwon and AFL Victoria undertake a feasibility study in collaboration with project partners to identify the ideal location of a future long-term Regional Administration Centre.	End of 2021	Support

As part of the process of developing the G21 and AFL Barwon Towards 2030: Strategy, the draft document (Attachment One) has been completed and made available to the G21 Councils and stakeholders to enable a formal public exhibition period.

Consistent with the approach at the other four G21 member Councils and to enable the input of communities across the region, it is proposed that the draft G21 and AFL Barwon Towards 2030: Strategy be provided for public exhibition and submission for a period of six weeks from 31 May 2021 to 11 July 2021.

It is recommended that during the public submission period, Council provide written feedback to insideEDGE and the Project Control Group (PCG) for consideration in the final G21 and AFL Barwon Towards 2030: Strategy. In the submission, Council officers will:

- Confirm its support for the findings and strategic priorities outlined in the draft Strategy for the next 10 years which include focusing on changes and diversity in participation, enhanced club development/education, improved infrastructure and access to football and netball facilities across the network.
- Seek amendments for the recommendations of the Strategy to be represented as aspirational goals rather than firm commitments by the parties. This is to reflect that whilst Council supports enhanced facilities that deliver participation outcomes, any capital improvement request and opportunity will need to be considered on merit and be based on funds available and other competing financial demands.
- Propose that the requirement of sporting associations and peak bodies to develop the capacity of local football and netball clubs be strengthened in the recommendations. This represents an identified need for community clubs within the region and acknowledges that Council can only play a supporting role in delivering this important work.

REPORTING AND COMPLIANCE STATEMENTS

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

GOVERNANCE PRINCIPLES

Overarching governance principles in s.9 of the Local Government Act 2020 have been considered in the preparation of this report including:

- Collaboration with other Councils and Governments and statutory bodies is to be sought;
- The ongoing financial viability of Council is to be ensured;
- Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

COMMUNITY ENGAGEMENT

A thorough community engagement process was completed as part of the development of the original strategy completed in 2015. The process for the draft G21 and AFL Barwon Towards 2030: Strategy included re-engaging with selected stakeholders through a Project Control Group (PCG) and Project Reference Group (PRG) and consultation with the G21 LGAs, Sport & Recreation Victoria, AFL Victoria, Netball Victoria, AFL Barwon, Deakin University, Leisure Networks and the Geelong and District Football League.

A formal public exhibition period for the draft G21 and AFL Barwon Towards 2030: Strategy providing opportunities for wider engagement/feedback from Golden Plains residents and community groups is proposed in this report.

PUBLIC TRANSPARENCY

Public transparency principles have been considered in the preparation of this report and the recommendation to provide the draft G21 and AFL Barwon Towards 2030: Strategy for public exhibition including:

- Council decision making processes must be transparent;
- Council information must be understandable and accessible to members of the community;
- public awareness of the availability of Council information must be facilitated.

STRATEGIES/PLANS

The draft Strategy is an update that builds on the previous G21 and AFL Barwon Strategy and has been informed by an extensive audit of existing facilities, regional participation data, strategic frameworks, facility guidelines, growth area and infrastructure plans.

The draft G21 and AFL Barwon Towards 2030: Strategy will ensure that the data and recommendations remain current and reflective of industry trends, governing body requirements and community needs and will provide regional alignment for the development of any local level plans and strategies.

RISK ASSESSMENT

By being an active participant in the G21 Sport & Recreation Pillar and as a stakeholder in the G21 and AFL Barwon Towards 2030: Strategy process, Council is minimising the risk that participation in community sport and the provision of facilities in Golden Plains is not reflective of current best practice, regional priorities or industry trends/guidelines.

A further risk is that the community may not support the findings and recommendations of the draft G21 and AFL Barwon Towards 2030: Strategy. The public exhibition period proposed for the draft Strategy provides Golden Plains Shire residents and community groups with an opportunity to review and provide feedback on the regional strategy.

COMMUNICATION

Should the recommendation in this report be endorsed, Council Officers will promote the draft G21 and AFL Barwon Towards 2030: Strategy via Council's online platforms and through written communication with key football and netball stakeholders, clubs and user groups.

OPTIONS

Option 1 – Council endorse the recommendation to provide the draft G21 and AFL Barwon Towards 2030: Strategy for public exhibition.

This option is recommended by officers as it will enable Golden Plains residents and community groups to review and provide feedback on the recommendations and directions captured in the regional Strategy. This will ensure that actions impacting Golden Plains are accurate and consistent with the vision and needs of our community.

Option 2 – Council determines not to endorse the recommendation to provide the draft G21 and AFL Barwon Towards 2030: Strategy for public exhibition.

This option is not recommended by officers as it prevents the Golden Plains community from reviewing and providing feedback on the strategy prior to adoption and influencing the recommendations and actions that impact them.

Option 3 – Defer a decision to endorse the recommendation to provide the draft G21 and AFL Barwon Towards 2030: Strategy for public exhibition.

This option is not recommended by officers as the proposed timeframe and formal public exhibition process has been agreed to in principle by all five Local Government Authorities in the G21 Region through the Sport & Recreation Pillar. Deferring public exhibition could deny Golden Plain's residents and community groups the opportunity to provide feedback and/or delay the process of completing the final G21 and AFL Barwon Towards 2030: Strategy.

CONFLICT OF INTEREST

The officers involved in preparing this report have no conflict of interest in regard to this matter.

CONCLUSION

The draft G21 and AFL Barwon Towards 2030: Strategy has been developed to guide the future planning and development of football and netball throughout the G21 Region for the next 10 years and has been informed by a facilities audit, participation data and engagement with stakeholders.

It is proposed that the draft Strategy be provided for public exhibition and submission for a period of six weeks from Monday 31 May 2021 to Sunday 11 July 2021. This is consistent with the proposed approach at the other four G21 member Councils.

At the conclusion of the public exhibition period, insideEDGE will consider all community feedback and discuss any potential amendments with the Project Control Group (PCG) for the final G21 and AFL Barwon Towards 2030: Strategy. Following refinement, the final Strategy will be provided to Golden Plains Shire Council for endorsement and will also be received by the G21 Board, the four other G21 Council's, AFL Barwon and Netball Victoria.

7.6 COVID-19 HARDSHIP POLICY AND CUSTOMER ASSISTANCE PROGRESS

File Number:

Author: Fiona Rae, Manager Finance

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. COVID-19 Hardship Applications by Township  

RECOMMENDATION

That Council

1. Note the update on assistance provided to our residents through the COVID-19 recovery plan during 2020/21.
2. Extend the COVID-19 Financial Hardship Policy into 2021/22 and refer \$50k to the draft 2021/22 Budget for consideration.

EXECUTIVE SUMMARY

As at 30 April 2021, \$57,659 of the \$100,000 Covid-19 hardship fund has been used to financially assist 127 ratepayers who were financially impacted by Covid-19 pandemic. In addition, \$10,481 will be used to waive environmental health permits and \$9,900 to waive the Meredith interpretative centre lease resulting in \$21,960 remaining in the fund.

With the continued impacts from the COVID-19 pandemic, allocate \$50,000 within the 2021/22 budget to continue to provide financial assistance to those customers most in need.

BACKGROUND

Council developed a package of financial relief options for local residents and businesses in response to the COVID-19 pandemic which included developing a COVID-19 financial hardship policy with relaxed criteria and offered a rebate where criteria is met.

DISCUSSION

The COVID-19 financial hardship policy was developed to provide additional financial support to customers most in need of assistance and incorporates relaxed eligibility criteria and the ability to offer the following rebates to customers:

- Waiving a maximum of \$500 off rates at principal place of residence to customers receiving Jobseeker as a result of the COVID-19 pandemic.
- Waiving a maximum of \$500 off rates on businesses receiving Jobkeeper payments as a result of the COVID-19 pandemic
- Waiving \$100 off rates on properties for customers who can demonstrate 30% or more reduction in income

Requests for financial assistance has continued with increased requests occurring each time a customer has contact from Council (when instalment notices or final notices are issued). With the COVID-19 pandemic far from over and customers still experiencing financial hardship, \$50,000 to be considered to be included in the 2021/22 budget to extend the COVID-19 specific Hardship Policy.

Key Financial Data

Rate revenue is \$344k higher than budget due to customer growth higher than budgeted and increases in property values from supplementary valuations processed in the 2020/21 final quarter.

A number of customers have taken up payment plans, moved to the new monthly payment option or applied for a rebate under the revised COVID-19 financial hardship policy.

Key Indicator	June 2020	July 2020	Aug 2020	Jan 2021	April 2021	Comments
Customer Payment Plans <i>original hardship policy</i>	165	96	82	71	166	Total at reporting date
Hardship Applications <i>COVID-19 hardship policy</i>	2	2	24	103*	127*	Cumulative total
Monthly Payment Options	0	0	87	293	293	Cumulative total
Outstanding rates notices	2,355	1,908	11,285	7,385	5,644	Total at reporting date
Total debtors (<i>includes infringement debtors</i>)	\$2.356 M	\$1.928 M	\$26.932 M	\$16.52 M	\$7.27M	Total debtors at reporting date

* only 2 applications relate to businesses

Note – annual rates notices are issued in August each year, as reflected in the total debtor balance and number of rates notices outstanding.

As part of the Working for Victoria grant funding Council employed a Rates Hardship Officer to proactively contact customers in arrears to offer assistance by promoting the various payment options available, including paying by instalments and our recently introduced monthly payment option, and the COVID-19 hardship policy. Impacts from this customer contact is:

- The initial focus was contacting customers with long-term arrears resulting in 914 customers contacted clearing arrears of \$440,467, and
- The recent focus has involved contacting customers who received a final notice with 928 assessments reviewed resulting in a total of \$1,207,517.20 arrears cleared.

Costs associated with the COVID-19 pandemic include:

Description	2019-20	2020-21 YTD April
Waived interest on outstanding rates (reduction in income)	\$24,346	\$0
Rate rebates per COVID-19 financial hardship policy (\$100k budget)	\$0	\$57,659
Environmental health permits waived		\$10,481
75% reduction in Meredith Interpretive Centre lease fee		\$9,900
		\$78,040
COVID-19 risk operating costs (safety equipment, masks, wipes etc)	\$28,299	\$31,913
Funding for emergency meals	(\$6,541)	(\$18,002)
COVID-19 emergency meal expenses	<u>\$4,303</u>	<u>\$6,700</u>
Net cost/(profit) – <i>potential for surplus funds to be contributed towards more meals as pandemic continues</i>	(\$2,238)	(\$11,302)
Unspent grant funds carried forward		(\$33,000)
Funding for COVID-19 community activation/social isolation initiative	(\$33,000)	(\$25,000)
Community activation/social isolation expenses	<u>\$0</u>	<u>\$24,640</u>
Net cost/(profit) – <i>balance of grant funds remaining</i>	(\$33,000)	(\$33,360)

Note: Financial information in above table excludes commitments.

Council Officers have recommended waiving the following fees which will be applied against the \$100,000 COVID19 hardship budget with YTD remaining funds of \$42,341:

- Environmental health related permits to provide further assistance to customers and businesses at an estimated cost of \$10,481, and
- Meredith Interpretive Centre 75% reduction in lease charged equating to \$9,900.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

This Hardship 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

Annual Budget

COMMUNITY ENGAGEMENT

A formal consultation process was not required.

STRATEGIES/PLANS

A COVID-19 hardship policy was developed in response to the impacts from the pandemic. Key financial data provided in this report is directly related to customer assistance provided by Council and COVID-19 impacts.

FINANCIAL MANAGEMENT

Providing assistance to customers will assist in the collection of rates and charges from customers. Council set aside a budget of \$100k in 2020/21 for rebates where customers meet the COVID-19 hardship criteria and will consider allocating \$50k in 2021/22. This additional cost will provide support to a large number of customers who need assistance which will enable customers to pay their rates bill, which results in higher cash inflows and a reduction in debtor balances

RISK ASSESSMENT

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

The COVID-19 hardship rebate is only available to customers who meet the criteria. Council may still have a number of customers experiencing financial difficulties who do not meet the COVID-19 criteria, however other assistance previously available is still available to these customers, such as payment plans and the standard hardship policy.

COMMUNICATION

Assistance provided to rates customers is reported to SMT each month. A Council report was prepared in December 2020 to provide some background on the financial assistance offered to ratepayers and report the level of assistance provided to customers and statistics. This report provides an update on the level of assistance provided and current statistics.

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 – Note the contents of this report

This option is recommended by officers as the purpose of this report is to provide information on the level of assistance provided to customers and costs associated with COVID-19.

Option 2 – Note and adopt the contents of this report

This option is not recommended by officers as the report does not require adoption.

Option 3 – Do nothing

This option is not recommended by officers as Council should note the current status of the level of assistance provided to customers.

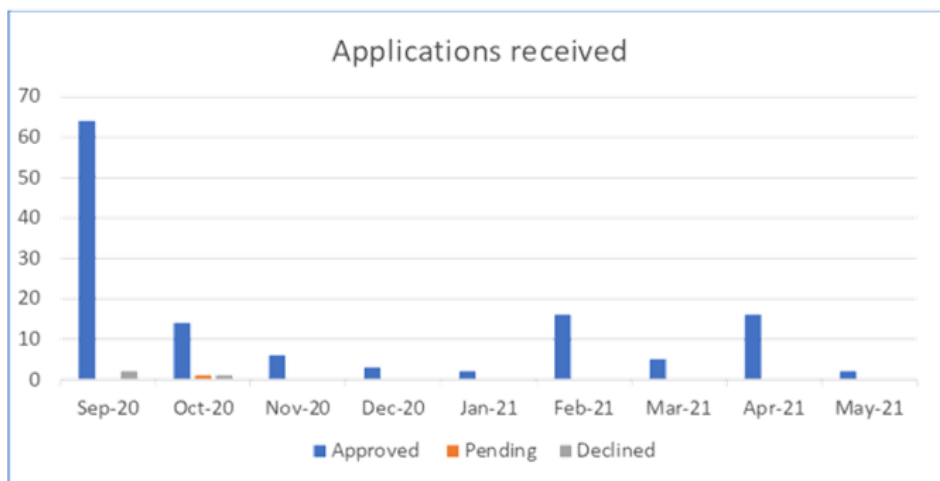
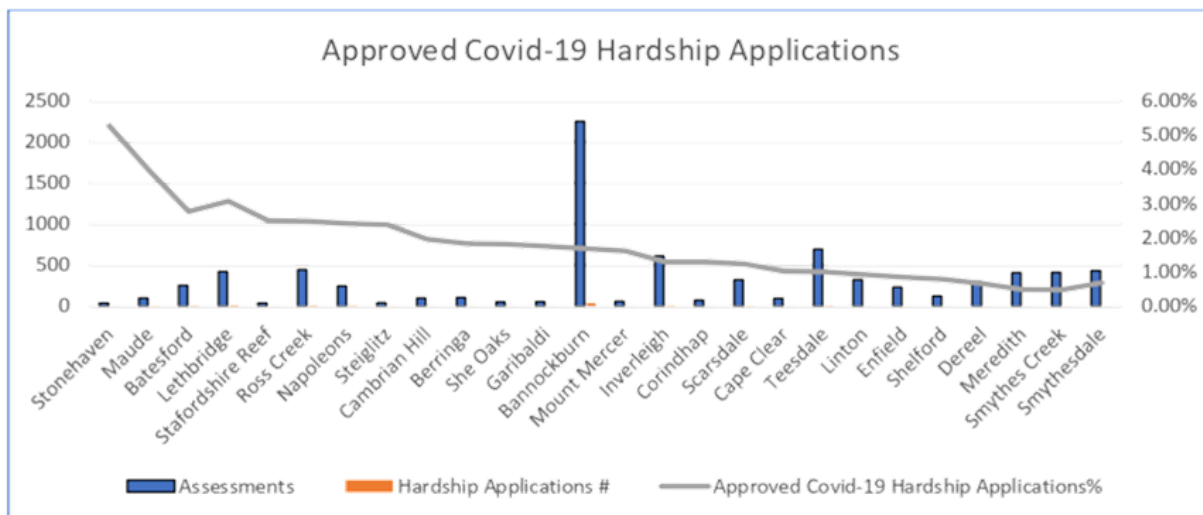
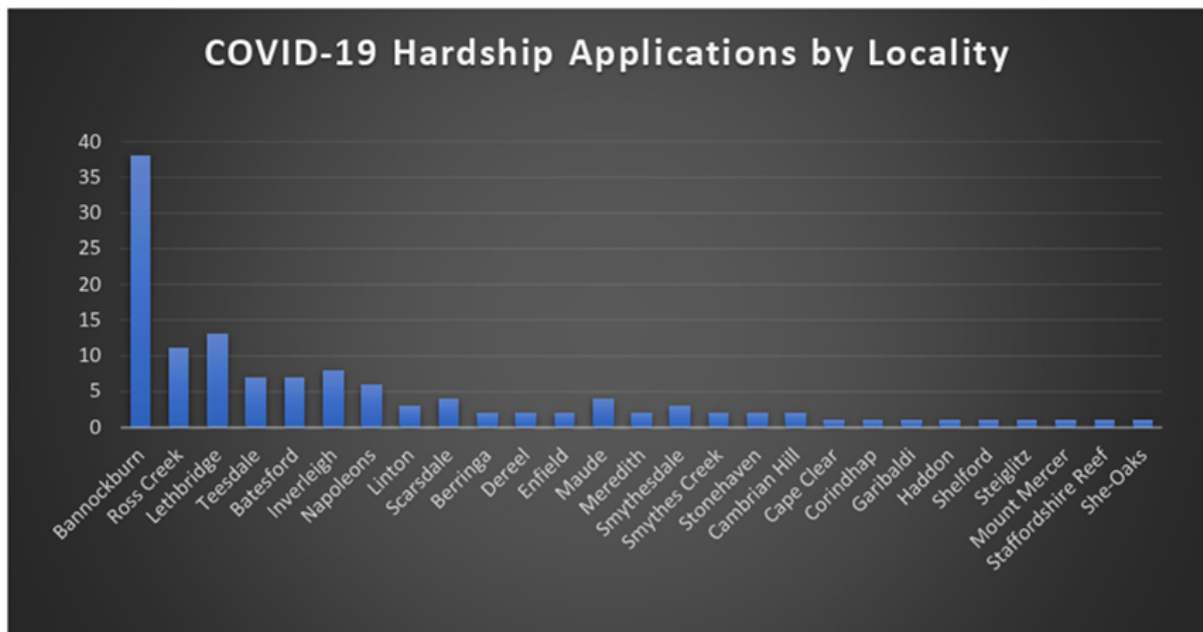
CONFLICT OF INTEREST

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

CONCLUSION

Regular updates will continue to be provided at monthly SMT meetings and quarterly updates provided to Council to monitor COVID-19 costs against the budget for hardship assistance for customers.

COVID-19 Hardship Applications by Township At 6 May 2021






7.7 NOMINATION OF STATE SIGNIFICANT PLACES FOR INCLUSION IN THE VICTORIAN HERITAGE REGISTER

File Number:

Author: Laura Murphy, Coordinator Strategic Planning

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments:

1. Heritage Assessment - Church of Epiphany, Meredith (under separate cover) 
2. Heritage Assessment - Presbyterian Church, Rokewood (under separate cover) 
3. Heritage Assessment - Police Stables and Lockup, Smythesdale (under separate cover) 

RECOMMENDATION

That Council endorse the nomination of the following places for inclusion in the Victorian Heritage Register (VHR):

- Church of Epiphany, Meredith (HO58)
- Presbyterian Church, Rokewood (HO61)
- Former Police Stables and Lock up, Smythesdale (HO68)

EXECUTIVE SUMMARY

Council Officers have reviewed several Heritage Assessments completed by Councils Heritage Advisor Dr. David Rowe. These assessments identify the sites listed above as having a state level of significance, and therefore Officers are seeking Councils approval to nominate these sites for inclusion in the VHR.

BACKGROUND

In 2012 Dr. David Rowe prepared a number of Heritage Assessments, these assessments were part of Amendment C53 to the Golden Plains Planning Scheme. The Amendment addressed anomalies and made corrections to information relating to heritage matters. The assessments for the three sites as detailed above identified their significance within the state of Victoria, not just locally.

In April 2021 the church was placed for sale on the open market. Council Planning Staff received a number of enquiries regarding the sale of the Church and the potential permit requirements for this site. During this time a request was received from a community member asking Council to nominate the Presbyterian Church in Rokewood for inclusion in the Victorian Heritage Register given it is considered to be of State Significance. Separately a petition was submitted to Council with a similar request. The petition was considered at the 16 April 2021 Council Meeting.

Officers agree that the Rokewood Church is worthy of nomination, as are the other two sites. It is therefore recommended all three sites be nominated for inclusion in the VHR. It is important to note that the Heritage Overlay would apply to the entire parcel of land not just the footprint of each significant building. More detail relating to each site is provided below.

Church of Epiphany, Meredith



Church of Epiphany site

The subject site is located at 7 Wallace Street in Meredith. The site is 8100m² in area and is in the Township Zone. The land is covered by the Design and Development Overlay Schedule 1 (DDO1) and the Heritage Overlay Schedule 58 (HO58).

As detailed below in the HO Schedule the church is subject to external paint controls and internal alteration controls.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO27	Woodbourne Homestead, Boundary Road, Meredith	Yes	Yes	Yes	Yes - Stables	No	Yes	No
HO29	Kuruc-a-ruc Homestead and Outbuildings, Kuruc-a-ruc Road, Rokewood	Yes	Yes	Yes	Yes	No	Yes	No
HO30	Rokewood Stone Arrangement, Rokewood	No	No	No	No	No	No	Yes
HO31	Golf Hill Homestead and Outbuildings, 1718 Bannockburn-Shelford Road, Bannockburn	Yes	Yes	Yes	Yes	No	Yes	No
HO34	Steiglitz Heritage Precinct	Yes	No	Yes	No	No	No	No
HO36	Brachychiton populneus (Kurrajong), Steiglitz Cottage, 22 Staughton Street, Meredith	No	No	Yes	No	No	No	No
HO46	Rosamond (former Somerset Inn), 82 Bannockburn-Shelford Road, Bannockburn	Yes	No	No	No	No	No	No
HO50	St Paul's Anglican Church Complex, 38 High Street, Inverleigh	Yes- church building only	Yes- church building only	No	No	No	Yes	No
HO52	Methodist Church, 23 Dundas Street, Inverleigh	Yes	No	No	No	No	No	No
HO53	Lawsons (former Horseshoe Inn) East Street, Inverleigh	Yes	No	No	No	No	Yes	No
HO54	Road Bridge, Quarry Road, Lethbridge	Yes	No	No	No	No	No	No
HO55	Native Creek No. 1 Run (former) and Moranghurk Woolshed (former), "Morbrook" 1820 Meredith-Shelford Road	Yes	No	No	No	No	No	No
HO58	Church of the Epiphany, 7 Wallace Street, Meredith	Yes	Yes	No	Yes- Hall	No	Yes	No

Heritage Overlay Schedule

The Church of Epiphany has outstanding significance as a highly intact and rare example of a Federation Arts and Crafts Gothic styled, modestly scaled rural timber church in Victoria. Built in 1913-14 to a design by the acclaimed Arts and Crafts Anglican Church architect, Alexander North, the church is notable for its gabled form, elevated apsidal chancel and porch belfry tower with squat broach spire.

Presbyterian Church, Rokewood



Rokewood Church site

The subject site is located at 60 Ferrars Street in Rokewood. The site is 4100m2 in area and is in the Township Zone. The land is covered by the Environmental Significance Overlay Schedule 2 (ESO2), the Heritage Overlay Schedule 61 (HO61) and a small percentage of Land Subject to Inundation Overlay (LSIO) associated with the Kuruc a ruc Creek.

As detailed below in the HO Schedule, the church is subject to external paint controls and internal alteration controls.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO59	Former Clyde Flour Mill and Managers Residence, 470 Russell's Bridge Road, Russell's Bridge	Yes	Yes	Yes	Yes – Former Mill	No	Yes	No
HO60	Minogues Store (former) and Residence, 1 Clow Street, Steiglitz	Yes	No	Yes	No	No	No	No
HO61	Rokewood Presbyterian Church Complex, 60 Ferrars Street, Rokewood	Yes (church building only)	Yes (church building only)	No	No	No	Yes	No

Heritage Overlay Schedule

The Rokewood Presbyterian Church has outstanding significance as a predominantly intact example of an unusual and distinguished Victorian Decorated Gothic-styled Presbyterian Church in a rural setting. The Church was constructed in 1856-66 and represents the first major design by Alexander Davidson, a prolific and notable architect hailing from Scotland who relocated to Rokewood in the mid-1800s.

Former Police Stables and Lockup, Smythesdale



Police Stables and Lockup site

The subject site is located at 62 Brooke Street, Smythesdale. The site is 3700m² in area and is in the Commercial 1 Zone. The land is covered by the Design and Development Overlay Schedule 1 (DDO1) and the Heritage Overlay Schedule 68 (HO68).

As detailed below in the HO Schedule external paint controls and internal alteration controls apply.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO59	Former Clyde Flour Mill and Managers Residence, 470 Russell's Bridge Road, Russell's Bridge	Yes	Yes	Yes	Yes – Former Mill	No	Yes	No
HO60	Minogues Store (former) and Residence, 1 Clow Street, Steiglitz	Yes	No	Yes	No	No	No	No
HO61	Rokewood Presbyterian Church Complex, 60 Ferrars Street, Rokewood	Yes (church building only)	Yes (church building only)	No	No	No	Yes	No
HO62	Leigh Presbyterian Church, 1716 Bannockburn-Sheffield Road, Sheffield	Yes (church building only)	Yes (church building only)	No	No	No	Yes	No
HO63	Primary School No. 379, 1727 Bannockburn-Sheffield Road, Sheffield	Yes	No	No	No	No	No	No
HO64	Methodist Chapel, 31 Thomson Street, Sheffield	Yes	No	No	No	No	No	No
HO65	Stand Pipe and Trough, Happy Valley Road, Happy Valley	Yes	No	No	No	No	No	No
HO66	Ross Creek Chapel (former), 377 Spratlings Road, Ross Creek	Yes	No	No	No	No	No	No
HO67	Court House Hotel, 63 Brooke Street, Smythesdale	Yes	No	No	No	No	No	No
HO68	Police Station, Stables and Lock-up (former), 62 Brooke Street, Smythesdale	Yes-stables and lock up buildings only	Yes-stables and lock up buildings only	No	No	No	Yes	No
HO69	Court House (former), 64 Brooke Street, Smythesdale	-	-	-	-	Yes Ref No H1653	Yes	No

Heritage Overlay Schedule

The former police stables and lock up, 62 Brooke Street, Smythesdale, has significance as rare and predominantly intact surviving examples of a 19th century police infrastructure buildings in the Golden Plains Shire. These buildings, along with the neighbouring court house, represent the only surviving structures of a considerable police complex on the former police reserve from 1859. The stables building was erected at this time and the lock up was built in 1866 at the height of the gold rush in Smythesdale. Both buildings are of standard Public Works Department design, in their gabled roof forms clad in slate, rendered brick wall construction (stables) and bluestone construction (lock up) and associated details.

The relevant heritage assessments prepared by Dr David Rowe are provided as Attachments.

DISCUSSION

While officers support the recommendation to nominate these sites, it is important to note that Heritage Victoria have a considerable back log of sites to assess. Given these sites are protected by existing Heritage Overlays they will not likely be given the highest priority by Heritage Victoria and it could be a number of years before they are assessed.

Furthermore, given the protection afforded by the existing Heritage Overlays these sites would not qualify for an Interim Protection Order as there is no immediate or imminent threat as per *Heritage Victoria and Heritage Council of Victoria Policy - Matters To Be Considered In The Making Of An Interim Protection Order Under Section 143(1) Of The Heritage Act 2017 (Adopted 4 June 2020)*.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

It is considered that the recommendation aligns with the overarching governance principles in s.9 of the Local Government Act 2020, namely that “priority is to be given to achieving the best outcomes for the municipal community” and “Collaboration with other Councils and Governments and statutory bodies is to be sought”.

The recognition of these sites as being of State Significance acknowledges their importance not only locally but within the State of Victoria, and further ensures the ongoing protection of the buildings and their history.

POLICY/RELEVANT LAW

It is considered that the report responds appropriately to the relevant law, namely to the Heritage Act 2017.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The report has no effect on the Shire’s response to climate change risk and does not have any implication on issues relating to environment and sustainability.

COMMUNITY ENGAGEMENT

There is no community engagement required to be undertaken by Council in order to provide this recommendation to Heritage Victoria.

Additionally, the need for this report has largely arisen from concerns expressed by the local community of Rokewood.

STRATEGIES/PLANS

The application to Heritage Victoria aligns with existing reports which have been prepared as background information to the Golden Plains Planning Scheme.

RISK ASSESSMENT

There are no identified risk implications associated with this 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 – Endorse the recommendation to nominate the three sites for inclusion in the Victorian Heritage Register.

This option is recommended by officers as it aligns with the assessments completed by Council’s Heritage Advisor and will ensure appropriate recognition of the subject sites.

Option 2 – Do not endorse the recommendation to nominate the three sites for inclusion in the Victorian Heritage Register.

This option is not recommended by officers as the buildings have been identified by Council’s Heritage Advisor as having features of State-significance across a multitude of the qualifying categories.

CONFLICT OF INTEREST

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

CONCLUSION

The three sites identified in this report are important, not only to the history of the Shire, but to the State of Victoria. The formal recognition of these buildings as being of State significance ensures their ongoing protection in addition to existing heritage controls, and enables appropriate recording of the buildings status.

7.8 MOBILE TRADERS POLICY

File Number:**Author:** Matthew Sims, Coordinator Community Safety**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Mobile Traders Policy (Draft) (under separate cover) 

RECOMMENDATION

That Council:

1. Endorse the Draft Mobile Traders Policy for public exhibition for four weeks seeking submissions.
2. Write to all current permit holders and food businesses within the Shire advising of the Draft Mobile Traders Policy.
3. Receive a further report following the public exhibition period to adopt the Mobile Traders Policy with due consideration to submissions.

EXECUTIVE SUMMARY

In April 2021, Council staff collaborated to produce a draft Mobile Traders Policy. The intention of the draft is to meet the needs of our growing community whilst attempting to protect current and future businesses operating in their locations within the Shire. Council needs to balance the needs of bricks and mortar businesses, the community and the requests from Mobile Traders.

To ensure a consistent, coordinated and equitable approach to mobile trading, a draft policy has been prepared that provides a framework to support the operation of mobile trading. It is recommended that Council exhibit the policy and seek submissions from the community.

BACKGROUND

Over a number of years, Council has received multiple requests from mobile traders to operate within the shire. These requests have ranged from food vans that would compete directly with current businesses to mobile traders that are offering emerging food styles. Prior to COVID, unless exceptional circumstances existed, officers would not permit mobile traders in a vast majority of cases.

COVID changed the landscape for a number of local, G21 or Central Highlands mobile trading businesses. These mobile trading businesses needed to diversify, with no markets or farmers markets to attend, they turned to Council to seek permission to operate on Municipal Land.

Even though Local Law No. 2 – General Public Amenity permitted the traders to operate with a permit, there was no policy guiding the issuing of a permit. Decisions were made with the following considerations:

- Proximity of the mobile trader to existing businesses;
- Time and day that the mobile trader wanted to operate; and
- Items being sold by the mobile trader were not entirely in direct opposition to a nearby business.

With demand on social media from the community (especially in Bannockburn) for different food offerings, developing a Mobile Traders Policy and permit process will ensure a consistent approach to managing mobile traders and ensure they add value to the Golden Plains community.

DISCUSSION

An investigation into other Victorian Councils identified that a vast majority of Councils support mobile trading. A recent Council report from Hobson's Bay highlighted that there are a number of

approaches that Council's take with mobile traders. Some Councils only require the business to be registered with the Victoria Government's Streatrader database, some Councils only permit operation in certain areas whilst a lot of Councils do not have a policy. Fees for trading can be up to \$20,000 per year in some Councils. The current fee for Mobile Traders Permit in Golden Plains Shire is \$560 per year.

The key challenges for Council to consider when managing mobile trading include:

- Considering how the new policy can enhance the local business landscape without creating direct competition for established businesses, particularly as some owners and operators of existing businesses have previously indicated strong opposition to mobile traders; and
- Ensuring that clear and consistent information is available from Council to potential traders, current businesses and the community. Without a clear policy, it is difficult to enforce a local law or issue a permit with no guiding principles.

To address these concerns, it is advisable that a Mobile Traders Policy be introduced in which officers and the community will be able to follow to provide clear and concise requirements for applying, issuing or refusing a permit.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

Priority is to be given to achieving the best outcomes for the municipal community.

POLICY/RELEVANT LAW

The authority to issue or refuse a permit application is located in Council's Local Law No. 2 – General Public Amenity.

COMMUNITY ENGAGEMENT

Council will exhibit this draft Mobile Trader Policy and seek input from the community. Council will contact all current permit holders and all food businesses within the shire to make a submission.

PUBLIC TRANSPARENCY

Council will exhibit this draft Mobile Trader Policy and seek input from the community. Council will contact all current permit holders and all food businesses within the shire to make a submission. These submissions will be collated and presented to Council at a later date.

COMMUNICATION

Council will use its social media platforms and the Golden Plains Times, together with a mail out to food businesses and current permit holders to inform all parties about the draft policy being open for submissions.

OPTIONS

Option 1 – That Council publicly exhibits the draft Mobile Traders Policy as per this report, exhibits the draft policy and that Council receives a further report as to the submissions.

This option is recommended by officers as it allows the Policy to be exhibited to the community and for the community to provide feedback.

Option 2 – That Council adopt to Mobile Traders Policy without exhibiting the policy publicly.

This option is not recommended by officers as it does not give the community an opportunity to contribute and make submissions to the policy.

Option 3 – Not introduce a policy at all.

This option is not recommended by officers as it does not give the officers clarity when issuing or refusing a permit to operate as a mobile trader.

CONFLICT OF INTEREST

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

CONCLUSION

The current Local Law No. 2 allows for mobile trading when a permit has been granted. It is recommended the draft policy be exhibited to allow for feedback and for the community to make submissions to the policy. It is envisaged, with due regard to submissions received, that a Mobile Traders Policy be introduced to allow for more clarity around these permits.

7.9 BANNOCKBURN GROWTH PLAN - UPDATE

File Number:**Author:** Laura Murphy, Coordinator Strategic Planning**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. VPA Projects Standing Advisory Committee Referral Report - Bannockburn Growth Plan (under separate cover) **RECOMMENDATION**

That Council note the update on the Bannockburn Growth Plan.

EXECUTIVE SUMMARY

This report is to provide an update on the Bannockburn Growth Plan following the Victorian Planning Authority Standing Advisory Committee review (VPA SAC).

BACKGROUND

As part of the VPA – Fast-Track Program, the Bannockburn Growth Plan was subject to review by VPA Projects Standing Advisory Committee (VPA SAC). The VPA SAC was established to provide independent advice on draft planning scheme amendments to the VPA and the Minister for Planning.

A roundtable discussion was held via video conference on 1, 2 and 3 March 2021 to consider submissions referred to the Committee by the Minister. The SAC submitted its report on the outcomes and recommendations of the roundtable to the Minister and the VPA on 6 April 2021. The report was released to Council and the public in accordance with the Terms of Reference on 20 April 2021, 10 business days after its receipt.

DISCUSSION

The Committee recommended the following changes to the draft Amendment to the Golden Plains Planning Scheme:

1. Amend the exhibited draft Bannockburn Growth Plan consistent with the Victorian Planning Authority (VPA) Day 1 changes and VPA Day 3 changes (no changes identified on Day 2) with the following additional changes:
 - a) include a cultural heritage principle in the list of Growth Plan principles with appropriate dot point objective(s)
 - b) replace the proposed double asterisk notation in 'Table 5 Housing and community infrastructure actions – growth' relating to Actions 1.4 to 1.6 with the words "In relation to the North West Development Plan Growth Area, planning for this area in the short term is independent of these actions unless these actions have been completed or guidance is in place at the time of any rezoning"
 - c) amend Action 1.9 'Emergency services' in Table 5 to "Work with relevant agencies to determine an appropriate location for an emergency services precinct"
 - d) amend 'Plan 6 Housing and Community Infrastructure' to replace the notation 'Intermodal transport hub & emergency services precinct' with "Intermodal transport hub & potential emergency services precinct", and amend the related legend notation to "Option for emergency services precinct"
 - e) amend 'Plan 9 Bushfire & Buffers' and associated discussion under 'Buffers and Easements' to clarify the role of buffers, particularly as they relate to the proposed business park expansion

- f) include at 'Table 10 Environment and water actions – growth areas' an advocacy action for the preparation of a Management Plan for the Bannockburn Flora and Fauna Reserve
 - g) include at 'Table 12 Transport and Movement - growth areas' an advocacy action for funding of the Milton Street and proposed Arterial road bridge crossings of Bruce's Creek.
2. Amend the exhibited draft Clauses 02.03 and 11.03-6L consistent with the VPA's final changes as identified in the VPA CFA changes (Document 57) with the following additional changes:
 - a) include the final version of the Framework Plan.
 3. Amend the exhibited draft Clause 72.04 to refer to the updated date for the final version of the Bannockburn Growth Plan.

The full Referral Report can be found at Attachment 1.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

RISK ASSESSMENT

There are no identified risk implications associated with this 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).

CONFLICT OF INTEREST

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

CONCLUSION





Following the receipt of the VPA SAC Referral Report, the VPA and the Strategic Planning Team have worked towards finalising the amendment. The VPA will forward the amendment to the Minister mid to late May which will hopefully be approved and gazetted before the end of the financial year. Once this has occurred, work on the South East Precinct Structure Plan and associated Development Contributions Plan can progress further.

7.10 PROPOSED NAMING OF UN-NAMED ROAD, LETHBRIDGE SUBMISSION RESULTS

File Number:

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. **Submission Results**  
2. **Location Map**  

RECOMMENDATION

That Council:

1. Receive and note the public submissions received on the naming of the unnamed road in Lethbridge to 'Capron Lane'.
2. Resolve to name the unnamed road in Lethbridge 'Capron Lane' and request official gazettal of the name from the Registrar of Geographic Names.

EXECUTIVE SUMMARY

At its meeting held on 23 March 2021, Council resolved to:

1. Endorse naming the currently un-named section of road off Clarke's Road, Lethbridge, 'Capron Lane' in accordance with the *Naming Rules for places in Victoria – Statutory Requirements for naming roads, features and localities - 2016*.
2. Advertise its intention to name the road 'Capron Lane' and invite feedback from the community in accordance with Council's Community Engagement Policy.
3. Consider any submissions or objections received during the advertised period and if no objections are received, proceed with the gazettal process.

The public consultation period commenced on Wednesday, 24 March 2021 and closed on Friday, 23 April 2021. A public notice was published on Council's website on 24 March 2021 and was supported by additional notices in the Golden Plains Times on 1 April 2021 and multiple posts on Council's social media pages throughout the consultation. An article was also printed in the Golden Plains Times on 8 April 2021.

As a result of this public consultation period a total of 9 submissions were lodged using the online submission form. One submission was withdrawn prior to the close of the consultation resulting in 8 submissions for Council's consideration. Comments in favour of the proposed name were also received on Council's Facebook post on 13 April 2021. A copy of the submissions received is provided in attachment 1.

BACKGROUND

Council received a request from a resident for a section of unmade road leading to their property and principle place of residence to be added to Council's road register for maintenance and grading purposes. The road is located off Clarkes Road in Lethbridge – see map in attachment 2.

The request meets the criteria required to add the road to the Road Register and was supported by the Director of Assets and Amenities (at the time) and the Roads and Drainage Engineer. To be included on the road register, the road must also be given a unique name.

The proposed name 'Capron Lane' was put up for consideration for the following reasons:

- W. Capron was an original landowner
- The Capron family owned a large dairy farm in nearby Russells Bridge (Reference: The Stepping Stone – A History of the Shire of Bannockburn Page 83).

- There is evidence within Council documents to show that the section of road was previously named 'Capron Lane' but the name has not recently been in use or previously registered.

The name 'Capron Lane' was also assessed against all 12 of the naming principles and a request for In-Principle support was endorsed by the Registrar of Geographic Names on the 28th January 2021.

DISCUSSION

Following the public consultation period 8 submissions were received. 6 submissions were in favour of the name and 2 provided alternative name suggestions. These submissions and the Council officer response are summarised in the following table:

Date Received	Nature of Response	Alternative Suggestions	Reason for supporting name or suggesting alternative	Officer Response
24/03/2021	Suggested Alternative Name	Lagertha Lane	'Lagertha' is a Viking name. We should be including more references to strong females in our road/place naming.	The proposed name does not comply with naming principle C – Linking the name to place. Capron Lane is a more suitable fit for this location. Noted preference for names to be after strong female figures.
25/03/2021	In Favour	N/A	Name is supportive of the history of the region. As a resident in the Lethbridge Community feel this is important.	Noted.
25/03/2021	Suggested Alternative Name	Roadymcroadface Road	Cos its rad	Name does not comply with the Naming Rules.
14/04/2021	In Favour	N/A	The Capron's have been a significant families for over 150 years. Fitting.	Noted.
15/04/2021	In Favour	N/A	My Mother's maiden name is Capron. She is one of the Capron family who had the dairy farm at Russells's Bridge. The Capron Family have been well known and respected in the Bannockburn and surrounding areas for many years. They were one of the original families in the area, selecting their land from the Clyde Company. The farm in Russell's Bridge is still owned by a Capron family relative making it one of the longest standing farm holdings in the area. It would be wonderful to have the road named after their family.	Noted.

15/04/2021	In Favour	N/A	Capron Lane would honour the original landowners, many descendants still live around the area including myself. My mother who is still living at 92 was one of the Capron family. Thank you for putting the name forward, I hope it is successful.	Noted.
22/04/2021	In Favour	N/A	I'm a descendant of the Capron family (paternal grandmother a Capron) and I'm living in Lethbridge - my family still farm the land at Russells Bridge. I think this is a lovely tribute to our family's history in the region!	Noted.
22/04/2021	In Favour	N/A	I would support the naming of "Capron Lane" in recognition to the history of the pioneering family who took up property, in the vicinity, to strive for a life in the new land. It would also be wonderful to acknowledge the Capron line of ownership of the, once dairy, farm in Russells Bridge with the possible naming of the ford crossing, at the creek, on Parker Road in Russells Bridge.	Noted. It has been confirmed with the Office of Geographic Names that the Ford at Russells Bridge would also be able to be named using the 'Capron' name. A separate request would need to be presented to Council to consider and public consultation processes followed.

Following consideration of all submissions against DELWP's Naming Rules for places in Victoria it is determined that no suitable alternate names for the road have been provided and there is enough favourable support for the initially proposed name for Council to resolve to rename the road 'Capron Lane'.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

(Consideration of Strategic Planning Principles under s.89 of LGA 2020)	
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the recommendation for Council to resolve to name the currently un-named section of road off Clarke's Road, Lethbridge, 'Capron Lane' 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 public consultation period commenced on Wednesday, 24 March 2021 and closed on Friday, 23 April 2021. A public notice was published on Council's website on 24 March 2021 and was supported by additional notices in the Golden Plains Times on 01 April 2021 and multiple posts on Council's social media pages throughout the consultation. An article was also printed in the Golden Plains Times on 08 April 2021.

PUBLIC TRANSPARENCY

Information on how the proposed name was determined has been provided in previous Council reports and are available to view on Council's website.

Any decisions made as part of this naming process will be made by resolution at a public Council Meeting. Council will ensure that all decisions made are transparent and reported to the community.

Once the final name has been approved by Council, notices will be published on Council's website and social media channels. Letters will also be sent to all submitters advising of Council's decision.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Council's decision on the name will be communicated on Council's website and social media channels. Updates will also be provided on the Have Your Say page.

Letters will also be sent to all submitters advising of Council's decision.

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).

OPTIONSOption 1 – That Council support the recommendation as detailed

This option is recommended by officers as the name 'Capron Lane' received several favourable responses from the public consultation and also has in-principle support from the Registrar of Geographic Names.

Option 2 – That Council request further consultation on the proposed name

This option is not recommended by officers as the minimum period for consultation has been met in accordance with the Naming Rules for Places in Victoria with several submissions being received.

Option 3 – That Council abandon the naming proposal

This option is not recommended by officers as abandoning the proposal would not allow the road to be added to Council's Road Register.

CONFLICT OF INTEREST

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

CONCLUSION

Given the number of favourable submissions received during the public consultation period and no suitable alternative names being identified, it is recommended that Council now resolve to name the unnamed road 'Capron Lane' as proposed and request official gazettal of the name by the Registrar of Geographic Names.

Un-named Road, Lethbridge Consultation Results

#	Submitted Date	Suburb/Town	Post Code	Do you support the proposed naming of 'Capron Lane'?	Please provide a reason why you do or do not support the proposed name:	Do you have any alternative name suggestions to put forward?	Please provide background to the suggested name and how it complies with the Naming Rules for Places in Victoria:
1	24/03/2021	Bannockburn	3331	No	Something more memorable or modern.	Lagertha Lane	'Lagertha' is a Viking name. We should be including more references to strong females in our road/place naming.
2	25/03/2021	Lethbridge	3332	Yes	Name is supportive of the history of the region. As a resident in the Lethbridge Community feel this is important.	N/A	N/A
3	25/03/2021	Bannockburn	3331	No	I have another suggestion	Roadymcroadface Rd	Cos its rad
4	14/04/2021	Preston	4352	Yes	The Capron's have been a significant families for over 150 years. Fitting.	N/A	N/A
5	15/04/2021	Wandana Heights	3216	Yes	My Mother's maiden name is Capron. She is one of the Capron family who had the dairy farm at Russells's Bridge. The Capron Family have been well known and respected in the Bannockburn and surrounding areas for many years. They were one of the original families in the area, selecting their land from the Clyde Company. The farm in Russell's Bridge is still owned by a Capron family relative making it one of the longest standing farm holdings in the area. It would be wonderful to have the road named after their family.	No.	N/A
6	15/04/2021	Buckley	3240	Yes	Capron Lane would honour the original landowners ,many descendants still live around the area including myself. My mother who is still living at 92 was one of the Capron family. Thank you for putting the name forward, I hope it is successful.	N/A	N/A
7	22/04/2021	Lethbridge	3332	Yes	I'm a descendant of the Capron family (paternal grandmother a Capron) and I'm living in Lethbridge - my family still farm the land at Russells Bridge. I think this is a lovely tribute to our family's history in the region!	N/A	N/A
8	22/04/2021	Bannockburn	3331	Yes	I would support the naming of "Capron Lane" in recognition to the history of the pioneering family who took up property, in the vicinity, to strive for a life in the new land. It would also be wonderful to acknowledge the Capron line of ownership of the, once dairy, farm in Russells Bridge with the possible naming of the ford crossing, at the creek, on Parker Road in Russells Bridge.	N/A	N/A

19/05/2021

1




7.11 MELBOURNE CUP PUBLIC HOLIDAY CONSULTATION RESULTS

File Number:

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. Table of Submissions - Melbourne Cup Public Holiday (under separate cover) 
2. Communications and Engagement (under separate cover) 

RECOMMENDATION

That Council:

1. Receive the results of the Melbourne Cup Public Holiday public consultation held between 24 February 2021 and 18 April 2021.
 2. Make a final determination on the Public Holiday arrangements for the next four years.
-

EXECUTIVE SUMMARY

At the meeting held on 23 February 2021 Council resolved to seek feedback from the community to determine whether to observe the Melbourne Cup Public Holiday or another alternative for the next four years.

Consultation was held between 24 February 2021 and 18 April 2021 with a total of 100 submissions received and the results have been attached for Council to review.

BACKGROUND

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 observe the nominated Geelong Show Day.

As previous consultation was conducted 10 years ago, it was recommended that Council seek further feedback from the Community on their preference for alternative arrangements for the Melbourne Cup Public Holiday. Options put forward 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 or other day of local significance
- Observe the Melbourne Cup Holiday in all parts of the Shire as nominated by the State

DISCUSSION

Consultation was open between 24 February 2021 and 18 April 2021 with a total of 100 submissions received via Council's Have Your Say Page. 5 submissions were unable to be counted as they were either duplicate submissions from the same resident or were considered invalid votes.

Of the 95 valid submission, 51 respondents indicated that a local day of significance should be observed instead of Melbourne Cup and 44 indicated the Melbourne Cup Day should be observed.

40 of the 51 respondents that thought a local day of significance should be observed elected the Geelong and Ballarat Show Days as their preferred alternative, 10 were supportive of the Geelong and Ballarat Cup Day and there was 1 suggestion for an alternative day.

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

Council may like to note that City of Ballarat at its Council meeting held on 28 April 2021 resolved to determine the dates for the public holiday for the municipal district as Melbourne Cup Day, for the years 2021 – 2024. Whilst preparing their report, Council Officers received feedback from the Ballarat Agricultural and Pastoral Society, who reported that they will not be seeking Council to declare Ballarat Show Day as the public holiday for the foreseeable future.

It should also be noted that 5 of the responses received during the public consultation indicated a preference for Ballarat Show Day as their preferred alternative holiday and commented that this was due to wanting to align with City of Ballarat, or larger local Councils.

To date, only 3 Councils have confirmed alternative arrangements for 2021 with the Minister, including the City of Greater Geelong which has declared Geelong Cup, Wednesday 20 October as the public holiday in their municipality.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, considering the results of the public consultation to determine 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 open between Wednesday 24 February 2021 and Sunday 18 April 2021. Council promoted the engagement via the Have Your Say page on Council's website, in the Golden Plains Times on 4 March, 25 March, 8 April and 15 April, in Issue 2 of the Golden Plains Shire Gazette and in the March edition of Golden Plains Business News. A direct email communication was distributed to Council's Community Engagement Register and the consultation was also supported by several social media posts.

Further information on the engagement is available in attachment 2.

PUBLIC TRANSPARENCY

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

COMMUNICATION

Results of the consultation are made available to the public through the publishing of this report in the Council Agenda.

Once Council consider the submissions and make a determination on the public holiday arrangements for the next four years, if required, Council will write to the Minister for Small Business to request alternative arrangements. Confirmation of the alternative dates will be published in the Government Gazette and following this, the public notices as detailed in the Public Transparency part of this report will be arranged.

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 receive the submissions of the Public Holiday consultation.

Option 2 – That Council do not support the recommendation

This option is not recommended by officers as the report is not seeking a decision on the matter.

Option 3 – That Council request the consultation period be extended

This option is not recommended by officers as it would further delay the process of finalising the public holiday arrangements and may result in the deadline to write to the Minister being missed.

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 24 April 2021 and 18 April 2021 it is recommended that Council receive the submissions and make a final determination on the public holiday arrangements for the next four years.

7.12 PLANNING PERMIT COMPLIANCE POLICY - 2021

File Number:

Author: Mike Cooke, Investigations Officer

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: 1. **Planning Permit Compliance Policy** [↓](#) 

RECOMMENDATION

That Council adopts the revised Planning Permit Compliance Policy, 2021 as attached.

EXECUTIVE SUMMARY

This policy, previously titled Planning Permit Enforcement Policy, outlines Council's strategy for ensuring compliance with planning permit conditions.

It provides a framework for undertaking a range of annual compliance inspections addressing both focused inspections and proactive compliance checks.

Focused compliance inspections are to be conducted on the following types of planning permits:

- Intensive Animal Husbandry
- Accommodation permits on land covered by the Bushfire Management Overlay
- Extractive Industries
- New dwelling approvals in the Farming Zone under 100 hectares
- Multi-lot subdivisions

BACKGROUND

The Investigations Officer role was created in 2011 as part of a concerted effort by Council to adopt a more strategic approach to planning enforcement. Prior to the introduction of the Investigations Officer role, Council's enforcement efforts could be best described as complaint driven or reactionary. The practice of undertaking random compliance inspections was considered to be the most appropriate method for identifying major issues and for covering a large range of permit application types. However, over time our records have shown that many amenity complaints received by Council are related to certain types of land use and development approval. It is therefore considered that focused compliance inspections in addition to proactive compliance checks, where possible, produce the best results with the current level of resources.

Focused Compliance Inspections

The Golden Plains Shire is one of the fastest growing regional municipalities in the State. Strong population growth creates new development fronts and business opportunities. Growth also places new residents on the rural interface and can result in an increase in amenity impact complaints. As previously noted, most planning permit amenity complaints relate to the following use and development approvals:

- Intensive Animal Husbandry
- Extractive Industries
- New Dwellings in the Farming Zone
- Accommodation in the Bushfire Management Overlay (BMO)
- Multi-lot subdivisions

Each of these activities has their own particular impacts and therefore they require different levels of review and inspection. A summary of the focused compliance inspections for the various activities is provided below:

Intensive Animal Husbandry

Intensive Animal Husbandry includes developments such as piggeries, broiler farms and cattle feedlots. These are farms where the majority of food required to raise livestock is sourced from off-site or outside of animal enclosures. There are many potential impacts associated with Intensive Animal Husbandry operations if the correct management practices are not followed. These impacts may include offensive odours, noise, heavy vehicle movements, disease and pests.

This policy requires Council's Investigations Officer to review all permits for Intensive Animal Husbandry issued within the last five (5) years and five (5) permits issued after 1995 with an issue date that is more than five (5) years old. Compliance inspections in this area may require working with other government agencies, including the EPA and groups such as the VFF Chicken Care Group.

Extractive Industry

Extractive Industry includes developments such as quarries and mining enterprises. Council receives complaints about noise, heavy vehicle movements and dust. The proposed policy will require Council's Investigations Officer to review all permits for extractive industries issued by the responsible authority.

Compliance assessments for Extractive Industry uses requires Council officers to work closely with Department of Jobs, Precincts and Regions.

New Dwelling Approvals in the Farming Zone

New dwellings on properties with an area of less than 100 hectares located within the Farming Zone present a range of issues requiring compliance inspections. Council planners typically require a new dwelling application to be accompanied by a Farm Management Plan. This document justifies the need for a dwelling and outlines future farming activities to be undertaken on the land. Compliance inspections will ensure that these works occur.

This policy requires Council's Investigations Officer to review ten (10) new permits for properties with an area of less than 100 hectares issued by the responsible authority within a five (5) year period.

Accommodation in the Bushfire Management Overlay (BMO)

Bushfire provisions seek to protect lives and property in those areas of the Shire which are prone to wildfire attack. A review of permits for all dwellings and other types of accommodation ensures that appropriate fire safety measures are implemented. Previous compliance audits have found that even the most straightforward of requirements relating to water supply and tank fittings are sometimes ignored.

This policy requires Council's Investigations Officer to review 25 new permits issued within a five (5) year period and ten (10) permits issued after 1995 with an issue date that is more than five (5) years old.

Multi-lot Subdivisions

There are a number of multi-lot subdivisions under construction at any one time within Golden Plains Shire. On occasion, Council receives complaints due to amenity concerns be nearby residents. These complaints usually relate to dust and drainage concerns.

This policy requires Council's Investigations Officer and/or Development Engineering staff to review and attend all multi-lot subdivision permits that are under construction and a statement of compliance has not been issued.

Proactive Compliance Inspections

The practice of undertaking proactive inspections in areas other than those covered by the focused inspections already discussed, is an important tool for achieving Planning Permit compliance across the Shire and therefore should be maintained. It could be considered that these inspections

encourage self-policing behavior and reinforce the importance of permit compliance within our communities.

Another of the key benefits of proactive compliance inspections is the opportunity to identify emerging compliance issues. Emerging issues may result from changes in planning policy or the development of new internal procedures. Proactive compliance inspections can also provide our planners with the opportunity to test the effectiveness of both standard and customised permit conditions.

In the past, many of the permits selected for proactive compliance inspections have related to straightforward use and development proposals such as sheds and extensions. Permit compliance in those instances can typically be confirmed with a simple drive-by inspection of the subject property, however it is likely that a site inspection with the property owner would be required in most cases. The Investigations Officer, depending on the workload from reactive investigations, will conduct compliance inspections for up to 2% of permits issued in the preceding 5 years, representing approximately 40+ permits per annum at the time of writing.

DISCUSSION

COVID affected all aspects of Council operations and restricted the ability to conduct both focused and proactive compliance inspections. Reactive inspections were conducted when warranted. In addition to COVID restrictions, the volume of complaints to Council also increased and the associated workload prevented the fulfillment of the compliance policy during 2020. While application of this policy is desirable for the reasons already stated, 2021 so far has been wholly reactive in response to complaints and the associated investigations and enforcement. It is anticipated that the focused inspections should be completed this year, however the proactive inspections will be secondary to reactive investigations.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Human Rights Charter	Yes
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GOVERNANCE PRINCIPLES

Ensuring compliance with the relevant permits promotes confidence within the community that developments do not affect the amenity they enjoy living in the Shire.

POLICY/RELEVANT LAW

- Planning Permit Compliance Policy
- Golden Plains Planning Scheme
- Planning and Environment Act 1987

PUBLIC TRANSPARENCY

The results of the permit compliance policy implementation will be presented at an Ordinary Council meeting and therefore accessible to the community.

SERVICE PERFORMANCE

Priority is rightly given to complaints which require a reactive response and based on the complexity of the investigation and associated enforcement action where necessary, any prescribed proactive policy will be reduced.

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 – Adopt the revised Council Policy – Planning Permit Compliance

This option is recommended by officers as the policy considers the Investigation Officer's responsibilities beyond planning permit compliance checks.

Option 2 – Not to adopt the revised Council Policy – Planning Permit Compliance

This option is not recommended by officers as the existing policy imposes constraints which are incompatible with the evolution of the Investigation Officer's role since the last review.

Option 3 – Delete/Rescind/Revoke the Planning Permit Compliance Policy

This option is not recommended by officers as proactive and focussed planning permit inspections identify and ensure adverse amenity impacts on the community are investigated and compliance is achieved.

CONFLICT OF INTEREST

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

CONCLUSION

Adoption of this revised policy will more accurately balance the benefits of a planning permit compliance program with the fluid nature of the Investigations Officer's need to respond to complaints from the community.

PLANNING PERMIT ENFORCEMENT POLICY



DRAFT

Planning Permit Compliance Policy

PLANNING PERMIT ENFORCEMENT POLICY

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DRAFT

PLANNING PERMIT ENFORCEMENT POLICY

1. PURPOSE

- 1.1 This policy, previously known as the Planning Permit Enforcement Policy, outlines Council's strategy for ensuring compliance with planning permit conditions. It provides a framework for undertaking a range of annual compliance inspections addressing both compliance checks and focused inspections.

2. SCOPE

- 2.1 This policy applies to planning permits issued by Golden Plains Shire since 1995.

Focused compliance inspections are to be undertaken for the following types of planning permits:

- Intensive animal husbandry,
- Accommodation permits on land covered by the Bushfire Management Overlay (BMO),
- Extractive industries, and
- New dwelling approvals in the Farming Zone under 100 hectares.

Proactive compliance inspections are to be undertaken for up to 2% of the permits issued in the last 5 years.

An annual report is to be presented to Golden Plains Shire Council detailing the findings of compliance inspections. The annual report shall be presented at an Ordinary Council meeting.

Compliance inspections are to be coordinated by Council's Investigations Officer in consultation with the Coordinator Community Safety and Manager Development and Regulatory Services.

3. POLICY STATEMENT

- 3.1 It is Council's intention that this policy provides a framework for proactive planning permit compliance inspections.

The objectives of the Planning Permit Compliance Policy are:

- To assist Council in identifying breaches of Planning Permits and undertaking action to ensure compliance,
- To ensure the safety of residents living within a Bushfire Management Overlay,
- To ensure residents living in Farming Zone (under 100 hectares) are abiding by their Planning Permit conditions,
- To ensure the amenity of residents living in close proximity to quarries, mines and intensive animal husbandry businesses,
- To ensure the amenity of residents living and the protection of Council assets in close proximity to a subdivision under construction, and;
- To provide a consistent and coordinated process for undertaking proactive inspections.

PLANNING PERMIT ENFORCEMENT POLICY

This policy was developed to support the existing responsibilities completed by Council Officers.

4. PROCEDURES

Council Officers will report yearly to Council on the following inspections:

4.1 Focused Compliance Inspections

Focused compliance inspections seek to ensure that those land uses which have the greatest potential to cause material detriment are inspected and reviewed on a regular basis.

4.1.1 Intensive animal husbandry

To annually inspect and review the following permits:

- All permits for intensive animal husbandry issued by the responsible authority within the last five years.
- Five select permits issued after 1995 with an issue date that is more than five years old.

4.1.2 Accommodation permits on land covered by the Bushfire Management Overlay (BMO)

To annually inspect and review the following permits:

- Twenty-five permits issued by the responsible authority within the last five years.
- Ten select permits issued after 1995 with an issue date that is more than five years old.

4.1.3 Extractive Industry

To annually inspect and review the following permits:

- All planning permits for extractive industries issued by the responsible authority.

4.1.4 New dwelling approvals in the Farming Zone under 100 hectares

To annually inspect and review the following permits:

- Ten new dwelling permits for properties with an area of less than 100 hectares, issued by the responsible authority within the last five years.

4.1.5 Subdivisions

To annually inspect and review the following permits:

- All multi lot subdivisions under construction.

4.2 Proactive Compliance Inspections

Each year the number of permits selected for proactive compliance inspections shall equal 2% of the permits issued in the past five years.

PLANNING PERMIT ENFORCEMENT POLICY

5. RESPONSIBILITIES

Compliance, monitoring and review

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored; and
- is reviewed to evaluate its continuing effectiveness.

6. REPORTING

- 6.1 Council Officers will report to Ordinary Council Meeting about this policy once a year.

7. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Terms and definitions

Term	Definition
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Complaint</i>	<i>An expression of dissatisfaction with:</i> <ul style="list-style-type: none"> • <i>the quality of a service provided, an action taken, or decision made by Council or its contractor</i> • <i>a delay or failure in providing service, taking an action, or making a decision by Council or its contractor</i>
<i>Extractive Industry</i>	<i>As described in the Golden Plains Planning Scheme or as amended from time to time</i>
<i>Bushfire Management Overlay</i>	<i>As described in the Golden Plains Planning Scheme or as amended from time to time</i>
<i>Farming Zone</i>	<i>As described in the Golden Plains Planning Scheme or as amended from time to time</i>
<i>Intensive Animal Husbandry</i>	<i>As described in the Golden Plains Planning Scheme or as amended from time to time</i>
<i>Responsible Authority</i>	<i>Golden Plains Shire Council unless otherwise advised</i>

8. RELATED LEGISLATION AND DOCUMENTS

Legislation

Planning and Environment Act 1987

PLANNING PERMIT ENFORCEMENT POLICY

9. HUMAN RIGHTS STATEMENT OF COMPATABILITY

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

10. POLICY OWNER

- 10.1 The Manager Development and Regulatory Services is the policy owner.

11. FEEDBACK

- 11.1 You may provide feedback about this document by emailing enquiries@gplains.vic.gov.au

12. DOCUMENT INFORMATION

DOCUMENT TYPE:	Council [/or Organisational] Policy document
DOCUMENT STATUS:	[For example: Approved/Not Approved]
DOCUMENT OWNER POSITION:	[For example: Director Corporate Services]
APPROVED BY:	[For example: Senior Management Team/Director/Manager]
DATE ADOPTED:	[Insert Date/Month/Year]
VERSION NUMBER:	[Insert version number]
REVIEW DATE:	[Insert review date – this should coincide with the policy review date. Best practice would be no longer than five years between reviews]
DATE RESCINDED:	[Include if relevant]
EVIDENCE OF APPROVAL:	
FILE LOCATION:	Signed by Chief Executive Officer [Include a file location (AltusECM Ref) so that it may be accessed in future and amended - Word and PDF – insert file path] INT[XX/XXXX]
NOTES:	Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at: [Select one URL below and delete the other] [for Council policy] https://www.goldenplains.vic.gov.au/residents/my-council/about-

PLANNING PERMIT ENFORCEMENT POLICY

	<p>council/council-policies [for organisational policy] https://intranet.goldenplains.vic.gov.au/the-hub</p>
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7.13 PANEL OF SUPPLIERS- TREE MAINTENANCE SERVICES**File Number:****Author:** Thomas Lindberg, Contract and Procurement Specialist**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract for the provision of Tree Maintenance Services to the following suppliers for the initial term of 3 years, with 2 x 12-month options to extend.
 - Aspect Tree Management Pty Ltd
 - Acorn Tree Services Pty Ltd
 - Tree Synergy Pty Ltd T/A Bellarine Tree Services and Tree Scene
 - Tom McLoughlan Contracting ATF TMC Enviro Trust
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

EXECUTIVE SUMMARY

Golden Plains Shire Council wishes to engage suitably qualified experienced providers for the provision of tree maintenance services.

BACKGROUND

The broad objectives of the contract are to deliver:

- Tree assessments and reports, tree maintenance and removal works for residents and ratepayers of Golden Plains Shire Council, emphasising continuous quality improvement
- Cost effective, reliable, and efficient Tree associated services which comply with Government Acts, regulations, local laws and policies
- The resources to provide and emergency response for after-hours works

DISCUSSION

The tender was originally advertised on 16/01/2021, closing 03/02/2021, with 14 submissions received on closing. The submissions were reviewed, and compliance checked, with two (2) submissions identified as non-compliant. OHS team reviewed the submissions and provided a final report. After the evaluation panel had reviewed and scored each tender and all clarifications, a consensus evaluation meeting was held on 21 April 2021.

The evaluation panel identified that, due to the available budget and the estimated amount of work, four (4) suppliers were required for the panel of suppliers.

The confidential Tender Evaluation Report has been previously provided to Councillors.

Aspect Tree Management, Acorn Tree Services Pty Ltd, Tree Synergy Pty Ltd T/A Bellarine Tree Services and Tree Scene, and Tom McLoughlan Contracting ATF TMC Enviro Trust were acknowledged as the preferred suppliers based on consensus scores measured by capacity, capability, price and local content.

REPORTING AND COMPLIANCE STATEMENTS*Local Government Act 2020 (LGA 2020)*

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

POLICY/RELEVANT LAW

Tender complies with *GPSC May 2020 Procurement Policy* and the *Local Government Act 1989*.

PUBLIC TRANSPARENCY

Public notice was provided in line with *Local Government Act 1989, (Sect.186)* and included advertisements in the Geelong Advertiser, Ballarat Courier, Golden Plains and Council's eProcure. Decision outcomes will be advised on eProcure tender website and Council minutes.

FINANCIAL MANAGEMENT

Budget \$1,000,000 over 5 years. Works will be managed in accordance with available budget.

RISK ASSESSMENT

Risks were considered as an inherent part of the tender process. However, there is always an element of risk associated with operational works that relate to tree maintenance. GPSC OHS requirements associated with this specific type of risk activity will be closely monitored throughout the life of the contract.

COMMUNICATION

Council decisions on tender/s awarded are advised through Council Minutes and electronic tender system and supplier notifications via procurement email.

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 – Approve Tender Evaluation Report – GPSC-RFT-19-2020 Panel of Suppliers – Tree Maintenance Services.

This option is recommended by Council officers through the Tender evaluation and selection process which recommends the panel of suppliers for Tree Maintenance Services consist of:

- Aspect Tree Management Pty Ltd
- Acorn Tree Services Pty Ltd
- Tree Synergy Pty Ltd T/A Bellarine Tree Services and Tree Scene
- Tom McLoughlan Contracting ATF TMC Enviro Trust

Option 2 – do not award contract to any tenderer. This option is not recommended as the works have been identified as high need and if a contract is not awarded, may result in reputational damage for Council.

CONFLICT OF INTEREST

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

CONCLUSION

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender *GPSC-RFT-19-2020-Panel of Suppliers – Tree Maintenance Services* as outlined in this report to ensure compliance with:

1. *Relevant provisions of the Local Government Act 1989 (Vic); and*
2. *Council's Procurement Policy requirements*

In conclusion, the following suppliers met the Council's tender requirements and are best placed to provide the required Tree Maintenance Services for Golden Plains Shire:

- Aspect Tree Management Pty Ltd
- Acorn Tree Services Pty Ltd
- Tree Synergy Pty Ltd T/A Bellarine Tree Services and Tree Scene
- Tom McLoughlan Contracting ATF TMC Enviro Trust

7.14 AUDIT & RISK COMMITTEE REPORT - 11 MAY 2021**File Number:**

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. **Audit and Risk Committee Minutes 11.05.21 (under separate cover)**


RECOMMENDATION

That Council note the minutes from the Audit & Risk Committee meeting held on 11 May 2021.

EXECUTIVE SUMMARY

This report is being submitted to Council to provide a summary of business considered at the 11 May 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:

Philippa O'Sullivan
Phil Josipovic
Fiona Rae
Claire Tehan
Annmaree Bowey
Andrew Leary
Richard Brown
Janina Isted
Wendy McAlpine
Jacquilyn Douglas
Abby Hearnden
Emily Chapman

Guests:

Chris Kol (External Auditor - McLaren Hunt)
Martin Thompson (Internal Auditor – Crowe)
Kelly Scholes (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
 Finance Quarter Three Update
 2021-22 Draft Budget Update
 VAGO 2020/21 Interim Audit – Status Update
 OHS Quarter Three Report
 Business Continuity Testing and Progress Report
 MAV WorkCare Scheme Licence Update
 Risk Management and Insurance Quarter Three Report
 Risk Owner Presentation – Natural Assets
 Internal Audit – HR Review
 Review progress on Internal Audit Program
 VAGO 2019-20 Annual Report on Local Government
 VAGO Report on Local Roads
 Governance Quarter Three Report
 Local Government Act 2020 – Implementation Update
 Compliance with Annual Obligations and Compliance Calendar
 Instrument of Delegations and Process
 Gender Equality Act Update
 VAGO Audit – Sexual Harassment in Local Government – update April 2021

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Human Rights Charter	No
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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

There are no identified risk implications associated with this 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 the Audit & Risk Committee report from the meeting of 11 May 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 11 May 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, 14 September 2021.

7.15 VAGO AUDIT - SEXUAL HARASSMENT IN LOCAL GOVERNMENT - UPDATE APRIL 2021

File Number:**Author:** Claire Tehan, Manager People and Culture**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council note the action plan to implement the recommendations made in the VAGO report into Sexual Harassment in Local Government.

EXECUTIVE SUMMARY

In February 2021, the Audit and Risk Committee and Council were presented with the findings of the Audit report conducted by the Victorian Audit Generals Office (VAGO) on Sexual Harassment in Local Government. A copy of the VAGO report can be found [here](#).

An action plan has been developed by Officers to incorporate these recommendations and also the requirements of the *Gender Equality Act 2020* due to the close alignment of outcomes of these two key projects.

Officers have provided this report to the Audit and Risk Committee in May and will report progress against the action plan on a quarterly basis.

BACKGROUND**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 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 Golden Plains Shire Council.

DISCUSSION**Actions for Golden Plains Shire Council**

The following action plan has been developed to implement the VAGO recommendations over a 12 month period, with mandatory training and regular surveys to be built into ongoing business-as-usual activities.

VAGO Recommendation	Action item	Due Date
Recommendations about the prevalence of sexual harassment		
1. use findings from the Victorian Auditor-General's 2020 Sexual Harassment in Local Government survey to identify and act on risk factors for council employees and workplaces (see Sections 2.1, 2.2 and 2.3)	In order to scan the workplace for risk, Council will refer to the risk matrix tool provided in the <i>Preventing and responding to workplace sexual harassment</i> guideline produced by the Victorian Equal Opportunity and Human Rights Commission. Council will also consult with workers and their representatives such as union delegates, equal opportunity contact officers and health and safety representatives. The risk assessments will identify the likelihood of different forms of sexual harassment occurring and the potential harm that would flow to workers if the risk were realised. This will help Council identify risks that should be addressed as a priority	31/7/2021
2. collect information about the prevalence and nature of sexual harassment at least once every two years by:		
- conducting workplace surveys	All staff survey will be conducted in May/June 2021. This is a mandatory survey required under the Gender Equality Act and survey questions have been specified by the Commissioner for Gender Equality in the Public Sector to support organisations to report on progress against the Gender Equality Act 2020.	30/06/2021
- reviewing complaints information (see Section 2.6)	Annual benchmarking of key metrics against other councils and Council's performance over time.	30/06/2022
3. address the risk of sexual harassment by members of the public by:		
- ensuring sexual harassment policies, procedures and training explicitly cover sexual harassment from the public	New standalone policy will meet this requirement.	31/10/2021
- regularly communicating to customers and staff that the council does not tolerate any form of sexual harassment from the public (see Section 2.4).	Using information from the Risk Assessment tool, a program will be developed to address this recommendation.	31/12/2021
Recommendations about preventing sexual harassment		
4. introduce a standalone sexual harassment policy that:	New standalone policy will meet this requirement.	31/10/2021
- aligns with the VEOHR'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	New standalone policy will meet this requirement.	31/10/2021
- includes clear links to relevant council policies and procedures	New standalone policy will meet this requirement.	31/10/2021
- covers the applicability of council policies to different roles and workplace settings, including councillors, customer-facing staff and members of the public	New standalone policy will meet this requirement.	31/10/2021
- is searchable on council intranet sites or cloud software, and available in hard copy to all staff (see Section 3.1)	Policy will be saved on the intranet and available in hard copy to all staff	31/10/2021
5. introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it:	Training package will be developed and rolled out across the organisation to incorporate the recommendations from the VAGO Audit and the requirements of the <i>Gender Equality Act</i>	30/11/2021
- includes face-to-face or live online sessions for all staff and councillors at least once every two years (in addition to online modules)	Training package will be developed and rolled out across the organisation to incorporate the recommendations from the VAGO Audit and the requirements of the <i>Gender Equality Act</i>	30/11/2021
- covers safe strategies for bystander interventions	Training package will be developed and rolled out across the organisation to incorporate the recommendations from the VAGO Audit and the requirements of the <i>Gender Equality Act</i>	30/11/2021

VAGO Recommendation	Action item	Due Date
- is tailored to the council's policies, procedures and workplace risk factors (see Section 3.2)	Training package will be developed and rolled out across the organisation to incorporate the recommendations from the VAGO Audit and the requirements of the <i>Gender Equality Act</i>	30/11/2021
6. communicate a culture of respect in the council by ensuring leaders model respectful behaviour at all times and communicate to all staff at least annually that the council does not tolerate sexual harassment (see Section 3.3).	CEO and SMT to promote at quarterly directorate updates. CEO to include in an all staff meeting.	30/06/2021
Recommendations about responding to sexual harassment		
7. encourage reporting of inappropriate behaviour by:		
- promoting formal and informal complaint channels	Clearly outlined in the new standalone policy and procedures. Promoted at OHS and team meetings and in lunchrooms and common areas	31/10/2021
- allowing for anonymous complaints (see Section 4.1)	New standalone policy will meet this requirement.	31/10/2021
8. improve record keeping of sexual harassment complaints by:		
- keeping complete records of all interactions relating to a complaint	New confidential folder created in Altus ECM to store all records pertaining to complaints	15/05/2021
- documenting decisions to not investigate complaints or to stop investigations, including the rationale for the decision and the name and role of decision makers (see Section 4.3)	New standalone policy and procedures will detail all record keeping requirements including who has delegated responsibility.	31/10/2021
9. review complaint procedures to ensure they include:		
- a requirement to inform the complainant of the outcome of the complaint	New standalone policy and procedure will meet this requirement.	31/10/2021
- guidance on how investigators can support reluctant complainants (see Section 4.2).	New standalone policy and procedure will meet this requirement.	31/10/2021
Recommendations about councillors		
10. ensure councillors receive training on sexual harassment at least twice per council term (see Section 3.2)	Following the adoption of a standalone policy for Councillors, training will be undertaken every 2 years.	31/07/2021
11. ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including:	New standalone policy and procedures will meet this requirement	31/07/2021
- the council's employee assistance program	New standalone policy and procedures will meet this requirement	31/07/2021
- Councillor Code of Conduct dispute resolution processes	The Councillor dispute resolution procedures will be reviewed to ensure that aligned with the VAGO recommendations.	31/07/2021
- external complaint bodies (see Section 4.1).	The Councillor dispute resolution procedures will be reviewed to ensure that aligned with the VAGO recommendations.	31/07/2021

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

GOVERNANCE PRINCIPLES

The sexual harassment policy that will be developed will 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, and also ensure that it meets the requirements of the Gender Equality Act 2020.

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

Gender Equality Act 2020

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 action plan for Council to implement the recommendations made in the VAGO report into Sexual Harassment in Local Government**

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.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

Nil