



GOLDEN PLAINS SHIRE

AGENDA

Council Meeting

6.00pm Tuesday 24 May 2022

VENUE:
The Well
19 Heales Street, Smythesdale

NEXT COUNCIL MEETING
6.00pm Tuesday 7 June 2022

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 26 April 2022 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION

7.1 DELEGATES REPORT

File Number:

Author: Elise Holmes, Executive Assistant to the CEO

Authoriser: Eric Braslis, CEO

Attachments: Nil

RECOMMENDATION

That Council receive and note the Delegates Report for the past month.

EXECUTIVE SUMMARY

At each Council meeting, Councillors have the opportunity to update their colleagues and the community about attendances at various Delegated Boards/Committees/Meetings that they attended on behalf of the Council and can acknowledge significant community events or Council functions / engagement opportunities that they have attended over the past month.

MANDATORY BOARDS / COMMITTEES / MEETINGS

- Audit Committee
- G21 - Board of Directors
- Central Highlands Councils Victoria
- Peri Urban Group of Rural Councils
- Berrybank Wind Farm Community Engagement Committee
- Municipal Association of Victoria
- Geelong Regional Library Corporation
- Tourism Greater Geelong and the Bellarine Board
- Grampians Central West Waste & Resource Recovery Group - Local Government Forum
- Council Meeting, Strategic Briefing, Councillor Briefing and Portfolio meetings

COMMUNITY ENGAGEMENT / EVENTS

Cr Gamble

- 27 April – G21 CEO Employment Matters Committee
- 27 April – Welcome to new staff on bus tour
- 28 April – Strategic Councillor Briefing Review Meetings
- 28 April – Meeting with Governance team
- 28 April - G21 CEO Performance Criteria 2021-2022 & Workplan 2022-2023
- 29 April - Land Use Planning Workshop for Councillors, LGAV, Melbourne
- 30 April – Coffee With The Mayor, Bannockburn
- 2 May - G21 Environment Pillar Meeting
- 3 May - Radio Interview with ABC Melbourne
- 3 May – Corporate Services Portfolio Meeting
- 3 May – Strategic Councillor Briefing Meeting
- 5 May - Bannockburn College Grade 5 Student visit to Council
- 6 May - Meeting with CEO
- 7 May – Conversation Post at Bannockburn Farmers' Market

- 9 May - G21 Mayors Catch Up & Lunch
- 10 May - Audit & Risk Committee Meeting
- 11 May – Senior Management Report Briefing
- 11 May - G21 Integrated Transport Strategy Cross Pillar Group Meeting
- 11 May - Meeting with Batesford Community Planning Group
- 12 May – Victorian Planning Authority (VPA) Board Regional Tour – Visit to Council
- 13 May - G21 Integrated Transport Strategy Workshop
- 13 May - Official Opening of the Linton Cricket Nets
- 14 May – Coffee With The Mayor, Meredith
- 14 May – Meredith History Interest Group, Open Day
- 15 May - Official Opening of the Bannockburn Soccer Facility Upgrade
- 17 May – Councillor Briefing Meeting
- 18 May – Online Budget Workshop
- 20 May – Meeting with CEO
- 20 May – Meeting with Communications team
- 21 May – Coffee with the Mayor, Ross Creek
- 21 May – Smythesdale Country Market
- 22 May – Breast Cancer Network Australia Market, Bannockburn
- 23 May – CEO Employment Committee, Independent Member Meeting

Cr Cunningham

- 27 April - Golden Plains Youth Hub - Community Reference Group Meeting
- 5 May - G21 Health and Wellbeing and Sport and Recreation Pillar Amalgamation Meeting
- 11 May - Meeting with Batesford Community Planning Group
- 15 May - Official Opening of the Bannockburn Soccer Facility Upgrade
- 16 May - Geelong Tourism Board Member Meet and Greet
- 18 May - National Volunteers' Week Luncheon
- 20 May - Bannockburn Chamber of Commerce Networking Event
- 22 May – Breast Cancer Network Australia – Market Day

Cr Getsom

- 27 April - Official Opening - Linton Emergency Relief Pantry
- 29 April - Land Use Planning Workshop for Councillors
- 15 May - Official Opening of the Bannockburn Soccer Facility Upgrade
- 18 May - National Volunteers' Week Luncheon

Cr Kirby

- 5 May - Bannockburn College Grade 5 Student visit to Council
- 6 May - Meeting with Minister Regional Development - Goldfields World Heritage
- 7 May - G21 Health and Wellbeing and Sport and Recreation Pillar Amalgamation Meeting
- 11 May - Meeting with Batesford Community Planning Group
- 12 May - Women Leading Locally Session
- 13 May - MAV Rural South Central Regional Meeting
- 13 May - Funding Announcement for Linton Statue
- 13 May - Official Opening of the Linton Cricket Nets
- 15 May - Official Opening of the Bannockburn Soccer Facility Upgrade
- 18 May - National Volunteers' Week Luncheon

Cr Rowe

On Leave of Absence

- 15 May - Official Opening of the Bannockburn Soccer Facility Upgrade

Cr Sharkey

- 10 May - Audit & Risk Committee Meeting
- 11 May - Meeting with Batesford Community Planning Group
- 13 May - MAV Rural South Central Regional Meeting

Cr Whitfield

- 5 May - Bannockburn College Grade 5 Student visit to Council
- 10 May - Audit & Risk Committee Meeting
- 11 May - Meeting with Batesford Community Planning Group
- 13 May - Meeting with CFA re: Relocation of Inverleigh Fire Station
- 13 May - MEMPC Meeting
- 15 May - Official Opening of the Bannockburn Soccer Facility Upgrade

7.2 AMENDMENT C99 - REMOVAL OF PLANNING PERMIT TRIGGERS FOR OUTBUILDINGS IN LDRZ AND RLZ

File Number:

Author: Daniel Murrphy, Strategic Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: 1. Amendment C99gpla Exhibition Documents Gazetted (under separate cover)

RECOMMENDATION

That Council:

1. Adopts Amendment C99gpla without changes in accordance with Section 29(1) of the Planning and Environment Act 1987 as set out in Attachment 1 to this report.
 2. Requests the Minister for Planning to approve Amendment C99gpla in accordance with section 31 (1) of the *Planning and Environment Act 1987*.
-

EXECUTIVE SUMMARY

Amendment C99gpla is to remove the triggers requiring planning permits for outbuildings (sheds) larger than 120 square meters on land in the Rural Living Zone (RLZ) and the Low Density Residential Zone (LDRZ). The amendment is required to remove a low impact matter from the Golden Plains Planning Scheme, which will allow for resources to be directed to more significant applications and improve timeframes.

BACKGROUND

In December 2021 Council authorised officers to prepare and exhibit an amendment to remove the triggers requiring planning permits for outbuildings (sheds) larger than 120 square meters on land in the RLZ and the LDRZ.

Amendment C99gpla (Amendment) was prepared and authorised for exhibition with no conditions under delegation from the Minister for Planning on 28 January 2022.

Exhibition commenced on 17 March 2022 and concluded on 18 April 2022. No submissions were received during the exhibition period.

DISCUSSION

Council applied to the Department of Environment, Land, Water and Planning's Regional Planning Hub (Hub) for support in drafting this Amendment. The Hub is a program to support rural and regional councils in statutory and strategic planning matters as well as professional development. Council worked with the Hub in collecting the background information to provide the strategic justification, with the Hub analysing the data and developing the Amendment documents. Council used these documents to proceed the Amendment through the requirements of the PE Act.

The content and justification for the Amendment remain unchanged from the report provided for the December 2021 meeting.

Specifically, the amendment:

- Amends Schedule 1 to Clause 32.02 (LDRZ1) to change the outbuilding permit requirements from '120 square metres' to 'None specified'
- Amends Schedule 5 to Clause 43.02 Design and Development (DDO5) to include an additional decision guideline to read '*Whether the proposed building has been designed to*

have minimal visual impact by using materials that are non-reflective and with muted tonings’.

- Deletes Schedule 7 to Clause 43.02 Design and Development Overlay (DDO7) which will remove the permit requirement for outbuildings greater than 120 square metres in RLZ areas.
- Amend Planning Scheme Maps 3DDO, 4DDO, 5DDO, 6DDO, 7DDO, 10DDO, 13DD and delete 1DDO, 2DDO, 9DDO, 11DDO, 16DDO to reflect the deletion of DDO7.
- Amends the Schedule to Clause 72.03 to remove 1DDO, 2DDO, 9DDO, 11DDO, 16DDO from the list of maps comprising part of the Golden Plains planning scheme.

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)	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	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by S.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

It is considered that the proposed Amendment upholds the governance principles in s.9 of the *Local Government Act 2020*, as it ensures the optimal performance and improved function of the Golden Plains Planning Scheme. The changes proposed through the Amendment will:

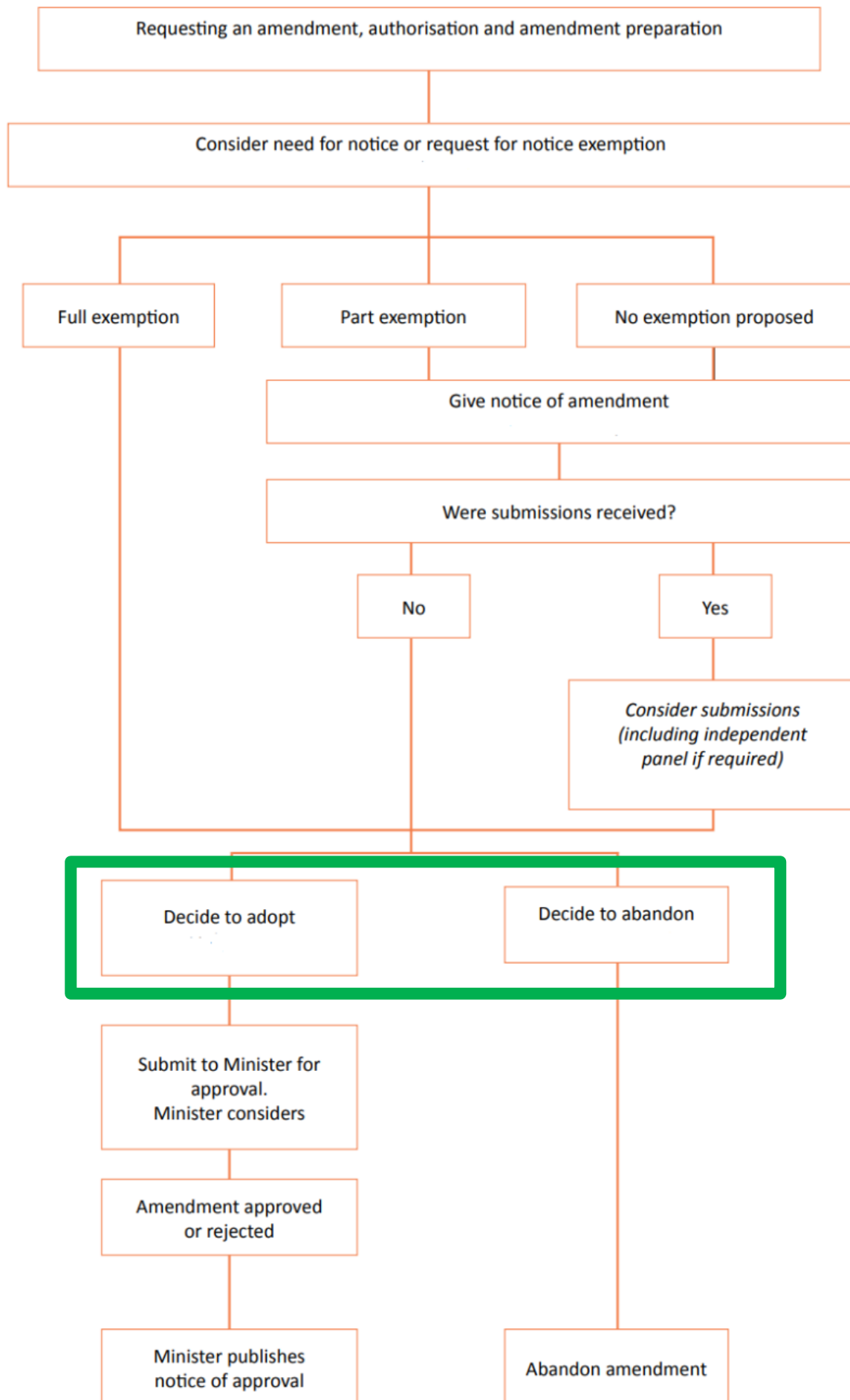
- provide for the fair, orderly, economic and sustainable use, and development of land by streamlining planning processes and reducing regulatory burden and cost to users of the system; and

- balance the present and future interests of all Victorians by reforming Victoria's planning system to make the system more relevant, accessible and transparent for Victorians over time.

The amendment will indirectly implement all objectives by allowing greater focus on applications with greater potential impacts.

POLICY/RELEVANT LAW

Amendment is proposed to proceed in accordance with the provisions of the *Planning and Environment Act 1987 (PE Act)*. The steps in the amendment process are shown below with the current step highlighted.



ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The amendment is expected to have a number of positive environmental, social and economic effects benefits. In particular it will:

- Reduce the costs to applicants and councils by removing permit triggers for outbuildings greater than 120 square metres.
- Encourage economic development by removing regulatory burden for outbuildings generally associated with dwellings.

Continue to manage the amenity and character of the area by maintaining requirements and permit triggers associated with setbacks

COMMUNITY ENGAGEMENT

The proposed Amendment has been exhibited in alignment with the requirements of Section 19 of the Planning and Environment Act.

The exhibition process included:

- Public Notice in the Golden Plains Times, Geelong Advertiser and Ballarat Courier.
- Government Gazette Notice.
- Updated to the Strategic Planning Page on Council's website.
- Officers available to discuss the amendment.

No submissions were received.

PUBLIC TRANSPARENCY

The Amendment has been prepared in a transparent manner because of the formal exhibition process.

SERVICE PERFORMANCE

Adoption of this amendment will improve Council's equitable and responsive services in administering the Golden Plains Planning Scheme. Removal of low value permit triggers will make for more efficient and effective use of council planning staff resources by reducing the number of planning permit applications and improve its capacity to consider other applications within prescribed timeframes.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Communication regarding this Amendment has been undertaken during the exhibition period, in alignment with the Planning and Environment Act.

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 Amendment C99gpla to the Golden Plains Planning Scheme in the form recommended in this report and then apply to the Minister for Planning for approval of the Amendment.

This is the option recommended by Council officers.

Option 2 – Abandon the Amendment.

This option is not recommended by Council officers as there is an increasing burden on Council from the consideration of permit applications.

Option 3 - Adopt the amendment in a different form to what is recommended by Council officers.

The merits of this option would depend on the particular nature of the change/reasons.

CONFLICT OF INTEREST

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

CONCLUSION

The amendment is required to enable the removal of provisions which require a planning permit for outbuildings greater than 120 square metres (sqm) in the Low Density Residential and Rural Living zones. Analysis of the permit applications over the last two financial years show a significant and growing proportion of applications that are triggered by this control. These permit applications are unnecessary, are placing an administrative and resource burden on the council and resulting in unnecessary red tape for applicants.

As there are no outstanding objections, it is recommended that Council adopts the amendment and refers it to the Minister for Planning for approval.

7.3 AMENDMENT CXX- APPLICATION OF HERITAGE OVERLAY TO 4 WALLACE STREET, MEREDITH

File Number:**Author:** Daniel Murrphy, Strategic Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Heritage Assessment (under separate cover)
2. Letter for Request of Interim Heritage Overlay (under separate cover)

RECOMMENDATION

That Council:

1. Notes the request to the Minister for Planning to apply an Interim Heritage Overlay to the property at 4 Wallace Street, Meredith.
2. Authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme to apply a Heritage Overlay to the property at 4 Wallace Street, Meredith.

EXECUTIVE SUMMARY

Council received a request to demolish the house at 4 Wallace Street, Meredith which prompted a review of its heritage significance. Although no Heritage Overlay applies to the site, previous studies had highlighted it as having potential heritage significance. A request was submitted to the Minister for Planning to place an Interim Heritage Order (IHO) on the site to enable Council time to prepare a full heritage assessment and consider the merits for the application of a permanent Heritage Overlay.

This report seeks authorisation to prepare and exhibit an amendment to the Golden Plains Planning Scheme for the application of a Heritage Overlay on the Property as recommended by the Heritage Assessment.

BACKGROUND

A request to demolish the dwelling at 4 Wallace Street was received by Council on the 28th of March 2022 under Section 29A of the Building Act (1993). Subsequently officers undertook a preliminary investigation into the heritage value of the property. Through this research, it was found that the property had been identified in the Golden Plains Shire Stage One Heritage Study (2004). Consultation with a Heritage Advisor recommended that an IHO be applied for, allowing the demolition request to be suspended.

The owner of the property was contacted on 12th April to advise of the potential heritage significance of the property. The owner was accepting of the process and willing to support the Heritage Assessment being undertaken. Council wrote to the Minister on 13th April requesting a ministerial amendment under Section 20(4) of the Planning and Environment Act 1987 to apply an interim Heritage Overlay to the property (see Attachment 2), thereby suspending the request for demolition consent. Lorraine Huddle from Heritage Intelligence was appointed to undertake the Heritage Assessment on 13th of April (see Attachment 1).

DISCUSSION

The property consists of two joined houses with large pine trees on site as well as outbuildings. The date of construction of the first dwelling at the front of the property is unknown, but was owned by John Campbell, Grazier at the time of his death in 1924. It was occupied by Alfred Ernest Wells between 1926 and 1929 [Bannockburn Shire Rate Books]. The property remains in the ownership of the Wells family.

The property was considered in the 2004 Heritage Study, and was one of 235 places rated as a Priority 3, for Individual Places outside of the Heritage Precinct that have “some known historical significance, and/or architectural significance, technical significance and social significance that is worthy of detailed research and documentation”. The Stage Two study that followed in 2006 was constrained by funding and was unable to assess all the 662 recommended places in priorities 1 – 4, resulting in the property not being fully assessed at that time.

An interim heritage overlay is a tool commonly used to provide temporary protection for heritage places during the process of considering a Planning Scheme Amendment to introduce permanent heritage protection.

The Heritage Assessment has found that the homestead known as Clontarf at 4 Wallace Street Meredith including the Victorian Regency styled house and the Federation Georgian house attached behind it, and the stable and buggy shed, are significant to the town of Meredith. The important form, materials and detailing as noted in the report are significant. All other outbuildings are not significant.” The date of construction was unable to be confirmed during the investigation, however the Victorian Regency styled house was renovated in 1884 and the materials and form is consistent with it having been constructed in the 1870’s or earlier. The stables and buggy shed were likely constructed at the same time. The Federation Georgian house was moved to the site in 1930 and was likely to have been constructed circa 1900 at Bamganie. The map of the recommended boundary for Heritage Overlay is shown in the figure below.



4 Wallace St Meredith, Vic.
 The blue line represents the existing title boundary.
 The red line represents the recommended HO boundary.

The Heritage Assessment was carried out immediately on the Property, which recommended an amendment be prepared to apply a permanent Heritage Overlay.

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)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by S.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

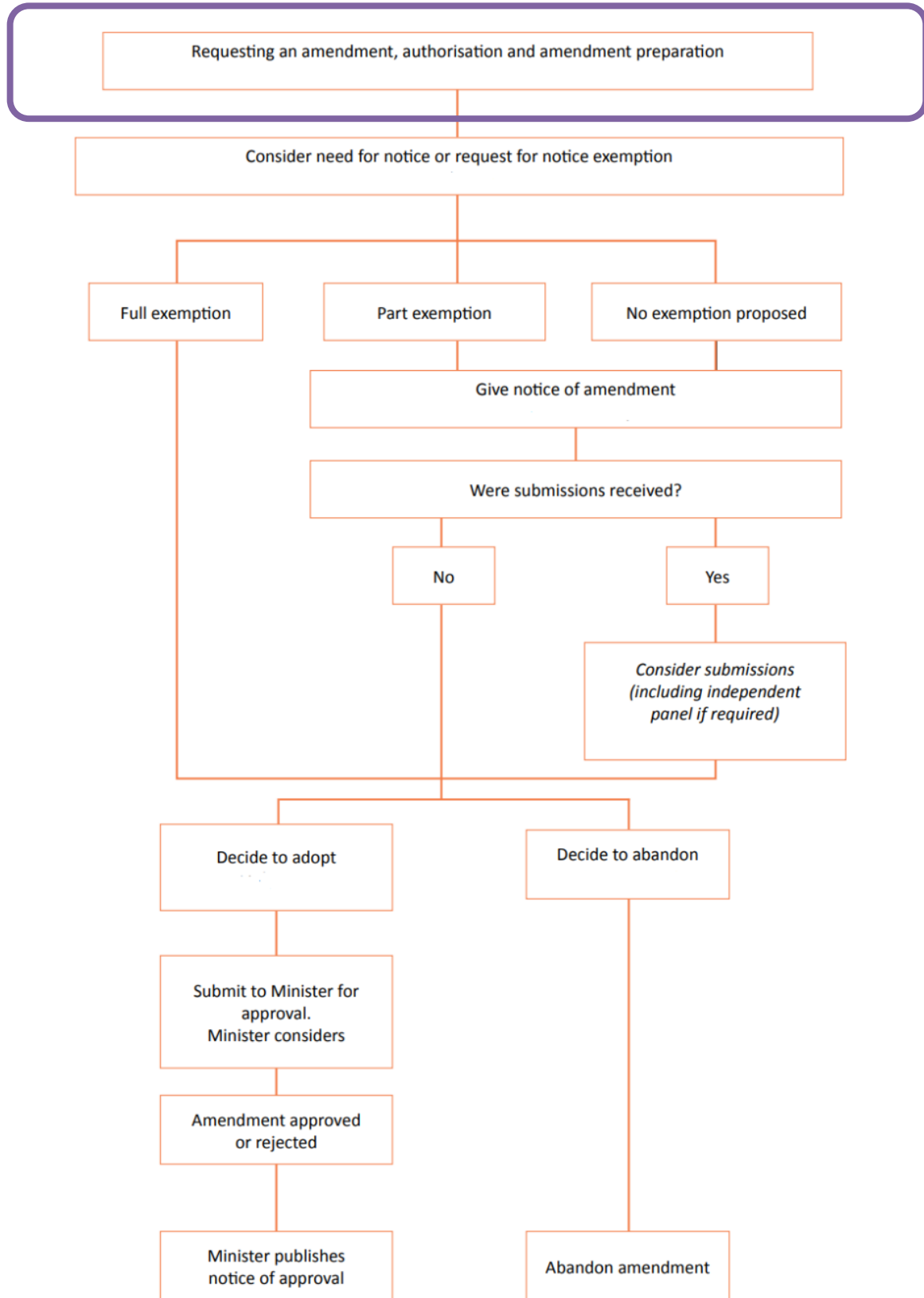
The Amendment will result in a good planning outcome ensuring the preservation of a locally significant heritage place.

The Amendment will achieve the objectives of the State Planning Policy Framework at Clause 15.03-1 (Heritage conservation) by ensuring the conservation of a place of heritage significance.

The Amendment will achieve the objectives of the Local Planning Policy Framework (LPPF) including Clause 15.03-1L Heritage Conservation includes an objective "Discourage the demolition of significant or contributory heritage places".

POLICY/RELEVANT LAW

The Amendment is proposed to proceed in accordance with the provisions of the *Planning and Environment Act 1987*. The steps in the Amendment process are shown below.



ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The proposed Amendment will not have any adverse effects on sustainability or the environment.

COMMUNITY ENGAGEMENT

The Amendment will be prepared and exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

PUBLIC TRANSPARENCY

The exhibition of the amendment and reporting will ensure the transparency of the decision making process.

STRATEGIES/PLANS

The Amendment will align with the Golden Plains Shire Community Vision 2040 Vision Statement: “We want to value and preserve our natural ecosystems, landscapes, features, open spaces, bushland and connection to cultural heritage.”

The Amendment also aligns with the Council Plan 2021-2025 an objective of which is to “value, promote and preserve our cultural and natural heritage for future generations”.

FINANCIAL MANAGEMENT

The cost of work involved in preparing the Heritage Overlay is within the Strategic Planning budget.

RISK ASSESSMENT

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

Delay in the decision to proceed with the Heritage Overlay may result in the property being demolished, resulting in the loss of a place of heritage significance.

COMMUNICATION

Communication of the Amendment will be in accordance with the Planning and Environment Act 1987.

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).

GENDER EQUALITY

This report has considered the gender equality principles as set out in the Gender Equality Act 2020.

OPTIONS

Option 1 – Authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme to apply a Heritage Overlay to the property at 4 Wallace Street, Meredith, and note the request to the Minister for Planning to apply an Interim Heritage Overlay.

This option is recommended by officers as it will ensure the permanent and ongoing protection of the property as recommended in the Heritage Assessment.

Option 2 – Abandon the preparation of the Amendment and withdraw the request for an Interim Heritage Overlay.

This option is not recommended by officers as the Property may be demolished, resulting in the loss of a place of heritage significance.

Option 3 – Adopt the amendment in a different form to what is recommended by Council officers

The merits of this option would depend on the particular nature of the change/reasons.

CONFLICT OF INTEREST

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

CONCLUSION

The property had been identified as having potential heritage significance in the Golden Plains Heritage Study Stage 1. Budgetary constraints led to the property being left out of Stage 2 of the Heritage Study. A request to demolish the property prompted the need for an Interim Heritage Overlay to allow a Heritage Assessment to be completed. The Heritage Assessment recommended a permanent Heritage Overlay be applied to the property.

7.4 REQUEST FOR RE-NAMING OF HAY TRACK, STEIGLITZ

File Number:

Author: Joanne Burns, Executive Assistant - Director Infrastructure and Development

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: 1. Government Gazette - Road Proclamation

RECOMMENDATION

That Council endorse re-naming the currently named 'Hay Track' in Steiglitz to 'Tarnook Track' in accordance with the *Naming Rules for places in Victoria – Statutory Requirements for naming roads, features and localities – 2016*, and request official Gazettal of the name from the Registrar of Geographic Names.

EXECUTIVE SUMMARY

In February 2019, Council received a request from a member of the community (the submitter) to re-name an Unused Road Reserve in Steiglitz, known as 'Hay Track', to 'Tarnook Track'. The location of the track is highlighted in *Attachment 1 - Government Gazette – Road Proclamation*.

Following consultation with the submitter and Geographic Names Victoria; and receiving in-principle support from both Wadawurrung and Parks Victoria, it is proposed to re-name the track 'Tarnook Track'.

BACKGROUND

'Hay Track' was named by Parks Victoria in 1979 as it led to a hayshed, the only remaining building on the surrounding parcel of land; however, it is no longer a suitable link of place to name.

In 2016, the area of 'Hay Track' in Steiglitz was excised from the Steiglitz Historic Park and classified as a Government Road pursuant to the *Crown Land Legislation Amendment Act 2016*. As a result, the care and management of this area of road now falls under the responsibility of Council pursuant to the provisions of the *Road Management Act 2004*.

The submitter of this request is the owner of all property adjoining Hay Track and has suggested re-naming the road reserve 'Tarnook Track' after inspection of the property by Wadawurrung as part of an Indigenous Cultural Heritage Survey. Tarnook is the indigenous name for a wooden bowl used for water and food, and also during smoking ceremonies. The valley that the track leads to is like a bowl, with a chain of wetlands becoming a creek at times.

DISCUSSION

In February 2019, Council received a request from a member of the community (the submitter) to rename 'Hay Track' in Steiglitz to 'Tarnook Track'. The submitter is the owner of all property adjoining Hay Track.

Unfortunately, due to changes in Council staff over time, this matter has not been progressed. It is now being brought to Council for endorsement.

The road corridor connecting Durdidwarrah Road to the existing Government Road Reserve adjoining the submitter's property has been excised from the Steiglitz Historic Park and the Bill approving the excision was passed in April 2016. The excision was subsequently Gazetted (refer to Government Gazette – Road Proclamation – Attachment 1).

The submitter met with a Wadawurrung Field Officer in 2019 and the whole property was inspected as part of an Indigenous Cultural Heritage Survey. The naming of the road was discussed at that time and 'Tarnook' was agreed as the preference.

A 'Tarnook' is a wooden bowl used for water, food, or even hot coals. It can also be used during smoking ceremonies. The shape of the valley where Hay Track is located is like a bowl, with a chain of wetlands becoming a creek at times, and plant and animal sources of food and fire an important management tool. There are also burls on the large trees in this valley from which Tarnooks can be made, and the submitter actually made one for the Wadawurrung Field Officer from a tree in this valley. This Tarnook has subsequently been used during various ceremonies.

'In-principle' approval has been obtained from Wadawurrung for use of this language name and, once it is approved and endorsed by Council, the use of the name will be formalised with a Language Agreement. Wadawurrung does not require any Language Translation Consultation to be undertaken in this instance.

Parks Victoria has had discussions with long-term members of the Friends of Brisbane Ranges, who do not have any concerns regarding the change and are supportive of converting names to Traditional Owner names. Parks Victoria is working with Wadawurrung to undertake signage audits in a number of parks and reserves, including the Brisbane Ranges, which further supports building the connection with the Traditional Owners and reflecting their history within the Park. Parks Victoria is therefore happy to provide 'in-principle' support for the change.

As the re-naming of Hay Track will not impact on any other landowners in the vicinity, it is not felt to be necessary to advertise the proposal or invite public submissions. Hay Track is in Council's name; however, it does not meet the warrants to be included on Council's Register of Public Roads or to be maintained by Council. It is not required as a Fire Access Track, is classed as an Unused Road Reserve and is not a constructed road. It is a 'No Through Road'.

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	No

Communication	No
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by S.9 of Gender Equality Act 2020)	No

POLICY/RELEVANT LAW

Naming rules are informed by statutory requirements allowed for under the *Geographic Place Names Act 1998*; they are therefore mandatory for all naming authorities in Victoria.

COMMUNITY ENGAGEMENT

In this instance, the public consultation normally required under section 223 of the *Local Government Act 2020* has not been undertaken as it was not considered to be required.

Council Officers have been advised by the Department of Environment, Land, Water and Planning (DELWP) that a road naming amnesty is anticipated to be put in place from 1 July 2022, thus alleviating the need for exhaustive consultation in situations such as this one, where only the affected landowner (who is also the submitter) will be impacted.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

If the recommendation is adopted, it is proposed that the new road name be Gazetted in the Victoria Government Gazette.

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 endorse the proposed name change of ‘Hay Track’ in Steiglitz to ‘Tarnook Track’, in accordance with the *Naming Rules for places in Victoria – Statutory Requirements for naming roads, features and localities – 2016*

This option is recommended by officers because it accedes to the submitter’s request and does not create any disruption as there are no other adjoining property owners to be consulted.

Option 2 – That Council does not endorse the proposed name change of ‘Hay Track’ in Steiglitz to ‘Tarnook Track’.

This option is not recommended by officers as Council has received in-principle support from both Wadawurrung and Parks Victoria, and the name is compliant with the *Naming Rules for places in Victoria – Statutory Requirements for naming roads, features and localities – 2016*.

CONFLICT OF INTEREST

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

CONCLUSION

It is considered that this is a straightforward request from the submitter which can be agreed to and adopted by Council with minimum disruption to residents. The road is used only by the submitter to access his properties that adjoin this road.

7.5 VAGO AUDIT - SEXUAL HARASSMENT IN LOCAL GOVERNMENT

File Number:

Author: Simon Rennie, Director Corporate Services

Authoriser: Simon Rennie, Director Corporate Services

Attachments: Nil

RECOMMENDATION

That Council:

1. Note the update on the implementation of the action plan for the recommendations made in the VAGO report into Sexual Harassment in Local Government.
 2. Note this report was presented to the Audit & Risk Committee on 10 May 2022.
 3. Acknowledged that all actions have been completed and that any further updates will be presented to the Audit and Risk Committee as required.
-

EXECUTIVE SUMMARY

In February 2021, the Audit and Risk Committee were presented with the findings of the Audit report conducted by the Victorian Audit Generals Office (VAGO) on Sexual Harassment in Local Government.

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

Council resolved at the 27 April 2021 Council Meeting, to receive quarterly reports on actions, progress and implementation of the recommendations contained in the "*Sexual Harassment In Local Government*" report. The report was released in December 2021 by the Victorian Auditor-General's Office. In February 2021 it was adopted by Golden Plains Council.

This report provides a quarterly update on the progress of the implementation plan to Council.

BACKGROUND

What VAGO Examined

VAGO examined whether Victorian Councils 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 Victorian Councils,
- Victoria Councils policies, training and communication, and
- The effectiveness of Victorian Councils complaint handling.

VAGO's Recommendation

This audit report provided eleven recommendations to Victorian 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 eleven recommendations VAGO made were accepted by Golden Plains Shire Council and Council has completed nine of the recommendations, with the two other actions in progress.

DISCUSSION

Actions for Golden Plains Shire Council

The following action plan has been developed to implement the VAGO recommendations over a 12–18-month period, with mandatory training and regular surveys to be built into ongoing business-as-usual activities.

VAGO Recommendation	Action item	Due Date	Status
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	31/12/2021	COMPLETED Risk assessments have commenced and will continue across the organisation. This action works in conjunction with Council's implementation of the Gender Equality Actions including gender impact assessments being completed on relevant policies and procedures.
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	COMPLETED The Gender Equality survey was undertaken in June 2021. Results have been incorporated into the Gender Equality Audit report which will be submitted to the Commissioner in December 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	The collection of information continues to be undertaken to ensure the due date of 1 June 2022 is met.
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.	31/12/2021	COMPLETED. The internal staff policy has been adopted.
- 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	COMPLETED Risk assessments have commenced and will continue across the organisation. This action works in conjunction with Council's implementation of the Gender Equality Actions including gender impact assessments being completed on relevant policies and procedures.
Recommendations about preventing sexual harassment			
4. Introduce a standalone sexual harassment policy that: - 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.	31/12/2021	COMPLETED. The internal staff policy has been adopted.
- Includes clear links to relevant council policies and procedures	New standalone policy will meet this requirement.		

VAGO Recommendation	Action item	Due Date	Status
- 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.		
- 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.		
5. Introduce mandatory training on sexual harassment, or improve existing training, so that at a minimum it: <ul style="list-style-type: none"> - Includes face-to-face or live online sessions for all staff and councillors at least once every two years (in addition to online modules) - Covers safe strategies for bystander interventions - 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 REVISED DATE 30/06/2022	In Progress. Training is still in development.
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	COMPLETED GPSC provides weekly all staff communication via the 'In the Loop' newsletter and over the last 3 months, a number of communication 'bites' have been provided on what is defined as sexual harassment, where to go for help and what options are available. This will continue to be use as a communication tool to keep this at front of mind.
Recommendations about responding to sexual harassment			
7. Encourage reporting of inappropriate behaviour by: <ul style="list-style-type: none"> - Promoting formal and informal complaint channels - Allowing for anonymous complaints (see Section 4.1) 	Clearly outlined in the new standalone policy and procedures. Promoted at OHS and team meetings and in lunchrooms and common areas New standalone policy will meet this requirement.	31/12/2021	COMPLETED.
8. Improve record keeping of sexual harassment complaints by: <ul style="list-style-type: none"> - 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	COMPLETED
- 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.	30/11/2021	COMPLETED.
9. View complaint procedures to ensure they include: <ul style="list-style-type: none"> - A requirement to inform the complainant of the outcome of the complaint - Guidance on how investigators can support reluctant complainants (see Section 4.2). 	New standalone policy and procedure will meet these requirements.	30/11/2021	COMPLETED. The internal staff policy has been adopted.
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.	30/11/2021 REVISED DATE 30/06/2022	In Progress. Training for Councillors has been provided via the MAV training sessions, Councillors will also be provided the same training as our staff. Training is still in development

VAGO Recommendation	Action item	Due Date	Status
11. Ensure councillors are informed of their internal and external options for sexual harassment support and complaints, including: <ul style="list-style-type: none">- The council's employee assistance program- Councillor Code of Conduct dispute resolution processes- External complaint bodies (see Section 4.1).	New standalone policy and procedures will meet this requirement. The Councillor dispute resolution procedures will be reviewed to ensure that aligned with the VAGO recommendations.	31/12/2021	COMPLETED The draft Councillor Sexual Harassment Policy and supporting dispute resolution was adopted at the 26 October 2021 Council meeting.

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
Gender Equality (Gender Impact Assessment required by S.9 of Gender Equality Act 2020)	Yes

GOVERNANCE PRINCIPLES

Councils Sexual Harassment Policy will be developed in alignment 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).

GENDER EQUALITY

As this report relates to the development or review of a policy, program or service that has a direct and significant impact on the public, the Gender Equality Act 2020 requires that a Gender Impact Assessment (GIA) be undertaken. A GIA has been conducted and there are no identified gender inequality implications.

OPTIONS

As this report is a progress update, the report is for noting.

CONFLICT OF INTEREST

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

CONCLUSION

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

7.6 AUDIT & RISK COMMITTEE REPORT - 10 MAY 2022**File Number:****Author:** Sophie Brown, Governance and Legal Services Specialist**Authoriser:** Simon Rennie, Director Corporate Services**Attachments:** 1. **Draft Audit & Risk Committee Minutes - 10 May 2022 (under separate cover)****RECOMMENDATION**

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 10 May 2022 (Attachment 1).

EXECUTIVE SUMMARY

This report is being submitted to Council to provide a summary of business considered at the 10 May 2022 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.

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
Gender Equality	No

(Gender Impact Assessment required by S.9 of Gender Equality Act 2020)	
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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 10 May 2022**

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 10 May 2022

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 regard to this matter.

CONCLUSION

The next meeting of the Audit & Risk Committee is scheduled for 13 September 2022.

7.7 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - THIRD QUARTER ENDING 31 MARCH 2022

File Number:

Author: Rosie Wright, Acting Coordinator Governance and Risk

Authoriser: Simon Rennie, Director Corporate Services

Attachments: 1. Councillor Expenditure Q3 2021-22 (YTD)

RECOMMENDATION

That Council note the contents of the Councillor Expenses and attendance report for quarter three of 2021/22.

EXECUTIVE SUMMARY

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for quarter three of 2021/22. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council. Providing regular updates throughout the year on the Councillor attendance at meetings enables enhanced transparency rather than one annual update as reported in Council's annual report.

BACKGROUND

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

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

DISCUSSION

Summarised in the attached document are the figures for allowances and expenses for the Mayor and Councillors for quarter three of 2021/22.

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

Category	Annual Budget \$	Actual \$	Percentage spent
Conferences & Training Expenses	17,387	316	1.8%
Travel Expenses	5,495	1,808	32.9%
Car Expenses	6,230	6,756	108.4%
IT & Communications	6,300	2,841	45.1%
Childcare Expenses	-	-	
Total Councillor Allowances	35,412	11,721	33.1%

Councillor attendance at scheduled and unscheduled meetings of council

The table below outlines the Councillor attendance at both scheduled and unscheduled meetings of Council for quarter three of 2021/22.

Council held the following meetings:

- 2 scheduled Ordinary Council meetings held in February and March

Councillor	Scheduled Meetings (2 meetings)	Unscheduled Meetings (0 meetings)	Total Meetings (2 meetings)
Brett Cunningham	2	0	2
Gavin Gamble	2	0	2
Ian Getsom	2	0	2
Helena Kirby	2	0	2
Les Rowe	2	0	2
Owen Sharkey	2	0	2
Clayton Whitfield	2	0	2

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	No
Communication	No
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by S.9 of Gender Equality Act 2020)	No

POLICY/RELEVANT LAW

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

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

PUBLIC TRANSPARENCY

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

FINANCIAL MANAGEMENT

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

HUMAN RIGHTS CHARTER

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

GENDER EQUALITY

This report has considered the gender equality principles as set out in the Gender Equality Act 2020. The gender impact assessment decision matrix has been completed and no gender impact assessment is required.

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

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

Option 2 – That Council defer the report.

This option is not recommended by officers as the report provides an update on Councillor expenses and attendance for Q3 2021/22 which has now finished.

CONFLICT OF INTEREST

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

CONCLUSION

That Council note the contents of the Councillor Expenses and attendance report for the third quarter of 2021/22 being the quarter ended 31 March 2021.

7.8 SMYTHESDALE PHARMACY LEASE AGREEMENT - THE WELL BUSINESS, HEALTH AND COMMUNITY HUB

File Number:

Author: Sophie Brown, Governance and Legal Services Specialist

Authoriser: Simon Rennie, Director Corporate Services

Attachments: 1. Draft Smythesdale Pharmacy Lease - Confidential (under separate cover)

RECOMMENDATION

That Council:

1. Endorse the proposal to lease Shop 1 at The Well Business, Health & Community Hub, 19 Heales Street, Smythesdale to J Daffy & G Voulgaris of Smythesdale Pharmacy.
2. Endorse the lease on the following terms:
 - Purpose: Pharmacy.
 - Commencement Date: 1 June 2022 (exact date to be confirmed following Council endorsement).
 - Term: 3 years, then two 3-year optional further terms.
 - Rent Year 1: \$18,166.20 plus GST.
 - Rent Year 2: \$18,166.20 plus GST + 2% CPI increase per annum thereafter.

EXECUTIVE SUMMARY

Shop 1 at The Well Business, Health & Community Hub Smythesdale, a Council owned facility, has been leased to J Daffy & G Voulgaris, owners of the Smythesdale Pharmacy since 1 February 2012. The original lease expired on 1 February 2022. The purpose of this report is to recommend Council endorse the proposal to enter into a new lease with J Daffy & G Voulgaris to continue the provision of a Pharmacy service to the Smythesdale district, and to endorse the lease on the terms as attached.

BACKGROUND

On 1 February 2022 the original lease of Shop 1 at The Well Business, Health & Community Hub between Council and J Daffy & G Voulgaris expired. The original lease was entered into on 1st February 2012 for a term of one year, with an additional three 3-year optional further terms. All three further terms have now been executed. J Daffy & G Voulgaris have contacted Council wishing to continue their tenancy at this premises and enter into a new lease with Council. A new lease has been prepared (Attachment 1) for Council's endorsement.

DISCUSSION

J Daffy & G Voulgaris have been operating Smythesdale Pharmacy out of Shop 1 at The Well Business, Health & Community Hub Smythesdale for the past 10 years. Their existing lease with Council for this premises expired on 1 February 2022.

Council is recommended to endorse the proposal of this new lease and its terms, for review by the tenants and subsequently executed, with the following terms:

- First year rent of \$18,166.20 plus GST per annum.
- A Market Review to occur on the first day of each new term.

- A CPI Review to occur on the first day of each year.
- 5% contribution (based on the lettable area) to the overall facilities and utilities charged at \$282.42 per quarter. Annual adjustments will be made based on supply increase.
- The lease is subject to and conditional upon the tenant maintaining Medicare approval to operate a pharmacy from the premises.

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/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
Risk Assessment	No
Communication	No
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, entering into a lease agreement with Smythesdale Pharmacy to deliver an important health service will specifically assist in achieving the best outcomes for the municipal community, including future generations.

POLICY/RELEVANT LAW

Local Government Act 2020

COMMUNITY ENGAGEMENT

As per s115 of the *Local Government Act 2020*, where Council proposes to lease land and the rent for any period of the lease is \$100,000 or more, the current market value of the land is \$100,000 or more a year, or the proposed lease is for 10 years or more, the Council must include that proposal in the budget or undertake a community engagement process in accordance with the Council's community engagement policy.

This proposed lease does not meet the criteria of s115 and a community engagement process is not required.

PUBLIC TRANSPARENCY

In accordance with section 58 of the *Local Government Act 2020*, this report will be made publicly available as part of the Council Meeting Agenda.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

The Smythesdale Pharmacy will be responsible for any continued communication regarding the service.

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 endorse the proposal to enter into a new lease and its terms with J Daffy & G Voulgaris of the Smythesdale Pharmacy

This option is recommended by officers as the Smythesdale Pharmacy have been tenants of this premises for the past 10 years, which has become an important and valued community service.

Option 2 – That Council do not endorse the proposal to enter into a new lease and its terms with J Daffy & G Voulgaris of the Smythesdale Pharmacy, and commence an EOI process

This option is not recommended by officers as the Smythesdale Pharmacy have been good tenants providing a much-needed service to the Smythesdale district, with a well-established client base. The lettable area has been fit out to provide for this service. An EOI process would not be guaranteed to result in any outcomes for the lettable area.

Option 3 – That Council request further information

This option is not recommended by officers as the lease in its entirety is appended to this report.

CONFLICT OF INTEREST

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

CONCLUSION

The lease with J Daffy & G Voulgaris for the Smythesdale Pharmacy will provide many benefits to the community. Smythesdale Pharmacy is the only Pharmacy servicing the Smythesdale district and has provided a valuable and important service to the North of the Shire that community members have come to rely on over the last 10 years.

It is recommended that Council proceed with the proposal to lease Shop 1 at The Well Business, Health & Community Hub, 19 Heales Street, Smythesdale to J Daffy & G Voulgaris for the purpose of operating the Smythesdale Pharmacy. This includes endorsing the terms of the lease as appended.

7.9 MEETING RECORD**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Simon Rennie, Director Corporate Services**Attachments:** 1. Meeting Record - 03 May 2022**RECOMMENDATION**

That Council receive and note the Meeting Record from 3 May 2022 as attached.

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

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

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	No
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

Transparency of Council decisions, actions and information is to be ensured.

POLICY/RELEVANT LAW

Local Government Act 2020

Governance Rules

PUBLIC TRANSPARENCY

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council receive and note the Meeting Record from 3 May 2022 as attached.

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

Option 2 – That Council do not receive and note the Meeting Record from 3 May 2022 as attached.

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

CONFLICT OF INTEREST

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

CONCLUSION

That Council notes the meeting record.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66 of the Local Government Act 2020:

10.1 Confirmation of Confidential Council Meeting Minutes - 26 April 2022

This matter is considered to be confidential under Section 3(1) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
