



AGENDA

Council Meeting

6.00pm Tuesday 23 August 2022

VENUE:
The Well
19 Heales Street, Smythesdale

NEXT COUNCIL MEETING
6.00pm Tuesday 27 September 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 Peoples.

Council acknowledges them as the Traditional Owners and Custodians and pays its respects to both Wadawurrung and Eastern Maar Elders past, present and emerging.

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

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

That the minutes of the Council Meeting held on Tuesday 26 July 2022 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION**7.1 CITIZEN RECOGNITION AWARD****File Number:****Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil

Golden Plains Shire is proud to recognise the fantastic achievements and contributions made by young people in the community. We are fortunate today to present a Citizen Recognition Award to Lachlan O'Keefe who is being recognised for his achievement in sport.

- Lachlan is 17 years old, lives in Smythes Creek and has been involved in athletics high jump for six years. Lachlan was selected for the Australian team for the World Athletics Under-20 Championships that is being held in Colombia in August 2022.

7.2 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
- CEO Employment and Remuneration Committee

COMMUNITY ENGAGEMENT / EVENTS**Cr Gamble**

- Meeting with President of the Batesford Community Planning Group
- Visit Studio of Lucy McEachern
- Maude Hall COM
- Meeting with Catherine King, Ballarat Office
- Biodiversity Planning & Green Spaces: VLGA & LGiU Global Live Panel Forum
- Councillor Conversation Post
- Council Tree Planting Event on Bruces Ck
- Billy Tea with the Mayor
- Interview with ABC News, Ballarat
- G21 Mayoral Catch Up

- Coffee With The Mayor at Golden Plains Farmers Market
- St Mary MacKillops Church Dedication, Bannockburn
- Teesdale Flood Study Engagement (Online)
- G21 Integrated Transport Cross Pillar Group
- Teesdale Community Planning Engagement Meeting
- G21 Managing Growth Advisory Group
- Coffee With The Mayor at the Inverleigh Food Swap
- Environmental Volunteer & Agency Network (EVAN) Meeting
- Turtle Bend Events AGM
- Smythesdale Market and Coffee with the Mayor
- Dereel Scouts ARAP and Meeting
- G21 Mayors Meeting

Cr Cunningham

- Councillor Conversation Post
- Teesdale Flood Study Online Engagement Session
- Youth Hub - Community Reference Group Meeting
- Golden Plains Shire Council - CCTV Steering Committee

Cr Getsom

- Councillor Conversation Post
- Northern Business Networking Event

Cr Kirby

- Councillor Conversation Post
- Northern Business Networking Event
- Teesdale Flood Study Online Engagement Session
- Active Ageing & Inclusion External Advisory Group Meeting

Cr Rowe

- Councillor Conversation Post
- Golden Plains Shire Council CCTV Steering Committee
- Maude Hall Committee of Management Meeting
- Maude Landcare AGM

Cr Sharkey

-

Cr Whitfield

- Councillor Conversation Post
- Teesdale Flood Study In Person Engagement Session

7.3 COUNCIL PLAN 2021-2025 IMPLEMENTATION - QUARTER FOUR**File Number:****Author:** Sophie Brown, Governance and Legal Services Specialist**Authoriser:** Simon Rennie, Director Corporate Services**Attachments:** 1. Council Plan Implementation Report – Quarter 4**RECOMMENDATION**

That Council note the report and implementation of the actions contained in the Council Plan 2021-2025 for Quarter 4 from 1 April 2022 to 30 June 2022.

EXECUTIVE SUMMARY

This report is to update Council on the progress made in actioning the Council Plan 2021-2025 for Quarter 4.

BACKGROUND

The Council Plan 2021-2025 is Council's commitment to delivering on the dreams and aspirations outlined in the Golden Plains Shire Community Vision 2040.

The Local Government Act 2020 requires that a Council Plan be prepared and adopted by 31 October in the year following a general election and that Council must address the strategic planning principles outlined in the Act in the preparation of its Council Plan and other strategic plans.

The Plan plays a key role in setting the strategic direction of Council for the Council term and ensuring an integrated approach is taken to planning, monitoring and performance reporting. The Council Plan has been informed by extensive community engagement and expands on the four Themes of the Community Vision - Community, Liveability, Sustainability and Prosperity with the inclusion of an additional theme in Leadership. The Themes and Community Priorities provide the framework for Golden Plains Shire to align its strategic objectives and actions to for the next four years.

In addition, the Council Plan 2021- 2025 incorporates the Municipal Public Health and Wellbeing Plan (MPHWP) as required under the Public Health and Wellbeing Act 2008. This ensures the priorities for supporting, protecting and improving the health and wellbeing of the Golden Plains Shire community are at the forefront of Council's strategic planning and are integrated across all Council services and initiatives.

DISCUSSION

Progress for Quarter 4 of the 2021-2025 Council Plan has continued across all pillars in the implementation of the Council Plan.

A detailed explanation of all actions completed to date can be obtained from Attachment 1 – Council Plan Implementation Report – Quarter 4.

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	No
Communication	Yes
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by S.9 of Gender Equality Act 2020.)	Not required, but has been undertaken

GOVERNANCE PRINCIPLES

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

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

POLICY/RELEVANT LAW

The quarterly progress report is provided in relation to the Council Plan 2021-2025. Ongoing monitoring of progress is a requirement under section 89 of the LGA 2020.

PUBLIC TRANSPARENCY

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

STRATEGIES/PLANS

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

SERVICE PERFORMANCE

The quarterly progress report focuses on Council's performance in relation to the actions of the Council Plan 2021-2025. Each quarterly report is a valuable tool in demonstrating service gains and improvements.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

GENDER EQUALITY

A gender impact assessment has been undertaken on the Council Plan reporting process and has not identified any gender equality concerns. Any policies, programs or services that continue to be reviewed and developed as a result of the Council Plan that would have a direct or significant impact on the public will be subject to a specific gender impact assessment at the planning stage.

OPTIONS

Option 1 – that Council note the implementation of the actions contained in the Council Plan 2021-2025 for Quarter 4 from 1 April 2022 to 30 June 2022

This option is recommended by officers as the report is to provide an overview of the implementation of the actions contained in the Council Plan 2021-2025 for Quarter 4 from 1 April 2022 to 30 June 2022.

Option 2 – that Council do not note the implementation of the actions contained in the Council Plan 2021-2025 for Quarter 4 from 1 April 2022 to 30 June 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 content of the implementation of the actions throughout Quarter 4 is accessible to Councillors.

CONFLICT OF INTEREST

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

CONCLUSION

As outlined in the attached report, actions for Quarter 4 of the Council Plan 2021-2025 have commenced, with some well underway. Continued action and future planning will continue to see the successful progression and completion of the Council Plan 2021-2025.

7.4 CLIMATE EMERGENCY PLAN - FOR EXHIBITION

File Number:**Author:** David Collins, Coordinator Environment & Sustainability**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Draft Climate Emergency Plan 2022 - 2032**RECOMMENDATION**

That Council:

1. Endorses the Draft Climate Emergency Plan and places the Draft on exhibition for community comment for a period of 4 weeks.
 2. Note officers will present a final Draft Climate Emergency Plan for Council adoption having considered any public submissions received.
-

EXECUTIVE SUMMARY

In July 2021, Council declared a Climate Emergency and committed to the development of a Climate Emergency Plan (the Plan).

Since the declaration, Officers have undertaken community engagement, analysed feedback and drafted the Plan. The Plan aligns with themes and objectives in the 2021-2025 Council Plan, Council's Environment Strategy 2019-2027 as well as the Local Government Act 2020 and Climate Change Act 2017.

There is a strong imperative for Council to reduce emissions and prepare for the changing climate given the expected impact on Council's operations, assets and the health and wellbeing of the Golden Plains Shire community.

To demonstrate Council's commitment and drive the response to the climate emergency, Officers recommend the endorsement of the Draft Climate Emergency Plan 2022-2032 and that it be placed on public exhibition.

BACKGROUND

In July 2021, Council declared a Climate Emergency and committed to the development of the Plan to detail actions Council and the community can take to mitigate, adapt and respond to climate change in the Shire.

In March 2022 Council was briefed by Officers on the development of the Plan to date.

Subsequently, Officers completed extensive community engagement followed by an in-depth analysis of community and stakeholder feedback to ensure the draft Plan is an accurate representation of the community's sentiment.

In July, Officers presented the Plan's development at the Council Strategic Briefing and provided Councillors an opportunity to offer input on actions for inclusion in the Plan.

DISCUSSION

There are numerous existing drivers for Council to respond proactively to climate change that sit alongside Council's declaration of a Climate Emergency.

In the 2021-2025 Council Plan, climate change is a recurring theme. Tackling climate change is part of the Community's Vision 2040, a key focus of the sustainability section and is one of five health and wellbeing priorities.

Council's Environment Strategy 2019–2027 also has a focus on responding to climate change. Theme 4.2 of the Strategy focuses on climate change adaptation and mitigation. The key implementation mechanisms of this Theme are:

1. Identify and implement actions that support Council carbon draw down to address climate change and reduce Council's carbon footprint.
2. Strengthen community capacity to effectively respond to current and future challenges related to climate change.
3. Establish and support partnerships with other agencies, community groups and education facilities to improve understanding and action on climate adaptation.
4. Educate and empower the community, community groups and landholders about the impacts of climate change and actions on climate adaptation.

The Local Government Act 2020 and Climate Change Act 2017 also underpin Council's climate emergency response through requiring Council to consider climate change in planning and decision-making.

There is a strong imperative for Council to reduce greenhouse gas emissions and prepare for the changing climate given the expected impact on Council's strategic goals, operations, assets and service delivery, as well as the health and wellbeing of the community.

Engagement with community, other Councils, GPS staff and Councillors has informed the development of the Draft Plan. The Plan gives context to the current and future impacts of climate change within the Shire and lays out actions for Council to undertake over the next 10 years under the following five themes:

- Embedding climate action in Council
- Resilient and adaptive communities
- Caring for the land
- Climate responsive development
- Sustainable transport and travel

Officer's recommended next step is to place the Draft on exhibition for community comment before finalising the Plan.

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

GOVERNANCE PRINCIPLES

Multiple actions within the Plan will involve collaboration with other Councils and entities such as through the Barwon Southwest Climate Alliance.

The Plan draws from the Grampians Region Climate Adaptation Strategy 2021-2025.

POLICY/RELEVANT LAW

The Plan aligns with requirements in the Local Government Act 2020 and Climate Change Act 2017.

The Golden Plains Shire Council Plan 2021-2025 and Environment Strategy 2019–2027 underpin the development of the Plan.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Plan directly addresses climate change, environmental and social issues through the Action Plan.

COMMUNITY ENGAGEMENT

Feedback about actions to include the Plan were collected through the following consultation methods:

- Review and input by Wadawurrung Traditional Owner Aboriginal Corporation
- A Have Your Say survey
- Three in-person community workshops in Teesdale, Dereel, Smythesdale and one online workshop
- Booths at the Golden Plains Farmers' Market, Smythesdale Market, Golden Plains Community Fair in Bannockburn, and at the Bannockburn Youth Hub
- Engagement with students at Ross Creek and Meredith Primary
- Nine 1:1 interviews with businesses and community groups in the Shire
- Conversations with staff from seven Victorian Councils that have Climate Emergency Plans and Golden Plains Shire internal staff teams.

The Plan outlines an ongoing commitment to consult with the public during the lifetime of the Plan.

PUBLIC TRANSPARENCY

By endorsing the Plan and releasing it for public exhibition for 4 weeks, Council will meet public transparency criteria. The Plan also outlines a commitment to provide publicly available summary documents on progress and outcomes of actions every two years.

STRATEGIES/PLANS

The Plan aligns with both the Council Plan 2021-2025 and the Environment Strategy 2019-2027

FINANCIAL MANAGEMENT

Both staff and project costs will be required to deliver the actions within the Plan over its 10-year duration. Project and offset costs have been estimated but given the complexity, duration and extent of the Plan there is considerable uncertainty associated with these values. The staff time will largely be contained within the Environment and Sustainability team but will also require input from staff across the organisation for various projects. Funds for projects may come from a mix of Council funding and grants.

Total estimated costs over lifetime of Plan	
In-house resourcing (staff time)	\$648,750
External resourcing (non-staff project costs)	\$2,565,760
Offset costs (purchasing)	\$611,712
Total overall estimated resourcing requirements	\$3,826,222

RISK ASSESSMENT

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

By endorsing the Draft Plan, Council takes a proactive step towards reducing the impacts climate change will have on Council operations, assets, and the health and wellbeing of the Golden Plains community.

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

Option 1 – Endorse Draft Plan and release for public exhibition for 4 weeks.

This option is recommended by officers, the draft Climate Emergency Plan is ready for public exhibition.

Option 2 – Delay endorsement of the Draft Plan and release for public exhibition.

This option is not recommended by officers as it does not add value and will expend resource use by delaying the process.

Option 3 – Endorse Draft Plan and do not release for public exhibition.

This option is not recommended by officers as it does not align with transparency principles as outlined in Section 58 of the Local Government Act 2020.

CONFLICT OF INTEREST

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

CONCLUSION

There is a strong imperative for Council to continue to reduce greenhouse gas emissions and prepare for the changing climate given the expected impact on Council's strategic goals, operations, assets and service delivery, as well as the health and wellbeing of the community. To demonstrate Council's commitment and drive the response to the climate emergency, Officers recommend the endorsement of the Draft Climate Emergency Plan 2022-2032 and that it be placed on public exhibition.

7.5 DRAFT ECONOMIC DEVELOPMENT, TOURISM & INVESTMENT ATTRACTION STRATEGY 2022 - 2032

File Number:

Author: Peter Ridsdale, Coordinator Economic Development

Authoriser: Eric Braslis, CEO

Attachments: 1. Draft Economic Development, Tourism & Investment Attraction Strategy 2022-2032

RECOMMENDATION

That Council endorse the Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 for public exhibition.

EXECUTIVE SUMMARY

The Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 will give Council a direction to guide the future prosperity of Golden Plains Shire over the next 10 years.

The role of economic development in Golden Plains Shire is required to support our business communities, agricultural sector and tourism sectors while having regard for social, environmental and economic outcomes.

It is recommended the draft Strategy be placed on public exhibition for feedback from our community commencing the 25 August 2022.

BACKGROUND

The development of the strategy commenced with the appointment of SGS Economics & Planning in July 2021 noting the progress of the development of the strategy has been impacted by restrictions limiting access to a number of the community engagement activities and availability of consulting staff.

It is noted that while this strategy is developed for the next 10 years, the action plan that forms part of this strategy will focus on the first 4 years of the 10-year period with the balance of the period considering the aspirational concepts across the main pillars of economic development, tourism and investment attraction. It is anticipated there will be a review of the strategy around the four-year mark to deliver revised and more specific actions that will be relevant at the time.

The draft strategy has been developed with inputs from key stakeholders, a Councillor workshop, workshops with community groups and a community survey conducted May/June 2022.

DISCUSSION

The Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 commenced with an inception workshop between the consultants and Council Officers from various departments who provided insights to current projects and initiatives that influenced the economic profile of Golden Plains Shire.

In November 2022 a workshop was conducted with Councillors and SMT to overview the strategy development process, obtain Councillors understanding of the current economic performance of Golden Plains Shire and to gain an insight to their ambitions and objectives for economic development in the future. In December 2022 the Background Working Report draft was presented to Council officers for review. This report provides the foundations to informing the Action Plan component of the Strategy. In April 2022, consultants and Council officers met with a number of community members from various areas of Golden Plains Shire to explore the economic development themes specific to townships and settlements. This facilitated workshop was aimed at briefing the consultants on the community preferences or opposition to economic growth in their

communities assisting in complimenting a Shire wide strategy with targeted variations to suit individual communities.

A Shire wide community survey was conducted during May/June 2022 providing the opportunity for all community members, business owners to have input to the process undertaken to arrive at this draft stage.

It is noted that the strategy is delivered through over 60 individual defined actions to drive growth and prosperity in our business communities, tourism sector and investment attraction initiatives. In addition, there is an overarching consideration of our community groups and direct contribution through the implementation of this strategy to enhancing the liveability in Golden Plains Shire.

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

COMMUNITY ENGAGEMENT

The draft Strategy was developed in consultation with several key stakeholders from various industry sectors and organisations across Golden Plains Shire, a workshop with Councillors and SMT, a workshop with community leaders from various areas of the Shire and a community survey conducted in May/June 2022

STRATEGIES/PLANS

This strategy is developed for the next 10 years, the action plan that forms part of this strategy will focus on the first 4 years of the 10-year period with the balance of the period considering the aspirational concepts across the main pillars of economic development, tourism and investment attraction. It is anticipated there will be a review of the strategy around the four-year mark to deliver revised and more specific actions that will be relevant at the time.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Exhibition of the draft Strategy for public comment will be widely promoted via Council's usual communication channels.

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 equity principles as set out in the Gender Equality Act 2020.

OPTIONS

Option 1 – That Council endorse the Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 for public exhibition commencing the 25 August 2022

Option 2 – That Council does not endorse the Draft Economic Development, Tourism & Investment Attraction Strategy 2022 – 2032 for public exhibition commencing the 25 August 2022

CONFLICT OF INTEREST

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

CONCLUSION

Economic Development, Tourism & Investment Attraction Strategy 2022–2032 provides a framework and a defined action plan to guide the implementation of the 10-year strategy with the initial 4-year period informed by measured inputs and outcomes and the balance 6-year period reflecting the aspirational vision for economic growth and prosperity across Golden Plains Shire.

Subject to Council's endorsement, the draft Strategy will be made publicly available for feedback with a view of presenting the final Strategy to Council for adoption at its October meeting.

7.6 WOADY YALOOK EQUESTRIAN CENTRE MASTERPLAN 2022-2032

File Number:**Author:** Ben Jordan, Manager Recreation & Community Development**Authoriser:** Steven Sagona, Director Community Services**Attachments:**

1. Woody Yaloak Equestrian Centre Masterplan 2022-2032
2. Woody Yaloak Equestrian Centre Research Report

RECOMMENDATION

That Council:

1. Adopt the Woody Yaloak Equestrian Centre Masterplan 2022–2032.
2. Note the Woody Yaloak Equestrian Centre Background Research Report.

EXECUTIVE SUMMARY

Council has engaged SBP Advisory to consult with community stakeholders on current facility provision, identify demand and possible future facility improvements through the development of a Masterplan (Attachment 1) for the Woody Yaloak Equestrian Centre in Smythesdale.

Extensive community engagement to develop the Masterplan was undertaken with 73 community survey responses submitted during April and May 2022. The engagement processes demonstrated a strong interest in equestrian and the Woody Yaloak facility in Golden Plains Shire. The Woody Yaloak Equestrian Centre Committee of Management was provided with two in-person sessions and a three week follow up process to provide feedback on potential improvements and designs.

The master planning process has been supported by a detailed evidence base (Research Report provided as Attachment 2) and will inform strategic planning and development of priorities for future infrastructure and programming opportunities at the Woody Yaloak Equestrian Centre for the period 2022-2032. The Masterplan provides clear and prioritised recommendations across six different categories. It is backed by evidence of community need, benefit and sustainability and will assist in the scoping of funding/grant opportunities to deliver the potential future upgrades and increase participation.

BACKGROUND

In order for Council to plan the development and enhancement of active recreation facilities and programs across the shire, site-specific recreation masterplans are required. Master planning assists with the prioritisation of projects, decisions about investment and supports advocacy and opportunities to seek external funding. Masterplans provide a strong evidence base as they require extensive consultation and site-specific planning.

Golden Plains Shire's 'Sport and Active Recreation Strategy 2020-2030' identifies the need for site masterplans which align with the strategic planning principles of the Strategy and have been developed in partnership with key stakeholders, and tested with community. Equestrian activities and facilities are recognised as providing a 'point of difference' for Golden Plains Shire which has potential for further regional and state level opportunities. Equestrian provides a unique opportunity for people of all ages and abilities to come together and participate. The sport is particularly popular in rural communities and features a variety of disciplines that cater for different interests and skill levels.

The Sport & Active Recreation Strategy 2020 – 2030 identifies the Woody Yaloak Equestrian Centre as a prominent location for specific action: 'continuing to develop a regional equestrian facility at Smythesdale (as the Shire's only regional-level facility), taking into consideration any additional supporting infrastructure and programming required to increase participation' (page 43). In order to assist in determining and prioritising any future site improvements and set clear

strategies to support equestrian participation at the Woody Yaloak Equestrian Centre, Council committed funds in the 2021/22 Budget to develop a site Masterplan to:

- Assess the demand for sporting and recreation facilities relating to the site.
- Review the condition and provision of the sport and recreation facilities at the Centre.
- Identify capital and strategic development opportunities at the Centre for future developments and activation including costings and funding responsibilities.
- Produce a concept plan detailing the recommended location of potential developments.

In line with Council's procurement processes, quotes were requested and following a thorough evaluation process, SBP Advisory were appointed to undertake the Woody Yaloak Equestrian Centre Masterplan process.

DISCUSSION

Current Status

The Woody Yaloak Equestrian Centre (WYEC), located at 5 Lords Road, Smythesdale, is a significant sporting facility in Golden Plains Shire, which caters for multi-disciplined equestrian activities and attracts users from across the region and state.

WYEC is one of two equestrian centres supported by Council (the other being Leighdale Equestrian Centre, Teesdale), and is the only local public equestrian facility in the north of Golden Plains Shire. The facility offers a unique bush setting and caters for a range of different equestrian disciplines and opportunities for the local community.

Woody Yaloak Equestrian Centre is a Council owned facility with management responsibilities delegated by agreement to the Woody Yaloak Equestrian Centre Committee of Management, which has driven equestrian participation and the development/activation of the Centre.

The WYEC is home to four local riding clubs (the Ballarat Adult Riding Club, Rokewood Pony Club, Smythesdale Adult Riders Club and Smythesdale Pony Club) and the Woody Yaloak Eventing Association (Funding Committee). The clubs collectively have approximately 150 members and the Centre is also utilised on a regular basis by over 75 registered casual riders.

Masterplan Process

The methodology to undertake the Masterplan project with community stakeholders involved a number of elements under the following four stages:

1. Scoping and Project Management
2. Issues and Opportunities
3. Stakeholder Consultation
4. Final Masterplan.

A key component for capturing and presenting the evidence base for the final Masterplan in undertaking the four stages listed above was completion of the detailed Research Report.

The Research Report provides a record of all background, analysis and findings from the project including the demographics, facility condition audit/assessment, engagement, benchmarking and a SWOC analysis undertaken to support the Masterplan key recommendations.

Findings/Recommendations

Based on feedback from stakeholders, equestrian activity participation trends and continued projected population growth (within Golden Plains and surrounding LGAs), it is likely that there will be increasing interest and demand for equestrian facilities within the Golden Plains Shire.

Within equestrian, there is a requirement and trend towards provision of infrastructure that better supports competitors and horses, particularly in relation to quality of surfaces and facilities that provide for the safety, welfare and comfort of horses and competitors.

Further improvement/development of the Woody Yaloak Equestrian Centre facilities would enable greater accessibility and utilisation to meet increasing demand, address safety concerns and

provide enhanced opportunities and experiences for participants and spectators. The WYEC has the opportunity to be seen as the 'primary' centre for equestrian in the region with the location and offerings available providing the potential to enhance the WYEC to a level which exceeds services (and include possible programming and events) offered elsewhere.

The current design and site layout prevent the facility from meeting the requirements to host state and national level events. However, with strategic planning, design and improvements, the facility has the potential to be able to host these events.

Improved parking, structures, arenas and lighting to enable extended flexibility in usage times, usability in varying weather conditions and event hosting have been identified as opportunities for Woody Yaloak Equestrian Centre.

Based on the stakeholder/community consultation, industry trends and best practice, a full list of recommendations for the Woody Yaloak Equestrian Centre is provided in the Masterplan. The recommendations provide specific details and rationale, along with indicative cost estimates, across the following six categories:

- Equestrian Arenas - \$4,941,205
- Structures - \$1,835,000
- Parking - \$665,000
- Arena Circulation - \$260,000
- Landscaping - \$220,000
- Gates/Access/Others - \$576,500.

Some of the high priority actions within the recommendations identified a focus on participation, safety, supporting volunteers and increased usability, including:

- Upgrading the creek crossing for emergency vehicle access to the Cross Country Course
- New yards and float parking to enable increased usage and events at the facility
- Re-design of the bottom carpark
- Multiple new arenas and accompanying infrastructure
- An online bookings system
- Landscaping specific to the site.

Given the nature, extent and cost associated with a number of the Masterplan improvement recommendations, it is highly likely that the Woody Yaloak Equestrian Centre, user clubs and Council will need to plan for and explore external funding opportunities to progress these projects, which may also need to be delivered in a staged approach.

The cost estimates listed above (and provided in Attachment 2) are indicative only and detailed costings would need to be prepared, including escalations and contingencies, when planning is being undertaken for each specific item of infrastructure.

Council has recently submitted a funding application through the Victorian State Government's Local Sports Infrastructure Fund (Planning Stream) to further progress the strategic planning recommendations of the Masterplan and to provide detailed QS costing documentation for infrastructure development at the Woody Yaloak Equestrian Centre. Other opportunities for grant funding will be further scoped and explored during the life of the Masterplan and presented to Council. Potential future capital upgrades would be assessed and prioritised against all other Council priorities prior to decisions regarding delivery.

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)	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)	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 Comment provided below

GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community and that innovation and continuous improvement is to be pursued. The development of the Masterplan seeks to clarify and prioritise opportunities for improved community infrastructure to create social, recreational and learning outcomes that align with community expectations. This is consistent with the Council Plan 2021-2025 and the principles outlined in Council's Sport and Active Recreation Strategy 2020-2030.

COMMUNITY ENGAGEMENT

The community engagement principles under s.56 of the *Local Government Act 2020* have been considered through engagement undertaken to develop the Woody Yaloak Equestrian Centre Masterplan.

This has included a public online survey, social media engagement, discussions with Equestrian Governing Bodies and extensive consultation and engagement at various stages with internal Council departments and representatives from the Woody Yaloak Equestrian Centre Committee of Management and tenant clubs.

PUBLIC TRANSPARENCY

One of the overarching governance principles in s.9 of the *Local Government Act 2020* is to ensure the transparency of decision making, actions and information. By seeking Council endorsement of the final Masterplan and noting of the extensive Research Report, Council is adhering to the public transparency principles in s.58 of the Act.

STRATEGIES/PLANS

One of the overarching governance principles in s.9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under s.89 of the LGA 2020.

The preparation of the Woody Yaloak Equestrian Centre Masterplan has been undertaken to engage on future opportunities for this facility and aligns with the objectives and principles of the Golden Plains Shire Community Vision 2040, Council Plan 2021-2025 and Sport and Active Recreation Strategy 2020-2030.

FINANCIAL MANAGEMENT

Consideration has been given to the financial management principles under s.101 of the *Local Government Act 2020*. SBP Advisory was engaged by Council to undertake this process utilising a 2021/22 operational budget allocation for Masterplan preparation.

The report and attached Masterplan do not commit Council to further financial contributions or budget implications at this time and any future investment or funding applications for facility improvements would be subject to subsequent decisions.

RISK ASSESSMENT

The Woody Yaloak Equestrian Centre Masterplan and the supporting Research Report seek to mitigate the risks of insufficient planning and engagement with community and enable future facility development to be informed by strong evidence and priorities.

To further progress this planning, a grant application has been submitted through the Victorian State Government's Local Sports Infrastructure Fund (Planning Stream) for detailed QS costing documentation which would further mitigate risks in relation to future decisions on financial investment and infrastructure delivery.

COMMUNICATION

Communication about Council's preparation of the masterplan has been provided directly to internal and external stakeholders and partners. Following Council endorsement, online and media communications will be provided to the broader community on the final Masterplan.

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

The process of undertaking a master planning process for Woody Yaloak Equestrian Centre and the presentation of the Masterplan have been considered (in accordance with s.9 of Gender Equality Act 2020) and have identified no identified gender inequality implications.

It is noted in the Masterplan that the implementation of the recommendations and individual elements will require Gender Impact Assessments (GIA) to be undertaken.

OPTIONS

Option 1 – That Council endorse the Woody Yaloak Equestrian Centre Masterplan and note the Background Research Report

This option is recommended by officers as a comprehensive process has been undertaken, including community engagement, to provide a strategic Masterplan outlining facility enhancements and opportunities to increase participation at the Centre over the next ten years.

Option 2 – That Council does not endorse the Woody Yaloak Equestrian Centre Masterplan and Background Research Report

This option is not recommended by officers as the Masterplan has been informed by a comprehensive process, including community engagement and identifies strategic opportunities to improve the Centre over the next ten years. It should be noted that endorsing the Masterplan at this time does not commit Council to any individual decisions in relation to funding or implementation of projects.

Option 3 – That Council delay endorsing the Woody Yaloak Equestrian Centre Masterplan and Background Research Report

This option is not recommended by officers as all community engagement has been undertaken and the final stage of the process is Council endorsing the Masterplan. Furthermore, Council has submitted an SRV application to fund further concept planning and QS estimates at Woody Yaloak Equestrian Centre which would likely be jeopardised by delays in adopting the Masterplan.

CONFLICT OF INTEREST

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

CONCLUSION

Following detailed research, a review of existing facilities and analysis of engagement which included 73 community survey responses, a Masterplan has been developed for the Woody Yaloak Equestrian Centre in Smythesdale. It is recommended Council endorse the Masterplan which provides strategic direction for the development and management of the Woody Yaloak Equestrian Centre for the next 10 years from 2022 to 2032.

This Masterplan will assist the Woody Yaloak Equestrian Centre Committee of Management and Council to prioritise capital project upgrades, explore new opportunities to activate the Centre and increase participation in equestrian activities. Council support will be requested and discussed in future reports where specific opportunities are identified that require Council and/or external funding commitments to support infrastructure developments.

7.7 GOVERNANCE RULES - FOR ADOPTION

File Number:**Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Simon Rennie, Director Corporate Services**Attachments:**

1. Governance Rules
2. Public Participation in Council Meetings Policy

RECOMMENDATION

That Council:

1. Note that the proposed amendments to the Governance Rules were placed on public exhibition for three weeks, with one submission received.
 2. Receive and note the submission received on the Governance Rules.
 3. Revoke the Public Participation in Council Meetings policy (attachment 2), as these matters are provided for in Chapter 2 Division 7 of the Governance Rules (attachment 1).
 4. Adopts the Governance Rules (attachment 1).
-

EXECUTIVE SUMMARY

Council is required to develop, adopt and keep in force Governance Rules, pursuant to section 60 of the *Local Government Act 2020* ('the Act'). At its 27 July 2022 Council meeting, Council endorsed the draft Governance Rules to commence community engagement, as required by section 60(4) of the Act.

The draft Governance Rules were placed on public exhibition for three weeks, with one submission received. Minor changes have been made to the draft and the Governance Rules are now recommended to Council for adoption. As the matters considered by the Public Participation in Council Meetings policy are now provided for in the Governance Rules, this policy is also presented to be revoked.

BACKGROUND

The Governance Rules were adopted by Council on 25 August 2020, as part of the implementation of the Act. Minor amendments to improve clarity and meeting processes were considered and adopted by Council in October 2021.

In November 2021, the *Regulatory Legislation Amendment (Reform) Bill 2021* was introduced in State Parliament, which included amendments to the *Local Government Act 2020*. These amendments made permanent the provisions introduced in response to Covid-19 in relation to livestreaming of Council meetings. In addition, the Bill added a requirement that Council's Governance rules include procedures for requesting and approval of attendance at Council meetings by electronic means of communication. This Bill received Royal Assent on 29 March 2022 and the amendments will come into force from 2 September 2022, following the expiry of the current Covid-19 emergency measures.

DISCUSSION

In addition to implementing the changes required by the amendments to the Act, officers have taken the opportunity to conduct a full and comprehensive review of the current Governance Rules, based on learnings from the last two years of use under the Act. In reviewing the Rules, officers considered alignment with:

- The Model Governance Rules published by Local Government Victoria in 2020;

- The Governance Rules template provided by Maddocks Lawyers;
- Ministerial Guidance released to guide Councils in relation to the amendments to the Act; and
- Benchmarking with Governance Rules from Councils around Victoria.

The changes made to the Governance Rules include general amendments to the structure of the document as well as the addition of explanatory and overview notes which, while they do not form part of the Rules and procedures, are intended to improve the readability, flow and ease of engagement with the Rules.

One submission was received. A summary of the submission is provided below.

Submission received	Officer response and summary of changes made, if relevant
<p>Comments received in relation to public question time, specifically whether a question can be submitted and asked if a member of the public is not physically present in the meeting. Individual requested that amendments be made so that a member of the public may submit a question online and be attending 'virtually' to allow the question to be answered.</p>	<p>The Public Participation in Meetings policy currently provides for a member of the public who has submitted a question to appear via teleconference or other digital media, where logistically possible and if previously arranged with the Chief Executive Officer or a member of Council staff at least 48 hours prior to the Council meeting. This remains part of the Governance Rules at sub-rule 34.11.</p> <p>If a member of the public submits a question and does not appear in order to ask the question, either physically or by electronic means of communication, a written response is provided to the submitter of the question, in accordance with sub-rule 34.10.</p> <p>In response to this submission and to further facilitate public participation when Council meetings are held solely by electronic means of communication, sub-rule 71.1(c) has been added, which allows for the submitter of a public question to elect to have their question read by the Chairperson, where they don't wish to appear in the video.</p>

In addition to changes made in response to submissions, further changes have been proposed to the Governance Rules following discussion with Councillors, ongoing review by officers and continued benchmarking with Councils around Victoria.

These changes include:

- A requirement that, if an officer report has not been provided, any motion must call for an officer report if committing to expenditure over \$10,000.00 that hasn't otherwise been budgeted for. This aligns the criteria for any motion with the existing requirements for amendments and notices of motion;
- Clarity in relation to further motions where a vote is taken on a matter and declared lost;
- Further explanatory notes added;
- Clarity in relation to livestreaming where a meeting is held to consider only confidential items and the meeting is otherwise open to the public to physically attend.

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	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	Yes

GOVERNANCE PRINCIPLES

The Governance Rules will ensure adherence to the overarching governance principles in section 9 of the *Local Government Act 2020*. The governance principles have been considered throughout the review of the Governance Rules.

POLICY/RELEVANT LAW

Local Government Act 2020

Regulatory Legislation Amendment (Reform) Bill 2021

COMMUNITY ENGAGEMENT

A process of community engagement has been conducted as required by section 60(4), with the proposed Governance Rules placed on public exhibition for a period of three weeks.

PUBLIC TRANSPARENCY

The Governance Rules have been placed on public exhibition to provide the community with the opportunity to comment on the proposed changes and ensures that the process for making changes is in line with the public transparency principles under section 58 of the Act. The public transparency principles have been considered throughout the review of the Governance Rules.

RISK ASSESSMENT

The *Local Government Act 2020* prescribes the provisions that must be included in the Governance Rules, as well as the process of engagement required in amending the same.

If the Governance Rules are not updated to consider the additional requirements by 2 September 2022, there is a risk of non-compliance with the amended Act.

COMMUNICATION

Councillors were engaged in a discussion of the key changes proposed to the Governance Rules and given an opportunity to suggest changes at the Strategic Briefing on 5 July 2022.

Feedback from community engagement will be considered and suggested changes may be incorporated into the draft documents and presented to Councillors for further review before being presented for adoption at the Council meeting in August 2022.

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 gender impact assessment has been conducted and has identified potential gender inequality implications and recommendations, including:

- Removal of gendered references from the proposed Rules, with these replaced by neutral references or titles (for example, removing reference to the Mayor as 'Mr Mayor' or 'Madam Mayor', and to officers as 'Mr [surname]' or 'Ms [surname]').
- Inclusion of participation by electronic means will improve accessibility to Council and delegated committee meetings for Councillors or members of delegated committees who may have caregiving responsibilities.

OPTIONS

Option 1 – That Council adopt the Governance Rules.

This option is recommended by officers, as the community has been provided with an opportunity to make submissions on the proposed changes and to ensure that Council's Governance Rules are updated to comply with amendments to the Act.

Option 2 – That Council do not adopt the Governance Rules.

This option is not recommended by officers as Governance Rules must be updated by 2 September 2022 to comply with amendments to the Act. The community has been provided with an opportunity to make submissions and changes have been incorporated into the Governance Rules in response to the submissions. It is the opinion of officers that the additional changes recommended will enhance Council governance practices.

CONFLICT OF INTEREST

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

CONCLUSION

The draft Governance Rules are being presented to Council for adoption, following community engagement in accordance with section 60(4) of the Act.

7.8 P22005 1960 HAMILTON HIGHWAY, MURGHEBOLUC (DWELLING)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council resolve to issue a Notice of Decision to Refuse to grant a planning permit for the use and development of a dwelling on the following grounds:

1. The proposal is contrary to the Municipal Planning Strategy in particular Clauses 02.02, 02.03-1 & 02.03-4 and Council's Rural Land Use Strategy which all seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and by containing residential development within existing town boundaries.
 2. The proposal is inconsistent with the policies contained in the Planning Policy Framework (Clauses 14.01-1S & 16.01-3S) which aim to protect productive agricultural land and minimise or avoid property servicing costs carried by local and State governments by directing housing to existing settlements and discouraging the development of small lots in rural areas for dwellings.
 3. The proposal does not satisfy the provisions of the Farming Zone, because the dwelling is not reasonably required for the proposed use of the land and the proposal has the potential to lead to a proliferation of dwellings in the area, affect the operation of nearby agricultural uses and result in the loss of productive agricultural land.
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EXECUTIVE SUMMARY

The report provides a background to the application and a summary of the relevant planning considerations. Councillors have also been provided with a full copy of the application for consideration prior to making a decision.

This report relates to a planning permit application for the use of the land (Dwelling) under clause 35.07-1 (FZ), construction of buildings, works associated with a section 2 use under clause 35.07-4 (FZ), construction of buildings and works under clause 42.03-2 (SLO3), construct and carry out works associated with new access under clause 44.04-2 (LSIO) and creation of access to a road in a Transport 2 Zone under clause 52.29 (Land adjacent to the principal road network).

The application was advertised to adjoining properties and one sign on site. No objections were received to the application. The application has been called in by two Councillors to a Council Meeting for a determination in accordance with the Consideration of Planning Applications Policy and Procedure. The issue of a Notice of a Refusal to grant a planning permit is recommended, as per the proposed grounds of refusal.

BACKGROUND**Site description**

The subject site is located on the northern side of the Hamilton Highway, Murgheboluc, approximately 2 kilometres west of Burnside Road, with an overall area of approximately 51.75 hectares. The site contains 3 dams and is devoid of any built form or any established shelter belts or vegetation. Access to the property is via an existing farm access point from the Hamilton Highway.

The site is irregular in shape with a frontage of approximately 140m to the Highway which then widens out for the northern section of the property. The site rises up at this rear portion, with a fairly steep escarpment near the mid-point which includes some areas of scouring and erosion (see image below).



The subject site is zoned Farming (FZ) and is subject, in part, to the following overlays:

Floodway Overlay (FO) 6.4%

Land Subject to Inundation (LSIO) 8.9%

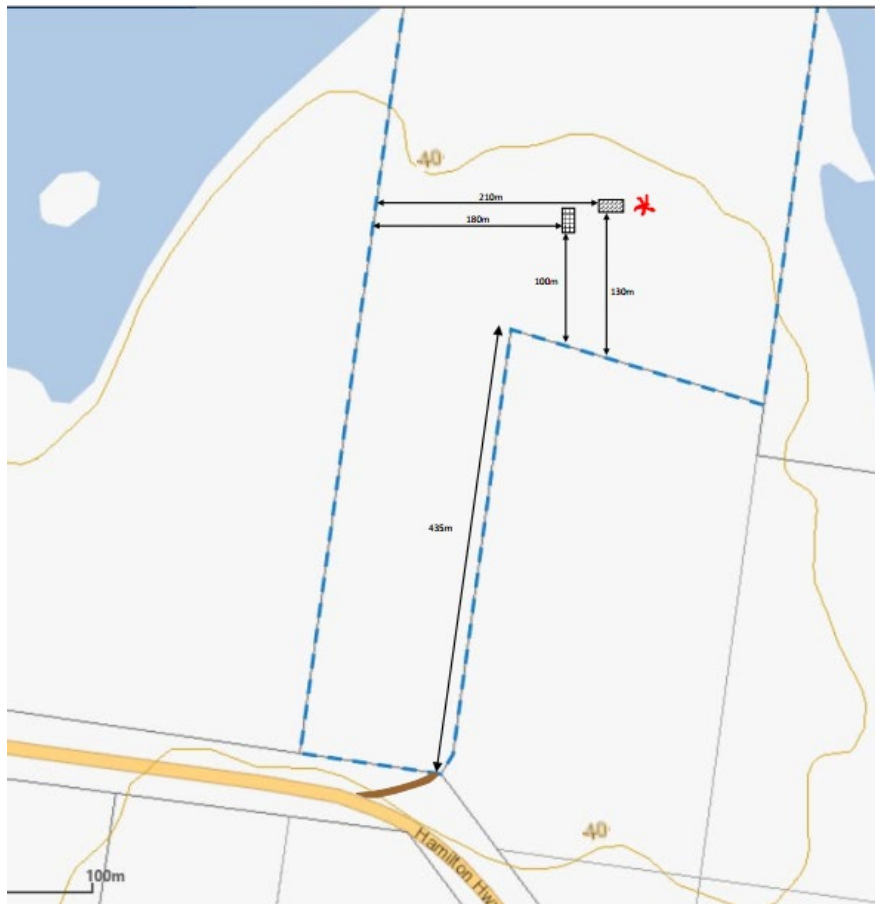
Significant Landscape Overlay (SLO3) 62.8%

Salinity Management Overlay (SMO) 16.7%

The site is accessed via the Hamilton Highway, a Transport 2 Zone, Department of Transport road.

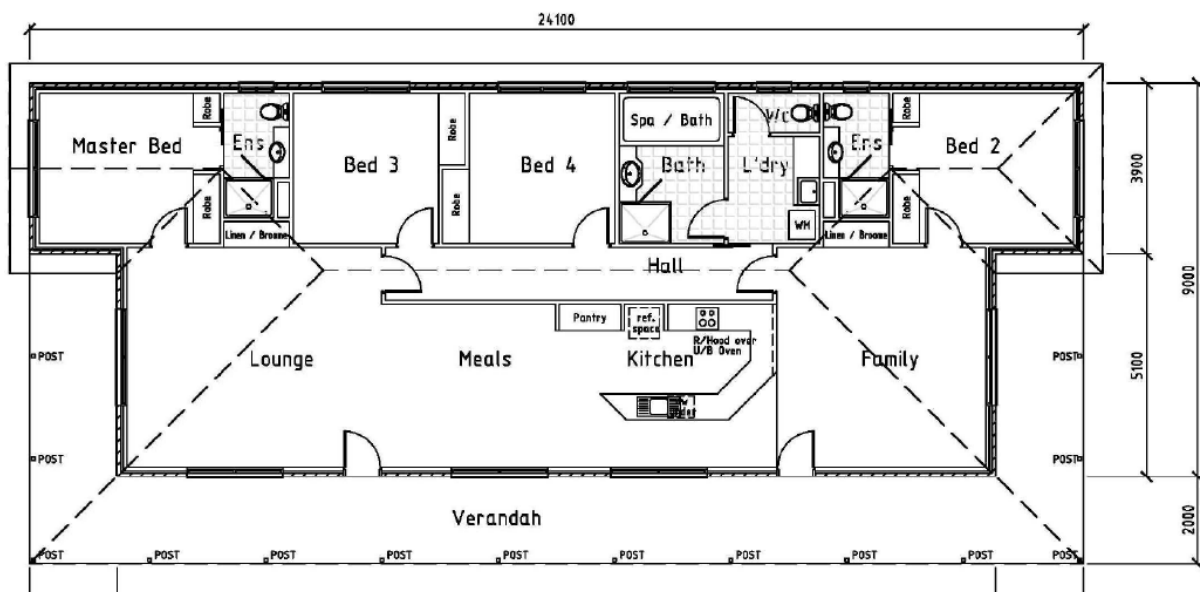
Proposal

The application proposes the use and development of the land for a Dwelling. The dwelling is proposed to be located in the southern third of the subject site, approximately 500m from the Hamilton Highway entrance (refer to map below, Dwelling depicted next to red mark on map).



Dwelling

The proposed dwelling consists of four bedrooms; the main bedroom and bedroom 2 each with ensuite, main bathroom, family room, open plan kitchen, dining, lounge and laundry. There is a verandah on the north, east & western elevations. The dwelling is proposed to be orientated to the north with the main entry point via the northern elevation. External materials are proposed to consist of face brickwork and corrugated Colourbond cladding for the roof in the following finishes/colours: Selkirk bricks in ‘Laneway Vibe Tumbled, Colourbond roofing and trims in ‘Woodland grey’ and Windows in ‘Woodland grey’.



Shed

The shed is proposed to be 28m (L) x 9m (W) x 4.2m(H), total area of 252sqm and constructed of Colourbond in monument grey.

Access

Existing access to be retained.



Existing 4m wide access drive to property boundary from Hamilton Highway



Existing 4m wide gravel access drive, 15m clearance along Hamilton Highway

The dwelling is proposed to be setback approximately 565m from the Hamilton Highway boundary. Access to the dwelling would be provided via an existing accessway from Hamilton Highway. This existing access provides access to a vacant parcel of FZ land, devoid of any buildings.

A Farm Management Plan (FMP) was not lodged with the application. This was requested as further information and later submitted.

The FMP that was subsequently submitted proposes agricultural use and activities on the site including:

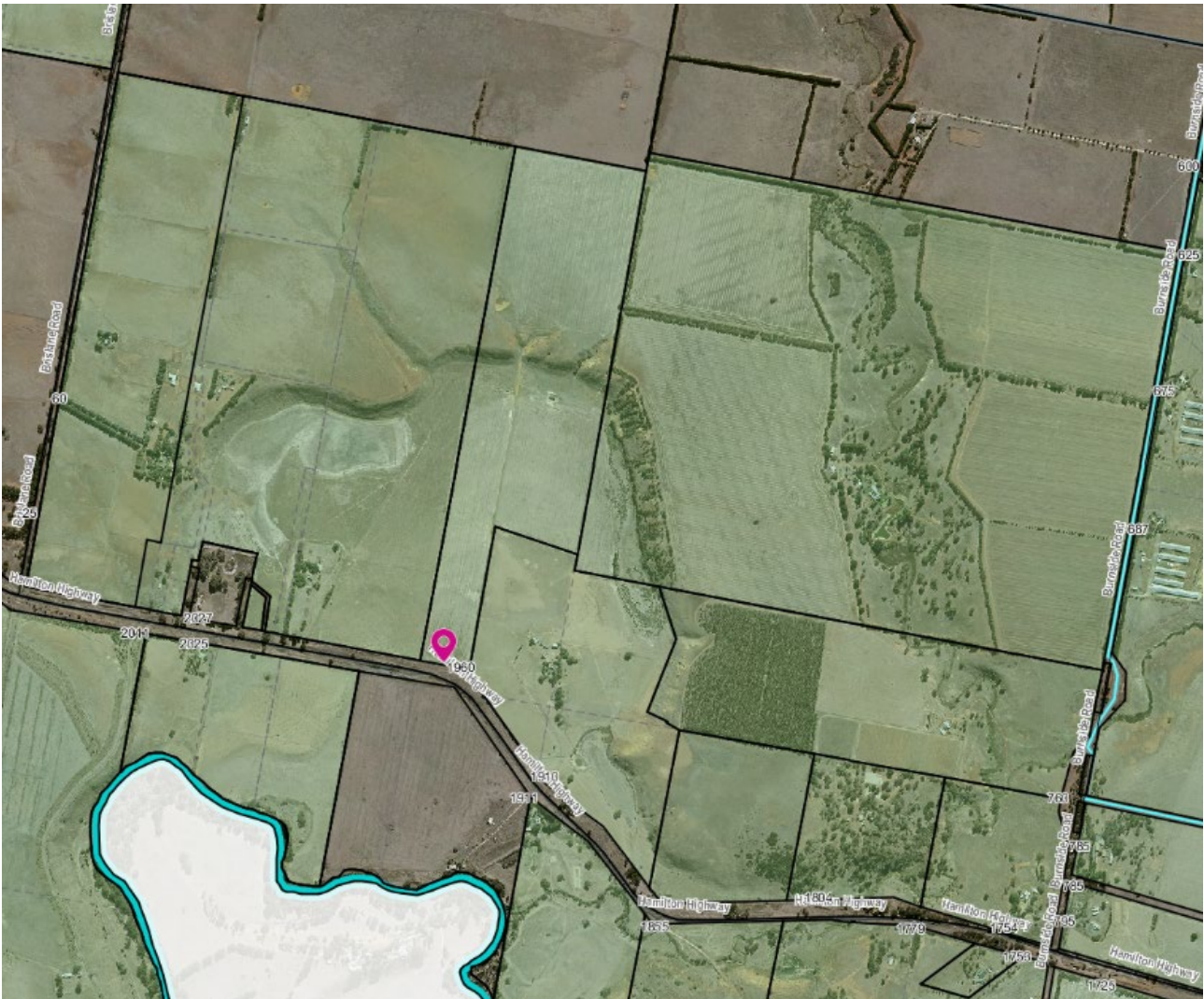
- The breeding and rearing of Southdown sheep;
- Cropping; and
- Pasture improvements.

The permit applicant submits (in part) in the planning report submitted to Council:

The dwelling is required to allow a full-time presence on the land to facilitate improvements to the land and expansion of an existing sheep stud. Our Client has made some improvement to the escarpment, however there are sections of tunnel and gully erosion, with rabbits and burrows, which require constant monitoring. In addition to this, serrated tussock is present which has been

sprayed already this year, however in order to control and fully eradicate, constant monitoring and maintenance is required.

Site Map



CONSULTATION

Notice of the application was given in accordance with Section 52 (1) (c) (b) of the *Planning and Environment Act 1987*. Notice was given by mail to sixteen (16) owners and occupiers of surrounding land. Notice was also given by placing a sign on the land. The advertising material was available on Council's website.

As a result of the public notice, no objections were received, therefore no consultation meeting was required.

ASSESSMENT

A planning permit is required under the following provisions:

- **Clause 35.07-1 (FZ)** - for the use of a dwelling
- **Clause 35.07-4 (FZ)** - for buildings and works associated with a use in Section 2 of Clause 35.07-1.
- **Clause 42.03-2 (SLO3)** – construct a building and carry out works.
- **Clause 44.04-2 (LSIO)** – carry out works associated with new access

- **Clause 52.29** – Creation or alteration of access to a Road in a Transport 2 Zone.

The application was lodged on 23/12/2021.

The referral authorities specified in the planning scheme for this type of application are Department of Environment, Land, Water and Planning (DELWP), Department of Transport (DOT) and Corangamite Catchment Management Authority (CCMA).

Summary of Section 52 Notices

Authority	Response
Agriculture Victoria	<p>The Golden Plains Shire Council as the responsible authority will have to make a determination as to whether the dwelling is reasonably required for the proposed agricultural production, and how the proposed dwelling meets the strategic objectives of the Golden Plains Planning Scheme.</p> <p>Agriculture Victoria considers that a land use of crop raising and grazing animal production along with the proposed environmental improvements can be carried without on-site supervision, but regular visits would be required to ensure against any animal welfare issues.</p> <p>Agriculture Victoria considers that the application has not adequately addressed the ongoing business relationship between the Lansdale farm and the extent and proximity of currently related land holdings particularly as the land is proposed to change ownership. It is considered that the application must be assessed in isolation.</p> <p>Given the current development status of the land it remains conceivably viable to incorporate the land into surrounding broadscale farming properties. Once a dwelling is established there is also potential for the dwelling to impact on the productive use of surrounding agricultural land.</p> <p>Agriculture Victoria notes that site plans show paddocks without any trees and no provision has been made to provide for shelter belt plantings and or general shelter for the stock.</p>

Summary of Section 55 Referrals

DELWP	<p>Thank you for notifying the Department of Environment, Land, Water and Planning (DELWP) of the above planning permit application, received at this office on 23 March 2022.</p> <p>The application was referred to DELWP under Section 55 of the Planning and Environment Act 1987.</p> <p>DELWP is a 'determining referral authority' under Clause 66.03 of the Golden Plains Planning Scheme. The application proposes to construct a dwelling on a farmland affected by Salinity Management Overlay (SMO).</p> <p>Salinity Management Overlay</p> <p>The SMO is intended to ensure salinity processes are incorporated in decision-making in broad scale land management practices, to prevent damage to buildings and infrastructure from saline soil conditions. The SMO was prepared based on surveys undertaken for the Corangamite Catchment Management Authority (CCMA).</p> <p>In this instance, DELWP has noted that the subject dwelling site is located within the area mapped under the SMO but is not located in an area recorded</p>
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for either Primary or Secondary Salinity on the Corangamite Catchment Management Authority online mapping tool - Soil Health Knowledge base.

DELWP's primary aim in this case is to ensure that any building professionals associated with any future development are made aware of the potential soil and groundwater salinity and associated risks, and that any underground building components and infrastructure (e.g., foundations, pipes, electrical connections, paving etc) are adequately specified to address them. As such, it is recommended that a site report prepared via the CCMA online mapping tool - Soil Health Knowledge base be provided to all building professionals for consideration and discussion before any future development of the sites.

The applicant and / or landowner may also benefit from seeking professional advice regarding any future gardening or landscaping proposals considering the known salinity characteristics in the area.

DELWP has considered the above application in accordance with Section 55 of the Planning and Environment Act 1987 and advises that it does not object to the granting of the planning permit.

In accordance with Section 66 of the Planning and Environment Act 1987, would you please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

Department of Transport Did not provide a response.

CCMA Did not provide a response.

PLANNING SCHEME

Planning Policy Framework (PPF)

Clause 11.01-1S - Settlement

The objective is to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 11.01-1L - Settlement

- Maintain an urban break between Geelong, Bannockburn, Batesford and Inverleigh.
- Direct population growth to urban areas provided with water, sewerage, and social infrastructure.
- Avoid battle axe blocks in greenfield development.
- Support a progressive series of land rezoning within Bannockburn, in line with the Bannockburn Growth Plan (Victorian Planning Authority, May 2021).

11.03-3S Peri-urban areas

The policy for Peri-urban areas seeks to manage growth in peri-urban areas to protect and enhance their identified valued attributes such as environment, landscape, and agriculture. This policy includes strategies to establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets, and to prevent dispersed settlement and provide for non-urban breaks between urban areas.

Clause 12.05-2S – Landscape

Objective

- To protect and enhance significant landscapes and open spaces that contribute to character, identity, and sustainable environments.

Strategies

- Ensure significant landscape areas such as forests, the bays and coastlines are protected.
- Ensure development does not detract from the natural qualities of significant landscape areas.
- Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system.
- Ensure important natural features are protected and enhanced.

Clause 14.01-1S - Protection of agricultural land

The objective is to protect the state's agricultural base by preserving productive farmland.

Strategies:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.

Clause 14.01-2S –Sustainable agricultural land use

The objective is to encourage sustainable agricultural land use.

Clause 15.01-6S Design for rural areas

The objective is to ensure development respects valued areas of rural character.

Strategies

- Ensure that the siting, scale, and appearance of development protects and enhances rural character.
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes, and wetlands.

Clause 15.03-2S - Aboriginal cultural heritage

The objective is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies

- Identify, assess, and document places of Aboriginal cultural heritage significance, in consultation with
- relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage
- Management Plan approved under the Aboriginal Heritage Act 2006.

Local Planning Policy Framework (LPPF)

Clause 14.01-1L - Rural dwellings, excisions, and subdivision in the Farming Zone

This policy applies to all land within the Farming Zone (FZ).

Strategies

- Discourage dwelling excisions that prejudice surrounding rural production activities or cause negative impact on environmental or landscape qualities of the area.
- Discourage the clustering of lots that will limit the productive use and development of the larger lots in the subdivision or surrounding properties.
- Design and locate lots to minimise impact on significant environmental features such as remnant vegetation, public park reserves and waterways.
- Maintain adequate distance within the lot around the dwelling to reasonably limit impacts of adjacent agricultural activity.
- Avoid dwellings on undersized lots that would limit the productive use of surrounding agricultural land.
- Discourage house lot excisions in the north-west area of the Shire where there is:
 - Insufficient infrastructure.
 - Environmental constraints.
 - Existing supply of available rural residential land.

Zone and overlay provisions

Clause 35.07 – FARMING ZONE

The purpose of the Farming Zone (FZ) is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework
- To provide for the use of the land for agriculture
- To encourage the retention and productive agricultural land
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- To encourage the retention of employment and population to support rural communities
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

A planning permit is required in the FZ for a single dwelling on lots less than 100 hectares.

Clause 35.07-1 - for the use of a dwelling

Clause 35.07-4 - for buildings and works associated with a use in Section 2 of Clause 35.07-1

Clause 42.03 - SIGNIFICANT LANDSCAPE OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

SCHEDULE 3 - MURGHEBOLUC LANDSCAPE

Statement of nature and key elements of landscape

The Murgheboluc area represents a significant landscape with notable topographic features including the Barwon River Valley, ridgelines, and river plain.

Clause 42.03-2 (SLO3) – A permit is required to construct a building or carry out works.

Clause 44.03 - FLOODWAY OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation, and silting.
- To reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989* if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The proposed works are located outside of the Floodway Overlay (FO); therefore, no planning permit is triggered under this overlay.

Clause 44.04 - LAND SUBJECT TO INUNDATION OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the *Water Act, 1989*.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

A permit is triggered under clause 44.04-2 for any buildings and works. The existing access point is within an area of LSI0 and any alterations to this will trigger the need for a permit. This access

point is proposed to be the only way in and out of the site in the event of flooding. The application was referred to the Corangamite Catchment Management Authority, however Council did not receive a response.

PARTICULAR PROVISIONS

Clause 52.29 – Land adjacent to the Principal Road Network

A permit is required to create or alter access to a road in a Transport Zone 2.

Purpose

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Clause 52.29-4 - Referral of applications

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in clause 66.03.

Response – the application was referred to the Department of Transport (DoT). No response was received. DoT have recently completed works along this section of the Hamilton Highway as evidenced during a site inspection.

General provisions

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

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

CULTURAL HERITAGE IMPLICATIONS

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

DISCUSSION

Use and Development

Municipal Planning Strategy

Clause 02.01 of the Municipal Planning Strategy (MPS) states that the Shire is characterised by agricultural land used predominantly for grazing and cropping as well as other activities including

intensive animal industries and wind farms. Council's vision contained at Clause 02.02 of the MPS is to sustainably manage land use and development within the Shire, for residential development to be predominantly contained within townships, and for the local economy to grow, particularly in township development and rural based and farming industries.

The Strategic Directions for Settlement (MPS Clause 02.03-1) states that there is pressure for subdivision and development outside existing townships, particularly for subdivision and hobby farm development however residential development is not supported outside existing township boundaries. The policy seeks to encourage the consolidation of townships, including directing residential development to within township boundaries and maintain a clear distinction between urban and rural areas.

The Strategic Directions for Agriculture (Clause 02.03-4) emphasise the importance of agricultural industries to the Shire which continue to be the major economic sector comprising more than 25 per cent of employment. It is stated that agricultural industries have been under economic pressure in recent years and there has been a trend for farm size to increase to counteract those economic pressures. The opportunities for agricultural diversity are limited in the northern portion of the Shire, because of fragmentation of land due to rural residential development. The policy seeks to support sustainable agriculture in the Shire by:

- Protecting the role of agricultural land as an economically valuable resource.
- Maintaining farm sizes.
- Minimising the potential for conflict between sensitive uses and agricultural practices.
- Discouraging dwellings and house lot excisions on rural properties.

Planning Policy Framework

The objective of the policy for Protection of agricultural land (Clause 14.01-1S) is to protect the state's agricultural base by preserving productive farmland. This will be achieved by preventing inappropriately dispersed urban activities in rural areas and protecting strategically important agricultural and primary production land from incompatible uses. The policy seeks to limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

The policy for Rural residential development (Clause 16.01-3S) aims to identify land suitable for rural residential development to avoid or significantly reduce adverse economic, social, and environmental impacts. This is to be achieved in part by discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses, minimising or avoiding property servicing costs carried by local and State governments and by encouraging consolidation of existing isolated small lots in rural zones.

Rural land use strategy

The Golden Plains Rural Land Use Strategy was adopted by Council in 2008 and is a reference document to the planning scheme. The strategy is designed to guide future land use and development across the Shire's rural areas. The strategy recognises the existence of inappropriate subdivisions containing small lots located in broad acre farming areas. These areas have limited access to social and physical infrastructure that would be required for residential development. The strategy states that although these lots can be sold individually no provision should be made for their development. The loss of agricultural land through conversion of land to rural living is a significant issue and these changes have created conflicts between agricultural and non-agricultural uses and caused the inflation of rural land values thereby preventing farmers from purchasing land for agriculture.

Response:

The Municipal Planning Strategy, Planning Policy Framework and Rural Land Use Strategy recognise the importance of agricultural industries to State and local economies and aim to avoid the loss of productive agricultural land. The policies referred to above seek to direct residential development to existing townships and discourage the development of single dwellings where the genuine need for a dwelling can be demonstrated. Residential development should be contained within existing townships to avoid conflict between agricultural and non-agricultural uses and maximise use of existing infrastructure.

Council has refused several applications for dwellings on small lots in the FZ. The approval of this application would set an undesirable precedent which may lead to the development of other small lots in the area and result in the loss of valuable farmland.

Farming Zone (Clause 35.07)

The site and surrounding area are in a Farming Zone (FZ). The planning scheme seeks to maintain viable farm sizes and sets a minimum lot size of 100 hectares for subdivision and as of right dwellings in the Farming Zone. The subject land has an area of only 51 hectares.

The purpose of the FZ is, among other things, to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The schedule to the Farming Zone specifies that a permit is required for a dwelling where the lot area is less than 100 hectares.

The decision guidelines of the Farming Zone relevant to this application are addressed as follows:

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

The planning scheme seeks to maintain viable farm sizes and sets a minimum lot size of 100 hectares in the Farming Zone. The subject land has an area of 51 hectares and the application states that *the breeding herd (sic – flock) will be held at 100 ewes and 30-40 rams for sale to ensure adequate feed all year round.* The report goes on to say that of the expected 150 lambs bred from the ewes, the best will be retained, the remainder sold or grown out and sold for meat production.

A dwelling is not considered necessary to manage the proposed agricultural activities because an agricultural operation of this size and nature does not justify a fulltime presence on the property – mobs of sheep this size and beyond can be run in a single paddock as part of an enterprise. There is no compelling justification as to why it would be essential to have a full time presence and dwelling in this instance. It is not unusual for properties of many hundreds or even thousands of hectares with stock numbers far in excess of this to successfully operate with just one dwelling.

An agricultural activity of this size and nature is not considered to be a viable operation in its own right, therefore the primary purpose of the land is likely to be for rural residential purposes. The land at some stage may be given over entirely to rural residential purposes or become a hobby farm which will mean that the land will be lost for productive agricultural purposes.

Whether the use or development will support and enhance agricultural production

Council is of the view that the suggested agricultural practices could occur without the need for a dwelling. The application claims that the dwelling will enable the owner to reside on site to manage environmental issues including weeds and pest animals and carry out revegetation. Pest plant and animal control measures are part of any responsible land ownership and are not reliant on an owner to reside on site permanently via the development and use of a dwelling. Similarly, environmental enhancements to land are not dependent on a dwelling being on site and the fact that this site has sat with a level of degradation for many years does not provide justification for the need for a dwelling.

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The use of the land for a dwelling is inappropriate because it is inconsistent with agricultural uses in the surrounding area and may result in land use conflicts that constrain 'as of right' agricultural uses on nearby land. The surrounding area contains a number of large farming properties which have existing use rights. The use of the land for a dwelling has the potential to result in conflicts with nearby agricultural uses.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The approval of a dwelling on a small lot would set an undesirable precedent which would lead to pressure for residential development of similar small lots in the area, the inflation of land values preventing farmers purchasing land for agriculture and resulting in the loss of productive agricultural land.

The capacity of the site to sustain the agricultural use

It is council's position that this 51ha parcel of land can continue be used for agricultural purposes such as sheep breeding and rearing, cropping and pasture improvements, without the need for a dwelling. While stock do need a level of supervision and management, a dwelling is not necessary. There is no compelling justification as to why it would be essential in this instance. It is not unusual for properties of many hundreds or even thousands of hectares to successfully operate with just one dwelling. Indeed, the numbers of stock suggested with this application as being necessary for a dwelling, could make up a single mob size as part of a larger enterprise.

VCAT reviews

VCAT has consistently refused applications for dwellings on small lots in the Farming Zone where the dwelling is not subservient to an agricultural use. Two recent examples within our Shire were Campbell v Golden Plains SC [2018] VCAT 823 and Webster v Golden Plains SC [2020] VCAT 71 where the applications were refused because the dwellings were not considered to be necessary for management of an agricultural use. In this case the proposed agricultural use does not justify the need for a dwelling because the size and nature of the agricultural activities does not justify a permanent presence on the property.

Impact of approval

Council has maintained a clear and consistent approach to its assessment of applications for dwellings within the Farming Zone by refusing those that are not reasonably required for an agricultural use. Officers are of the opinion that a dwelling is not reasonably required for the proposed use of the land and the approval of this application would set an undesirable precedent which would lead to a proliferation of dwellings in the area.

This would result in the following impacts:

- The loss of productive agricultural land through the inflation of land values thereby preventing farmers from purchasing land for agricultural use.
- Introducing impediments to the establishment of agricultural industries which require substantial buffers and creating land use conflicts between existing farm operations and dwellings that are not related to agriculture.
- Increasing the demand for services and infrastructure away from existing townships which will increase costs to Council.

Policy relevant to this application and the Rural Land Use Strategy makes clear the importance of protecting agricultural land. The policies seek to direct residential development to existing townships and discourage development of isolated small lots in rural areas for single dwellings. Residential development should be contained within existing townships to avoid conflict between agricultural and non-agricultural uses and maximise use of existing infrastructure and plenty lifestyle properties are available within the Golden Plains Shire via appropriately zoned Rural Living and Low Density Residential land.

To allow this proposal would only serve to reinforce and entrench this area as a lifestyle rural living precinct and incrementally add to the pressure on other agricultural land in the area to be used in the same way. These outcomes are at odds with the zone's purposes and relevant rural land use policy. It is therefore recommended that the application be refused.

Significant Landscape Overlay Schedule 3 (SLO3)

The dwelling and shed are proposed to be constructed on the southern portion of the site which lays within the 40m contour line, being the same level as the Hamilton Highway and setback more than 500m from the Hamilton Highway. The proposed dwelling is single storey with a 25-degree roof pitch. The shed plans show a maximum height to the roof pitch of 4.2.

Although it might be considered that the built form will have minimal impact on the landscape, the application does propose the introduction of built form into the SLO which is modestly developed in its entirety and devoid of any vegetation at the proposed locality which might offer any screening thereby lessening any visual impact.

Land Subject to Inundation (LSIO)

The development of the dwelling and shedding is (outside the LSIO), however the entry point is within the LSIO. Although there is existing farm access to the property, the application proposes use and development of a dwelling, given the proposed use and development this must be considered in the context of LSIO. The application was referred to the CCMA, however no response was provided to Council.

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 (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

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

PUBLIC TRANSPARENCY

The application is being forwarded to Council for a decision following call in by councillors, 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.

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 regarding this matter.

CONCLUSION

The application is not considered to satisfy the provisions of the planning scheme including the Municipal Planning Strategy and Planning Policy Framework, the Rural Land Use Strategy, and the decision guidelines of the Farming Zone. The use of the land for a dwelling has the potential to lead to a proliferation of dwellings in the area, affect the operation of nearby agricultural uses and result in the loss of productive agricultural land. It is therefore recommended that the application be refused.

7.9 FINANCE POLICY UPDATES

File Number:**Author:** Fiona Rae, Manager Finance**Authoriser:** Simon Rennie, Director Corporate Services**Attachments:**

1. Updated Financial Hardship Policy
2. Updated Borrowing Policy

RECOMMENDATION

That Council review and endorse the updated Financial Hardship Policy and updated Borrowing Policy.

EXECUTIVE SUMMARY

After the successful completion of the COVID19 financial hardship support package, the Financial Hardship Policy has been reviewed to incorporate findings from the Victorian Ombudsman review in 2021 and guidelines from the Local Government of Victorian and FinPro working group.

Council's Borrowing Policy has been reviewed to reference to new *Local Government Act 2020*, expand the borrowing principles and procedures and include new sections to provide clarity on the loan approval and borrowing redemption processes.

BACKGROUND

The Financial Hardship Policy was due for review with the last review of the standard policy completed in 2018. Council offered additional financial support to customers during the COVID19 pandemic however the COVID19 Financial Hardship Policy ceased on 30 June 2022 as Council is no longer offering a COVID19 rebate. Council's Borrowing Policy was also due for review.

DISCUSSIONFinancial Hardship Policy

A review of Council's financial hardship support was completed by the Victorian Ombudsman as outlined in a report released in May 2021 with key findings of; almost all Councils had a hardship policy but they varied greatly with information hard to find. Golden Plains Shire was one of the few councils listed as providing additional support to customers during the pandemic in the form of a COVID19 rebate.

In response to the Victorian Ombudsman's review a working group was formed between Local Government Victoria and FinPro where guidelines were developed to assist Council's in updating Financial Hardship Policies to address the key findings.

A review of Council's Financial Hardship Policy has been completed incorporating the working group guidelines resulting in the addition of a number of sections, including the background, objectives, identifying financial hardship, principles for the consideration of hardship, identifying what compassionate grounds include (types of circumstances where the policy will apply) and clearly outlining the forms of support available to customers. Compassionate grounds include serious illness, recent accident or injury, death of immediate family member, recent loss of employment, and family break-down or domestic violence. Council will continue to offer the deferral of rates and charges or waiving interest charges on a ratepayer's primary place of residence when the ratepayer is experiencing financial hardship.

Borrowing Policy

A review of the Borrowing Policy has also been completed which incorporates reference to the new *Local Government Act 2020*. The borrowing principles have been expanded to include considering the optimum time to borrow, consider current and future revenues, and ensure the structure of the

borrowing is appropriate for the nature of the assets being funded. Procedures have been expanded to include consideration that debt servicing costs can be met on an ongoing basis and the circumstances when and how projected borrowing ratios can be deviated. New sections have been added for the loan approval process and borrowing redemption process.

Council have previously had access to the Local Government Funding Vehicle which provided access to cheaper loans than the interest rates the major banks charged, however this form of borrowing has not been available for the past five years. A recent change to the *Borrowing and Investment Powers Act 1987* now provides Victorian Council's with access to borrow from the State Government, via Treasury Corporation of Australia who manage the State's debt portfolio, providing access to cheaper interest rates on loans, lower than the major banks. These changes came into effect on 1 July 2022.

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)	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)	Yes

GOVERNANCE PRINCIPLES

The Policies and Procedures have been prepared in accordance with the *Local Government Act 2020*.

POLICY/RELEVANT LAW

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Borrowing and Investment Powers Act 1987

Financial Plan

Annual Budget

PUBLIC TRANSPARENCY

Council review and endorsement will be recorded in the Council meeting agenda which is accessible to the public.

FINANCIAL MANAGEMENT

Council's financial management processes are in accordance with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020*, Australian Accounting Standards and other mandatory professional reporting requirements.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

Policies and Procedures are in place to ensure adequate controls are in place to minimise the level of risk to Council.

COMMUNICATION

These policies will be placed on Council's website when endorsed by Council to provide ease of access to the details in the policies.

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.

OPTIONSOption 1 – Review and Endorse attached policies

This option is recommended by officers as the attached policies have been updated to include changes to legislation and additional information to provide more clarity and transparency and have been reviewed by our Governance team.

Option 2 – Defer Endorsement

This option is not recommended by officers as unless additional information is required to make a decision on either policy update.

CONFLICT OF INTEREST

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

CONCLUSION

The updated policies will be implemented following endorsement and also placed on Council's website to make the details available and accessible by the public.

7.10 TENDER FOR ROADSIDE SLASHING AND GUIDEPOST MAINTENANCE - GPSC-RFT-05-2022**File Number:****Author:** Brayden Lane, Arboriculture Specialist**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract GPSC-RFT-05-2022-Roadside Slashing, Town Maintenance, Mowing and Guidepost Spraying project to TMC Enviro for the initial term of 3 years with 2 x 12-month extension options to extend at Council's discretion based on the schedule of rates.
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 is seeking qualified and experienced contractors to complete Roadside Slashing, Township Maintenance, Mowing and Guidepost Spraying across approximately 840km of road reserves within the municipality. For the purpose of this Contract the municipality is divided into two (2) areas North Zone and South Zone and the contract will exclude Township Contract Mowing in the South Zone.

BACKGROUND

The current Roadside Slashing, Town Maintenance, Mowing and Guidepost spraying contact is being performed by TMC Enviro without problem or concern. Due to a recent expansion of resources within the township maintenance team, the Golden Plains Shire has gained the capability to perform township mowing in the South Zone.

DISCUSSION

The tender was originally advertised on 21 May 2022, closing 22 June 2022, with two (2) submissions received on closing. The submissions were reviewed, and compliance checked, with one (1) submission identified as non-compliant. The panel members independently reviewed and scored each tender prior to the consensus meeting. A consensus evaluation meeting was held on 21 July 2022. TMC Enviro were chosen as the preferred supplier based on consensus agreement / scores measured by capacity, capability, price and local content. A confidential Tender Panel Evaluation Report has been provided to Councillors.

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
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

POLICY/RELEVANT LAW

Tender GPSC-RFT-05-2022-Roadside Slashing, Town Maintenance, Mowing and Guidepost Spraying complies with GPSC Procurement Policy and *the Local Government Act 2020*.

PUBLIC TRANSPARENCY

Public notice was provided and included advertisements in the Geelong Times, Ballarat Times, Golden Plains Times and Council's eProcure portal. Decision outcomes will be advised on eProcure tender website and Council minutes.

FINANCIAL MANAGEMENT

The project is funded from Local Roads & Community Infrastructure Program.

RISK ASSESSMENT

Risks were considered by the evaluation panel requirements associated with this specific type of risk activity are actively monitored throughout the life of the contract. There are no identified risk implications associated with this report.

COMMUNICATION

Council decisions on tender/s awarded are advised through Council Minutes and the 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 Award – GPSC-RFT-05-2022-Roadside Slashing, Town Maintenance, Mowing and Guidepost Spraying project. This option is recommended by Council officers through the Tender evaluation and selection process which recommends GPSC-RFT-05-2022-Roadside Slashing, Town Maintenance, Mowing and Guidepost Spraying to be awarded to TMC Enviro.

Option 2 – 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-05-2022-Roadside Slashing, Town Maintenance, Mowing and Guidepost Spraying project as outlined in this report to ensure compliance with:

1. Relevant provisions of the *Local Government Act 2020- (Vic)*; and
2. Council's Procurement Policy requirements

In conclusion, TMC Enviro met the Council's tender requirements and is considered best placed to provide these civil works for Council.

7.11 TENDER FOR SUPPLY OF BITUMEN EMULSION - GPSC-RFT-04-2022**File Number:****Author:** Vicki Shelton, Manager Asset Services**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract GPSC-RFT-04-2022- Bitumen Emulsion C60 supply to Sami Bitumen Technologies Pty Ltd for the initial term of three years, with 2 x 12-month options to extend at Council's discretion based on the schedule of rates, commencing at \$1.06 per litre (subject to rise and fall).
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

EXECUTIVE SUMMARY

Golden Plains Shire tendered for the manufacture and supply of Bitumen Emulsion CRS/60 (must comply with AS1160) for road maintenance purposes.

BACKGROUND

Bitumen Emulsion CR60 is used by the Roads & Drainage Maintenance team in road maintenance and construction, specifically patching and repair of potholes and road shoulder/edge failures. Council's current estimated use is between 80,000 – 90,000 litres of bituminous emulsion per annum. Generally bulk deliveries of 8,000 litres are sourced and stored in a made for purpose heated tank located at Linton Depot. Bituminous emulsion is a speciality product and only supplied by a few companies.

DISCUSSION

The tender was originally advertised on 19 May 2022, closing 22 June 2022, with 3 submissions received on closing. The submissions were reviewed, and compliance checked, with nil submissions identified as non-compliant. The panel members independently reviewed and scored each tender prior to a consensus evaluation meeting held on 11 July 2022. A confidential Tender Panel Evaluation report has been provided to Councillors.

SAMI Bitumen Technologies Pty Ltd were chosen as the preferred supplier based on consensus agreement / scores measured by capability, capacity, local content and price.

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	No

(Consideration of the Governance Principles under s.9 of LGA 2020)	
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
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

POLICY/RELEVANT LAW

Tender GPSC-RFT-04-2022-Bitumen Emulsion CR60 complies with GPSC Procurement Policy and the Local Government Act 2020.

PUBLIC TRANSPARENCY

Public notice was provided and included advertisements in the Geelong Times, Ballarat Times, Golden Plains and Council's eProcure portal. Decision outcomes will be advised on eProcure tender website and Council minutes.

FINANCIAL MANAGEMENT

Supply of Bituminous Emulsion is funded from the annual Sealed Road Maintenance Program. At the estimated quantity of between 80,000 and 90,000 litres per annum, total cost of supply of Bituminous Emulsion is within allocated budget.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

Risks were considered by the evaluation panel. Supply of a heated bituminous product has identified safety and risk management requirements associated with this specific type of risk activity which are actively monitored throughout the life of the contract

COMMUNICATION

Council decisions on tender/s awarded are advised through Council Minutes and the 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 Award – GPSC-RFT-04-2022-Bitumen Emulsion CR60 project. This option is recommended by Council officers through the Tender evaluation and selection process which recommends GPSC-RFT-04-2022-Bitumen Emulsion CR60 to be awarded to **SAMI Bitumen Technologies Pty Ltd**.

Option 2 – 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-04-2022-Bitumen Emulsion CR60 project as outlined in this report to ensure compliance with:

1. *relevant provisions of the Local Government Act 2020- (Vic); and*
2. *Council's Procurement Policy requirements*

In conclusion, **SAMI Bitumen Technologies Pty Ltd** met the Council's tender requirements and is considered best placed to provide these civil works for Council.

7.12 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

File Number:

Author: Sophie Brown, Governance and Legal Services Specialist

Authoriser: Simon Rennie, Director Corporate Services

Attachments: 1. Instrument of Appointment and Authorisation - Planning and Environment Act 1987

RECOMMENDATION

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987* and other legislation referred to in the attached Instrument of Appointment (the 'instrument'), Golden Plains Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Council's Governance Rules.
3. The instrument comes into force immediately once the Common Seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 22 February 2022 is revoked.

EXECUTIVE SUMMARY

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in February 2022. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Planning team.

It is recommended that Council consider and adopt the revised Instrument, as shown at Attachment 1.

BACKGROUND

The Chief Executive Officer (CEO) appoints the majority of authorised officers under Council's delegation to the CEO. However, under section 188(2)(c) of the *Planning and Environment Act 1987*, the appointment of authorised officers under this Act cannot be delegated and must be made through resolution of Council.

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislative requirements.

The instrument was updated by Maddocks Lawyers in January 2022 and the authorised staff have been reviewed and updated to reflect staff changes in Council's Planning team.

DISCUSSION

Council subscribes to the Maddocks Lawyers Delegations and Authorisations service. This service includes the provision of templates and regular updates as required to reflect new or amended legislation.

Maddocks Lawyers issued an amended instrument of appointment and authorisation under the *Planning and Environment Act 1987* in January 2022. The changes are not substantive and are primarily aesthetic in nature, however the January 2022 instrument has been used in this update to ensure the instrument remains up to date.

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The proposed changes to the instrument are detailed below:

- Updated list of authorised officers following recent staff changes

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)	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	Yes
Communication	No
Human Rights Charter	No
Gender Equality (Consideration of the Gender Equality Act 2020 and obligations to conduct gender impact assessments on new or reviewed policies, procedures and services that have a significant and direct impact on the public)	No

GOVERNANCE PRINCIPLES

The overarching Governance Principles have been taken into consideration when completing the update to the instruments of authorisation attached to this report.

POLICY/RELEVANT LAW

The *Local Government Act 2020*; and

The legislation referred to in the attached Instruments of Delegation.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Delegation of powers provided by the *Planning and Environment Act 1987* will allow Council officers to exercise these powers in protection of the environment.

PUBLIC TRANSPARENCY

Council will make available for public inspection a register of authorisations, including the dates on which the last reviews took place.

RISK ASSESSMENT

- Authorised officers are required to ensure Legislative Compliance; and
- Authorisations mitigate risks associated with inappropriate exercise of powers.

COMMUNICATION

Council will make available for public inspection a register of authorisations, including the dates on which the last reviews took place.

Changes to the authorisations will be communicated internally.

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.

OPTIONS

Option 1 – That Council adopt the reviewed Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

This option is recommended by officers as this will ensure compliance with legislation and ensure the members of Council staff exercising these powers are appropriately authorised.

Option 2 – That Council defer the report.

This option is not recommended by officers as it will risk non-compliance with legislation and hinder Council staff who require these authorisations to perform their duties.

CONFLICT OF INTEREST

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

CONCLUSION

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made by resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in February 2022. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Planning team. It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

7.13 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER FOUR ENDING 30 JUNE 2022

File Number:

Author: Rosie Wright, Coordinator Governance and Risk

Authoriser: Simon Rennie, Director Corporate Services

Attachments: 1. Councillor Expenditure Q4 2021-22 (YTD)

RECOMMENDATION

That Council note the contents of the Councillor Expenses and attendance report for quarter four 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 four 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 four 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	2,916.81	16.8%
Travel Expenses	5,495	4,463.96	81.2%
Car Expenses	6,230	10,626.62	170.6%
IT & Communications	6,300	4,170.31	66.2%
Childcare Expenses	-	-	
Total Councillor Allowances	35,412	22,177.70	62.6%

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 four of 2021/22.

Council held the following meetings:

- 4 scheduled Council meetings held in April (26th), May (24th) and June (7th and 28th)

Councillor	Scheduled Meetings (4 meetings)	Unscheduled Meetings (0 meetings)	Total Meetings (4 meetings)
Brett Cunningham	4	0	4
Gavin Gamble	3	0	3
Ian Getsom	4	0	4
Helena Kirby	4	0	4
Les Rowe	4	0	4
Owen Sharkey	4	0	4
Clayton Whitfield	4	0	4

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).

OPTIONS

Option 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 quarter 4 2021/22 which has now finished.

CONFLICT OF INTEREST

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

CONCLUSION

That Council note the contents of the Councillor Expenses and attendance report for the fourth quarter of 2021/22 being the quarter ended 30 June 2022.

7.14 MEETING RECORD**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Simon Rennie, Director Corporate Services**Attachments:** 1. Meeting Record - 16 August 2022**RECOMMENDATION**

That Council receive and note the Meeting Record from 16 August 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 16 August 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 16 August 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

8.1 NOTICE OF MOTION - COUNCILLOR INTERACTIONS WITH DEVELOPERS

File Number:

Attachments: 1. Cr Brett Cunningham - Notice of Motion #68

I, Councillor Brett Cunningham, give notice that at the next Ordinary Meeting of Council be held on 23 August 2022, I intend to move the following motion:-

MOTION

That Golden Plains Shire Council requests a report to a Councillor Briefing (within the next 6 months) investigating the creation of an applicable policy and introduction of a register of councillor interactions with developers.

RATIONALE

The community is often concerned about the potential influence of developers especially when there are large sums of money at stake. This is potentially an issue with councils that are experiencing population growth.

Creating a policy which clearly sets out how councillors should interact with developers will create the ground rules for interactions, help with transparency and manage community expectations. Everybody will understand what is expected and this policy will aid oversight.

Keeping a record of the interaction's councillors have with developers will ensure any meetings are open and transparent and available for the public to see.

I commend this Notice of Motion to Council.

8.2 NOTICE OF MOTION - COST & RESOURCE IMPLICATIONS OF REDUCING INTERVENTION LEVELS FOR MAINTENANCE OF LOCAL SEALED & UNSEALED ROADS

File Number:

Attachments: 1. Cr Rowe - Notice of Motion #69

I, Councillor Les Rowe, give notice that at the next Ordinary Meeting of Council be held on 23 August 2022, I intend to move the following motion:-

MOTION

That Council request officers to prepare a briefing paper by November 2022 on the cost and resource implications of reducing intervention levels for maintenance of local sealed and unsealed roads.

RATIONALE

The recent Community Satisfaction Survey highlighted that the condition of local roads, both sealed and unsealed, was rated lowest by our community of the services provided by Council. I understand that Council staff maintain roads in accordance with intervention levels in the Council adopted Road Management Plan. Reducing the intervention levels is likely to result in a greater maintenance burden for Council but an improved road network and customer satisfaction.

I commend this Notice of Motion to Council.

8.3 NOTICE OF MOTION - HOUSING

File Number:**Attachments: 1. Cr Gamble - Notice of Motion #71**

I, Councillor Gavin Gamble, give notice that at the next Ordinary Meeting of Council be held on 23 August 2022, I intend to move the following motion:-

MOTION

Whilst it is noted and commendable that a report is being prepared by officers to come to Council in the coming months in relation to social and affordable housing and work being done in partnership with other agencies to increase the supply of such housing in Golden Plains Shire, this motion requests a report be prepared to consider and advise on broader opportunities for Council to:

1. Facilitate a greater diversity of housing choice and availability in the shire, including independent living options for older people and people with disability;
2. Attract philanthropic housing organisations to the shire to deliver greater local housing choice;
3. Work with external agencies including government, philanthropic and / or religious organisations in facilitating the above.

RATIONALE

To provide consideration, information and guidance on how council may help alleviate housing stress and provide greater choices and options in helping all people in our community have access to suitable housing for a full range of needs and circumstances.

I commend this Notice of Motion to Council.

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 July 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).

10.2 Lease Agreement

This matter is considered to be confidential under Section 3(1) - a 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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

10.3 CEO Contract

This matter is considered to be confidential under Section 3(1) - f 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 personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
