



AGENDA

Council Meeting

6.00pm Tuesday 26 March 2024

VENUE:
Linton Community Hub
Council Chamber
68 Sussex St, Linton

NEXT COUNCIL MEETING
6.00pm Tuesday 23 April 2024

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.

Members of the Gallery

Welcome to a Golden Plains Shire Council meeting and thank you for joining us.

MEETING PROCEDURES

The procedures for this Council meeting are provided in Council's Governance Rules. A copy of the Governance Rules can be found on Council's [website](#).

MEETING FACILITIES

Council meetings are generally held at:

- Golden Plains Shire Council Civic Centre (2 Pope Street, Bannockburn)
- Linton Shire Hall (68 Sussex Street, Linton)
- The Well, Smythesdale (19 Heales Street, Smythesdale)

EXPECTATIONS OF THE GALLERY

Council meetings are decision-making forums and it is important that they are open to the community to attend and view proceedings. Community members may participate in Council meetings in accordance with Chapter 2, Division 7 of the Governance Rules.

At each meeting, there is an opportunity for members of the public to ask questions of the Council. Questions must be submitted to Council no later than 10:00am on the day of the meeting in order to be asked at the meeting.

Members of the public present at Council meetings must remain silent during the proceedings except when specifically invited to address the meeting. Mobile devices are permitted for silent use but must not be used for recording, talking or any usage that generates noise, unless permission is granted by the Chairperson of the meeting.

The Chairperson of the meeting may remove a person from the meeting if the person continues to interject or gesticulate offensively after being asked to desist. The Chairperson may cause the removal of any object or material that is deemed by them to be objectionable or disrespectful.

The Chairperson may call a break in a meeting for either a short time or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the meeting.

RECORDING OF MEETINGS

Council meetings are recorded and streamed live on the internet. Recordings are archived and available on Council's [Youtube page](#).

All care is taken to maintain your privacy however as a visitor in the public gallery, your presence may be recorded.

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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 Council confirms the confidential minutes of the Council Meeting held on 19 December 2023, and the minutes and the confidential minutes of the Council Meeting held on Tuesday 27 February 2024.

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

7 BUSINESS REPORTS FOR DECISION

7.1 DELEGATES REPORT & INFORMAL MEETINGS OF COUNCILLORS RECORDS

File Number:**Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO

Attachments:

1. Informal Meeting of Councillors Record - Strategic Briefing - 5 March 2024
2. Informal Meeting of Councillors Record - Briefing Meeting - 19 March 2024

RECOMMENDATION

That Council receive and note the Delegates Report and Informal Meetings of Councillors 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 they have 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. This report contains records of informal meetings of Councillors as defined under Rule 1 of Chapter 5 of Council's Governance Rules.

MANDATORY BOARDS / COMMITTEES / MEETINGS

- Audit Committee
- G21 - Board of Directors
- Ballarat Regional Alliance of Councils
- Peri Urban Group of Rural Councils
- CEO Review Committee
- Municipal Association of Victoria
- Geelong Regional Library Corporation
- Tourism Greater Geelong and the Bellarine Board
- Golden Plains Emergency Management Committee
- Council Meeting, Strategic Briefing, Councillor Briefing and Portfolio Meetings

COMMUNITY ENGAGEMENT / EVENTS

Cr Cunningham

- Council Budget Working Group Meeting
- ABC Radio Event, Deakin University
- Golden Plains Farmers Market
- Dachshund Derby
- Rural Councils Victoria at Parliament House
- VLGGC - Statewide Session
- Councillor Listening Post – Smythesdale Country Market

- CFA West Region Championship Committee
- Radio Interview with 94.7 Pulse FM in Inverleigh
- Meeting with Inverleigh Residents
- 2040 Community Vision - Community Engagement Workshop
- Budget Workshop Meeting
- Golden Plains Music Festival Site Visit
- Meeting with State Government Minister for Planning – Sonya Kilkenney
- LGPro 2024 Positive Ageing & Wellbeing Award Ceremony
- Picnic on Nimmonds Bridge

Cr Gamble

- Golden Plains Farmers Market
- Golden Plains Shire Food Forum, Speech and Panel, Golden Plains Civic Centre
- Meeting with Inverleigh Residents
- Tall Tree Windfarm Information Session, Teesdale
- Friends of Inverleigh Nature Conservation Reserve, Annual General Meeting
- Geelong Landcare, 25th Anniversary Meeting, Lethbridge
- Sustainability Victoria, Networking Event, Waurin Ponds

Cr Getsom

- Smythesdale Arts and Music Fiesta
- Councillor Listening Post – Smythesdale Country Market

Cr Kirby

- Councillor Listening Post – Smythesdale Country Market
- Active Ageing and Inclusion Advisory Committee Meeting

Cr Rowe

- Councillor Listening Post – Smythesdale Country Market
- Meeting with Inverleigh Residents

Cr Sharkey

- 2040 Community Vision - Community Engagement Workshop
- Councillor Listening Post – Smythesdale Country Market

Cr Whitfield

- Council Budget Working Group Meeting
- Councillor Listening Post – Smythesdale Country Market
- Meeting with Inverleigh Residents

INFORMAL MEETINGS OF COUNCILLORS

Rule 1 of Chapter 5 of the Governance Rules requires that if there is a meeting of Councillors that:

- a) Is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- b) Is attended by an absolute majority of Councillors and one member of Council staff; and
- c) Is not a Council meeting, delegated committee meeting or community asset committee meeting

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting is:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the Minutes of that Council meeting.

Records of informal meetings of Councillors are reported to an open Council meeting in order to promote transparency of Council decisions, actions and information, in accordance with the Governance Principles as contained in s9(2) of the *Local Government Act 2020*. The informal meetings of Councillors records are attached to this report. Rule 6 of Chapter 5 of the Governance Rules provides procedures for the declaration of a conflict of interest at a meeting being held under the auspices of Council, which includes a meeting that meets the definition of an informal meeting of Councillors under Rule 1 of Chapter 5. The informal meetings of Councillors records attached include any declarations of conflicts of interest made at these meetings.

7.2 P22324 - HAMILTON HIGHWAY, STONEHAVEN (ROCK CRUSHING)**File Number:** P22324**Author:** Peter O'Brien, Town Planner**Authoriser:** Leanne Wilson, Acting Director Community, Planning and Growth**Attachments:** 1. Recommended conditions**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for the purposes of extractive industry (rock crushing) and associated native vegetation removal pursuant to the provisions of the FZ (Clauses 35.07-1 & 35.07-4), ESO2 (Clause 42.01-2), SLO17 (Clause 42.03-2) & Clause 52.17 of the Planning Scheme, subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for extractive industry (rock crushing) and associated native vegetation removal at Lot 2 PS422051 & Lot 3 TP843026 Hamilton Highway, Stonehaven. The report provides a background to the application and a summary of the relevant planning considerations.

The application was 'called-in' to a Council meeting by Councillors Sharkey and Rowe as the Councillors wanted to gain a greater understanding of the application. The 'call in' of the application has been undertaken in accordance with Council's Consideration of Planning Applications Policy.

The application was 'called in' to a Council meeting by Councillors Cunningham and Gamble as the Councillors wanted to gain a greater understanding of the application. The 'call in' of the application has been undertaken in accordance with Council's Consideration of Planning Applications Policy.

There are 17 objections to the application and the main concerns of objectors relate to noise, dust, traffic, environment and visual impact. Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

The issue of a Notice of Decision to grant a planning permit is recommended, subject to conditions.

BACKGROUND**Site description**

The subject land is situated on Hamilton Highway, Stonehaven and is formally described as Lot 2 on Plan of Subdivision 422051 and Lot 3 on Title Plan 843026. The land is not affected by any restrictive covenants. The site is a large rural property with a total area of approximately 197ha. The land is generally flat and contains cleared grassland. The land has frontage to Hamilton Highway on the northern boundary and Pollocksford Road on the eastern boundary. The Barwon River and municipal boundary form the southern boundary of the land. The site and surrounding area are in a Farming Zone and it is predominately used for agricultural activities such as grazing and cropping.

Proposal

The application proposes the use and development of the land for the purposes of extractive industry (rock crushing) and native vegetation removal. Extractive industry is defined in Clause 73.03 of the Planning Scheme as:

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

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

Surface rock will be collected from the property for crushing, excluding the mapped areas containing native vegetation as shown on the site plan. The rock will be removed to improve the agricultural productivity of the land. The rock will be crushed on-site and transported for sale and distribution elsewhere.

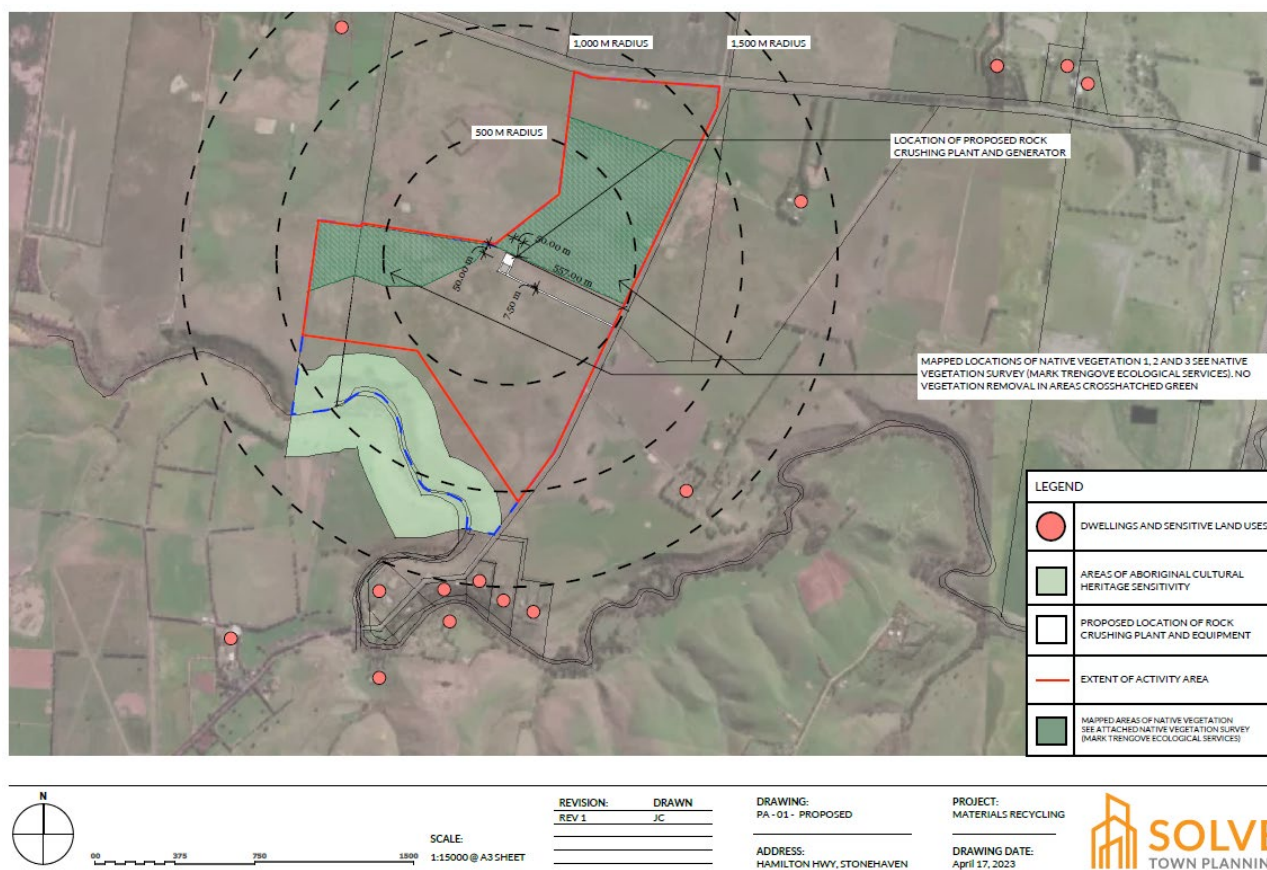
The rock crushing plant and equipment is proposed to be located in the middle of the property and 50m from the western boundary. Activity is proposed to take place during regular weekday working hours. Trucks will access the site from Pollocksford Road.

The proposed native vegetation removal involves the removal of minor occurrences of degraded native vegetation that does not achieve the ‘patch’ native vegetation threshold (<25% plant cover is native). A vegetation assessment submitted with the application has found that the land contains four areas of patch native vegetation, with exotic vegetation and degraded native vegetation located outside of these areas. The proposed native vegetation consists of the removal of degraded native vegetation located outside the mapped areas containing patch native vegetation. No rock removal or rock crushing activities or vegetation removal are proposed within the mapped areas of native vegetation as shown on the site plan.

Site Map



Site Plan



CONSULTATION

Notice of the application was given in accordance with section 52 (1)(a), (b) & (d) of the *Planning and Environment Act 1987*. Notice was provided by mail to all adjoining and neighbouring owners and occupiers within 1 kilometre of the subject land and the adjoining municipality (Surf Coast Shire Council), with a total of 37 letters being sent. Notice was also provided by placing two [2] signs on-site, one fronting Hamilton Highway and one fronting Pollocksford Road, and the application information was placed on Council's website.

As a result of the public notice 17 objections were received.

The main concerns raised by objectors relate to noise, dust, traffic, environment, and visual impact. Concerns were also raised regarding the lack of information provided in the application, agricultural impacts, fire prevention, the characterisation of the use, and property damage and devaluation.

A consultation meeting was not held for this application; rather, the applicant provided a written response to the objections which was provided to the objectors.

ASSESSMENT

The application proposes the use and development of the land for the purposes of extractive industry (rock crushing).

A planning permit is required under the following provisions:

- Farming Zone (Clause 35.07-1) Extractive industry is a 'Section 2 – permit required' use.
- Farming Zone (Clause 35.07-4) A permit is required for buildings and works associated with a Section 2 use (extractive industry)
- Environmental Significance Overlay – Schedule 2 (Clause 42.01-2) A permit is required for buildings and works and to remove vegetation.

- Significant Landscape Overlay – Schedule 17 (Clause 42.03-2) A permit is required to remove native vegetation.
- Native vegetation (Clause 52.17-1) A permit is required to remove native vegetation.

The application was lodged on 14 September 2022 and further information requested on 7 October 2022. The further information (flora assessment) was submitted on 17 April 2023 and the application was amended under section 50 of the Act to include the removal of native vegetation.

The application was referred to Earth Resources Regulation & Heritage Victoria in accordance with Clause 52.09 of the planning scheme. Advice on the application was also sought from the Department of Transport & Planning (DTP) and EPA Victoria and internally referred to Council's Engineering Department. These parties had no objection to the issue of a permit, subject to conditions being placed on the permit, except for Earth Resources Regulation who did not respond to Council's referral.

PLANNING SCHEME

Municipal Planning Strategy (MPS)

The Golden Plains Strategic Framework Plan contained in Clause 02.04 of the Planning Scheme shows the subject land located within the 'South-East Area', which is recognised as a key planning area. The Settlement Strategy at Clause 02.03-1 defines the South-East Area as the area of the Shire within 15km from the Geelong bypass. Completion of the bypass has increased the rate of change and caused pressure to provide land for urban and rural residential development. The strategy seeks to protect the open rural landscape values between towns and manage growth to avoid ad hoc development.

The Environmental and Landscape Values (Biodiversity) Strategy at Clause 02.03-2 of the Planning Scheme states that the municipality is home to a wealth of flora and fauna, including remnant native vegetation; however, the quality of much of these remnants is degraded. This strategy seeks to support biodiversity by protecting significant habitats and remnant vegetation and balancing native vegetation conservation with development pressures and land use change.

The Agriculture Strategy contained at Clause 02.03-4 of the Planning Scheme aims to support sustainable agriculture in the Shire by facilitating more intensive and diversified use of rural land. The Industry Strategy (Clause 02.03-7) supports industrial development in areas that are strategically sound or identified for industrial development.

Planning Policy Framework (LPPF)

The objective of the State Policy for Noise Management (Clause 13.05-1S) is to assist the management of noise effects on sensitive land uses. This is to be achieved by ensuring that community amenity and human health are not adversely impacted by employing land use separation techniques as appropriate to the land use functions and character of the area.

The objective of the State Policy for Air Quality Management (Clause 13.06-1S) is to assist the protection and improvement of air quality. The policy seeks to ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses. The policy requires consideration of recommended separation distances for industrial residual air emissions (EPA, March 2013). The EPA guidelines provide advice on recommended separation distances between industrial uses that emit dust, and sensitive land uses (i.e. dwellings). The guidelines do not recommend a minimum separation distance for materials recycling facilities; rather the separation distance should be determined on a case-by-case basis.

The State Policy for Land Use Compatibility (Clause 13.07-1S) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies include:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

The State Policy for the Protection of Agricultural Land (Clause 14.01-1S) aims to protect the State's agricultural base by preserving productive farmland. In considering a proposal to use or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity
- Impacts on the continuation of primary production on adjacent land
- Compatibility between the proposed development and the existing use of the surrounding land.

The objective of the State Policy for Sustainable Industry (Clause 17.03-2S) is to facilitate the sustainable operation of industry. Strategies include providing adequate separation and buffer areas between sensitive uses and offensive or dangerous industries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Zone and overlay provisions

Clause 35.07 Farming Zone

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

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

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production and the potential to limit the operation and expansion of adjoining and nearby agricultural uses.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- Whether the use and development will require traffic management measures.

Clause 42.01 Environmental Significance Overlay – Schedule 2

The Environmental Significance Overlay – Schedule 2 (ESO2) relates to watercourse protection to prevent the degradation of the environment, with respect to water quality, habitat, vegetation and erosion. The objectives of the ESO2, among other things, are to maintain the quality and quantity of water within the watercourse, to prevent pollution and increased turbidity of water in natural watercourses, and to conserve existing wildlife habitats close to natural watercourses. A permit is required to construct or carry out works and remove any vegetation under the provisions of the ESO2. There are no referral authorities specified in the ESO2.

The relevant decision guidelines of the ESO2 require Council to consider the following matters:

- Possible effect of the development on the quality and quantity of water.
- Preservation of, and the impact on, soils and the need to prevent erosion.
- Conservation of natural habitats and the preservation of native fauna, fish and other aquatic life.
- The need for fencing off of waterways and other land management measures.

Clause 42.03 Significant Landscape Overlay – Schedule 17

The Significant Landscape Overlay – Schedule 17 (SLO17) aims to protect the landscape character of the Barwon River environs. This is to be achieved by ensuring buildings and works are not visually dominant when viewed from the waterway corridor, encouraging buildings and works to be set back from the banks of the river to avoid overshadowing and visual intrusion within the landscape and maintain an open waterway corridor, and ensuring the location and size of earthworks minimise alterations to natural topography and are consistent with the landscape character. A permit is required to remove native vegetation under the provisions of the SLO17.

It is noted that the site is subject to a Flooding Overlay and Land Subject to Inundation Overlay, however the proposed works are outside of this area.

Particular provisions

Clause 52.09 Extractive Industry

This clause applies to an application for extractive industry and seeks to ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction. An application must be referred under section 55 of the Act to Earth Resources Regulation & Heritage Victoria. It should be noted that under Clause 52.09-5 a permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless such a condition is suggested by the applicant. The use and development of land for extractive industry must also comply with the following requirements, to the satisfaction of the responsible authority:

- Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
- Shrubs and trees must be planted and maintained to screen activity on the land.
- Parking areas must be provided for employees' cars and all vehicles used on the land.

Clause 52.17 Native vegetation

The purpose of Clause 52.17 of the Planning Scheme is to ensure that there is no net loss to biodiversity as a result of the removal of native vegetation by avoiding and minimising the removal of native vegetation and providing appropriate offsets for the removal of native vegetation. A permit is required under Clause 52.17 to remove native vegetation and an application must include the information specified in the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines)*.

The proposed native vegetation removal involves the removal of minor occurrences of degraded native vegetation that does not achieve the 'patch' native vegetation threshold (<25% plant cover is native). Under the Guidelines (section 5.1) an offset is not required if the native vegetation to be removed does not meet the definition of a patch as set out in section 3.1. The definition of a patch is an area of vegetation where at least 25 per cent of the total perennial understorey plant cover is native. If the native vegetation to be removed does not meet the definition of a patch in section 3.1, the application is considered in the 'Basic Assessment Pathway' with limited impacts on biodiversity and there are no referral requirements.

The decision guidelines are contained in the Guidelines and require Council to consider efforts to avoid the removal of, and minimise the impacts on, native vegetation which should be commensurate with the biodiversity and other values of the native vegetation, and focus on areas of native vegetation that have the most value.

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*. The proposed use and development is a high impact activity but the proposed work and activity area are outside of the portion of land identified as having Cultural Heritage Sensitivity.

DISCUSSION

Planning scheme

The application is considered to satisfy the provisions of the Golden Plains Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, Farming Zone, Environmental Significance Overlay, Significant Landscape Overlay, Clause 52.17 (Native vegetation) and Clause 65 of the Victoria Planning Provisions. State and local policies for Agriculture and the Farming Zone seek to protect productive agricultural land and ensure that use and development of rural land is compatible with adjoining and nearby land uses.

The proposal involves the removal of surface rock from the land which will improve the agricultural productivity of the land. It is considered that the proposed use will not impact surrounding uses because there are adequate separation distances to neighbouring sensitive uses and conditions of the permit will control the hours of operation, dust, and noise. This is discussed further under 'matters raised by objectors.'

The application satisfies the provisions of the ESO2, SLO17 and Clause 52.17 because the site of the proposed rock crushing facility is located approximately 900m from the Barwon River which is considered to be an adequate distance to ensure the protection of the natural environment and landscape character of the watercourse and the proposed native vegetation removal involves the removal of minor occurrences of degraded vegetation which will have limited impacts on biodiversity.

Matters raised by objectors

The concerns raised by objectors to the application are addressed as follows:

1. Noise. The EPA publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise protocols) specifies recommended maximum noise levels for different land use zones and at different times of the day. The recommended levels provide a lesser degree of amenity protection for the day, and a higher degree of protection for the evening, night, weekends and public holidays. The rock crushing facility is proposed to only operate during the daytime period (i.e., 0700-1800 hours) on weekdays.

The acoustic assessment submitted with the application focuses on the potential noise levels to be generated by the extraction activity and associated machinery. The acoustic assessment conducted noise measurements at an existing facility operated by the applicant in Teesdale in

order to quantify the nature and magnitude of noise levels generated by the proposed rock crushing process. A daytime noise limit of 46db for the site was calculated in accordance with the rural area method prescribed in Part I of the Noise protocols. The acoustic assessment has found that noise generated by the use will achieve compliance with the daytime noise limit at the nearest affected dwellings.

The acoustic assessment recommends that the proposed generator exhausts should include secondary silencers to assist noise mitigation and a condition should be placed on the permit to this effect. The application was referred to the EPA and the EPA had no objection to the issue of a permit. The EPA supports the recommendation outlined in the acoustic assessment and acknowledged that there are no sensitive receptors within 1km of the rock crushing machinery and main operations area. It is recommended that if a permit is issued conditions are placed on the permit limiting operations to 7:00am to 5:00pm Monday to Friday, with no activities on weekends or public holidays.

2. Air quality (Dust). Planning policies for Air Quality Management and the EPA recommended separation distances for industrial residual air emissions seek to ensure there are adequate separation distances between industrial uses that emit dust and sensitive land uses (i.e. dwellings) to protect human health and wellbeing, local amenity and aesthetic enjoyment. The proposed rock crushing facility has a separation distance of at least 1.3km to the nearest neighbouring dwelling and conditions will be placed on the permit to ensure that the use and development meets appropriate environmental standards in relation to air quality including the implementation of dust suppression measures.

3. Traffic. The subject land has frontage to the Hamilton Highway and Pollocksford Road, which is a two-lane sealed road maintained by Council. Access to the rock crushing facility is proposed from Pollocksford Road with all truck traffic directed to the Hamilton Highway to the north, which is a major State arterial road. The application was internally referred to Council's Engineering Department regarding traffic and the use of the existing road network. The applicant has advised the Engineering Department that up to 15 trucks would enter and exit per day at capacity.

The existing road network is considered capable of carrying the traffic generated by the proposed use. The Engineering Department had no objection to the issue of a permit subject to conditions being placed on the permit including that no heavy vehicle access to the site is permitted in a southerly direction via Pollocksford Road due to the load limit on the Barwon River Bridge. The Department of Transport & Planning also had no objection to the issue of a permit subject to a condition that there be no direct access to the site from the Hamilton Highway.

4. Environment. The objections raised concerns regarding environmental impacts of the proposal including waterway pollution, native fauna and flora impacts and weed control. The site of the proposed rock crushing facility consists of cleared farmland and is located approximately 900m from the Barwon River and 200m from the unnamed nearest watercourse, which is considered to be an adequate distance to protect the watercourses and streamside environment. The vegetation assessment submitted with the application identifies areas of remnant patch native vegetation that are proposed to be protected, and only degraded native vegetation and exotic vegetation is proposed to be removed. The removal of this vegetation and the location of the facility in an existing farming area with adequate setbacks to the Barwon River is not expected to have any impact on wildlife. A condition will be placed on the permit requiring that the remnant patch native vegetation and habitat is clearly identified and protected by exclusion fencing and that weed management be implemented as part of an environmental management plan for the use.

5. Visual impact. The proposed rock crushing facility will have minimal visual impact on the surrounding area because it has significant setbacks to nearby roads and neighbouring dwellings. The site is located near the western boundary of the land and is setback approximately 600m from Pollocksford Road, 900m from the Hamilton Highway and 1.3km from the nearest neighbouring dwellings. The facility also only has a small footprint (2500m²) within a large farming property (197ha). A condition will be placed on the permit requiring screening landscaping around the perimeter of the rock crushing facility in accordance with Clause 52.09 of the planning scheme.

6. Other matters raised are addressed as follows:

a. Lack of information provided in the application. It is considered that the application contains sufficient information, including an acoustic assessment, for Council to make a decision on the application.

b. Agricultural impacts. The proposed use will increase the productivity of the subject land and the land will be reinstated to farmland at the cessation of the use. The rock crushing facility is setback 50m from adjoining farmland, which will ensure there are no impacts on adjoining agricultural uses.

c. Fire prevention. Conditions of the permit will require the preparation of a fire management plan that includes the provision of a water supply for fire-fighting purposes and the requirement that the use does not operate on days of total fire ban.

d. The characterisation of the use. The proposed rock crushing activities were originally described in the application as 'materials recycling' and one of the objectors queried whether a more appropriate land use definition was 'extractive industry'. Council officers agree that the appropriate definition for the proposed use is 'extractive industry' and have amended the application description accordingly. Extractive industry is a 'Section 2 – permit required use in the FZ and an application for extractive industry must be referred to Earth Resources Regulation and Heritage Victoria in accordance with Clause 52.09 of the planning scheme. The application was not re-advertised as it was considered that the original application documents sufficiently described the proposed use and development which were not amended from the originally advertised application.

e. Property damage and devaluation. The proposed use is unlikely to cause property damage because it does not involve rock blasting and has significant setbacks to neighbouring dwellings. Property devaluation is not a material planning consideration and Council can only consider matters that may affect them such as amenity issues as addressed above. VCAT has consistently dismissed property devaluation per se as a valid ground of refusal.

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

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 and signs placed on site.

PUBLIC TRANSPARENCY

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

STRATEGIES/PLANS

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

RISK ASSESSMENT

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

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

This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Planning Scheme.

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

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

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Frameworks, the Farming Zone, Environmental Significance Overlay, Significant Landscape Overlay and the decision guidelines of the Planning Scheme (Clause 65). The proposal has adequate separation distances to neighbouring dwellings and the placement of conditions on the permit restricting the hours of operation, and controlling noise, dust, and visual impacts will ensure the proposed use does not cause material detriment to any person.

7.3 P22325 - 114 MCKEES ROAD, GARIBALDI (CONTRACTOR'S DEPOT)**File Number:** P22325**Author:** Peter O'Brien, Town Planner**Authoriser:** Leanne Wilson, Acting Director Community, Planning and Growth**Attachments:** 1. Recommended Conditions**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use of the land for the purposes of a contractor's depot at 114 McKees Road, Garibaldi pursuant to the provisions of the RAZ1 (Clause 35.08-1), subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for a contractor's depot at 114 McKees Road, Garibaldi. The report provides a background to the application and a summary of the relevant planning considerations.

The application was 'called in' to a Council meeting by Councillors Cunningham and Gamble as the Councillors wanted to gain a greater understanding of the application. The 'call in' of the application has been undertaken in accordance with Council's Consideration of Planning Applications Policy.

There are 3 objections to the application and the main concerns of objectors relate to light pollution, visual impact (unsightliness), waste disposal/chemical storage, road condition and non-compliance with the planning scheme. Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

The issue of a Notice of Decision to grant a planning permit is recommended, subject to conditions.

BACKGROUND**Site description**

The subject land is situated at 114 McKees Road, Garibaldi and is formally described as Crown Allotment 1L Section S Parish of Enfield. The land is not affected by any restrictive covenants. The site has a total area of 8.033ha and contains an existing dwelling and shedding. The land is generally flat and mostly cleared with scattered trees. Access to the land is from McKees Road, which is an all-weather gravel road managed by Council. The site and surrounding area is in a Rural Activity Zone and is predominately used for small scale agricultural activities and contains a small number of rural residences.

Proposal

The application proposes the use of the land for a contractor's depot. The application seeks retrospective planning approval because the use has been operating without a permit for a number of years. The applicant has advised (and Council historical aerial imagery confirms) that the business has operated from the site, albeit in a smaller capacity, for over 10 years.

A contractor's depot is an innominate (undefined) use in the planning scheme. The use of the land as a contractor's depot and its characterisation within the planning scheme has been considered by various past Tribunal cases, including *W Osbourne and Son Pty Ltd v Greater Geelong CC & Ors* (2012) VCAT 1683, *Andsand Pty Ltd v Kingston CC* (2008) VCAT 1804, *Indigo Shire Council v Carter* (2014) VCAT 1273. It is clear from these decisions that the proposal aligns with various other VCAT decisions in characterising the use of the land as a contractors depot, and is "essentially a base where staff come to work and pick up vehicles and machinery for work activity elsewhere and then returned and parked until further required" (*DP & JL Dunoon Pty Ltd trading as Newcomb Soil and Sand Supplies v Greater Geelong City Council* (2018) VCAT 816).

Site map



GOVERNMENT ROAD

273.19M 64D 32'

55.0M

273.19M 245D 05'

295.31M 324D 41'

DOMESTIC SHED
REFER SHEET NO. 5
FOR FLOOR PLAN

EXISTING DWELLING
REFER SHEET NO. 3
FOR FLOOR PLAN

EXISTING SITE ACCESS

13.0M
3.0M
50.0M

24.0M
35.5M
37.5M
53.2M
60.7M
73.7M

38.0M
21.5M

CARPORT / AWNING
REFER SHEET NO. 6
FOR FLOOR PLAN

DAM

INDUSTRIAL SHED
REFER SHEET NO. 4
FOR FLOOR PLAN

RELOCATABLE
REFER SHEET NO. 5
FOR FLOOR PLAN

EXISTING SITE ACCESS

295.31M 154D 44'

MCKEES ROAD

STORMWATER COLLECTION:
ALL ROOF COLLECTED STORMWATER IS TO BE DIVERTED TO ON-SITE
STORAGE TANK. WITH OVERFLOW TO BE DIRECTED TO THE LEGAL POINT
OF DISCHARGE TO LOCAL AUTHORITIES APPROVAL.

STORMWATER SHALL BE MAINTAINED WITHIN THE LAND. IT IS THE
OWNERS RESPONSIBILITY TO DESIGN AND MAINTAIN A SYSTEM
ADEQUATE TO CATER FOR THE STORMWATER GENERATED FROM THE
DEVELOPMENT.

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CONSULTATION

Notice of the application was given in accordance with section 52 (1)(a) & (d) of the *Planning and Environment Act 1987*. Notice was provided by mail to adjoining and neighbouring owners and occupiers and by placing a sign on site, and the application information was placed on Council's website.

As a result of the public notice, three [3] objections were received. The concerns raised by objectors are:

Lighting. A major concern of objectors is lighting associated with the use causing light pollution and glare.

Visual impact. Objectors believe that the premises are unsightly due to the open storage of machinery and materials.

Road condition. Objectors are concerned regarding the impact of traffic associated with the use on McKees Road, which has resulted in road damage and maintenance issues.

Non-compliance with the planning scheme. The use commenced without a permit and concerns have been raised regarding the probability of compliance with the planning scheme and any permit conditions moving forward.

Waste disposal. A concern was raised regarding the methods of waste disposal, including chemicals.

A consultation meeting was held on 30 March 2023 and did not result in a resolution being reached.

ASSESSMENT

The application proposes the use of the land for the purposes of a contractor's depot.

A planning permit is required under the following provisions:

- RAZ1 (Clause 35.08-1) A contractor's depot (undefined use) is a 'Section 2 - permit required' use.

The application was lodged on 14 September 2022. The application seeks retrospective planning approval. The activity has been operating without planning approval and first came to Council's attention in June 2017 as the result of a complaint.

There are no referral authorities specified in the planning scheme for an application of this type.

The application was internally referred to Council's Engineering Department regarding road access. The Engineering Department had no objection to the issue of a permit and did not require that any conditions be placed on the permit.

PLANNING SCHEME

Municipal Planning Strategy

Clause 02.03-1 Settlement (North-West Area)

This clause contains strategic directions for Settlement in the North-West Area (Clause 02.03-1), which includes the rural locality of Garibaldi. The Northern Settlement Strategy (April 2019) provides directions to guide future settlement planning in the North of the Shire. The Strategy relates to residential land supply and demand and does not contain any policies or guidelines in relation to non-residential land uses. The strategy seeks to contain growth in Garibaldi and states that there will be no provision of additional land for residential development.

Clause 02.03-4 Natural resource management (Agriculture)

Agricultural industries continue to be the major economic sector, comprising more than 25 per cent of the employment in the Shire. Council aims to support sustainable agriculture in the Shire by, among other things, protecting the role of agricultural land as an economically valuable resource.

Clause 02.03-7 Economic development (Industry)

Council supports industrial development in areas that are strategically sound or identified for industrial development.

Rural Land Use Strategy

The Golden Plains Rural Land Use Strategy (2008) is a background document to the planning scheme and is designed to guide future land use and development and the application of rural zones across the Shire's rural areas. The strategy identifies the subject land within the North-West area, which contains a mix of small agricultural holdings, rural industries and rural living. The rural strategy recommended that this area be zoned Rural Activity Zone to provide for a range of land uses including small lot farming, potential tourism uses, uses requiring rural properties and bushland settings and the proximity of the area to Ballarat. The rural strategy recognised the relatively low productivity of much of the cleared and farmed areas and the role of the area to provide for a range of uses that relate to the large number of townships and local communities dispersed throughout the area.

Planning Policy Framework (LPPF)Clause 13.05-1S Noise management

The objective of this clause is:

- To assist the management of noise effects on sensitive land uses.

Strategy:

- Ensure that development is not prejudiced and community amenity and human health are not adversely impacted by noise emissions.
- Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use) near noise emission sources through suitable building siting and design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.06-1S Air quality management

Objective:

- To assist the protection and improvement of air quality.

Strategies include:

- Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants and sensitive land uses.

Clause 13.07-1S Land use compatibility

Objective:

- To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies include:

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

Clause 14.01-1S Protection of agricultural land

Objective:

- To protect the State's agricultural base by preserving productive farmland.

Strategies include:

- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- In considering a proposal to use agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.

Zone provisions

Rural Activity Zone – Schedule 1

The site and surrounding land are in a Rural Activity Zone – Schedule 1 (RAZ1). The purpose of the RAZ is, among other things, to provide for the use of land for agriculture; to provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area; and to ensure that use and development does not adversely affect surrounding land uses. A Contractor's Depot is a 'Section 2 – permit required' use under Clause 35.08-1 of the RAZ – any use not listed in Section 1 (permit not required) or Section 3 (prohibited) is a Section 2 use in the RAZ).

Before deciding on an application in the RAZ, Council must consider the decision guidelines contained in Clause 35.08-5 which include, among other things:

- Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

Schedule 1 of the Rural Activity Zone applies to the North-West Area and seeks to achieve a planned mix of agricultural and other complementary uses that are compatible with, among other things, the area's dominant landscape features, rural living use and continuing farming and agricultural use of large parts of the area.

Overlay provisions

There are no overlays applying to the land.

Particular provisions

Clause 52.06 Car parking

The purpose of the car parking provisions, among other things, is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. A new use must not commence until the required car spaces set out in the table at Clause 52.06-5 have been provided on the land. In this case, the number of car spaces for a Contractor's Depot is not specified in Table 1; therefore, pursuant to Clause 52.06-6, car parking spaces must be provided to the satisfaction of the responsible authority.

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.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- 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 environment, human health and 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

CULTURAL HERITAGE IMPLICATIONS

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006* because the proposed use is not a high impact activity as listed in the *Aboriginal Heritage Regulations 2018*. It is noted that the meanings of high impact uses *used in subregulation (1)(b) have the same meanings as they have in the VPP*. As the proposed use 'contractors depot' is not listed in the VPP, it is therefore not a high impact use.

DISCUSSION

Planning scheme

The application is considered to satisfy the provisions of the Municipal Planning Strategy, Planning Policy Framework, Rural Activity Zone and Clause 65 of the Victoria Planning Provisions. The application satisfies State and local agriculture policies (Clauses 02.03-4 & 14.01-1S) because the proposed use will not result in the loss of valuable farmland due to the low productivity of the land and because the proposed use occupies a small area of approximately 1.5ha, which has not been in agricultural use for over 20 years. The proposed use is appropriately located in the Rural Activity Zone because it is a small-scale operation that is considered to be compatible with the mix of rural activities in the surrounding area, which consists of agriculture and a small number of rural residences.

The application satisfies State policies related to Noise and Air Quality Management and Land Use Compatibility (Clauses 13.05-1S, 13.06-1S & 13.07-1S) because there are adequate separation distances to townships and residential zones, and neighbouring dwellings. The nearest dwelling

that is not permanently occupied is located approximately 250m from the site (the owner of this dwelling has not objected to the application). There are substantial separation distances of 800m and 1.2km between the site and the objectors' dwellings which, together with permit conditions managing noise, dust and other potential amenity issues, will ensure there are no adverse impacts on community amenity.

Matters raised by objectors

The objector properties are located a substantial distance from the site and the main concerns of objectors can be addressed by permit conditions. These concerns include the following:

Lighting. The main concern of objectors relates to existing lighting causing glare at their properties. Since lodging the application, the applicant has relocated the existing lighting to reduce impacts on adjoining properties and fitted shrouds to each light pole to prevent light spill and glare. Conditions will be placed on the permit requiring a lighting plan demonstrating that all lighting has been located and designed to reduce any off-site impacts and that the lighting is turned on only during the hours of operation.

Visual impact. Objectors have stated that the premises are unsightly due to the open storage of machinery and materials. Permit conditions will ensure there are no visual impacts by requiring a landscape plan providing for the planting of trees and shrubs around the perimeter of the site to screen the activities and improve the general appearance of the site. Other permit conditions will require that the site is maintained in a clean and tidy condition and that the appearance of the site does not detrimentally affect the amenity of the area.

Road condition. Concerns have been raised regarding the impact of traffic associated with the use on McKees Road, which has resulted in road damage and maintenance issues. Advice on the application was sought from Council's Engineering Department and the Engineering Department has advised that the road is currently of an adequate standard for carrying the traffic generated by the proposed use. The ongoing maintenance of the road for all road users is a Council responsibility.

Non-compliance with the planning scheme. The application seeks retrospective planning approval because the use has been operating without a permit for a number of years. While the application was lodged with Council as the result of enforcement action, VCAT Senior Member Potts' comments in *Towers v Central Goldfields SC* [2017] VCAT 376 are noted, which state "there is a well-established body of case law, most relevantly the Supreme Court decision *Knox City Council v Tulcan Pty Ltd & Ors*) that '.....a permit applicant should neither be punished nor rewarded for undertaking work before a permit was obtained'. A retrospective permit application is thus neither considered to have an advantage nor be at a disadvantage. It is to be judged on the planning merits alone".

Waste disposal. A concern was raised regarding the methods of waste disposal including the burning of potentially hazardous materials. A condition will be placed on the permit requiring that all waste associated with the use is not burned or buried on site and is appropriately stored prior to its removal from the site.

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

PUBLIC TRANSPARENCY

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

STRATEGIES/PLANS

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

RISK ASSESSMENT

- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal.
- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, applying for costs against Council. This outcome may impact Council's Professional Indemnity Insurance and result in reputational risk to Council.

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Issue a Notice of Decision to Grant a Permit

This option is recommended by officers as the matters that are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

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

This option is not recommended by officers because the application is considered to satisfy the provisions of the Golden Plains 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 that would alter the officer recommendation on this matter.

CONFLICT OF INTEREST

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

CONCLUSION

The application is considered to satisfy the provisions of the Municipal Planning Strategy, Planning Policy Framework, Rural Activity Zone and the decision guidelines of the Planning Scheme (Clause 65). The proposal has adequate separation distances to neighbouring dwellings and the placement of conditions on the permit restricting the hours and scale of the operations, and controlling visual impacts, will ensure that the proposed use does not cause material detriment to any person.

7.4 ASSET MANAGEMENT STRATEGY & POLICY - PUBLIC EXHIBITION

File Number:

Author: Wendy McAlpine, Coordinator Strategic Asset Management and Systems

Authoriser: Phil Josipovic, Director Infrastructure and Environment

Attachments: 1. Asset Management Policy (DRAFT)
2. Asset Management Strategy (DRAFT)

RECOMMENDATION

That Council endorse the Asset Management Strategy 2024-29 and Asset Management Policy for public exhibition.

EXECUTIVE SUMMARY

As part of Golden Plains Shire's commitment to responsible and sustainable management of its assets, the organisation has refreshed and updated the Asset Management Policy and Asset Management Strategy 2024-29 consistent with industry best practice. Unlike the previous Asset Management policy and strategy, it is recommended to place these documents on public exhibition, to inform the community. The principles and framework which the organisation applies to the management of its assets has a direct impact on the services Council provides to the community.

BACKGROUND

Golden Plains Shire Council last updated its Asset Management Policy in 2018 (endorsed by Council on 26 June 2018), and the Asset Management Strategy in 2019 (endorsed by Council on 27 August 2019). Both documents are due for revision and update. Since the development of the previous Asset Management Policy and Strategy, there has been considerable work completed on the purchase and implementation of a new asset management system (Assetic). Further, the *Local Government Act 2020* requires the organisation to develop and maintain an Asset Plan. It is therefore imperative that Council updates its Asset Management Policy and Strategy to ensure it is contemporary, in line with industry best practice, and meets the needs of the organisation to grow its asset management capability.

DISCUSSION

AM Policy

The purpose of the Asset Management Policy is to define a broad framework and principles for the sustainable and effective lifecycle management of all asset groups required for current and future service delivery to the community of Golden Plains Shire. It will enable Council to implement a coordinated approach to the management of all assets essential to Council's strategic and operational goals.

The revised policy is a considerable rewrite of the current Asset Management Policy. The approach taken is to have a contemporary policy that follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF).

Key improvements to the current policy include:

- Improved clarity around Council's asset management vision and principles with increased emphasis on a 'people first' approach, social inclusion, environmental sustainability and financial responsibility.
- A greater focus on defining asset management roles and responsibilities across the organisation.
- A requirement for an asset management strategy, including a roadmap for achieving the desired state of asset management practice within Council.

- Improved asset planning practices, including a minimum 10-year planning horizon aligned with Council's long-term Financial Plan.
- An emphasis on “whole of life” costs as the basis for making decisions so that a cost-effective asset base is provided. This includes prioritising asset renewal before providing new assets, rationalising under-utilised assets, and limiting asset expansion unless justified.
- Inclusion of a commitment to prioritising asset expenditure based upon agreed service levels, the ability of current assets to meet the needs of the community, and Council's available resources.
- Responsibility for this policy lies with the Asset Management Steering Committee to oversee the continued implementation, monitoring and review, with periodic reports to Council's Senior Management Team. The policy is to be reviewed every four [4] years, by 31 October in the year following a Council Election.

Asset Management Strategy

Building on the framework of the Asset Management Policy, the Asset Management Strategy 2024-29 provides the principles and strategic actions to shape our decision making and planning, to ensure sustainable service delivery, for both current and future generations.

The Asset Management Framework, as shown in Figure 1 below, provides the context of the Asset Management Strategy amongst the organisations core documents.

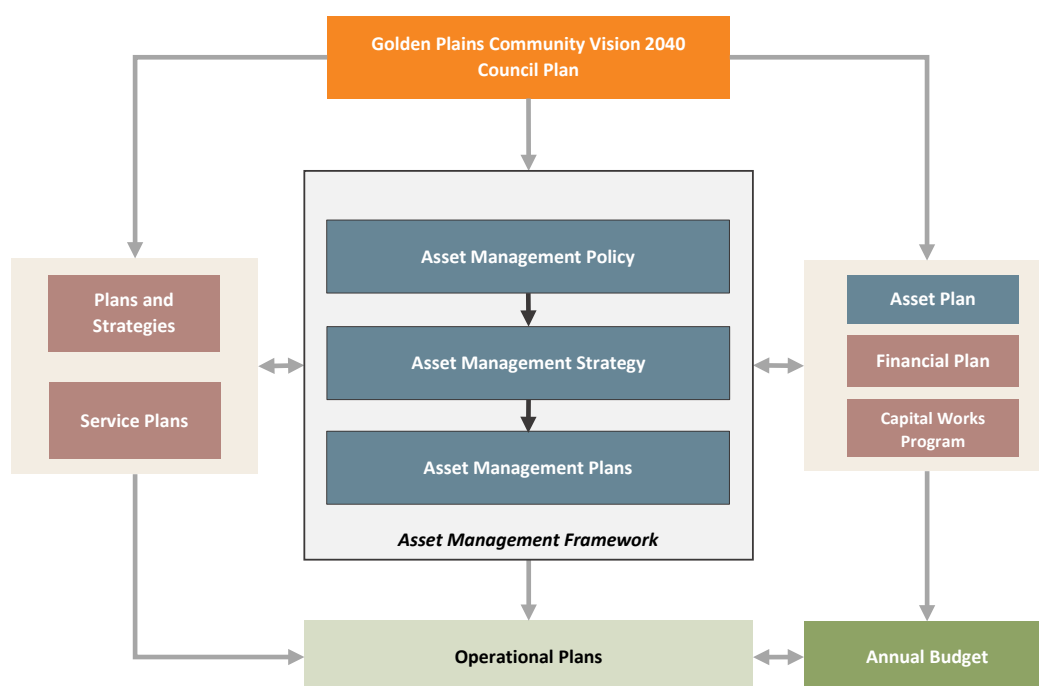


Figure 1. Asset Management Framework

A key element of our Asset Management Strategy 2024-29 included a comprehensive review the status of our asset management practices, which further provides a basis to identify key gaps and opportunities for improvement. Figure 2 below provides a visual representation of our Maturity as of June 2023. We scored 846 out of a possible 1,100 for core maturity. We previously measured our Asset Management maturity in 2019, where we scored 711. Our biggest improvement has been in Data and Systems, where since July 2020, we have implemented Brightly Assetic as our Asset Management software. It is important to note that the weighting of each element of the maturity assessment does not reflect the workload involved. For example, implementing an Asset Management System is far more labour intensive than updating an Asset Management Policy.



Figure 2. Asset Management Maturity at Golden Plains as of June 2023.

To align our asset management practices to the community's priorities, we are committed to making all decisions relating to assets in accordance with our asset management principles (as identified in our Asset Management Policy):

- People First Approach
- Access, Inclusion and Equality
- Environmental Sustainability
- Lifecycle Approach
- Financial Responsibility
- Leadership and Innovation

Pivotal to the Asset Management Strategy 2024-29 are the asset management objectives and improvement actions. The objectives set out the results we need to achieve to progress our asset management capability and realise maximum value from our assets. Linked to the objectives are our strategic actions, which provide the direction on how we will continue to improve our asset management maturity.

Key strategic actions include:

- Develop a community engagement strategy for deliberative engagement on future revisions of the Asset Plan
- Develop Service Plans to document current levels and costs of services
- Investigate enhancements to the Asset Management System, including integration with corporate systems such as CRMS, GIS, financial systems and data analytic reporting tools
- Implement mobile computing for field asset maintenance
- Review and update our existing Asset Management Plans and incorporate financial forecasts into the financial plan
- Review and update the Asset Plan
- Prepare a long-term capital works program for infrastructure assets to inform the Long Term Financial Plan

- Undertake regular maturity assessments and asset performance monitoring

To supplement the strategy, we will formulate an improvement roadmap which will describe the detailed improvement items that need to be implemented to support the strategic actions over the next 5-year life of the Asset Management Strategy. The improvement roadmap will be delivered either through business as usual or as discrete projects funding through the annual budget. The progress of implementing the improvement roadmap will be reported to SMT annually.

The Asset Management Strategy is a long-term vision with a 5-year focus. The next comprehensive review of the Asset Management Strategy will be completed no later than June 2029.

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

GOVERNANCE PRINCIPLES

In accordance with the Governance Principles s.9 of the *Local Government Act 2020*, the Asset Management Policy and the Asset Management Strategy 2024-29 seek to demonstrate continuous improvement to service delivery from Council's asset base. The policy aligns with current industry standards, follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). The Asset Management Strategy 2024-29 provides the principles and strategic actions to help shape our decision making and planning, to ensure sustainable service delivery for both current and future generations.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The guiding principles outlined in the Asset Management Policy and Asset Management Strategy 2024-29 include:

- People First Approach
- Access, Inclusion, and Equality
- Environmental Sustainability
- Lifecycle Approach
- Financial Responsibility
- Leadership and Innovation.

Key environmental sustainability actions include:

- Embed environmentally sustainable design principles into the design and construction of our facilities, and
- Plan and manage infrastructure assets to help with the aim of being a zero-net emissions organisation, in line with corporate targets.

COMMUNITY ENGAGEMENT

The Asset Management Policy and the Asset Management Strategy 2024-29 are recommended to be exhibited publicly, in accordance with Council's Community Engagement Policy.

PUBLIC TRANSPARENCY

The Asset Management Policy and Asset Management Strategy 2024-29 will be made publicly accessible providing transparency in framework and strategic actions for the management of its assets once the policy is adopted.

STRATEGIES/PLANS

The Asset Management Strategy 2024-29 reflects the following items of the Council Plan 2021-25:

- 1.1.1 Education, programs, services and infrastructure to enable people to feel safe in the local communities including preventing family violence and improving mental wellbeing.
- 1.3.2 Provide and activate spaces and develop opportunities for communities to connect and participate.
- 2.1.1 Maintaining and improving our road and bridge networks.
- Advocate and plan for safe pedestrian, cycling and recreation paths and trails that reduce reliance on vehicles.
- 2.2.1 Provide, maintain and advocate for sustainable and accessible facilities that promote and enable healthy recreation, physical activity and social connection.
- 2.3.2 Ensure and provide infrastructure to accommodate and service existing and developing communities across the Shire.
- 2.4.1 Provide high quality public spaces and infrastructure.
- 2.4.2 Maintain the amenity and cleanliness of townships, roadsides and public spaces.
- 3.4.2 Promote, encourage and advocate the use of sustainable and clean energy and technology.
- 5.2.2 Ensure responsible and sustainable financial, asset and risk management.

FINANCIAL MANAGEMENT

The Asset Management Strategy 2024-29 provides objectives and strategic actions for financial sustainability, including integrating the outcomes of asset management planning into the organisations Long Term Financial Plan.

Actions delivered from the Asset Management Strategy 2024-29 will be delivered through business-as-usual improvements or as discrete projects funded from the annual budget.

SERVICE PERFORMANCE

The Asset Management Policy and Asset Management Strategy 2024-29 help Council to demonstrate continuous improvement to service delivery from its asset base and provide good value.

RISK ASSESSMENT

Should Council not endorse the Asset Management Policy and the Asset Management Strategy 2024-29 for public exhibition, Council will not have an up-to-date policy and strategy to guide its asset management practices for the next 5 years. Lack of current policy and strategy jeopardises the organisation to progress asset management capability and realise maximum value from its assets.

COMMUNICATION

Officers will develop online content to inform the community of the public exhibition process. Officers have liaised with internal stakeholders in the preparation of these documents.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Endorse the Asset Management Policy and Asset Management Strategy 2024-29 for Public Exhibition

This option is recommended by officers. The policy aligns with current industry standards, follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). The Asset Management Strategy 2024-29 provides the principles and strategic actions to help shape Council's decision making and planning, to ensure sustainable service delivery for both current and future generations.

Option 2 – Delay the endorsement of the Asset Management Policy and Asset Management Strategy 2024-29 for public exhibition.

This option is not recommended by officers as it will result in an outdated policy and strategy, which will delay advancement of the organisation in its asset management practices.

Option 3 – Do not adopt the Asset Management Policy and Asset Management Strategy 2024-29

This option is not recommended by officers as jeopardises the organisation to progress asset management capability and realise maximum value from its assets.

CONFLICT OF INTEREST

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

CONCLUSION

The Asset Management Policy has been updated so that it is a contemporary policy that follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). It will enable Council to implement a coordinated approach to the management of all assets essential to Council's strategic and operational goals.

The objectives of the Asset Management Strategy 2024-29 set out the results Council needs to achieve to progress its asset management capability and realise maximum value from its assets. Linked to the objectives are Council's strategic actions, which provide the direction on how Council will continue to improve its asset management maturity.

Endorsement of the Asset Management Policy and Asset Management Strategy 2024-29 for public exhibition will provide framework, principles and strategic actions to help shape Council's decision making and planning, to ensure sustainable service delivery from Council's asset base for both current and future generations.

7.5 MEDIA AND COMMUNICATIONS POLICY - ADOPTION

File Number:

Author: Lisa Baldock, Coordinator Communications and Engagement

Authoriser: Eric Braslis, CEO

Attachments: 1. Draft Media and Communications Policy

RECOMMENDATION

That Council adopt the updated Media and Communications Policy as attached.

EXECUTIVE SUMMARY

The Media and Communications Policy was formally adopted by Council at its meeting on 24 October 2023. Following the implementation of the Policy and subsequent Councillor elections in November, which led to the current term's dissolution of the Deputy Mayor position, it has become apparent that an update to the Policy is necessary.

This update will focus on establishing clarity to Section 3.2.2 of the Policy where no Deputy Mayor is available to serve as the official spokesperson for Council.

DISCUSSION

Golden Plains Shire Council is dedicated to ensuring that the interaction between Council, the media, and the communications landscape is effectively managed to maximise Council's benefits while minimising the risks of adverse publicity and misunderstandings resulting from inaccurate or inappropriate information sharing. Council implemented a revised Media and Communications Policy in October 2023.

As noted previously, Council chose not to elect a Deputy Mayor for 2024. In instances now, where the Mayor is not available, we need to have clarity as to who would then become the Council spokesperson. Drawing upon the experience and familiarity with the role, it is suggested that the previous Mayor can effectively represent the Mayor's office and provide necessary information to the media and the community.

By incorporating this provision into Council's Media and Communications Policy, Council cannot only uphold transparency, but also guarantee a seamless transition of responsibilities within Council.

The adjustment to the Policy relates to the following:

Policy Statement

Official commentary

- Section 3.3.2
 - If the Mayor is not available, the Deputy Mayor will act as the official spokesperson and will, in those circumstances, have all authority otherwise provided to the Mayor by this policy. *Where there is no Deputy Mayor, the previous past Mayor may be designated to speak on behalf of the Mayor, and have all authority otherwise provided to the present Mayor by this policy. If there is no previous past Mayor(s), a Councillor from the relevant portfolio will be asked by the Mayor/CEO to speak.*

It should be noted that officer will continue to review all policies, and where relevant, include similar wording, and bring them back to Council for adoption.

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)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i>)	Yes

GOVERNANCE PRINCIPLES

Amendments have been proposed to the Media and Communications Policy, in order to pursue continue improvement. The proposed amendments align with policies adopted by surrounding Councils and the *Local Government Act 2020*.

POLICY/RELEVANT LAW

- *Local Government Act 2020*
- Local Government (Governance and Integrity) Regulations 2020
- *Privacy and Data Protection Act 2014*
- *Charter of Human Rights and Responsibilities Act 2006*
- Councillor Code of Conduct
- Election Period Policy
- Governance Rules
- Interaction between Councillors and Council Staff Protocol

COMMUNITY ENGAGEMENT

If adopted, the policy will be published on the Council's public webpage.

PUBLIC TRANSPARENCY

The Media and Communications Policy ensures public transparency in relation to interactions with media.

RISK ASSESSMENT

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

- Media plays a crucial role in shaping public opinion. By having a robust policy, Council has the framework to ensure it contributes to positive reputation management, which is crucial for maintaining a desired community image.
- Consistent messaging prevents the dissemination of conflict or inaccurate information that can lead to confusion and mistrust.
- Legal compliance - failure to review and adopt the Media and Communications Policy would lead to non-compliance with relevant legislative / Council's Governance Rules/Law/Policies.

COMMUNICATION

If adopted, the policy will be published on the Council's public webpage.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – That Council adopt the Media and Communications Policy changes

This option is recommended by officers as the amendments proposed will improve the operation of the policy.

Option 2 – That Council does not adopt the Media and Communications policy changes.

This option is not recommended as there are opportunities to improve Council's existing policy.

CONFLICT OF INTEREST

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

CONCLUSION

The Media and Communications Policy is presented to Council for adoption. The modification to the Policy will serve the best interests of the community and facilitate efficient and effective communication from Council the community. The policy has been reviewed, with changes made to Section 3: Policy Statement 3.1. Official commentary 3.1.2.

7.6 CONSIDERATION OF PLANNING APPLICATIONS POLICY REVIEW

File Number:

Author: Zac Van Grondelle, Coordinator Statutory Planning

Authoriser: Leanne Wilson, Acting Director Community, Planning and Growth

Attachments: 1. Consideration of Planning Applications Policy TRACKED
2. Consideration of Planning Applications Procedure TRACKED

RECOMMENDATION

That Council adopt the revised Consideration of Planning Applications Policy and Procedure (Attachments 1 and 2).

EXECUTIVE SUMMARY

The consideration of planning applications policy and associated procedure have been in place since July 2021 with amendments approved in April 2022. Cr Sharkey moved a Notice of Motion at the December 2023 Council meeting seeking that the policy be reviewed in the first quarter of 2024.

The review of the delegations is the opportunity to check in with councillors and to review and refine the policies and procedures that support the delegation.

The key recommendations to come from the review are:

- Remove the ability for 'called-in' applications to be returned to officer delegation;
- Change the reporting frequency of applications triggered under a Heritage Overlay; and
- A variety of other administrative changes.

These recommended changes are examined in detail under the discussion section of this report.

BACKGROUND

Statutory planning delegations, policy and procedures were adopted by Council in July 2021. At the time, the most significant changes to the newly adopted delegation were:

- Delegation permitted officers having the ability to make decisions on all applications with objections, but with councillors able to call-in an application with four or more objections, provided the call-in procedure was followed;
- Officers able to refuse applications under delegation if not called-in;
- Applications able to be refused under delegation whereby a Recommending Referral Authority has objected to an application if not called-in; and
- For applications considered to be of interest/significance to the community, officers would refer the application to a Councillor Briefing whereby Councillors can either decide that the application continues to a Council Meeting for decision, or a decision be made under delegation at officer level.

In April 2022 both policies were reviewed again, with the following changes implemented by Council:

- The number of objections a planning application receives before it can be called-in was reduced to three.
- The ability for Councillors to call-in 'applications of significant community interest' was removed as this could not be quantified.

- The review also made a range of clerical and typographical changes to ensure consistent language and formatting, as well as administrative process changes, including the ability for Councillors to email their call-in request, rather than submitting the standard form.
- Details of all above-mentioned scenarios are circulated via a weekly email to Councillors, along with a submissions report detailing applications with objections/submissions.

Section 10.3 of the revised policy states that the policy and procedure will be reviewed every two years. This review is due in April 2024 and has been requested by Cr Sharkey to be provided in the first quarter of the year.

DISCUSSION

Councillors have been requested by email to provide any feedback or suggested changes to the policy. All suggestions have been considered with adjustments made to the policies and procedures as shown in the track changes in Attachments 1 and 2. The key recommendations from the review are examined and discussed as follows:

Substantive Changes

- *Amend number of objections required to call an application in from three (3) to two (2)*

This amendment was requested by Councillors and will allow a greater number of applications to be called in. A caveat has been included; that the objections need to be from different addresses – to avoid multiple objections being received from the same household.

- *Amend ability for called-in applications to be withdrawn and returned to officer delegation.*

The principal amendment to the policy is to remove the ability for a decision to be delegated back to officers once it has been called-in. This is to ensure that:

- a) the decision-making process is straightforward and there will be no confusion as to who is making the decision.
- b) any perception that Councillors have pre-determined an application or that officers are acting under Councillor order is mitigated.

The proposed amendment has been implemented in both the policy and procedure attachments. If all objections are withdrawn, the policy will allow Councillors to withdraw their call in by emailing Manager Planning and all other Councillors.

- *Delete requirement for applications triggered under the Heritage Overlay to be reported in the weekly Councillor update.*

The current policy requires that applications triggered under the Heritage Overlay be reported in the weekly update. This proposed change seeks to remove that requirement, as these applications are not eligible for call-in unless already list elsewhere in the weekly update. The administrative burden and system changes required to facilitate this report are substantial given the inability for Councillors to call-in the application. It is recommended that this report is moved to the quarterly update. The procedure has been amended to reflect this.

Administrative Changes

- *Anything that refers to 'Manager Development and Regulatory Services' be changed to 'Manager Planning'.*

This is an administrative change which reflects the organisational restructure. The Manager Planning is now the officer who manages the Statutory Planning Team, and therefore the appropriate owner of this policy. This has been updated on multiple instances in the policy and procedure.

- *Officer updates to be provided on applications that have been called-in to Council.*

Once an application is called-in by Councillors, there can be significant wait times until the application is heard, due to application processing delays (referrals, advertising, objections), scheduling issues (waiting for an available meeting date) or any other number of delays. The

weekly update to Councillors will now include the status of applications that have already been called-in for a Councillor decision but not yet decided.

- *Deletion of references to previous policy*

Parts 3.3-3.6 of the existing policy refer to previous delegation structures for context setting. This is now proposed to be deleted given it is no longer of relevance and adds confusion to the context and background of the existing policy.

- *Form deleted from appendices list*

The procedure notes that a form is attached for Councillor call in requests; however, the requirement for a completed form was deleted from the policy in the previous amendment and replaced with an email.

- *Policy to reference the fact that applications proposed to be refused under delegation can be called-in*

This option already exists in practice and is listed in the procedure; however it was omitted from the policy. The policy will be updated to ensure it is clear that applications whereby officers are recommending refusal, can be called in. No changes are required to the procedure.

- *Objections will now be stored for Councillor viewing in one location rather than separated by week*

This is an administrative change, not reflected in either policy and procedure.

Changes considered but not proposed

- *Deletion of requirement for matters whereby Statutory and Strategic Planning officers, Senior Officers and Councillors who have a financial interest in a property to be decided by Council.*

This change was considered but it is proposed that the current policy is retained for transparent decision making and good governance.

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	Yes

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

GOVERNANCE PRINCIPLES

This report and associated policies and procedures adhere to the relevant governance principles as the proposal seeks to implement and refine continuous improvement principles.

POLICY/RELEVANT LAW

This report adheres to decision making requirements listed under the *Planning and Environment Act 1987*.

PUBLIC TRANSPARENCY

The review of policies and procedures seeks to build on the transparency of decision making that has been implemented since August 2021 and provide clarity in relation to the ability for Councillors to call-in applications. This is all complemented by regular reporting to Council on decisions made under delegation, and is already underway.

The existing practice of applications whereby there is a financial interest in the property by Councillors, Senior Officers and members of the Statutory and Strategic Planning Teams remains unchanged and is key to Council's commitment to transparent decision making.

FINANCIAL MANAGEMENT

A cost analysis of the preparation of a Council report compared to a delegate report was undertaken for the delegation review that went to Council in July 2021. This analysis found that a Council report costs approximately \$870 for the preparation and review by the various levels of staff, compared to \$59-421 for an internal delegate report. These figures remain largely the same and clearly demonstrate importance of an appropriate level of delegation.

SERVICE PERFORMANCE

The proposed refinements to the delegations and associated policies and procedures seek to provide clarity and further improve the services of the Statutory Planning Department.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

The updated policies and procedures will be placed on Council's website.

HUMAN RIGHTS CHARTER

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

OPTIONS**Option 1 – Approve the recommendation as per the Officer Report**

This option is recommended by officers as the current delegations have now been in place for 2 and a half years and a clear understanding of the benefits and any shortfalls has been identified. The existing delegations are largely sound. The existing ability of councillors to call-in applications with 3 or more objections has been successful. This review resolves issues of applications being delegated back to officers once called-in and also clarifies and tidies the policy and procedure.

Option 2 – Do not adopt the Recommendation

This option is not recommended by officers as it will miss the opportunity to provide clarity to the delegation process and eliminate potential issues or perceived conflict that has been recommended to round out a thorough review of the process.

Option 3 – Adopt a variation of the Recommendation

This option is not recommended by officers. Significant work has gone into the initial change to delegations in 2021, the amendment in April 2022 and this review. Feedback has been sought from Councillors and it is considered the proposed amendments to the policy and procedure will optimise the policy's effectiveness.

CONFLICT OF INTEREST

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

CONCLUSION

Revised Statutory Planning Delegations have now been in use for over 2 years and it is deemed prudent to review the impact of the changes and assess the functioning of the supporting policies and procedures.

The proposed recommendation seeks to provide a greater level of clarity around the call-in process. Undertaking this review also provided the opportunity to provide clarity to overall level of delegation and implement the simple refinement and use of consistent language in the associated policies and procedures to round out a thorough review of the process.

7.7 INSTRUMENT OF DELEGATION - COUNCIL TO CHIEF EXECUTIVE OFFICER**File Number:****Author:** Eric Braslis, CEO**Authoriser:** Eric Braslis, CEO**Attachments:**

1. Draft Terms of Reference
2. C4 Delegation

RECOMMENDATION

That Council:

1. Note the review of the CEO Financial Delegation.
2. Establish a Councillor Contract Committee and adopt the attached Terms of Reference and C4 Delegation.
3. Appoint Councillors Rowe, Gamble and Getsom to the Councillor Contract Committee for 2024.

EXECUTIVE SUMMARY

The *Instrument of Delegation to Chief Executive Officer* must be re-made periodically to ensure it remains up to date and captures powers made or amended since the delegation was previously resolved by Council.

In February 2023, Council updated the Instrument of Delegation and requested that a report be re-tabled in 12 months' time. At its February 2024, Council resolved to defer any decision on the CEO Delegation and receive a report on the establishment of a Councillor Contracts Committee to determine all Contracts/Tenders over and above the CEO financial delegation.

A report was tabled at the February 2024 Council meeting which considered several, including, an increase based on CPI and on benchmarking of similar Councils and the consideration of the inclusion within the delegation, those projects already approved as part of annually adopted Council budget but over the delegation limit. The item was subsequently deferred, requesting a further report to consider the establishment of a Councillor Contracts Committee to determine all matters above the CEO delegation.

BACKGROUND

Council can act or make decisions in two ways, being through a resolution of Council or by an officer acting under delegation. Delegation by Council of powers is formalised via written instruments of delegation. Delegation of powers is essential to enable day-to-day decisions to be made.

The CEO has delegation to determine any issue, take any action or do any act or thing, subject to limitations. Council subscribes to the Maddocks Lawyers Delegations and Authorisations service, which provides template instruments of delegation and general advice about the function of delegations. The instrument of delegation from Council to the CEO is provided at Attachment 1. The delegation to the CEO must be re-made periodically to ensure that legislative powers created or amended since the delegation was previously resolved by Council are validly delegated to the CEO.

Procurement thresholds provide the procurement processes which must be followed for purchasing goods, services and construction works. An internal Contracts, Tenders and Grants Committee has been formed by the CEO, which is made up of the Senior Management Team. The internal Committee receives and assesses tender or quote evaluation reports for contracts or purchases between \$200k (which is the delegation of a single Director) and \$450k (which is the current delegation of the CEO). The Committee then makes a recommendation to the CEO as to whether the contract should be awarded or purchase made, following which, the CEO exercises his

delegation to award the contract or make the purchase. All these approved items are then reported to the full Council via the quarterly financial report to ensure transparency.

DISCUSSION

Inflationary pressures to contracts and tenders

Over the last few years, construction costs have risen at record rates driven by the demand for raw materials and the cost of labour. Whilst this is not unique to Golden Plains Shire, the smaller and more remote Councils have experienced a lack of competitiveness in the market for suitably qualified commercial and civil contractors who can tender for and deliver projects outside of metropolitan areas. Multiple tender rounds have had to be conducted for certain projects where only a small number of responses have been received. These are often non-compliant, significantly above budget, or both. In relation to constructing Council facilities, commercial grade builds are required, and it is estimated that costs have increased between 20-40%. This is further complicated when external funding for projects is committed but the design and construction timeframe (to completion) can be anywhere from 12-36 months, leaving Council exposed to market conditions/fluctuations and inflationary pressures in the interim period. Ongoing annual CPI increases to the CEO financial delegation would better reflect market increases.

Benchmarking to similar Councils

All Council CEOs in Victoria have financial delegation, although the amount varies. Below is a list of the financial delegation for other peri-urban and similarly sized medium rural Councils, for benchmarking purposes. It is noted, that since the previous report in February 2024, Surf Coast Shire has increased the CEO delegation from \$600k to \$1m.

Peri-Urban Councils	CEO Delegation
Golden Plains	\$450,000
Moorabool	\$550,000
Baw Baw	\$750,000
Surf Coast	\$1,000,000
Bass Coast	\$1,000,000
Average	\$750,000
Medium Rural Councils	
Southern Grampians	\$150,000
Colac	\$300,000
Moyne	\$300,000
Moirā	\$350,000
Golden Plains	\$450,000
Corangamite	\$500,000
Glenelg	\$500,000
Swan Hill	\$1,000,000
Mt Alexander	\$1,000,000
Average	\$500,000

Aligning delegation to adopted Budget

Advice has been sought and has confirmed that the financial delegation can be structured in such a way that allows the CEO to enter into contracts or make expenditure up to a dollar figure limit (as is currently the case) or where the expenditure has been adopted in the annual budget with a dollar figure assigned, would permit the CEO to enter into contracts or make expenditure provided it does not exceed the dollar figure in the adopted budget.

For example, with the current CEO delegation being \$450k, if the adopted budget were to include \$1m for a bridge replacement project, this would allow the CEO to award a tender for that bridge under delegation up to \$1m for that project. If the tender were to be recommended for an amount over the budgeted figure, the CEO would not have the power to enter that contract and report would be required to be tabled at a Council meeting for a formal resolution. Such changes would, if we look at the past 12 months, result in 6 of the last 14 tenders presented to Council being awarded under CEO delegation.

Consideration of a Councillors Contracts Committee

Although an internal Contracts Committee currently exists, which is made up of the 3 Directors and the CEO, it only considers contracts between \$200k and the CEO delegation (currently \$450k). This committee is called upon as needed, and an agenda can be prepared and distributed within hours and a meeting called within days.

The purpose of creating a Councillor Contract Committee, would be to mirror this internal committee. The rationale behind this is that under the current process, there could be 1-2 months between when the internal tender evaluation is completed, and the Council resolution is made. A copy of the terms of reference and delegation is attached.

The creation of a Councillor Contract Committee would eliminate this delay, reducing the turnaround to a week. The Committee would receive an agenda and the meeting could be arranged physically or virtually within days (similar same process used for the internal Contracts Committee which deals with all tenders/contracts from \$200k-\$450K). Once determined and the minutes of the meeting prepared, Councillors and staff would be made aware of the decision. In terms of public transparency, all Committee decisions would, just the internal committee, be included in the quarterly finance report, as is done with the internal contracts committee for approvals made up to the CEO delegation.

The membership of the Committee is proposed to be 3 Councillors. Suggested options for the appointments include.

- Mayor and 2 Councillors
- 3 Councillors nominated annually as is done for the other Committees in Nov/Dec
- One Councillor from each of the 3 Councillor Portfolios (Recommended option)

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	No
Communication	Yes
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i>)	No

GOVERNANCE PRINCIPLES

The CEO's delegation allows for decisions to be made quickly and efficiently to achieve the best outcomes for the municipal community, in giving effect to the overarching governance principles.

POLICY/RELEVANT LAW

Section 11(1) of the *Local Government Act 2020* gives Council the power to delegate its powers, duties or functions under the *Local Government Act 2020* or any other Act, other than those powers, duties or functions specified in section 11(2). If the CEO's delegation was changed, the procurement policy and processes would be updated to reflect the change.

PUBLIC TRANSPARENCY

The CEO's delegation is resolved by Council at an open Council meeting. This provides transparency to the public and transparency in relation to the process to expect when submitting a tender or quote for approval.

FINANCIAL MANAGEMENT

The CEO's financial delegation impacts expenditure and contracts that the CEO can approve and enter into.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

The CEO's delegation must be resolved by the Council. This will be communicated to the public in the Minutes of the meeting. Any changes would be communicated to the CEO and to the relevant business units – for example, Procurement.

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

Options 1 – That Council consider the establishment of a Contracts Committee to determine all tenders/contracts above the CEO delegation

This option not require any changes to the CEO delegation, as it would establish another vehicle to determine contracts/tenders in a timely manner.

Option 2 – That Council re-make the delegation to the CEO with an increase to the financial delegation based on CPI or Council benchmarking

This option responds to inflationary pressures on construction contracts and tender costs. This may include applying an incremental increase to the financial delegation amount.

Option 3 – That Council retain the delegation to the CEO with the current financial delegation limit

This option would not respond to the ability of the organisation to administration to its procurement efficiently or effectively.

CONFLICT OF INTEREST

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

CONCLUSION

Following a review in 2023, along with recent benchmarking of other similar sized Councils (medium rural) and our Peri Urban Councils, Council may consider an increase to the CEO's financial delegation in line with CPI, and in line with other Councils, giving consideration to allowing a further increase to the delegation based on any capital works projects approved in the annually adopted Council Budget and the consideration of a new Councillors Contracts Committee.

7.8 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING & ENVIRONMENT ACT 1987

File Number:

Author: Martin Walmsley, Governance and Risk Advisor

Authoriser: Lynne Gray, Director Corporate Services

Attachments: 1. S11A Instrument of Appointment and Authorisation (P&E 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 sign the instrument;
3. The instrument comes into force immediately upon being signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it; and
4. The previous instrument dated 27 February 2024 is revoked.

EXECUTIVE SUMMARY

The appointment of authorised officers under the *Planning and Environment Act 1987* (the Act) cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation (the Instrument) under the Act was last reviewed and adopted by Council in February 2024. A review of the instrument has now been completed and updated to remove staff members who have left the Community, Planning and Growth directorate.

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

BACKGROUND

The Chief Executive Officer (CEO) appoints most authorised officers under Council's delegation to the CEO. However, under section 188(2)(c) of the Act, 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 Act, Council will ensure they have the required authority to carry out their roles within legislative requirements.

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.

The instrument of appointment and authorisation under the Act was updated by Maddocks Lawyers in January 2023. Authorised staff have been recently reviewed and the instrument has been updated to remove staff members who have recently left the Community, Planning and Growth directorate.

Officers authorised to act under the Act 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 Act – appointment as an authorised officer for the purposes of the Act 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:

Change	Reason
Remove Roland Abrahams	Statutory Planner has left 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)	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 (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i>)	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

Local Government Act 2020; and

Planning and Environment Act 1987.

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)*.

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 2024. A review of that instrument has now been completed and updated to remove staff members who have recently left the Community, Planning and Growth directorate. It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

7.9 BANNOCKBURN RECREATION PRECINCT (DARDEL DRIVE) - UPDATE**File Number:****Author:** Eric Braslis, CEO**Authoriser:** Eric Braslis, CEO**Attachments:** 1. Dardel Drive Fact Sheet - February 2024**RECOMMENDATION**

That Council:

1. Note the actions undertaken since receiving the petition at the February 2024 Council meeting.
 2. Note the intention to host an information session prior to May 2024.
 3. Receive a further report following the additional community consultation.
-

EXECUTIVE SUMMARY

A petition was received and tabled at the Council meeting in February 2024 in relation to 3.5 hectares of Council owned land in the northern part of the Bannockburn Recreation Precinct that Council declared surplus to its needs, and which has since been rezoned to Neighbourhood Residential and a Planning Permit issued for a 51-lot residential subdivision.

BACKGROUND

In March 2021, Council decided that some of the land in the Bannockburn Recreation Precinct would not be needed for public open space, as originally planned. Since that decision was made, Council prepared the necessary documents and plans and lodged an application to rezone the land to 'Neighbourhood Residential'. The application also included permission to subdivide the land into 51 lots.

In March 2023, the Minister for Planning commenced the public exhibition of the proposal to rezone the land. As part of the Planning Scheme Amendment process, the community was invited to make submissions. Residents were then provided with the opportunity to present their submissions to a Ministerial Panel in September 2023. In December 2023, the Minister rezoned the land and a planning permit for a 51-lot residential subdivision was issued.

DISCUSSION

Since receiving the petition in January 2024 from the community, concerned with the proposed development, several actions have been taken.

- An updated Fact Sheet (attached) has been uploaded to the dedicated page on the Council website.
- The updated Fact Sheet has been emailed / posted to all those who signed the Petition.
- The updated Fact Sheet has been posted to all property owners who directly abut, front or adjoin the recreation reserve.
- A Have Your Say page has been created to allow for community to post comments.

Officers will now arrange for an open information session during April to allow for community members to come in and speak to officers.

Following all the above, officers will bring back a report to Council with a recommendation as to the way forward.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The submission and presentation of petitions to Council supports the overarching governance principles, specifically that the transparency of Council decisions, actions and information is to be ensured.

POLICY/RELEVANT LAW

Local Government Act 2020 and Councils Governance Rules

COMMUNITY ENGAGEMENT

Petitions are a form of community engagement and allow community members to demonstrate community support for a request or views on a matter and for that request or view to be presented directly to Council.

PUBLIC TRANSPARENCY

Petitions allow community members to demonstrate community support for a request or views on a matter and for that request or view to be presented directly to Council. The processes in the Governance Rules provide transparency in the way that petitions are presented to Council and how Council decisions relating to petitions are made.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

The Chief Executive Officer will provide a response to the lead petitioner, as the obvious intended contact for the petition. If Council resolves the officer's recommendation, the Chief Executive Officer will bring a report to a future Council meeting in response to the petition.

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 – Receive the update on actions relating to a petition received.

This option is recommended by officers as it is just an interim update report.

Option 2 – Do not receive the update or request that additional actions be undertaken.

This option is not recommended by officers as a future report is still to be provided to Council.

CONFLICT OF INTEREST

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

CONCLUSION

That ongoing community consultation and information sharing will continue, before officers table a further report to Council to consider other matters within in the petition.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

RECOMMENDATION

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

10.1 Lomandra Drive - Land Sales

This matter is considered to be confidential under Section 3(1) - g and g(ii) 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 private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
