

# AGENDA

## Council Meeting

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**6.00pm Tuesday 23 April 2024**

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

NEXT COUNCIL MEETING  
6.00pm Tuesday 28 May 2024

Copies of Golden Plains Shire Council's Agendas & Minutes  
Can be obtained online at [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au)

## Code of Conduct Principles

### WORKING TOGETHER

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

### BEHAVING WITH INTEGRITY

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

### MAKING COMPETENT DECISIONS

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

## 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 minutes and the confidential minutes of the Council Meeting held on Tuesday 26 March 2024.

**5 DECLARATION OF CONFLICT OF INTEREST****6 CITIZENSHIP CEREMONY**

Council would like to congratulate 11 residents on their decision to become Australian Citizens.

A formal Citizenship Ceremony will take place at the commencement of the Council Meeting.

**7 PUBLIC QUESTION TIME**

## **8 BUSINESS REPORTS FOR DECISION**

### **8.1 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 - 2 April 2024**
- 2. Informal Meeting of Councillors Record - Briefing Meeting - 2 April 2024**

#### **RECOMMENDATION**

That Council receive and note the Delegates Report and Informal Meetings of Councillors for the past month.

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#### **EXECUTIVE SUMMARY**

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

- Inspection of Projects at Linton with Linton & District Progress Association Members
- Inverleigh Active Youth Space - Sod Turning Event
- Opening of Blend'd, Bannockburn
- Golden Plains Farmers Market
- Opening of Golden Plains Arts Trail
- Golden Plains Arts Trail
- Smythesdale Country Market and Mural Launch
- Shelford Recreation Reserve Committee of Management Meeting
- Meredith Historical Group Committee Meeting

**Cr Gamble**

- Councillor Contracts Committee Meeting
- Golden Plains Farmers Market
- Smythesdale Country Market and Mural Launch

**Cr Getsom**

- Councillor Contracts Committee Meeting

**Cr Kirby**

- Inspection of Projects at Linton with Linton & District Progress Association Members

**Cr Rowe**

- Councillor Contracts Committee Meeting

**Cr Sharkey**

- Golden Plains Arts Trail
- Golden Plains Farmers Market

**Cr Whitfield**

- Inspection of Projects at Linton with Linton & District Progress Association Members
- Inverleigh and District Good Friday Appeal Family Fun Day
- Golden Plains Arts Trail

**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 are:

- 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) 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 which 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.

## 8.2 2024/25 DRAFT BUDGET - ENDORSE FOR EXHIBITION

**File Number:**

**Author:** Fiona Rae, Manager Finance

**Authoriser:** Lynnere Gray, Director Corporate Services

**Attachments:**

1. Draft Budget 2024-25
2. Item 7.3 Budgetary Constraints and Financial Sustainability 24 February 2024

### RECOMMENDATION

That Council:

1. In accordance with section 94 of the *Local Government Act 2020*, place the 2024/25 Draft Annual Budget on public exhibition.
2. Authorise the Chief Executive Officer to give public notice and make available for public inspection the 2024/25 Draft Budget.
3. Invite submissions and feedback on the 2024/25 Draft Budget in accordance with Council's Community Engagement Policy until 9am Monday 20 May 2024.
4. Invite submissions and feedback on the composition of proposed rates and charges included in the Draft 2024/25 Budget in accordance with Council's Community Engagement Policy until 9am on Monday 20 May 2024.
5. Consider any submissions at a Special Meeting of Council to be held on Tuesday 4 June 2024.
6. Endorse, subject to changes, the 2024/25 Draft Budget after consideration of all submissions, and notify and place on public notice its intention to adopt the 2024/25 Annual Budget at a Council meeting to be held on Tuesday 25 June 2024.

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### EXECUTIVE SUMMARY

The 2024/25 Draft Budget has been prepared in accordance with the requirements of the *Local Government Act 2020*. The budget seeks to achieve the actions and activities set out in the Council Plan by balancing the demand for services and infrastructure with the community's capacity to pay.

### BACKGROUND

Council is required to prepare a budget annually in accordance with the *Local Government Act 2020*, which is required to be adopted by 30 June 2024 following a public consultation process.

### DISCUSSION

The 2024/25 Draft Budget is appended to this report. The 2024/25 Draft Budget has been prepared based on the adopted principles within the 2021-2025 Council Plan and Financial Plan; however, some of the longer-term assumptions have been updated to better reflect the current environment and known future changes.

The inputs to the draft budget have been presented to Council over the last 6 months as outlined in the table below:



October 2023 Councillor Briefing	Preliminary 2024/25 capital budget and ten-year capital program provided for discussion.
November 2023 Strategic Briefing	Financial Statement Key Concepts Refresher and 2024/25 Budget Workshop Agile Agenda reports to provide refresher information of key financial concepts and impacts, current financial challenges and changes to the budget process with focus on review of services and programs.
December 2023 Strategic Briefing	Draft 2024/25 capital budget and ten year capital program provided for discussion. Details of services and programs review being undertaken explained to identify savings in operational costs. Key timeframes advised and update on progress of budget formulation.
December 2023 Councillor Briefing	Details of savings identified to date from review of services and programs being conducted by Council Officers.
February 2024 Strategic Briefing	Budget considerations and impacts outlined including advice of 2024/25 rate cap, challenges with rate cap set lower than CPI and price increases, financial sustainability issues the sector is facing, including Windfall Gains Tax, Workcover increases and the Guidelines for Services Rates and Charges, which include changes to garbage costs that can be included in the garbage charge and the impact from this upcoming change.
February 2024 Councillor Briefing	Budget environment outline with further details on impacts from the rate cap set for 2024/25, increasing costs from Windfall Gains tax and higher Workcover premiums, and further discussion of the Guidelines for Services Rates and Charges and changes to the garbage cots that can be recovered from the garbage charge. Community consultation approach discussed and agreed. Updated capital budget provided with supporting schedules.
March 2024 Strategic Briefing	2024/25 schedule of draft fees and charges provided for information and discussion and an update on progress of the formulation of the 2024/25 draft budget provided
March 2024 Councillor Briefing	High level 2024/25 draft operating budget provided with key assumptions. Explanation of impacts of deficit budgets and relationship to key financial statement balances, including financial sustainability considerations. Discussion on impacts of directing Lomandra Drive net profits to a reserve.
April 2024 Strategic Briefing	Update on current state of play of the 2024/25 draft budget and opportunity for discussion on final changes in terms of service delivery. Details of draft information to be included in the April briefing report provided.

### **Draft Budget**

The 2024/25 budget seeks to continue to provide services and improve and maintain infrastructure, as well as delivering projects and services that are valued by our community. However, given the ongoing rate capping, and with another year of the cap being below inflation (2024/25 maximum 2.75% rate cap), Councils across the State will likely have to reduce the level of service provided to their community or continue to operate at a loss, which is not a long term sustainable business model.

## Key indicators of the 2024/25 Draft Budget:

- Total operating revenue of \$57.6m
  - Rate revenue modelled on pre-valuations with a 2.75% average rate cap increase in accordance with the Minister for Local Government's announcement in December 2023
  - Waste Management Fee of \$447 per household
    - Waste management costs increased by operating costs, contracted collection and disposal costs and increases in the State waste levy
  - Statutory Fees as set by the State Government
  - Council user fees generally increased by 2.75%, noting kindergarten fees which are based on cost recovery, noting some building services related fees have increased above this level
  - Additional income generated through:
    - Council land sales (Lomandra Drive) - \$900k
    - Windfarm income - \$507k (Mount Mercer and Berrybank windfarms)
- Operating expenditure of \$50m to continue to deliver services to the Golden Plains community.
- Operating surplus of \$7.6m, with an adjusted Underlying surplus of \$32k

As indicated above, the 2024/25 Draft Budget is generating an adjusted underlying surplus of \$32k, noting that this is above the Council's financial sustainability threshold of zero. Long term financial modelling confirms a stronger financial result in future years with a forecast in revenue from external sources such as the Golden Plains windfarm and land sales.

No new initiatives or additional staff are included in the 2024/25 draft budget due to the current economic climate and financial sustainability challenges (Attachment 1) being faced by Councils at this point in time. The focus during this budget build has been on identifying savings through a review of services and programs.

The operating budget and the capital budget include a number of significant projects that are currently underway or due to commence in the current financial year and will be finalised during the 2024/25 year. This includes the Rokewood Community Hub, Linton Oval and the Teesdale Don Wallace Reserve projects.

**Capital Works Program**

The 2024/25 budget includes Capital Works investment of \$13.4 million, with \$8.9 million funded out of Council cash.

Category	Draft 2024/25 Budget \$,000	External Funding \$,000	Council Cash \$,000
Building	215	0	215
Information Technology	307	0	307
Infrastructure	8,010	2,270	5,740
Parks, Open Spaces & Streetscapes	825	500	325
Recreation, Leisure & Community	2,600	2,200	400
Plant and Machinery	1,417	0	1,417
<b>Total</b>	<b>13,374</b>	<b>4,470</b>	<b>8,904</b>

Key allocations in the capital program include:

- Funding has been allocated as compared to 2023/24 –
  - Road Reseals maintained at \$1.1m
  - Local Road Improvements maintained at \$900k
  - Local Road Projects (\$1.5m Roads to Recovery Federal Government grant–increased from \$1.3m including Mt Mercer - Dereel Road \$1m)
  - Gravel Resheeting maintained at \$800k
  - Drainage program maintained at \$400k (including Ireland Street Smythesdale)
  - Footpaths & Trails increased from \$300k to \$320k (including Russell Street and Tall Tree Road Lethbridge)
  - Kerb and Channel reduced from \$300k to \$250k (including Milton / Moore Streets Bannockburn)
  - Bridge renewal reduced from \$600k to \$400k
  - Bridge replacement reduced from \$1.3 to \$1.2m (including Wilgul-Werneth Road / Wurrook Road bridge replacement of \$1.2m).
- Projects attracting significant external grant funding include:
  - Teesdale Don Wallace Female Friendly Changerooms \$1.5m
  - Smythesdale Netball Court and lighting upgrade \$900k (subject to SRV Regional Community Sports funding application \$700k)

### **Savings measures and Service level reductions**

A comprehensive review has been undertaken across all Service Areas to identify cost savings, service level reductions and program deferrals. Measures have been applied across all Service Areas so that Council can continue to deliver all services.

A summary of the savings and service level changes are included in the table below:

<b>Description of Saving</b>	<b>Description of change</b>	<b>\$,000</b>	<b>Total Amount \$,000</b>
Savings identified in 2023/24 reapplied in 2024/25			1,000
	<i>Reduction in the maintenance programs (ie sports ovals, roadside slashing, bridge renewal)</i>	396	
	<i>Other Materials and Contracts (ie deferred strategy development and implementation, consultants, software costs)</i>	564	
	<i>Additional Revenue (Asset Sales)</i>	60	
Additional Savings and adjustments applied in 2024/25			3,400
	<i>Additional Revenue (ie Grants, User Fees &amp; Charges, Windfarm Income, Lease Income)</i>	615	
	<i>Additional Gifted Assets</i>	670	
	<i>Employee Expense reductions and corrections (ie deferral of appointment of 1.77 FTE, classification and other role</i>		

	<i>corrections)</i>		
	<i>Material and Contracts reductions (ie consultants, training, software, marketing and communications, program deferrals, corporate memberships)</i>	1,550	
	<i>Service level reductions (ie Library hours, Splash Park hours)</i>	40	
<b>Total</b>			<b>4,400</b>

## STRATEGIC ALIGNMENT

The 2024/25 Draft Budget also addresses the strategic objectives of the Golden Plains Shire's 2021-2025 Council Plan, which addresses the Four Themes (Strategic Priorities) of the Golden Plains Community Vision 2040 and the additional theme of Leadership. The 21 Strategic Objectives and the Strategic Priority they contribute to the achievement of are listed below:

### Strategic Objective 1: Community

- 1.1 Safe, resilient and proud communities
- 1.2 Celebrating and connecting communities
- 1.3 Community participation, engagement and ownership
- 1.4 Valuing community diversity and inclusion

### Strategic Objective 2: Liveability

- 2.1 Connected and accessible roads, crossings, paths and transport
- 2.2 Supporting healthy and active living
- 2.3 Provide for a diversity lifestyle and housing options
- 2.4 Attractive and well-maintained infrastructure and public spaces

### Strategic Objective 3: Sustainability

- 3.1 Valuing and protecting nature, cultural heritage and the environment
- 3.2 Effective and responsive waste services and education
- 3.3 Responsibly maintaining and managing natural landscapes and resources
- 3.4 Mitigating climate change and clean and green technology

### Strategic Objective 4: Prosperity

- 4.1 Education, learning and skill development
- 4.2 Supporting local producers, agriculture and business
- 4.3 Improved options for shopping, hospitality, tourism and events
- 4.4 Local employment and training
- 4.5 Partnerships, advocacy and opportunities for investment

### Strategic Objective 5: Leadership

- 5.1 Information and engagement to involve community in decision making
- 5.2 Accountable and transparent governance and financial management
- 5.3 Responsive service delivery supported by systems, resources and a skilled workforce
- 5.4 Planning, advocating and innovating for the future

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

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i> )	Whilst the Budget doesn't require a GIA, services and programs contained within will require a GIA and will undertake the appropriate actions

**GOVERNANCE PRINCIPLES**

The 2023/24 Draft Budget has been prepared in accordance with the requirements of the *Local Government Act 2020*.

**POLICY/RELEVANT LAW***Local Government Act 2020**Local Government Amendment (Fair Go Rates) Act 2015*

Local Government (Planning and Reporting) Regulations 2020

Long Term Financial Plan

## **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Environmentally sustainable design and construction is included for all projects.

## **COMMUNITY ENGAGEMENT**

The principles contained in the 2021-2025 Council Plan were adopted after an extensive community engagement and consultation process. As mentioned earlier in the report, the Draft Budget has been prepared based on these adopted principles.

The 2024/25 Draft Budget is to be placed on public exhibition in accordance with Council's community and engagement policy. The draft budget will be made available for inspection and comment up to 20 May 2024. Any person can make written comment on any proposal contained in the budget. Feedback will be heard at a council meeting on 4 June 2024.

## **PUBLIC TRANSPARENCY**

The public consultation process facilitates transparency of the budget submitted for adoption and all Council reports are available for the public to access.

## **STRATEGIES/PLANS**

The 2024/25 Draft Budget has been prepared ensuring consistency with Council's long term financial plan and ensuring alignment with the 2021-2025 Council Plan.

## **FINANCIAL MANAGEMENT**

The 2024/25 Draft Budget has been prepared in accordance with the *Local Government Act 2020*, Local Government (Planning and Reporting) Regulations 2020, Australian Accounting Standards and other mandatory professional reporting requirements. Financial sustainability is monitored by considering the financial result for the period and key financial indicators within Council's long term financial plan.

## **SERVICE PERFORMANCE**

Service performance levels are considered when developing the annual budget to ensure sufficient funds are available to meet required levels of performance.

## **RISK ASSESSMENT**

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

The 2024/25 Draft Budget has been prepared in accordance with the requirements of the *Local Government Act 2020* incorporating long term financial plan requirements to ensure financial sustainability over the short and long term.

## **COMMUNICATION**

The 2024/25 Draft Budget has been reported to Council as it has been formulated with a series of workshops held with Council to facilitate the development of the draft budget. The 2024/25 Draft Budget will be placed on public exhibition up to 20 May 2024, with public submissions considered at the 4 June 2024 Council meeting, and adoption of the budget at the 25 June 2024 Council meeting.

## **HUMAN RIGHTS CHARTER**

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

## **GENDER EQUALITY**

Whilst the 2024/25 Draft Budget itself does not require gender impact assessment, some of the services and programs included in the budget will require a gender impact assessment.

**OPTIONS****Option 1 – Council endorse the 2024/25 Draft Budget and endorse to place on public exhibition**

This option is recommended by officers as it is a requirement of the *Local Government Act 2020* to prepare an annual budget, place on public exhibition to Monday 20 May, and formally adopt the budget by 30 June. Council has been provided with an extensive amount of information on all aspects of the budget and has also been involved in key decisions such as the level of expenditure included.

**Option 2 – Council request changes to be made to the 2024/25 Draft Budget prior to placing on public exhibition**

This option is not recommended by officers as Council has been provided with an extensive amount of information on all aspects of the budget with opportunity for input throughout this process.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The strategies and long-term financial plans adopted by Council must underpin the preparation of the 2024/25 Draft Budget. It is also impacted by the Shire's unique demographics, increased demand for new services, population growth, extensive local road network of 1,800 kilometres, and the competing interests between rural and urban communities. In accordance with the legislation, Council will place the Budget out for public exhibition prior to the adoption of the final 2024/25 Budget by 30 June 2024.

### 8.3 COMBINED PLANNING SCHEME AMENDMENT C98GPLA AND PLANNING PERMIT P21334 FOR LAND IN INVERLEIGH

**File Number:**

**Author:** Alicia Te Wierik, Senior Strategic Planner

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

**Attachments:**

1. Amendment Documentation
2. Planning Permit and Plans

#### RECOMMENDATION

That Council

1. Supports the preparation and exhibition of Planning Scheme Amendment C98gpla to the Golden Plains Planning Scheme to rezone the land known as 60 Terrier Road and 9 Mahers Road, Inverleigh from Farming Zone to Low Density Residential Zone, apply the Design and Development Overlay Schedule 5 and Development Plan Overlay Schedule 18;
2. Considers the application for a planning permit for a staged multi-lot subdivision, creation of easements, creation and alteration of access to a Road Zone Category 1, subdivision adjacent to a Road Zone and removal of native vegetation concurrently with the preparation of the Amendment, in accordance with the provisions of section 96A of the *Planning and Environment Act 1987*; and
3. Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C98gpla and planning permit P21334.

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#### EXECUTIVE SUMMARY

This report provides a background to the amendment and a summary of the relevant planning considerations and referral agency advice. Councillors have also been provided with a copy of the formal amendment documents (Attachment 1) and draft planning permit conditions and plans (Attachment 2).

This report relates to Planning Scheme Amendment C98gpla for rezoning to Low Density Residential Zone, application of the Design and Development Overlay Schedule 5 (DDO5) and Development Plan Overlay Schedule 18 (DPO18), combined with planning permit application P21334, a Staged Multi-Lot Subdivision, Native Vegetation Removal, Subdivision adjoining a Transport Zone 2 – Principal Road and creation of Easements. The combined amendment and planning permit application requires a resolution of Council to prepare and exhibit C98gpla and associated planning permit subject to authorisation by the Minister for Planning.

#### BACKGROUND

##### The combined amendment and permit process

A section 96A application is used to avoid the necessity of a two-stage process that requires first an amendment to a planning scheme followed by a planning permit. Division 5 in Part 4 of the *Planning and Environment Act 1987* makes provision for a combined amendment and permit application. This process allows a planning authority, if requested to do so by the applicant, to simultaneously prepare and give notice of a proposed amendment to a scheme and notice of an application for a permit.

Where the combined process is used, the component relating to the permit application is dealt with in a similar fashion to the amendment and is quite different to the normal planning permit process.



In particular:

- There are no formal referral requirements
- The requirements for giving notice of the application are different
- The Minister makes the final decision on whether a permit is granted, with no further right of review.

Council is the authority responsibly for preparing an amendment and considering an application under the combined amendment and permit process. It is responsible for accepting and registering the application, amending it (if necessary), exhibiting the amendment and proposed permit (if applicable) and complying with the other requirements of the Act leading up to and including making a recommendation to the Minister about whether the amendment should be adopted and a permit granted.

The decision to grant a permit can only be made if the amendment has been adopted first.

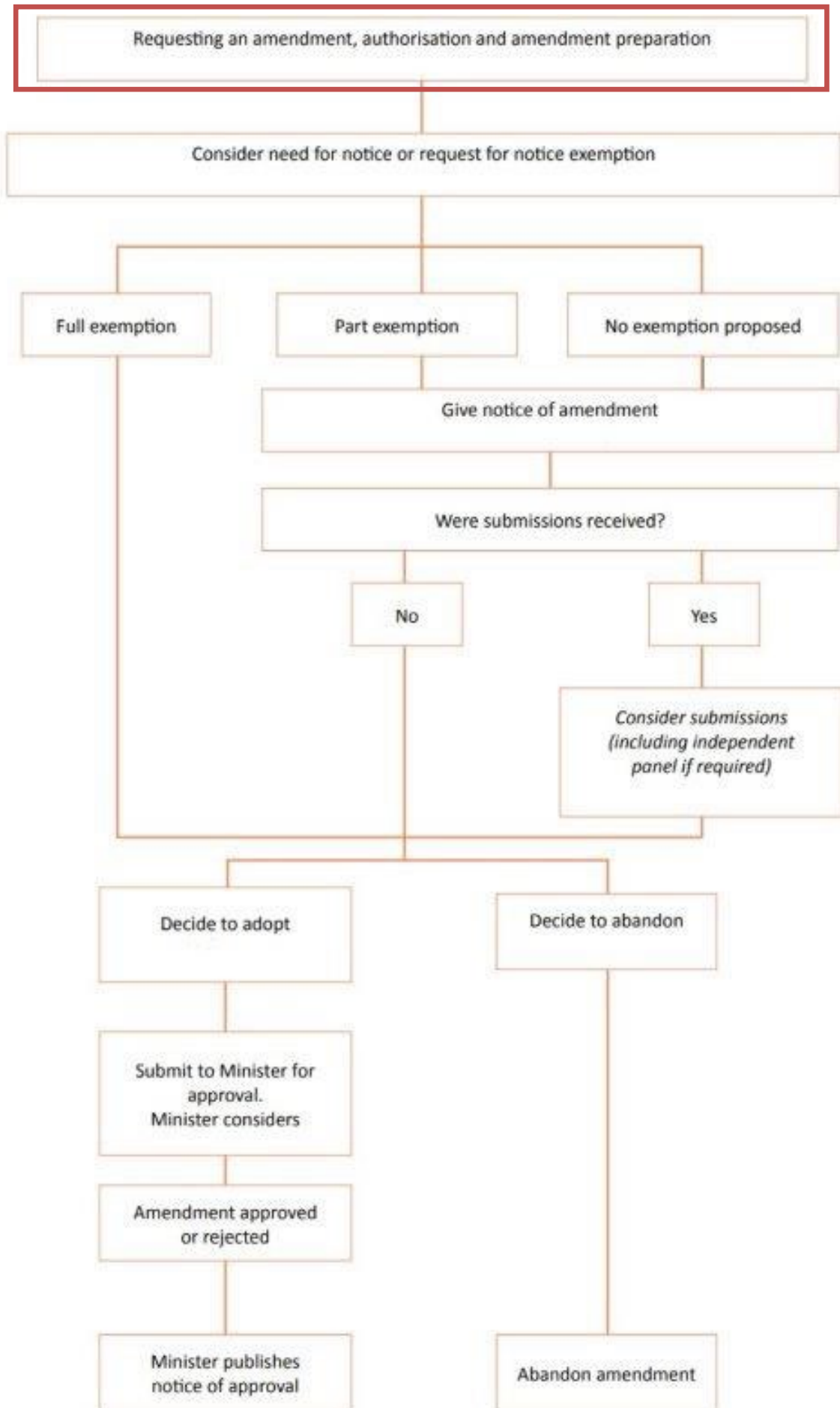
The recommendation and proposed permit must be submitted to the Minister at the same time as the adopted amendment is submitted.

Council can decide to abandon the amendment or refuse to recommend that a permit be granted.

The Minister can approve all or part of the amendment and can grant a permit, with or without changes and subject to conditions.

The Minister can refuse to approve a permit and, if so, can direct the responsible authority to give notice of the refusal of the permit. The applicant may not apply to VCAT for a review of this decision.

The red box on the flow chart below indicates where we currently are in the process.



Planning Scheme Amendment flow chart

**Site description**

The subject site is located on the southeast corner of the intersection at Mahers Road and the Hamilton Highway, Inverleigh. The site is approximately 33 ha in area and is situated within the Future Investigation Area on the Inverleigh Framework Plan (Figure 1) within Clause 11.03-6L-03 of the Golden Plains Planning Scheme.

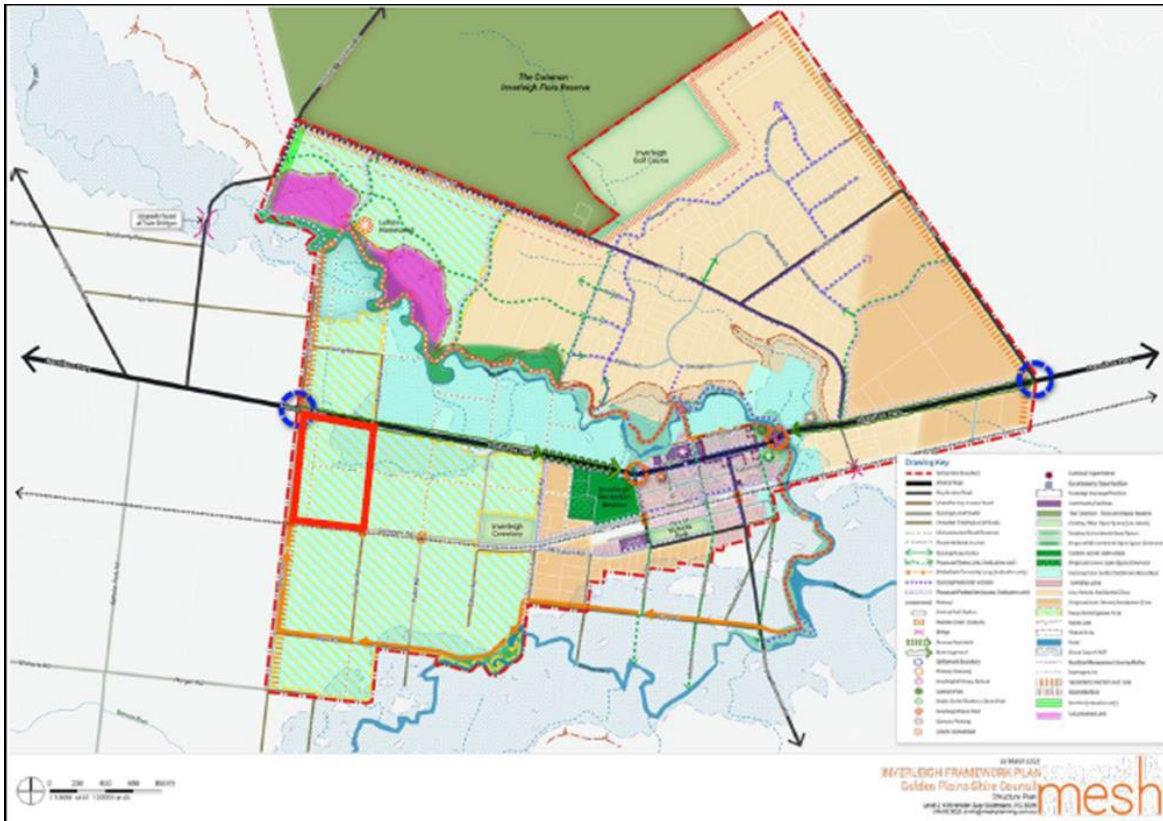


Figure 1 Inverleigh Framework Plan

The subject land is adjacent to and within the westernmost extent of the Settlement Boundary of the Inverleigh Framework Plan.

Land located east and south of the subject land is also identified as part of the Future Investigation Area for growth of the township. These landholdings are in fragmented ownership and this proposal is a potential catalyst for residential growth between the existing township and this site.

The site is bounded by the Hamilton Highway (two-lane sealed) to the north and Cemetery Road (sealed) to the south, Mahers Road (sealed) to the west and Terrier Road (gravel) on the eastern boundary. The Hamilton Highway and Cemetery Road provide the main access opportunities to the Inverleigh town centre.

The land is regular in shape, is generally flat and is subject to flooding. The western and southern portions of the site are slightly elevated and outside the floodway.

There are currently two dwellings on the subject land (Figure 2), one in the north-west corner with access to Mahers Road, and the other in the south-east corner with access to Terrier Road. There are also associated farm sheds, farm dams, planted shelter belt windrows, scattered trees, a seasonal herbaceous wetland - assessed as a significant Ecological Vegetation Community - which is proposed for retention, and flood prone land.

The subject and surrounding land is zoned Farming Zone. The land directly abuts Transport Zone 2 – Principal Road (Hamilton Highway) to the north.

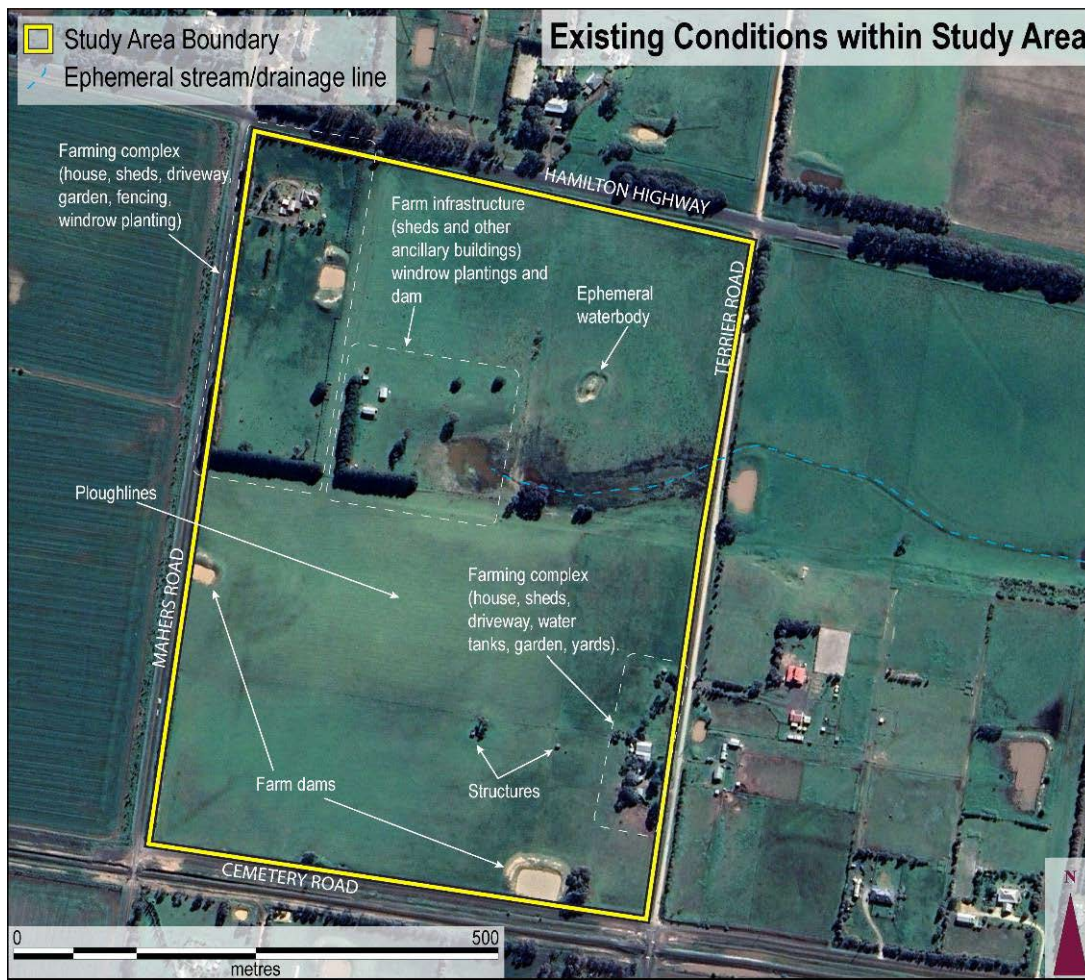


Figure 2 Current Site – Existing conditions

## Proposal

The proposal is to rezone the land from Farming Zone to the Low Density Residential Zone, apply the DDO5 and introduce a Schedule to the Development Plan Overlay (DPO18). This would include amending Map 24 (Zones) to show the subject land as Low Density Residential Zone and Amendment Map 24 (Development Plan Overlay) to include a schedule on the subject land. The Design and Development Overlay 5 (DDO5) is also to be included in the rezoning as typical for LDRZ rezonings in Golden Plains Shire, to ensure appropriate building setbacks to maintain rural residential character.

The application also seeks a planning permit for a Staged Multi-lot Subdivision, Removal of Native Vegetation and Subdivision adjoining and Alteration of Access to a Transport Zone 2 – Principal Road and Creation of Easements. The application details include:

- The staged multi-lot subdivision of approximately 33 hectares of the subject land.
- The proposed creation of 56 low density residential zone lots which range in size from approximately 0.4hectare to over 3 hectares.
- The proposed introduction of building envelopes to restrict development outside of flood zone land and to contribute to the low-density character of the subdivision.
- The creation of passive open space in the form of linear reserves to provide pedestrian and bridle path access opportunities.



- The extension of the existing grid style road network to facilitate an orderly subdivision pattern.
- The removal of native vegetation and provision of off-sets.
- Landscaping in the form of street trees.
- Creation of easements.

Key outcomes of the design include:

1. Ensuring the floodway is not physically developed through use of building envelopes.
2. There is a range of lot sizes which contributes to diversity and the low density residential character of the subdivision.
3. Preservation of the Plains Grassy Wetland.
4. Wide roads with drainage swales, either 6.2m or 7m wide sealed pavement, and inclusion of bridle paths and landscaping to support the desired character elements identified in the Inverleigh Structure Plan and Clause 11.03-6L-03 Inverleigh.
5. Linear open space connections for walking and cycling and establishment of a horse riding trail to integrate with the existing networks, future networks and the facilities, including the Victoria Park and the Leigh River environs.
6. Provision of a 19m defendable space setback along lot frontages to Mahers Road in response to bushfire risk.

The application has been thoroughly assessed, with a number of matters negotiated between Council officers, referral agencies and the proponent. Issues raised by Strategic Planning, Council's Engineers, Department of Transport, CCMA, Natural Resources and Recreation Teams have been addressed including:

- Flooding overlay on part of the land – an adjoining parcel of land almost wholly burdened by the Flood Overlay was removed from the application.
- Terrier Road – originally proposed to be closed but plans amended to retain Terrier Road as a through road.
- Bushfire protection measures – 9 metre defendable space setback included in design and layout plan.
- Intersection upgrade designed and costed for Mahers Road and Hamilton Highway.
- Adjustment of road widths to align with the Inverleigh Structure Plan recommendations.
- Inclusion of bridle paths of appropriate width and material for extension of horse-riding connections into and through the area.
- Preparation of a draft section 173 agreement for development contributions towards the broader improvements of Inverleigh in accordance with the Development Contributions Assessment Final Report and Cost Apportionment Model, prepared for Inverleigh.

## Strategic Consideration

The rezoning application is supported by the following documentation:

- Planning Report
- Design Plans
- Stormwater Management Plan and Flood Impact Assessment
- Flora and Fauna Assessment
- Traffic Assessment
- Infrastructure Servicing Assessment
- Land Capability Assessment
- Bushfire Risk Assessment
- Cultural Heritage Due Diligence Report
- Landscape Masterplan
- Urban Design Concepts
- Environmental Assessment
- Explanatory Report
- Schedule to Clause 43.04s DPO – Southwest Inverleigh
- Arboricultural Assessment Report
- Copy of Titles
- Response to Planning Practice Note 37 Rural Residential

The subject site is situated within the settlement boundary of the Inverleigh Framework Plan and has been strategically identified as part of a larger Area south-west of Inverleigh for future investigation. A Feasibility Study was prepared for the south-west area of Inverleigh and concluded that the land was suitable for Low Density Residential Zone.

Reference to the south-west area of Inverleigh as an Investigation Area infers that the area has a longer term role in land supply. However the designation of this area as Investigation also provides scope for other residential zones to be considered for this area, including Rural Living Zone.

For this proposal, the LDRZ has been selected as the appropriate zone. Adjacent land to the east was originally included in the application for rezoning; however the land is almost wholly subject to flooding and the Farming Zone was determined as the most appropriate zone given its flood characteristics. The adjacent land to the east also serves to drain the subject site, and a section 173 agreement is being drafted to ensure the alignment of the drainage easement responds to the detailed drainage design when finalised.

The subject site is located at the western settlement boundary of the township and there remains approximately 1,800 metres between the subject site and the established village centre of Inverleigh. This area has been earmarked for residential growth since the last known Structure Plan dating back to 1978. The land in this identified growth area is carved up into square 4.0ha parcels in fragmented ownership. These have had dwellings and sheds approved and resemble a rural living character. Residential infill of the area has been inactive due to the cost of servicing

and the need to consolidate the efforts of all landowners to facilitate cost efficient provision of services and a rezoning application. This proposal presents an opportunity to facilitate the cost efficient provision of services to the outer extent of the growth area, which will enable more cost efficient residential infill within the fragmented parcels between the subject site and the existing township.

The Panel considering the Inverleigh Structure Plan supported a flexible approach to the staging of growth areas, based on various environmental constraints and considerations in play within Inverleigh. The south-west area of Inverleigh provides a lever for Council to provide land supply and a balance in the location of growth rather than it all being accommodated to the north or east of the town.

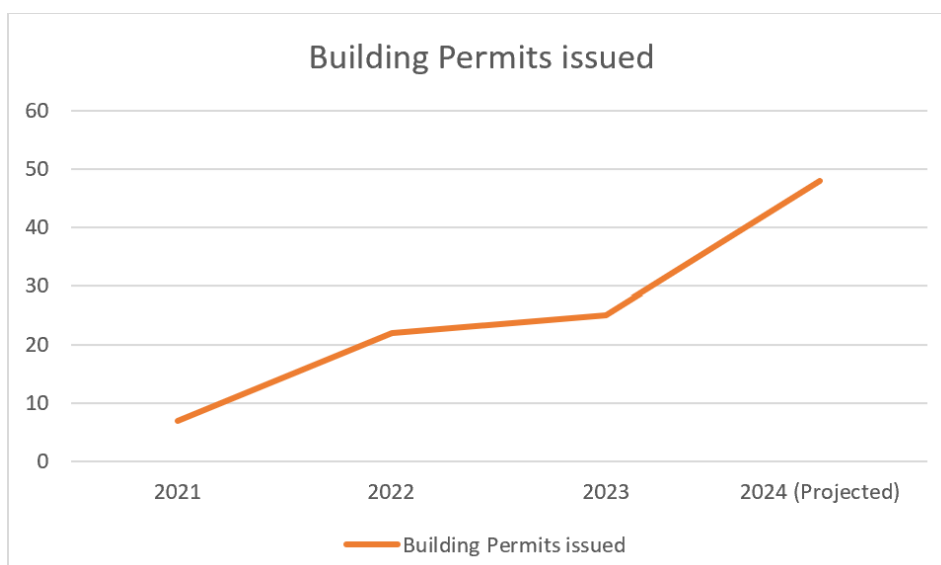
The recently completed Housing Needs Assessment for Golden Plains Shire, 2022 found that there is an average lot production of 8 Low Density Residential Zoned lots per annum in Inverleigh and about 13 new dwellings in the LDRZ per annum (pre-Covid). Council’s records show that:

**Table 1: Low Density Residential lots and houses in Inverleigh from 2021 - 2023**

Year	New lots created	Percentage increase	Building Permits issued	Occupancy Permits issued	Percentage increase of building permits issued
2021	22	Covid year	7	3	Covid year
2022	42	191%	22	9	314%
2023	96	229%	25	22	114%
2024 (Jan-Feb)			8	6	192%
2024 (projected*)			48*	36*	192%

*\*based on 2024 figures for January – February 2024*

**Diagram 1: Dwelling approvals in the Low Density Residential Zone, Inverleigh 2021-2024**



The above table and diagram demonstrate there is strong growth that is larger than the trend indicated by the Housing Needs Assessment.

This application proposes to create 56 new LDRZ lots as part of the proposed rezoning. This is less than the total year supply for 2023 (see Table 1 above showing that 96 lots were created in 2023).

There are currently no other rezoning applications for low density residential zoned land in Inverleigh and as such there are no additional greenfield lots in the pipeline.

With no other rezonings in the pipeline, the current total supply of 267 zoned LDRZ lots in Inverleigh is a finite supply providing for only 11-12 years of demand (based on an average of 23 LDRZ residential houses constructed per annum in Inverleigh).

Indications from 2024 building figures are that the rate of new houses on LDRZ lots in Inverleigh is increasing to approximately 30 new houses per year, which would reduce the total supply to 9 years. Given the time taken to rezone land through the planning system, it is expected that additional supply will not be available for at least 3-5 years, resulting in a rapidly deficient land supply of LDRZ lots in Inverleigh.

On a municipality scale, the south of the Shire has around 1,445 lots zoned for rural residential development. Based on figures from the Housing Needs Assessment, rural residential lot construction activity averages 107 lots per annum, which is a 13.5 year supply.

### Site Map



Figure 3 Subject site - Aerial Photo



Proposed Plan of Subdivision

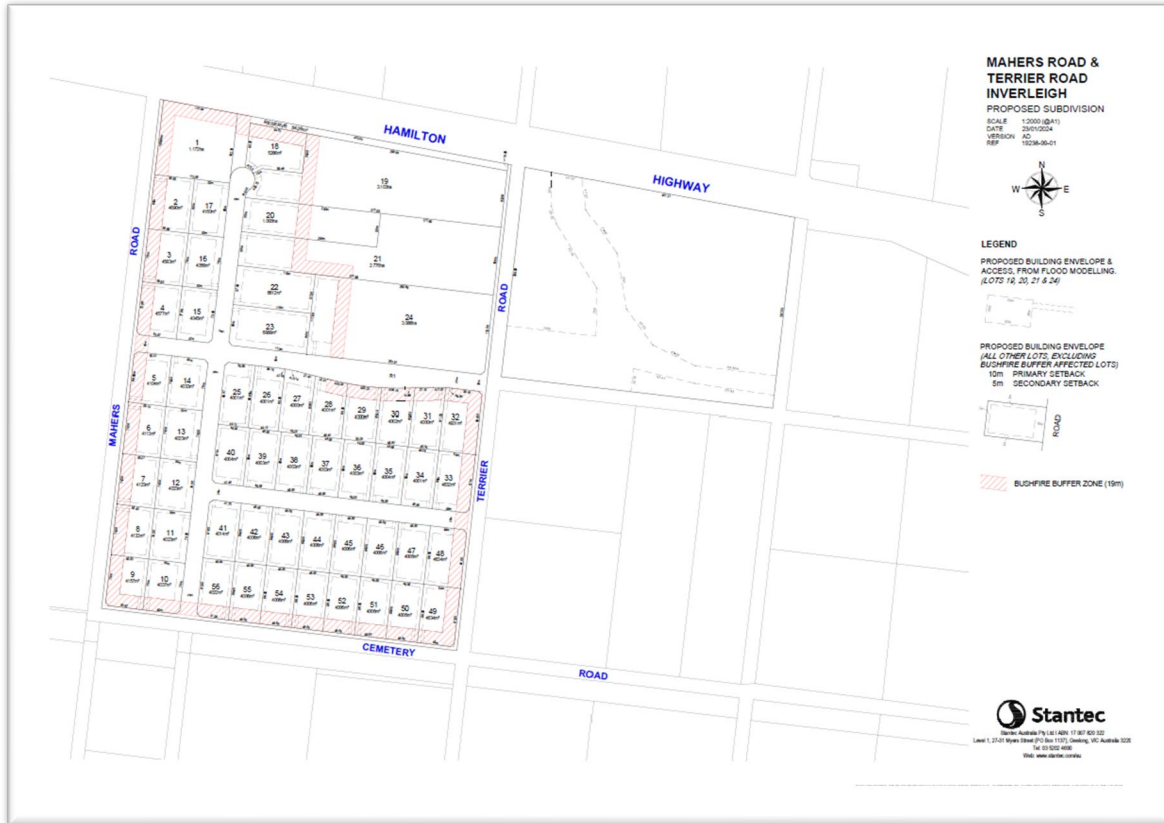


Figure 4 Proposed Plan of Subdivision

Proposed Development Plan



Figure 5 Proposed Development Plan

## CONSULTATION

Preliminary consultation has occurred with referral authorities and internal departments. The combined amendment and planning permit process under section 96a of the *Planning and Environment Act 1987* provides for the planning application to be considered simultaneously with the rezoning application. A draft set of planning permit conditions accompanies the amendment application as a supporting document and formal consultation is undertaken in accordance with the Planning Scheme amendment process.

A resolution is sought from Council to seek authorisation from the Minister for Planning to exhibit the combined planning scheme amendment and planning permit application.

Subject to authorisation, the amendment and planning permit application will be formally exhibited.

Notice of a combined permit application and amendment must be given in accordance with the requirements of section 96C and must include:

- Notice to every Minister, public authority and council that the planning authority believes could be materially affected by the amendment or application.
- Notice to the owners and occupiers of land that the planning authority believes could be materially affected by the amendment or application.
- Notice to any Minister, public authority, council and person prescribed by the regulations.
- Notice to the owners and occupiers of land adjoining the site to which the permit application applies unless the planning authority is satisfied that the grant of a permit would not cause material detriment to any person.
- Notice to the owners and occupiers of land benefitted by a registered restrictive covenant if the amendment or the permit would allow the variation or removal of the covenant, or anything allowed by the permit would be in breach of the covenant.
- A notice in a newspaper circulating in the affected area.
- A notice published in the Government Gazette, which can be on the same day as the last of the other notices.

Apart from this, all other requirements for exhibition, consideration of public submissions, adoption and approval of an amendment prepared under Part 3 of the Act apply to the combined amendment and permit process as if the permit application were a stand-alone planning scheme amendment.

The notice must be accompanied by a copy of an explanatory report about the amendment, a copy of the application and a copy of the proposed permit.

A copy of the proposed permit must be given to all persons and individuals who receive a notice of amendment.

Giving a copy of the proposed permit to the relevant persons and individuals at the same time the notice of amendment is given enables affected people to make submissions about the general change to the scheme, the specific application and the draft permit and conditions.

The process for making and considering submissions to a combined amendment and permit application is the same as for a stand-alone amendment. If a planning authority receives a submission which seeks a change to a proposed permit, it must make a decision about the submission as if it were seeking a change to the amendment.

Where there are submissions to the permit and/or the amendment, the planning authority requests a panel to consider submissions. The planning authority must consider the panel's report before deciding whether to recommend that a permit be granted.

**ASSESSMENT****Table 2: Planning Permit Triggers: A planning permit is required under the following provisions:**

<b>Permit Triggers</b>	<b>Clause</b>	<b>Proposal</b>
(Proposed) Zone	Clause 32.03-3 Low Density Residential Zone	Subdivision of land
Overlays	Clause 44.02-3 Salinity Management Overlay	Subdivision of land
	Clause 44.02-4 Salinity Management Overlay	Removal of native vegetation
	Clause 44.04-3 Land Subject to Inundation	Subdivision of land
	Clause 44.03-3 Flood Overlay	Subdivision of land
Particular Provisions	Clause 52.17-1 Native Vegetation	Removal of native vegetation
	Clause 52.29-2 Land Adjacent to RZ1	Subdivision of land
	Clause 52.02 Easements, Restrictions and Reserves.	Create, remove or vary an easement, restriction or reserve.

The application was lodged on 25 August 2021.

There are no formal referral requirements; however the authorities that would normally receive notice during the formal exhibition period have been provided with the application and supporting documents, including:

**Table 3: List of Referral Agencies provided with the application**

<b>Agency/ Authority</b>	<b>Further information Requested</b>	<b>Comments, Conditions provided</b>
CCMA	Yes	Yes
SES Geelong	No	No response
Barwon Water	No	Yes
Crown Lands	No	No response
Vic Track	No	No response
NBN	No	No response
Powercor	No	Yes
Surf Coast Shire	Yes	No
Department of Transport	Yes	Yes
Wadawurrung	No	Comments provided
DHHS	No	No response
GCWWRRG	No	No response

Parks Victoria	No	No response
EPA	Yes	Comments provided
CFA	Yes	No response
DEECA	Yes	Comments provided

The application was internally referred to Council's Works, Recreation, Fire Prevention, Environment & Sustainability and Environmental Health Departments. These parties had no objection to the issue of a permit. Some required conditions to be placed on the permit.

## PLANNING SCHEME

### Municipal Planning Strategy

Clause 02.02 – Vision: Residential development will predominantly be contained within townships.

Clause 02.03-1 – Strategic Directions – Inverleigh: Growth areas for Inverleigh have been identified outside of the floodplain to the west and the north of the town. Council seeks to:

- Maintain the heritage characteristics and natural qualities that make the township attractive to residents and visitors.
- Encourage use and development that enhances the town centre's role as a community focus and meeting place.

Clause 02.03-3 Environmental risk and amenity

- Bushfire: Avoiding the rezoning of land that allows for settlement in areas of high bushfire risk.
- Floodplain management: Discouraging the intensification of land use and development in floodplains. Protecting floodways for their role in conveying floodwater.
- Salinity: Manage salinity impacts derived from urban and rural residential development or rezoning.

Clause 02-03-4 Natural resource management – Agriculture: Minimising the potential for conflict between sensitive uses and agricultural practices.

### Planning Policy Framework (PPF)

Clause 11.01-1R – Settlement – Geelong G21

- Provide for settlement breaks between towns to maintain their unique identities.
- Require a settlement boundary for all towns.
- Protect critical agricultural land by directing growth to towns.

Inverleigh is identified as a settlement on the G21 Regional Growth Plan and the subject land is within an identified planned growth area on this plan also.

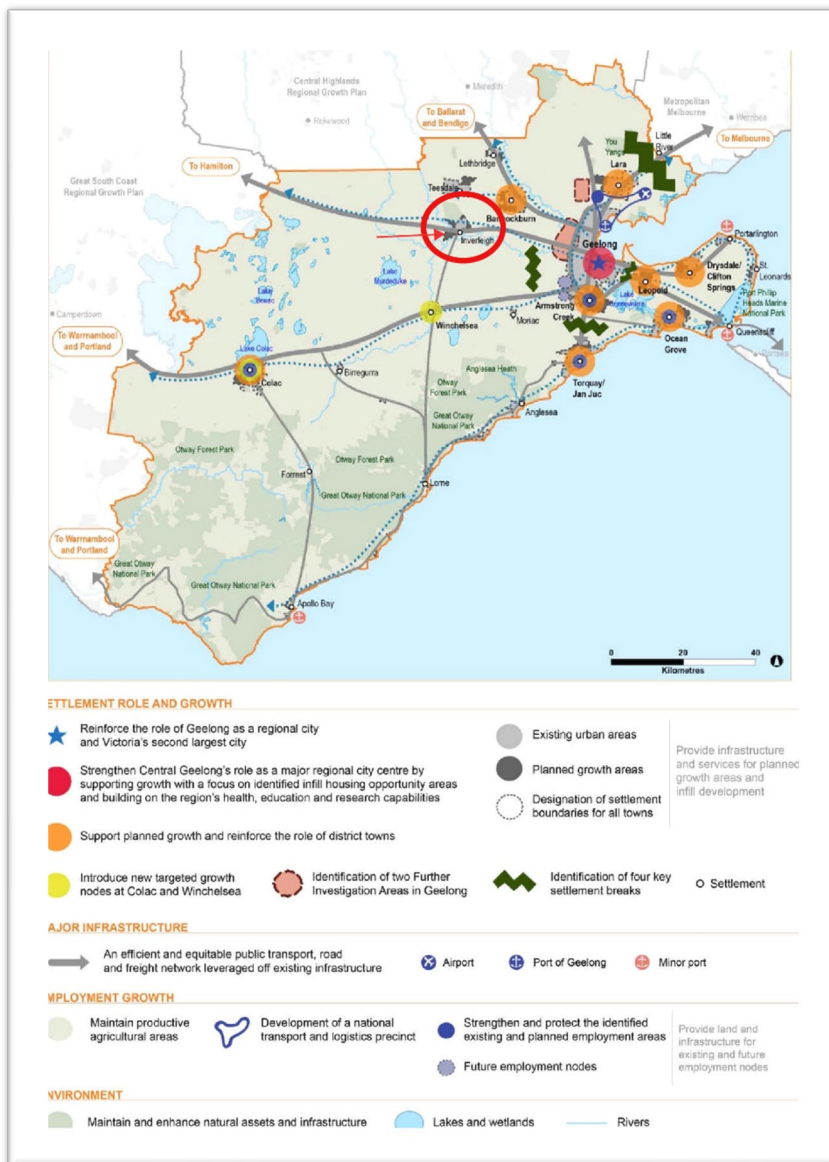


Figure 6 G21 Regional Growth Plan – location of Inverleigh and subject site

### Local Planning Policy Framework (LPPF)

Clause 11.01-1L Settlement: When rezoning land for urban purposes in greenfield areas, whether suitable locations are available within existing areas zoned for urban purposes.

Clause 11.03-6L-03 Inverleigh:

- Support moderate residential growth within the existing defined settlement boundary consistent with the Inverleigh Framework Plan.
- Locate and design development so that it does not impact on agricultural land use.
- Protect the natural landscape and its environmental qualities ... and vegetation as fundamental elements of Inverleigh.
- Provide public open space ... and develop a linear pedestrian access to connect with existing pedestrian access ... into the town centre when rezoning or subdividing land.
- Create a path network that facilitates walking and cycling to the town centre, primary school, recreation reserve, open space and other key destinations within the town.

- Integrate pedestrian and cycle links in development areas to improve connectivity to the town centre and key destinations.
- Create a bridle path network that facilitates horse riding around the town and through the river environs and other key destinations such as Victoria Park.
- Maintain the railway reservation for a passenger rail to and from Inverleigh.
- Minimise bushfire risk by staging the development of land adjacent to built-up areas first.
- Ensure that access and egress to Inverleigh is sufficient for emergency vehicles and supports safe evacuation.

## Zone and overlay provisions

### Farming Zone

The subject site is currently zoned Farming. The purpose of the Farming Zone includes:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.



Site Zoning Map

Figure 7 Zone Map – Farming Zone

The nature and state of the existing subdivision pattern west of the town has been a constraint to the compact and efficient development of the area. The area is characterised by a large number of 4-6 hectare allotments in separate ownership, used predominantly for lifestyle and hobby farming, rather than productive agriculture.

Much of the area is either within the Leigh and Barwon flood plains, divided by the railway line with un-signalised crossings, and beyond the limits of economical water reticulation. The cost of extending the water and providing infrastructure to the area and the fragmented ownership has



inhibited the development of the area for rural residential purposes for a considerable time. Consequently, despite being strategically identified in Structure Plans since 1978, it has not developed as a rural residential extension of the township.

This application provides the catalyst to review the zoning of this area in accordance with the current Inverleigh Structure and Framework Plans which identify the land within the settlement boundary and for future investigation.

#### Proposed Low Density Residential Zone – Schedule 1 Clause 32.03

The land is proposed to be rezoned from the Farming Zone to the Low Density Residential Zone.

The purpose of the Low Density Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The Planning Policy Framework, including Clause 11.03-6L-03 Inverleigh includes this land within the settlement boundary of Inverleigh and identifies it as a Future Investigation Area.

In the Panel Report for Amendment C87gpla Inverleigh Structure Plan, the Panel noted the following:

*“Like many towns in Golden Plains Shire, Inverleigh is not currently serviced with a reticulated sewerage system and there appears no prospect of this changing in the short to medium term. There appears little capacity to support smaller lots close to the centre of the township ... because of the absence of sewerage and because of the limitations associated with flooding.*

*In this context the use of the LDRZ is one of the few zones available to increase lot supply.”*

Furthermore, the Development Feasibility Study Package, prepared as part of the Inverleigh Structure Plan 2019, suggests that low density sized lots at a minimum of 4,000sqm is a feasible lot typology for funding necessary infrastructure with potential to deliver benefits to the whole of Inverleigh through better connectivity to the Barwon River and town core. Based on the Development Feasibility Study, prepared by Mesh in October 2017, the site is most suited to the Low Density Residential Zone.

The application is supported by a Land Capability Report which demonstrates that each proposed lot can treat and retain waste water on-site in the absence of reticulated sewerage.

The land requires rezoning to support the proposed multi-lot subdivision of the site.

Clause 32.03-3 requires a planning permit to subdivide. Each lot must be at least the area specified in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.

A planning application has been lodged with the rezoning application. The application is for a 56 lot subdivision and provides for a range of lot sizes, with the majority of lots at the minimum of 0.4ha.

Clause 32.03-5 specifies that the application must be accompanied by a site analysis and report explaining how the proposed subdivision responds to the site analysis. The application is supported by a planning report with a description of the site and plans for the site. The application is also supported by plans that show the proposed staging, building envelopes, existing vegetation and how the subdivision relates to adjoining areas.

The subdivision design incorporates features to integrate the proposed subdivision with future residential development and the existing township and its facilities. This includes movement links for pedestrians, cycle and horse-riding activities to the recreation reserve, primary school, township, river environs and Victoria Park.

Road widths of 25 metres are provided with sufficient room for open swale drains and street trees to contribute to the character elements of the township.

Assessment of the planning application has been required at this stage in order to prepare a draft Planning Permit with conditions for exhibition as part of the rezoning documentation.

A comprehensive assessment of the planning application for a multi-lot subdivision has been undertaken, with numerous versions of the plan adapted and modified over the last 18 months to arrive at a version that meets the requirements of the planning scheme, referral authorities and agencies and Council.

Acknowledgement of the site's interface with productive farming land to the west is articulated in the drafting of a planning condition which requires prospective purchasers adjacent to Mahers Road to be aware of the likely off-site impacts of farming on these parcels. Bushfire mitigation design controls are also included in the subdivision design and draft permit conditions. A copy of the draft Planning Permit and conditions is provided in Attachment 3.

#### Land Subject to Inundation Overlay – Clause 44.03-4

The land is partially affected by the Land Subject to Inundation Overlay.



Figure 8 Overlay Map - Land Subject to Inundation

The purpose of the Land Subject to Inundation Overlay is:

- To identify flood-prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.



- To ensure that development maintains or improves river, marine, coastal and wetland health.

A Flood Impact Assessment and site Stormwater Management Plan have been prepared for the proposal and demonstrate that existing environmental flows to the natural ephemeral wetland and floodway can be maintained as part of the subdivision.

Clause 44.04 – 4 Subdivision requires a planning permit to subdivide land, and lists decision guidelines.

In consultation with the Corangamite Catchment Management Authority, the proposed rezoning and subdivision plan has been modified to a smaller area and a design which ensures the overlay is confined to an area outside of any danger to future residents. In accordance with the subdivision design and use of building envelopes, dwellings, sheds and access points can be provided outside the flood affected areas. The proposal provides that the environmental flows discharging into the ephemeral wetland will be maintained at the current natural rate.

### Floodway Overlay – Clause 44.03-3

The subject land is partly affected by the Floodway Overlay:

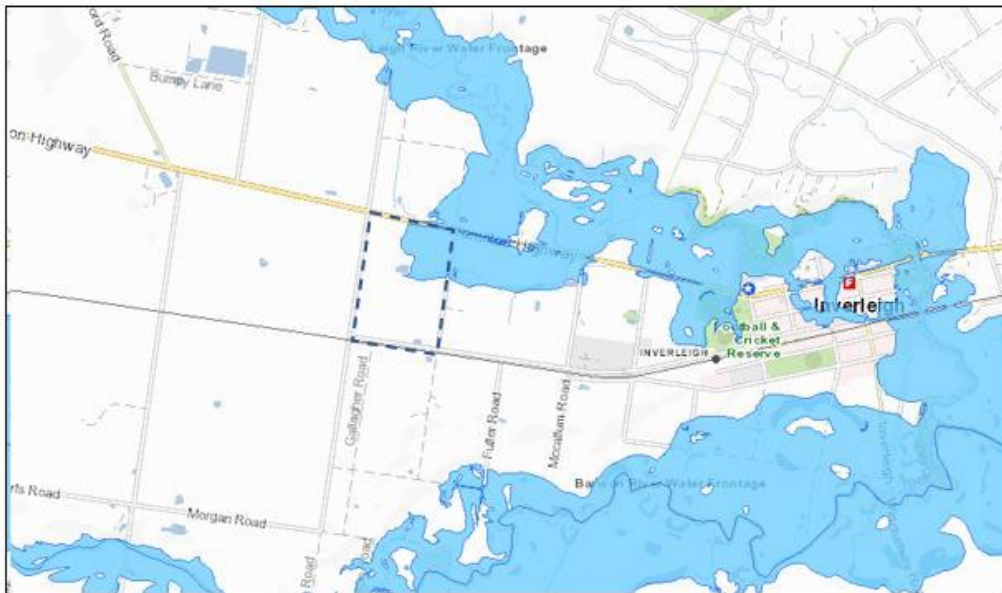


Figure 9 Overlay Map – Floodway

Purposes of the Floodway Overlay include:

- Ensuring that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- Protecting water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- Ensuring development maintains or improves river and wetland health, waterway protection and flood plain health.
- The proposed subdivision design has regard to the overlay with the use of larger lots in the area affected by the overlay and use of building envelopes and access points outside of the flood affected area.

The application is supported by a Flood Impact Assessment Report and a Site Stormwater Management Plan that demonstrate the land can be subdivided whilst maintaining the natural flood behaviour. This is, however, reliant on the establishment of a floodway easement on the adjoining lots 34 and 35 Terrier Road as part of a current application that has been lodged with Council. The easement will allow the continued natural flow of floodwaters through the land.

A section 173 agreement will be applied as a condition of permit for the consolidation of lots 34 and 35 to ensure the floodway easement benefits the continued natural flow of flood waters on the subject site.

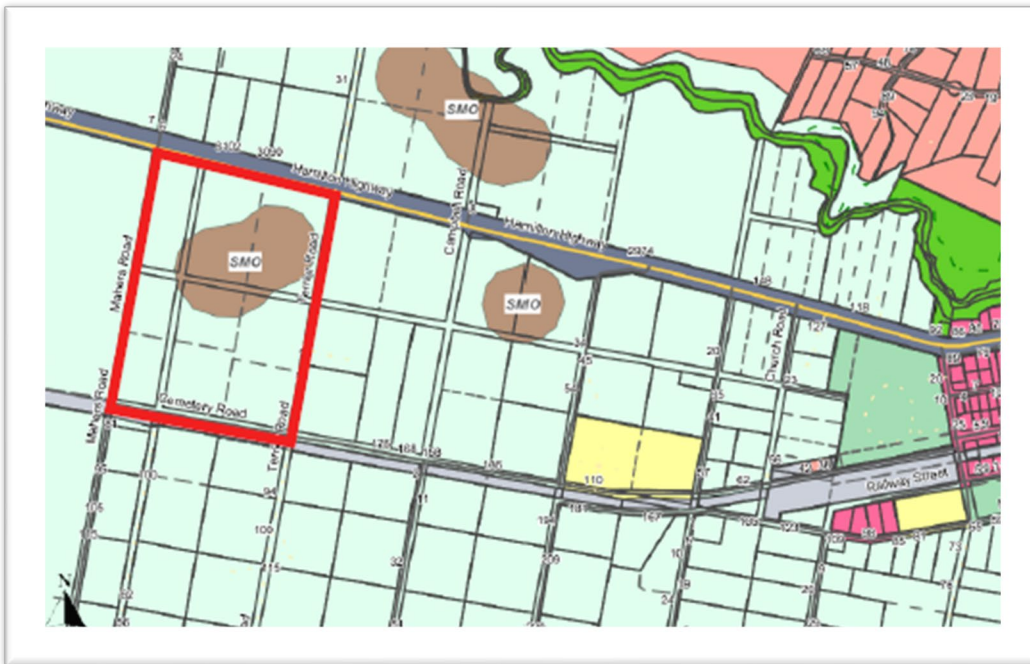
Clause 44.03–3 Subdivision requires a planning permit. A planning permit may only be granted to subdivide land if the subdivision does not create any lots which are entirely within this overlay. The application complies with the clause as the proposed new lots are not entirely within this overlay and can be developed outside of flood affected areas.

Clause 44.03-4 requires a flood risk report including a list of specified matters for consideration. These have been included in the Flood Impact Assessment provided with the application.

Clause 44.03-7 lists additional decision guidelines specific to this clause. The application responds to matters through the use of building envelopes to ensure development and access are outside of the Flood Overlay. Discharge of water will be designed consistent with Water Sensitive Urban Design Guidelines and at predevelopment rates to prevent downstream erosion.

#### Salinity Management Overlay – Clause 44.02-3

The subject site partly affected by the Salinity Management Overlay



*Figure 10 Overlay Map – Salinity Management*

The purpose of the Salinity Management Overlay includes:

- Facilitating the stabilisation of areas affected by salinity.
- Encouraging revegetation of areas which contribute to salinity.
- Encouraging development to be undertaken in a manner which brings about a reduction in salinity discharge.
- Ensuring development is compatible with site capability and the retention of vegetation.
- Preventing damage to buildings and infrastructure from saline discharge and high water table.

Clause 44.02-4 requires a permit for subdivision.

Clause 44.02-4 requires a permit to remove, destroy or lop any vegetation.

Clause 44.02-6 lists application requirements relevant to salinity management.

Clause 44.02-9 requires the consideration of particular decision guidelines.

Information required as part of this clause is provided in the report and assessments which accompany the application.

The Department of Environment, Land, Water and Planning (DEECA) provided the following advice in October 2022:

*“DELWP has noted that the subject site is located within the area mapped under the SMO but is not located in an area recorded for either Primary or Secondary Salinity on the Corangamite Catchment Management Authority online mapping tool – Soil Health Knowledge Base.*

*DELWP’s primary aim in this case is to ensure that any building professional associated with any future development is made of aware of the potential soil and groundwater salinity and associated risks, and that any underground building components and infrastructure (eg foundations, pipes, electrical connections, paving, etc) are adequately specified to address them.*

*As such, it is recommended that a site report prepared by the CCMA online mapping tool – Soil Health Knowledge base (refer to [https://www.ccmaknowledgebase.vic.gov.au/soilhealth/soils\\_map.php](https://www.ccmaknowledgebase.vic.gov.au/soilhealth/soils_map.php)) be provided to all land developers and building professional for consideration and discussion before any future development of the sites.*

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

The above advice (highlighted in green) has been included as a note on the draft Planning Permit.

Native Vegetation – Clause 52.17-1

The purpose of this provision is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

The planning application proposes to remove approximately 1.374 hectares of native vegetation and one large tree to facilitate the proposed subdivision and residential development.



Figure 11 Native Vegetation Plan

DEECA requested further information in October 2022 based on the Flora and Fauna Assessment, prepared by Cardno in August 2021.

The information was provided and is updated in the Flora and Fauna Assessment, prepared by Cardno, dated 14 December 2022.

The applicant submits that after consideration of whether removal can be avoided, it has stated that the removal cannot be prevented in this instance as the native vegetation is located in areas where drainage and subdivision works are necessary. An Avoid and minimise statement is provided in the Flora and Fauna Assessment, as per the requirements of DEECA. A Native Vegetation Removal Report is also included in the Flora and Fauna Assessment which specifies any approval granted include a condition to obtain an offset that meets the following requirements:

**Table 4: Native Vegetation Offset proposed in the Application**

<b>General Offset Amount</b>	0.195 general habitat units
<b>Vicinity</b>	Corangamite Catchment Management Authority (CMA) or Golden Plains Shire Council
<b>Minimum strategic biodiversity value score</b>	0.288
<b>Large trees</b>	1 large tree
<b>Timing</b>	Not yet provided

The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

### Public Open Space Contributions and Subdivision – Clause 53.01

A person who proposes to subdivide land must make a public open space contribution to council.

An open space contribution of 5% is included as a draft condition of permit. The proposal also contributes to the network of walking and horse-riding paths, consistent with the Inverleigh Framework Plan.

### Land Adjacent to the Principal Road Network - Clause 52.29

This clause applies to land adjacent to a road in the Transport Zone 2. The Hamilton Highway is zoned Transport Zone 2 (TZ2). The application seeks approval to subdivide land adjacent to the Hamilton Highway (TZ2) and to alter access from Mahers Road to the Hamilton Highway.

A Traffic Impact Assessment has been prepared and referred to the Department of Transport with the amendment documentation. The Department of Transport has provided advice and conditions for the proposed rezoning and draft permit.

### Easements, Restrictions and Reserves – Clause 52.02

A permit is required to create, remove or vary an easement or restriction. The application seeks a planning permit to create a drainage easement to be applied to some lots to facilitate the drainage of the adjoining land. A Stormwater Management Plan has been prepared to address and manage stormwater runoff. The Plan includes a combination of grassed swales in public road reserves and private drainage easements, with a single end of line detention basin / wetland / retarding basin located in an 8,820m<sup>2</sup> drainage reserve. The detention basin is proposed to be located in adjoining lots 34 and 35 Terrier Road. These lots will be consolidated as part of a separate planning permit and will include a section 173 agreement which ties the retarding basin and easement to this proposed multi-lot subdivision (P21334).

### **General provisions**

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

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

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.

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

A comprehensive assessment of the planning application for a multi-lot subdivision has been undertaken, with numerous versions of the plan adapted and modified to arrive at a version that meets the requirements of the planning scheme, referral authorities and agencies and Council requirements, including Clause 65.01 and 65.02.

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

Before making a decision on an application to remove or vary a restrictive covenant Council must consider the requirements of section 60 of the Act. This application does not seek to remove or vary a restrictive covenant.



## Cultural Heritage

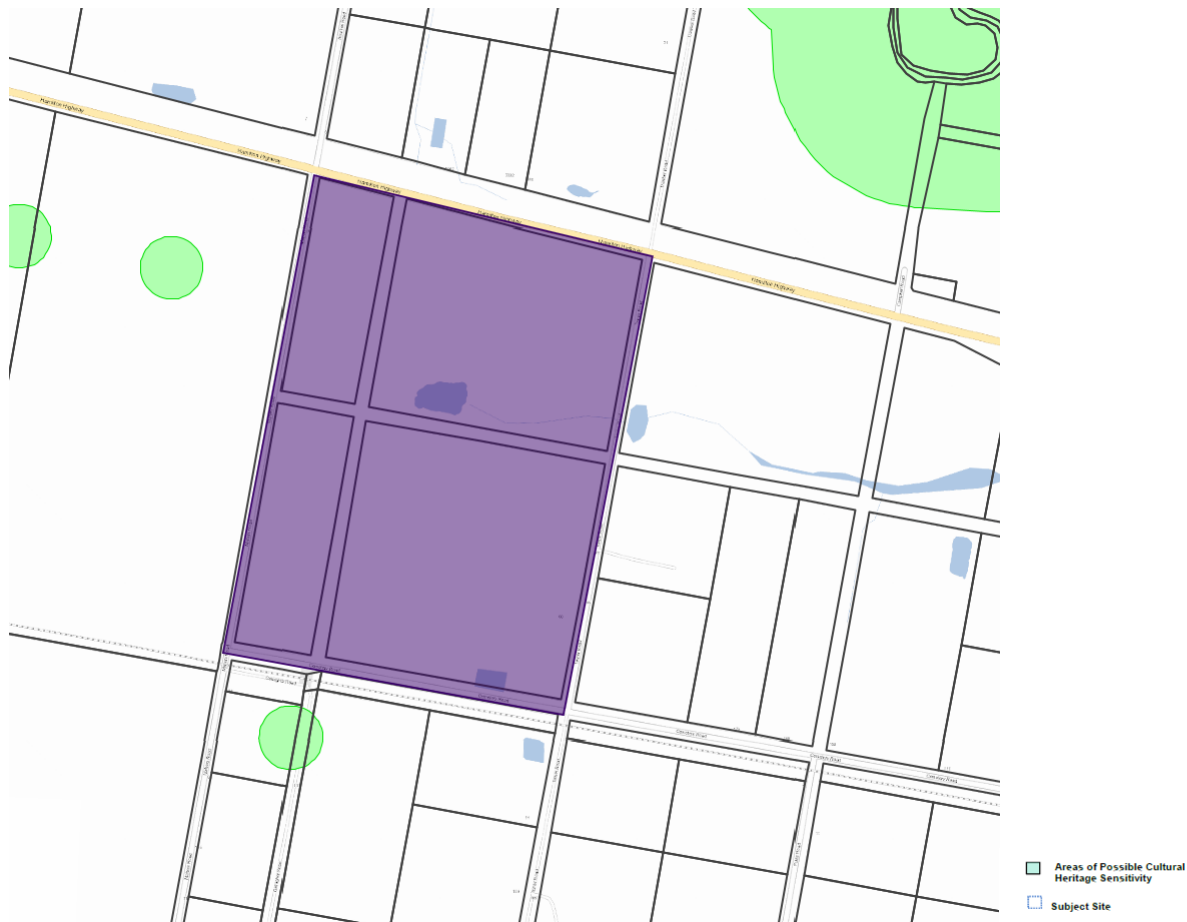


Figure 12 Inverleigh Areas of Possible Cultural Heritage Sensitivity

The subject site is not found to be within an area of possible cultural heritage sensitivity and therefore this proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007*. This is confirmed by the Due Diligence report by Ochre Imprints provided with the application and amendment documents.

### Development Contributions

An apportionment of future infrastructure costs has been calculated based on an assessment of Inverleigh's projected growth in infill and greenfield areas. Alongside the assessment has been an identification of a list of development infrastructure items required to service Inverleigh as it grows in accordance with the Inverleigh Structure Plan, 2019.

Rather than preparing a formal Development Contributions Plan (DCP), a section 173 agreement is being prepared for the collection of development contributions. Given the land is in single ownership, a section 173 agreement is a more appropriate tool than a DCP; however, it will ensure that Council is capturing the full extent of contributions calculated. The guiding principles of a DCP are still relevant and have been applied to the assessment.

The calculated charge is \$22,720.89 per net developable hectare (excluding drainage). This has been calculated based on the Inverleigh *Development Contributions Assessment, October 2022* prepared by Mesh Planning consultants.

Infrastructure items that have already been agreed to be delivered or upgraded as part of the planning permit have been excluded from the assessment.

In summary the proponent is delivering, as works in kind, the significant upgrade of the Hamilton Highway and Mahers Road intersection. The proponent will be required to contribute the outstanding amount as a cash contribution.

## DISCUSSION

### Rezoning / Subdivision / Native Vegetation Removal/ Creation of Easement

The rezoning and subdivision of the subject land to facilitate low density residential development implements the Inverleigh Structure Plan and Council's policy in the Golden Plains Planning Scheme at Clause 11.03-6L-03 Inverleigh.

The land is within the settlement boundary of the Inverleigh Framework Plan at Clause 11.03-6L-03 and the supporting documents provided with the rezoning and subdivision application support the proposed Low Density Residential Zone and the 56 lot subdivision including removal of native vegetation and creation of easement(s).

Development Plan Overlay Schedule 18 (DPO18) is proposed to be applied to the subject land as a precaution in the event that the planning permit lapses. The application of the DPO18 is supported by the regional office of Department of Transport and Planning. The draft provisions of DPO18 are based on the objectives and strategies of the Inverleigh policy at Clause 11.03-6L-03 and their application to this particular site.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

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



**POLICY/RELEVANT LAW**

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

**ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT**

Public notice of the proposed rezoning with draft planning permit conditions will be undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*.

**PUBLIC TRANSPARENCY**

Submissions made through the rezoning process will be considered by Council, a Planning Panel and the Minister for Planning, thereby making the determination transparent.

**STRATEGIES/PLANS**

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

**RISK ASSESSMENT**

- Requirement for Council to present to a planning panel for a recommendation to the Minister.
- Panel may recommend that the amendment and planning permit be approved, with or without changes.
- Panel may recommend that the amendment be abandoned and that no planning permit be issued.

**COMMUNICATION**

The outcome of this report to Council will be communicated to the applicant 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 – Seek authorisation and approval to exhibit the combined amendment and planning permit application.

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 Shire Planning Scheme.

Option 2 – Refuse to seek authorisation and exhibition of the amendment and abandon the amendment and combined planning permit application.

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

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

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

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The combined planning scheme amendment and application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, particularly the Inverleigh Framework Plan and Clause 11.03-6L-03 and the decision guidelines of the Planning Scheme (Clause 65). The proposed amendment and subdivision has been designed to provide for moderate growth of the township and extends infrastructure provision to the western settlement boundary which will enable efficient residential infill between the town and this site. The subdivision design mitigates flood and bushfire risks, compliments the character and integrates with walking and horse-riding trails in the area, while managing effluent disposal and protecting the ephemeral wetland on the site. Permit conditions have been drafted for exhibition with the proposed planning scheme amendment. A further report will be presented to Council following exhibition.

## 8.4 FAIR ACCESS POLICY - ENDORSE FOR EXHIBITION

**File Number:****Author:** Brodie Marston, Coordinator Recreation and Community Facilities**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:**

1. Draft 'Fair Access Policy'
2. Fact Sheet - Fair Access Policy

### RECOMMENDATION

That Council:

1. Endorse the attached draft 'Fair Access Policy' for public exhibition.
  2. Note that a further report will be presented in June 2024 following the community exhibition process.
- 

### EXECUTIVE SUMMARY

The Fair Access Policy Roadmap is an Australia first policy that aims to give women and girls better and fairer access to community sports infrastructure. It has been developed by the Office for Women in Sport and Recreation (in partnership with VicHealth and Sport & Recreation Victoria) as part of the 'Change Our Game' initiative to level the playing field for girls and women in sport and active recreation.

The policy requires all Victorian local government authorities (LGAs) to have in place a gender equitable access and use policy (or equivalent) for community sporting facilities by 1 July 2024 to remain eligible for State Government community sports infrastructure funding.

A further requirement is that Councils also undertake an action plan to support the promotion and implementation of Fair Access, including with community stakeholders such as Committees of Management, clubs, sporting associations and facility user groups.

### BACKGROUND

In August 2022, the Victorian State Government announced its Fair Access Roadmap, a three-phase initiative to support gender equitable access to, and use of, community sporting infrastructure across the state which aligns with the *Gender Equality Act 2020 (Vic)*.

The Fair Access Policy Roadmap aims to develop a statewide foundation to improve the access to, and use of, community sports infrastructure for women and girls and features three key phases, being **Education, Readiness and Progress**.

These phases have guided Victorian councils and sport and recreation organisations on how to collectively work towards creating a foundation of gender equity in community sport and active recreation.

Throughout the Education Phase, the Office for Women in Sport and Recreation delivered:

- Sector-wide information sessions as part of the Fair Access Policy Roadmap launch
- A series of gender impact assessment workshops for councils
- Forums for sport and active recreation organisations; and
- A Fair Access Roadshow, which included the delivery of workshops to councils on requirements including the requirement for a 'Fair Access Policy'.

The Readiness Phase commenced with the Fair Access Community of Practice (CoP). The CoP focused on enabling councils to navigate challenges that come with gender equality change management and provided the opportunity for collaboration and knowledge sharing focussed towards developing a Policy and supporting actions. The CoP ran over 4 sessions from September 2023 – April 2024. The CoP was facilitated by the Office for Women in Sport and Recreation and available for all councils to attend.

The Progress Stage commences on 1 July 2024 and will focus on implementation of Council Policies and supporting actions. Golden Plains Shire Council is well placed to commence the Progress Stage, as it has actively participated in both the Education and Readiness phases.

## DISCUSSION

The Fair Access Policy Roadmap, including the objectives, actions and timelines, was presented to Council at the February 2024 Strategic Planning Briefing. This overview provided:

- The Objectives and Principles of Fair Access for community sport;
- The obligations of Local Government Authorities and work undertaken so far;
- Planning, stages and timelines for Council to meet its obligations; and
- An opportunity for Councillors to discuss and raise questions.

To guide individuals and organisations towards gender equality and provide a framework for action planning (to promote and embed Fair Access with community stakeholders), the Office for Women in Sport have developed six [6] Fair Access Principles as follows:

1. Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive.
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.
3. Women and girls will have equitable access to, and use of, community sport infrastructure:
  - a) Of the highest quality available and most convenient.
  - b) At the best and most popular competition and training times and locations.
  - c) To support existing and new participation opportunities, and a variety of sports.
4. Women and girls should be equitably represented in leadership and governance roles.
5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use policies.
6. Prioritise use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

A requirement of Council under the Fair Access Policy Roadmap is to adopt a 'Fair Access Policy' by 1 July 2024 to be considered eligible for future State Government Sport and Recreation funding. Council Officers have been working on the development of this draft policy for several months.

The draft 'Fair Access Policy' (Attachment 1) aims to build capacity and capabilities of Council and community stakeholders in the identification and elimination of systemic causes of gender inequality in policies, programs, communications, and delivery of services relating to community sport and recreation. It ensures an effective place-based response for gender equitable use and access to local community sports infrastructure.

For Golden Plains Shire Council, this draft Policy applies to community sports infrastructure that is within the Shire, regardless of the landowner, or if directly managed by Council. The scope of the Policy extends to on-field/court as well as off-field facilities and activities. Locations where there is no active committee, club or where facilities are provided for casual community use only are outside the scope of the Policy.

To ensure currency and consistency with what is occurring across the sector, Council participated in Community of Practice workshops to develop its Policy which included the taking the opportunity to seek feedback from the Office for Women in Sport.

In addition to the Policy, action plan implementation has included promoting the Fair Access Roadmap via Council's website and social media platforms, and direct correspondence has been provided to management entities including the background and the potential implications for clubs

and community facility managers. A Fact Sheet that has been made available for broad community distribution is provided as Attachment Two.

A key Council action occurring prior to the proposed release of the draft Policy is the offering of two in person community workshops, (The Well in Smythesdale on 15 April and Bannockburn Cultural Centre on 22 April). These sessions will be delivered in partnerships with our Regional Sports Assemblies - Sports Central and Leisure Networks.

Whilst the sessions are open to all interested community members, clubs and committees that are involved in managing or scheduling activities at sporting facilities within the Shire have been specifically requested to attend via written invitation. The sessions will provide background information on the Fair Access Policy Roadmap, details about Council's draft Policy (process and timelines), the obligations of various community stakeholders and practical information, case studies and resources to support clubs and committees to embed the Principles of Fair Access into their practices.

Consistent with other key Council documents and strategies, it is proposed that following Council's endorsement, the draft 'Fair Access Policy' be made available to the community from 25 April to 23 May 2024. Following the period of public exhibition and feedback, it is proposed that the 'Fair Access Policy' will be reviewed and presented to the June 2024 Council Meeting for adoption.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## **GOVERNANCE PRINCIPLES**

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

- Collaboration with other Councils and Governments and statutory bodies is to be sought
- Regional, state, and national plans and policies are to be considered in strategic planning and decision making.

## **POLICY/RELEVANT LAW**

The draft 'Fair Access Policy' enables effective and efficient local level integration of Council's requirements under the *Gender Equality Act 2020*, the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

## **COMMUNITY ENGAGEMENT**

A thorough engagement process is being undertaken as part of the implementation of the draft 'Fair Access Policy'. Engagement to date has been undertaken with key stakeholders (including the Office for Women in Sport, peak sporting bodies and Regional Sports Assemblies), promoting the State Government's campaign, providing community information via Councils website and social media platforms, and through direct correspondence with Council Management Entities. Two in person community workshops will be conducted in April 2024, with sessions to be held in Bannockburn and Smythesdale.

The formal public exhibition period for the draft 'Fair Access Policy' will provide further opportunity for wider engagement/feedback from Golden Plains residents and community groups.

## **PUBLIC TRANSPARENCY**

Public transparency principles have been considered in the preparation of this report and the recommendation to provide the draft 'Fair Access Policy' for public exhibition including:

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

## **STRATEGIES/PLANS**

The draft 'Fair Access Policy' is reflective of industry trends, governing body requirements and community needs. It is consistent with the objectives and principles of the Golden Plains Shire Community Vision 2040, Council Plan 2021-2025 and Sport and Active Recreation Strategy 2020-2030 and supports people from underrepresented groups to be more active, more often.

Importantly, it aligns with Councils efforts to activate community facilities and provide safe, welcoming and inclusive environments for all community members.

## **RISK ASSESSMENT**

The draft 'Fair Access Policy' and delivery of an action plan seeks to mitigate the risks of insufficient planning and engagement with community whilst providing women and girls better and fairer access to community sports infrastructure.

The Policy will enable potential future facility development and improvement where external funds might be required to deliver outcomes (specifically via the Victorian State Government). Should Council determine not to progress the development of this Policy, it may risk reputational damage whilst also limiting future funding opportunities.

## COMMUNICATION

Should the recommendation in this report be endorsed, Council Officers will promote the draft 'Fair Access Policy' and public exhibition and feedback process (for the period 25 April to 23 May 2024) via Council's print, online and social media platforms and through written communication with key stakeholders.

## HUMAN RIGHTS CHARTER

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

## GENDER EQUALITY

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

## OPTIONS

### Option 1 – That Council endorse the draft 'Fair Access Policy' for public exhibition and feedback.

This option is recommended by officers as a thorough process has been undertaken in line with State Government requirements, including research and community engagement, to develop and provide this 'Fair Access Policy'.

### Option 2 – That Council does not endorse the draft 'Fair Access Policy' for public exhibition and feedback.

This option is not recommended by officers as the draft 'Fair Access Policy' has been informed by a comprehensive process and is in line with State Government requirements seeking to support gender equitable access and use of community sporting infrastructure. Endorsing the draft for public exhibition provides further opportunity for informing the community of Fair Access whilst enabling input into the Policy.

### Option 3 – That Council delay endorsing the draft 'Fair Access Policy' for public exhibition.

This option is not recommended by officers as action planning and engagement has been undertaken to develop the draft 'Fair Access Policy' for public exhibition and comment. Further delays may compromise Council's reputation and ability to meet the State Government requirement for a Policy to be adopted by 1 July 2024.

## CONFLICT OF INTEREST

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

## CONCLUSION

Following the State Government's release of the 'Fair Access Roadmap' in 2022, Council has been working towards the development of a draft 'Fair Access Policy', and implementation of an action plan to support fair and equitable access for women and girls to community sporting infrastructure.

The draft 'Fair Access Policy' has been informed by collaboration with the Office for Women in Sport and participation in sector workshops (Community of Practice) to ensure all requirements are met in enabling gender equitable access to facilities and to ensure that eligibility for future State Government Funding is not compromised.

Information has been provided to the community (and directly to impacted stakeholders) with two Fair Access workshops to be held in April 2024 to build further understanding, commitment and to enable practical implementation of the six Principles of Fair Access.

Following endorsement of the draft 'Fair Access Policy', the document will be made available for public exhibition and feedback prior to the final 'Fair Access Policy' being provided back to Council for adoption in June 2024.

## 8.5 PUBLIC INTEREST DISCLOSURE POLICY

### File Number:

**Author:** Lynnere Gray, Director Corporate Services

**Authoriser:** Eric Braslis, CEO

**Attachments:** 1. Public Interest Disclosures Policy

### RECOMMENDATION

That Council adopt the updated Public Interest Disclosure Policy as attached.

### EXECUTIVE SUMMARY

The Public Interest Disclosure Policy was adopted by Council in December 2019 and is due for review. The review and refresh of this Policy is presented to Council for adoption. The changes proposed to this policy are primarily in relation to removal of duplications and updated contact and responsibility information.

### DISCUSSION

The purpose of the *Public Interest Disclosures Act 2012* is to encourage the making of disclosures in relation to improper conduct of public bodies and public officers, including the Council, its staff, employees and Councillors, and the prohibition on taking of detrimental action in reprisal for making disclosures under the Act.

Table of changes made to this Policy:

Original Clause	New Clause	Change Made	Reason
1.1	1.1	Removal of duplicated information regarding the purpose of the Act	Removal of duplication of disclosures already contained within the Policy Statement section.
1.2	1.2	'We' changed to 'Council' 'objects' changed to 'objectives'	Increase clarity of responsibility, uplift quality of wording and statements
3.1	3.1 and 3.2	Split into 3.1 and 3.2	To aid reading
3.2	3.3.1	Consolidate Clause under one grouping	To aid reading
3.3	3.3.2	Consolidate Clause under one grouping	To aid reading
3.4	3.3.3	Consolidate Clause under one grouping	To aid reading
3.5	3.4.1	Consolidate Clause under one grouping	To aid reading
3.6	3.4.2	Consolidate Clause under one grouping	To aid reading
3.7	3.4.3	Consolidate Clause under one grouping	To aid reading
3.8	3.5.1	Consolidate Clause under one grouping	To aid reading
3.9	3.5.2	Consolidate Clause under one grouping	To aid reading
3.10	3.5.3	Consolidate Clause under one grouping	To aid reading
3.11	3.5.4	Consolidate Clause under one grouping and	To aid reading and reflect current



		update contact details.	responsible officer title
4.1	4.1	Updated contact details and addresses	Update current addresses and contact details
5.1	5.1.1, 5.1.2 and 5.1.3	Each dot point to have clause number	To aid reading
6	7	Removal of legislation, policies and procedures that are not applicable	To align with the relevant legislation
8	9		Updated clause numbering
-	6	Definitions table added	To provide definitions of terms used in this Policy

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

**GOVERNANCE PRINCIPLES**

The policy was due for review and in accordance with the overarching governance principles of the *Local Government Act 2020* innovation and continuous improvement is to be pursued.

**POLICY/RELEVANT LAW**

*Public Interest Disclosure Act 2012*

*Public Interest Disclosures Regulations 2019*

**COMMUNITY ENGAGEMENT**

Upon adoption, this Policy will replace the current version of this Policy on Council's website.

**PUBLIC TRANSPARENCY**

This Policy ensures public transparency in relation to Council's commitment to the principles and obligations of the *Public Interest Disclosure Act 2012*.

**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)*.

**OPTIONS**

Option 1 – That Council adopts the revised Public Interest Disclosures Policy

This option is recommended by officers as the changes reflect current obligations and provide updated contact details.

Option 2 – That Council does not adopt the revised Public Interest Disclosures Policy

This option is not recommended by officers as it contains out of date information.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The Public Interest Disclosures Policy is presented to Council for adoption. The modification to the Policy will serve the best interests of the community by providing current and updated information.

**8.6 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER 3****File Number:****Author:** Lynnere Gray, Director Corporate Services**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. Councillor Expenses - Year to Date 2023-24  
2. Councillor Expenses - Q3 2023-24**RECOMMENDATION**

That Council note the contents of the Councillor Expenses and attendance report for Quarter 3 2023/24.

**EXECUTIVE SUMMARY**

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for Quarter 3 of 2023/24. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council, to provide transparency on Council decision making.

**BACKGROUND**

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

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

**DISCUSSION**

Summarised in the attached document are the figures for expenses for the Mayor and Councillors for quarter three of 2023/24.

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

<b>Category</b>	<b>Annual Budget \$</b>	<b>Actual \$ YTD</b>	<b>Percentage Spent</b>
Conferences & Training Expenses	25,445	5,001.93	19.66%
Travel Expenses	5,830	1,485.26	25.48%
Car Expenses	12,999	1,572.37	12.10%
IT & Communications	6,685	1,862.16	27.86%
Childcare Expenses	-	-	-
<b>Total Councillor Expenses</b>	<b>50,959</b>	<b>9,921.72</b>	<b>19.47%</b>

## Councillor attendance at scheduled and unscheduled meetings of Council

The table below outlines the Councillor attendance at both scheduled and unscheduled meetings of Council for quarter three of 2023/24.

1. Council held the following meetings:
  - 2 scheduled Council meetings held on 27 February and 26 March.

Councillor	Scheduled meetings (2 meetings)	Unscheduled meetings (0 meetings)	Total meetings (Q3 Jan – Mar 2024)	Total meetings (YTD 2023-24)
Brett Cunningham	2	-	2	8
Gavin Gamble	1	-	1	7
Ian Getsom	2	-	2	8
Helena Kirby	2	-	2	8
Les Rowe	2	-	2	6
Owen Sharkey	2	-	2	8
Clayton Whitfield	2	-	2	7

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

**POLICY/RELEVANT LAW**

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

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

**PUBLIC TRANSPARENCY**

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

**FINANCIAL MANAGEMENT**

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

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

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

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

Option 2 – That Council defer the report.

This option is not recommended by officers as the report provides an update on Councillor expenses and attendance for quarter three 2023/24, which has now finished.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council note the contents of the Councillor Expenses and attendance report for quarter three of 2023/24, being the quarter ended 31 March 2024.

**9 NOTICES OF MOTION**

Nil

## 10 PETITIONS

### 10.1 PETITION - OVER 55 LIFESTYLE VILLAGE

**File Number:****Author:** Martin Walmsley, Governance and Risk Advisor**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** Nil

#### RECOMMENDATION

That Council:

1. Receive the petition in relation to an Over 55 Lifestyle Village.
  2. Refer the petition to the Chief Executive Officer for consideration and response.
- 

#### EXECUTIVE SUMMARY

A petition was submitted to Council on 26 March 2024. The petition seeks Council's support in encouraging a Developer to build an Over 55 Lifestyle Village in the Bannockburn area.

This petition has been received and is submitted to the Council in accordance with rule 37 of the Governance Rules.

#### BACKGROUND

The Governance Rules provide the process for petitions to be received by Council. Specifically, a petition must:

- a. Be lodged with the Chief Executive Officer at least seven [7] days prior to the Council meeting at which it is to be considered to allow inclusion in the agenda;
- b. Be written, typed or printed;
- c. Contain at least five [5] signatures;
- d. Have the full name, address and signature of all individual signatories;
- e. Not be defamatory, indecent, abusive or objectionable in language or content;
- f. Not relate to matters beyond the powers of the Council;
- g. Not be aimed at embarrassing a Councillor or member of Council staff;
- h. Not relate to a matter which will be or is likely to be considered in a meeting closed to the public in accordance with sub-rule 29.1(a); and
- i. Include the whole of the request of the petitioners or signatories on each page.

This petition was received on 26 March 2024 and, in accordance with sub-rule 37.4, the CEO must arrange for petitions to be submitted to the next practicable meeting following their receipt, which in this instance is the April meeting.

Governance Rule sub-rule 37.7 provides that the only motions that may be considered for any petitions are:

- a. That the petition be received; and
- b. That the petition be referred to the Chief Executive Officer for consideration and response;  
or
- c. That the petition be referred to the Chief Executive Officer for a report to a future Council meeting.

Governance Rule sub-rule 37.8 provides that if a petition relates to an operational matter, the Council must refer it to the Chief Executive Officer for consideration and response. This petition relates to operational matters and therefore must be referred to the Chief Executive Officer for response.

## DISCUSSION

The petition request is provided at Attachment 1. At the time of receipt the petition had 124 signatures, all from within the Shire.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i> )	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*
- 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 on the way that petitions are presented to Council and how Council decisions relating to petitions will be made.

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**COMMUNICATION**

If Council determines to refer the petition to the Chief Executive Officer for consideration and response, a response will be provided to the lead petitioner, as the obvious intended contact person for 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 petition and refer it to the Chief Executive Officer for consideration and response.

This option is recommended by officers as this petition relates to operational matters and, in accordance with Governance Rule 37.8, must be referred to the Chief Executive Officer for consideration and response.

Option 2 – Receive the petition and refer it to the Chief Executive Officer for a report to a future Council meeting.

This option is not recommended by officers this petition relates to operational matters and, in accordance with Governance Rule 37.8, must be referred to the Chief Executive Officer for consideration and response. Referral to the Chief Executive Officer for a report to a future Council meeting would be non-compliant with the Governance Rules.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The petition has been submitted to the Chief Executive Officer and is now presented to Council in accordance with rule 37 of the Governance Rules.

## 10.2 PETITION - LINTON COMMUNITY HUB

**File Number:****Author:** Martin Walmsley, Governance and Risk Advisor**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** Nil

### RECOMMENDATION

That Council:

1. Receive the petition in relation to Linton Community Hub.
  2. Refer the petition to the Chief Executive Officer for consideration and response.
- 

### EXECUTIVE SUMMARY

A petition was submitted to Council on 26 March 2024. The petition relates to the ongoing community support of the Linton Community Hub. The petition contained 278 signatures.

This petition has been received and is submitted to the Council in accordance with rule 37 of the Governance Rules.

### BACKGROUND

The Governance Rules provide the process for petitions to be received by Council. Specifically, a petition must:

- a. Be lodged with the Chief Executive Officer at least seven [7] days prior to the Council meeting at which it is to be considered to allow inclusion in the agenda;
- b. Be written, typed or printed;
- c. Contain at least five [5] signatures;
- d. Have the full name, address and signature of all individual signatories;
- e. Not be defamatory, indecent, abusive or objectionable in language or content;
- f. Not relate to matters beyond the powers of the Council;
- g. Not be aimed at embarrassing a Councillor or member of Council staff;
- h. Not relate to a matter which will be or is likely to be considered in a meeting closed to the public in accordance with sub-rule 29.1(a); and
- i. Include the whole of the request of the petitioners or signatories on each page.

This petition does not comply with sub-rule 37.2 of the Governance Rules as it does not include the full address of signatories. Part 37.12 states that if a petition does not comply with these rules, it can be tabled as a joint letter and the Chief Executive Officer can determine that it can be submitted to a Council meeting for consideration.

Governance Rule sub-rule 37.7 provides that the only motions that may be considered for any petitions are:

- a. That the petition be received; and
- b. That the petition be referred to the Chief Executive Officer for consideration and response;  
or
- c. That the petition be referred to the Chief Executive Officer for a report to a future Council meeting.

**DISCUSSION**

The petition request is provided at Attachment 1. At the time of receipt the petition had 278 signatures from the following locations:

Linton	198
Berringa	3
Scarsdale	13
Snake Valley	10
Ross Creek	4
Unknown	2
Skipton	3
Teesdale	1
Happy Valley	2
Staffordshire Reef	1
Smythesdale	23
Ballarat	6
Melbourne	2
Piggoreet	2
Pittong	1
Smythes Creek	3
<b>TOTAL</b>	<b>278</b>

**REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i> )	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*
- 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 on the way that petitions are presented to Council and how Council decisions relating to petitions will be made.

## **RISK ASSESSMENT**

There are no identified risk implications associated with this report.

## **COMMUNICATION**

If Council determines to refer the petition to the Chief Executive Officer for consideration and response, a response will be provided to the lead petitioner, as the obvious intended contact person for 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 – That the petition be received.

This option is recommended by officers as this petition is not requesting any action from Council.

Option 2 - Receive the petition and refer the Chief Executive Officer for consideration and response.

This option is not recommended by officers as the petition is not requesting any action from Council.

Option 3 – Receive the petition and refer it to the Chief Executive Officer for a report to a future Council meeting.

This option is not recommended by officers as this petition is not requesting any action from Council.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The petition has been submitted to the Chief Executive Officer and is now presented to Council in accordance with rule 37 of the Governance Rules.

## **11 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:

#### **11.1 Chief Executive Officer 2022/23 Performance Appraisal**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

#### **11.2 Appointment of Interim CEO and Recruitment Consultancy**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

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