



Council Meeting Agenda

Bannockburn Shire Hall

Tuesday 24 January 2017, 4.00pm

**Embargoed until 5pm on
Friday 20 January 2017**

Our Vision

Golden Plains Shire offers a lifestyle and opportunities that foster social, economic and environmental wellbeing. In partnership with the community we will provide strong leadership, encourage sustainable development and ensure quality services, to continue to improve the quality of life of residents.

Opening Prayer

*Almighty God,
Help us to undertake our duties impartially and honestly,
in the best interests of the people of the Golden Plains Shire.
We make this prayer through Jesus Christ Our Lord.
Amen.*

Acknowledgement of Traditional Custodians

Council acknowledges the traditional Wadawurrung owners of this land. Council pays its respects to Wadawurrung Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

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

BEHAVING WITH INTEGRITY

We Councillors will:

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

MAKING COMPETENT DECISIONS

We Councillors will:

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

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1. PRESENT

Cr Des Phelan, Mayor
Cr David Evans
Cr Joanne Gilbert
Cr Nathan Hansford
Cr Helena Kirby
Cr Les Rowe
Cr Owen Sharkey

Rod Nicholls
Greg Anders
Jillian Evans
Richard Trigg
Mike Barrow
Petra Neilson (Minutes)

Chief Executive Officer
Director Assets & Amenity
Director Community Services
Director Corporate Services
Manager Executive Unit
Council Support Officer

Gallery

2. APOLOGIES

3. DECLARATIONS, MINUTES & ASSEMBLIES

3.1. DECLARATIONS OF INTEREST

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

3.2. CONFIRMATION OF MINUTES

Recommendation

- 1. That the Minutes of the Ordinary meeting of Council held 20 December 2016, as circulated, be confirmed.**
- 2. That the Minutes of the 'In Camera' meeting of Council held 20 December 2016, as circulated, be confirmed.**

3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

3.3.1 Council Briefing: Community Plans Process (20 December 2016)

Meeting type and name	Council Briefing: Community Plans Process
Meeting date and time	2.00pm Tuesday 20 December 2016
Matters discussed	Community Planning Process
Councillor information	Nil
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Tim Waller, Development Manager Breanna Doody, Community Development Team Leader Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

3.3.2 Council Workshop: Councillor Code of Conduct (20 December 2016)

Meeting type and name	Council Workshop: Councillor Code of Conduct
Meeting date and time	2.29pm Tuesday 20 December 2016
Matters discussed	Review of the Councillor Code of Conduct
Councillor information	Draft Code of Conduct Version 9 with references
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Tim Waller, Development Manager Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

3.3.3 Council Workshop: Development of the (1) Council Plan 2017-2020 (2) Strategic Resource Plan and (3) Municipal Public Health Plan (20 December 2016)

Meeting type and name	Council Workshop: Development of the (1) Council Plan 2017-2020 (2) Strategic Resource Plan and (3) Municipal Public Health Plan (20 December 2016)
Meeting date and time	8.30am Tuesday 20 December 2016
Matters discussed	Council Plan workshop
Councillor information	1. Council Planning Workshop agenda 2. GPS Snapshot 3. GPS Municipal Scan summary
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit
Guests	Yvonne Crouch, mach2, Consultant Craig Kenny, mach2, Consultant
Declarations of Interest	Nil

Recommendation

That Council notes the record of assemblies of Councillors:

- 1. Council Briefing: Community Plans Process (20 December 2016)***
- 2. Council Workshop: Councillor Code of Conduct (20 December 2016)***
- 3. Council Workshop: Development of the (1) Council Plan 2017-2020 (2) Strategic Resource Plan and (3) Municipal Public Health Plan***

3.4. ADVISORY COMMITTEES OF COUNCIL

3.4.1 Audit & Risk Committee

Richard Trigg, Director Corporate Services
File: 02-01-001

No meeting held.

3.4.2 Confidential: Chief Executive Officer (CEO) Review Committee

Cr Des Phelan, Chairperson
File: 02-01-002

No meeting held.

4. REPORTS

4.1. KEY RESULT AREA – CITIZEN & CUSTOMER SERVICE

No report.

4.2. KEY RESULT AREA – CIVIC LEADERSHIP

4.2.1 Council Plan 2013-2017 Implementation – Quarterly Report

Department	Corporate Services
Unit	Corporate Services
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Richard Trigg, Director Corporate Services
File References	EDMS File: 01-01-002
Council Plan Link	Council Plan 2013-2017
Relevant Council Strategies	<ul style="list-style-type: none"> ▪ Customer Services Strategy ▪ Communications and Marketing Strategy ▪ Emergency Management Plan ▪ Healthy Ageing Action Plan ▪ Arts Strategy ▪ Town Place Plans ▪ Recreation Strategy ▪ Road Strategy ▪ Asset Management Strategy
Relevant Policies & Legislative Frameworks	
Attachments	<p>Council Plan 2015-16 Actions Quarterly Report for December 2016</p> <p>1a KRA – Citizen & Customer Service</p> <p>1b KRA – Economic Development</p> <p>1c KRA – Environment & Land Use Planning</p> <p>1d KRA – Financial Management</p> <p>1e KRA – Human Support Services</p> <p>1f KRA – Recreation & Community Development</p> <p>1g KRA - Roads & Streets Infrastructure</p> <p>1h KRA – Waste Management</p>

Declarations of Interest: Councillors & Officers

Richard Trigg: In providing this advice as the senior manager, responsible manager and author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to update Council on the progress made in completing the 2016-17 actions contained in the Council Plan 2013-2017.

Background

The Council Plan 2013-2017 contains 97 actions framed around 9 Key Result Areas. This is the second quarterly report to Council regarding implementation of the Plan for 2016-17. Council's management team has established an implementation timetable and monitors the organisation's progress of the Plan on a monthly basis, to ensure that all of the actions set by Council are achieved by the end of the financial year. These Actions are completed over 12 months with the report being provided in the allocated quarter each year. This is to ensure that the Actions are progressed over the 12 months and that all Actions are not due at the same time, to establish a smooth transition of all tasks. Each of the actions is numbered for ease of reference.

Discussion

- The following table indicates the quarter the actions are to be finalised (•) and the quarter they are completed and reported on to Council is shown by a tick (✓).

PM Ref	Actions	Quarter			
		Sept	Dec	Mar	Jun
1.1.2.03	1. Regularly consult with communities				•
1.1.3.01	2. Provide high quality point of contact customer service at Customer Service Centres by telephone and manage requests effectively				•
1.1.2.01	3. Provide tailored and targeted communications and marketing actions aligned to the requirements and expectations of Shire residents, businesses and internal stakeholders				•
1.7.2.02	4. Implement volunteer support programs				•
1.1.2.05	5. Develop an Advocacy and Lobbying Plan to advocate on behalf of the community with Members of Parliament and other key stakeholders	✓			
1.2.1.05	6. Implement Council's obligations within the Bushfires Royal Commission's recommendations				•
1.2.2.05	7. Secure Representation on Federal, State, regional and local government bodies			•	
1.2.2.07	8. Promote support to Council including professional development opportunities				•
1.2.2.01	9. Facilitate and support community celebrations of important national events and days				•
1.2.2.03	10. Consider community plan priorities when conducting Council planning activities and community grant allocation			•	
1.2.1.09	11. Advocate and lobby for Bannockburn Emergency Services Precinct			•	
1.2.1.11	12. Advocate and lobby for Municipal Emergency Resourcing Program			•	
1.3.1.05	13. Continue to develop the Golden Plains Food Production Precinct				•
1.3.1.05	14. Facilitate natural gas connection to townships				•
1.3.1.05	15. Attract investment in the Gheringhap Employment Precinct				•
1.3.1.05	16. Facilitate development of Lethbridge Airport				•
1.3.1.05	17. Facilitate Bannockburn Plaza redevelopment				•
1.3.1.05	18. Facilitate development of Bannockburn Civic Heart				•
1.3.1.05	19. Investigate the opportunity for the development of the aged care industry				•
1.3.1.05	20. Further develop and enhance the Golden Plains Farmers' Market				•
1.1.2.01	21. Partner with Arts & Culture in the development of the Golden Plains Arts Trail				•
1.1.2.01	22. Provide facilitation support for community/township events				•

PM Ref	Actions	Quarter			
		Sept	Dec	Mar	Jun
1.1.2.01	23. Provide local small businesses with information on and access to business support services			•	
1.3.1.15	24. Advocate and lobby for improved high speed broadband	√			
1.3.1.16	25. Advocate and lobby for improved mobile phone coverage	√			
1.3.3.03	26. Advocate and lobby for industrial development in the north west of the Shire			•	
1.3.1.17	27. Advocate and lobby for major infrastructure project funding				•
1.3.1.18	28. Advocate and lobby for recognition and funding for Greater Geelong and Bellarine tourism region				•
1.4.3.05	29. Review the Greenhouse Action Plan			•	
1.4.1.10	30. Participate in State Government's Peri Urban Group of Rural Councils			•	
1.4.1.02	31. Participate in Regional Land Use Planning Groups	√			
1.4.1.09	32. Promote Council's Heritage Advisory Service			•	
1.4.3.02	33. Develop and implement a new Domestic Waste Water Management Plan			•	
1.4.1.14	34. Undertake compliance and enforcement for the Planning Scheme, Local Laws and Animal Control, and Swimming Pools			•	
1.4.1.02	35. Develop a comprehensive Settlement Strategy for the north of the Shire		√		
1.4.1.16	36. Advocate and lobby for protection of viable agricultural land for farming purposes		√		
1.5.1.01	37. Acquire property within the municipality for future development				•
1.5.1.09	38. Invest surplus funds to maximise return and minimise risk				•
1.5.1.05	39. Maintain accurate property and valuation records, including supplementary valuations			•	
1.5.1.11	40. Preparation and auditing of financial statements	√			
1.5.1.12	41. Implement Council's Procurement Policy and Procurement Strategy to ensure best value outcomes for the Shire				•
1.5.1.13	42. Advocate and lobby for resources for a developing municipality				•
1.5.1.04	43. Advocate and lobby for equitable share of Federal and State taxes			•	
1.5.1.14	44. Advocate and lobby for minimising cost shifting by Federal and State Governments			•	
1.5.1.08	45. Advocate and lobby for minimising the effects of the defined benefits scheme				•
1.6.1.09	46. Facilitate the development of a network of community health providers				•
1.6.1.12	47. Facilitate the Health Planning Network in Golden Plains Shire				•
1.6.1.03	48. Establish services at the Meredith Early Learning Centre		√		
1.6.1.17	49. Complete Stage 2 development of the Smythesdale Well		√		

PM Ref	Actions	Quarter			
		Sept	Dec	Mar	Jun
1.6.1.03	50. Manage the planning and delivery of Council's Kindergarten, Long Day Care, Family Day Care and Occasional Child Care services		√		
1.6.1.03	51. Provide enhanced Maternal and Child Health home visiting services for families who are isolated or at risk		√		
1.6.1.03	52. Provide support and advice to local Playgroups, including the 'Playgroup Plus' health promotion program		√		
1.6.1.03	53. Enhance the service planning and deliver relationships with district nursing, community health and disability service providers in Ballarat and Geelong		√		
1.6.1.19	54. Undertake emergency relief and recovery services as necessary				•
1.6.1.18	55. Provide a range of Home and Community Care Services to older residents and people with disabilities to enable them to remain in their own homes				•
1.6.1.18	56. Continue to provide community transport through a network of volunteer drivers				•
1.6.1.08	57. Advocate and lobby for public transport needs in the Shire				•
1.6.1.01	58. Advocate and lobby for co-location of schools with community facilities			•	
1.6.1.14	59. Advocate and lobby for health and community services needs				•
1.6.1.15	60. Advocate and lobby for secondary and post compulsory education and support provision	√			
1.6.1.20	61. Advocate and lobby for continuation of Federal funding for universal access to 15 hours of kindergarten	√			
1.7.1.01	62. Implement Community Grants program			•	
1.7.1.09	63. Develop Northern Equestrian Centre as a state centre			•	
1.7.1.08	64. Review volunteer committees including S86 Committees of Management			•	
1.7.2.03	65. Facilitate development of Bannockburn Civic Heart community and recreation facilities			•	
1.7.2.01	66. Facilitate the development of Community Plans in towns across the Shire, including Bannockburn				•
1.7.2.01	67. Provide seed funding for the implementation of local projects identified in community plans				•
1.7.2.05	68. Develop volunteer policies, procedures, newsletters and promotional material to encourage recruitment and retention of volunteers				•
1.7.2.01	69. Establish an online community portal to increase community participation and capacity				•
1.7.1.04	70. Support the development of young people in the Shire		√		
1.7.1.06	71. Deliver the annual Arts Trail event				•

PM Ref	Actions	Quarter			
		Sept	Dec	Mar	Jun
1.7.4.01	72. Participate in the management of the Geelong Regional Library Corporation			•	
1.7.5.01	73. Improve organisational community engagement processes				•
1.7.1.10	74. Advocate and lobby for regional youth service providers to service the Golden Plains Shire			•	
1.7.4.02	75. Advocate and lobby for increased funding for library services			•	
1.7.2.04	76. Advocate and lobby for increased funding for recreation and community infrastructure development			•	
1.8.2.19	77. Advocate for continuation of the Regional TIRES (Timber Impacted Roads Evaluation Study) funding program	√			
1.8.2.07	78. Participate in regional roads groups		√		
1.8.1.01	79. Implement bridge replacement program		√		
1.8.2.23	80. Support the Development of the Ballarat Western Link project	√			
1.8.1.02	81. Implement routine pavement maintenance, patching and resealing for the sealed road network				•
1.8.1.02	82. Implement cyclical re-sheeting and routing maintenance grading of gravel roads				•
1.8.1.02	83. Implement bridge and culvert reconstruction, replacement or maintenance				•
1.8.1.03	84. Implement maintenance of drainage systems			•	
1.8.1.02	85. Implement maintenance on all footpaths and join-use paths located on road reserves with constructed roads				•
1.8.1.03	86. Implement restoration program for Council utilised gravel pits and former landfill sites			•	
1.8.1.04	87. Support small township restoration and development through safety clearing of road side trees, maintenance of avenues of honour, streetscape beautification tree planting, grass mowing and parks and reserves maintenance				•
1.8.1.02	88. Implement maintenance of Ballarat-Skipton Rail Trail				•
1.8.2.24	89. Advocate and lobby for Regional Transport Plans	√			
1.8.2.15	90. Advocate and lobby for increased VicRoads expenditure on maintenance of the main road network	√			
1.8.2.13	91. Advocate and lobby for duplication of Midland Highway between Geelong and Bannockburn	√			
1.8.2.14	92. Advocate and lobby for duplication of the Glenelg Highway between Ballarat and Smythesdale	√			
1.9.1.01	93. Implement a new garbage collection service that is highly focused on sustainability and recycling			•	
1.9.1.01	94. Investigate opportunities for transfer stations within the Shire			•	

PM Ref	Actions	Quarter			
		Sept	Dec	Mar	Jun
1.9.2.05	95. Participate in the Regional Waste Management Group			•	
1.9.2.01	96. Advocate and lobby for local projects funded by the State Landfill Levy			•	
1.9.2.04	97. Advocate and lobby for Ballarat's Regional Landfill compliance with the planning scheme and EPA licences		√		

A detailed explanation of actions can be obtained from Attachments 1a to 1h – Council Plan 2016-17 Actions Quarterly Report for December 2016.

Community Engagement

A formal consultation process was not required.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social and Environmental Implications

It is considered that there are no economic, social or environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

The implementation timetable adopted by officers is an effective monitoring method to enable Council to complete the 2016-17 actions contained in the 2013-2017 Plan.

Recommendation

That Council note the report and achievements attained in the implementation of the actions contained in the Council Plan 2013-2017.

4.3. **KEY RESULT AREA – ECONOMIC DEVELOPMENT**

No report.

4.4. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING

4.4.1 Local Laws Review – Final draft for Council endorsement

Directorate	Assets and Amenity
Unit	Assets and Amenity Development
Senior Manager	Greg Anders, Acting Chief Executive Officer
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	N/a
Council Plan Link	Environment & land Use Planning: Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	N/a
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> ▪ Local Government Act 1989 ▪ Local Law No. 2 – General Public Amenity
Attachments	2. Draft Local Law No 2. – General Public Amenity

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager and author, I have no disclosable interests in this report.

Purpose

This report seeks Council endorsement of the amended draft Local Law – General Public Amenity. The drafting of a new local law to replace Local Law No.2 Public Amenity, Roads and Streets commenced in early 2016. The rewriting process closely followed the State Government Guidelines for Local Laws Manual and was the subject of peer review by expert legal counsel. The draft Local Law provisions have been made available through a formal public notification process and submissions have been considered by Council. This report and its recommendation represent one of the final important steps in the adoption process.

The report provides a summary of changes and inclusions following the consideration of submissions at the December Ordinary meeting of Council, an outline of the next steps in the approval process and a recommendation for Council's consideration.

Background

Council's current Local Law No. 2 came into operation on 25 January 2007. Pursuant to Section 122 of the Local Government Act 1989 Local Law No. 2 ceases to be operational on 24 January 2017.

Under section 111 of the *Local Government Act 1989*, a Council has powers to make local laws for or with respect to any act, matter or thing under which the Council has a function or power in accordance with the following general limitations:

- The local law must relate to a power or function Council has under legislation;
- A local law must not be inconsistent with any Act or regulation;
- If a planning scheme is in force in the municipal district of a Council, the Council must not make a local law that duplicates or is inconsistent with the planning scheme;
- A Council must have regard to any guidelines made by the Minister under section 111A of the *Local Government Act 1989* when making local laws; and
- A Council must comply with any prescribed details relating to the preparation and content of local laws when making local laws.

Council's Assets and Amenity directorate began internal workshops on drafting a new local law in February 2016. Workshops were conducted involving the Environment Services team (including Local Laws), and the Works, Planning and Environmental Health teams, who were identified as being the main internal users of the current Local Law No. 2. Internal workshops investigated common complaints received by Council, known inefficiencies with the current Local Laws, and the review of best practice provisions adopted by municipalities with similar characteristics to Golden Plains Shire. Workshops resulted in a number of inclusions, removals and revisions to the current local law.

In addition to the internal workshops, Harwood Andrews Solicitors were engaged to undertake a review and assessment of Council's draft Local Law No. 2 (General Public Amenity) and to provide a report on the draft local law.

At the Council workshop held on the 23 August 2016 Councillors were presented with a second draft of the revised Local Law No. 2. A number of issues were recorded by officers as requiring further attention prior to public notification. Issues related to animal keeping restrictions and shipping container permit requirements. Changes were incorporated into the draft local law which was placed on public notification. In December a report was presented to Council on the submissions received following the public notification process.

Discussion

There are a broad range of matters that are addressed by the proposed Local Law. These matters are addressed under the following headings:

- People & Property
- Animals
- Disposal of waste
- Matters concerning general activities on roads
- Management of parking
- Livestock on roads
- Standpipe management
- Administration of the local law

The objectives of the proposed Local Law 2: General Public Amenity are to:

- (a) Provide a safe and healthy environment in which the residents of the Shire are provided with an opportunity to enjoy a quality of life that enhances their well-being;
- (b) Prohibit, regulate and control activities that may be dangerous, unsafe or detrimental to quality of life or environment in the Shire;
- (c) Facilitate the provision of general public services, health and other community services, property services, recreational and cultural services and other services in a way that promotes equal opportunity and non-discriminatory practices and enhances the environment and quality of life in the Shire;
- (d) Control nuisances and other environmental hazards that may adversely affect the enjoyment of life, health, safety or welfare of people within the Shire;

- (e) Prohibit, regulate and control activities and events associated with:
 - (i) Unsightly land;
 - (ii) Burning of offensive materials;
 - (iii) The use of recreational vehicles;
 - (iv) Advertising and bill posting;
 - (v) Camping;
 - (vi) Animals, including animal numbers and the keeping and control of animals;
 - (vii) The disposal of waste, including behaviour associated with tips; and
 - (viii) The administration of Council's powers and functions in a way that is consistent with, and in furtherance of, the objectives specified in paragraphs (a) to (d) above.
- (f) Provide for the management of the physical features of roads and adjacent properties in a manner that is consistent with the safety and convenience of road users;
- (g) Control the use of various types of vehicles and animals for the safety and convenience of road users;
- (h) Provide for the preservation and protection of Council's assets from damage that may be caused from extraordinary use of roads;
- (i) Control and regulate secondary activities on roads, including trading, the placing of goods and equipment, parties, festivals, processions, collections, and droving;
- (j) Facilitate free and safe access for people with sight and movement impairment or disabilities;
- (k) Provide for the management and control of parking to minimise disruption, danger or nuisance to the users of Council's parking facilities;
- (l) Control the use of Council-operated standpipes;
- (m) Revoke Local Law No. 2 of 2007; and
- (n) Provide generally for the peace, order and good government of the Shire.

Consultation and review

Following public notification Council received eleven (11) submissions to the draft Local Law. Nine of the submissions indicated support for the provisions emphasising the need for greater control on the use of motorised recreational vehicles on private land and domestic storage within shipping containers. A number of changes incorporated into the draft Local Law in response to submissions are discussed below.

Motorbike provisions

Eight of the eleven submissions to the draft Local Law provisions addressed concerns regarding the use of recreational motor vehicles on private land. The majority of these submissions welcomed regulation and control regarding the hours of use and the circumstances surrounding the riding of motorised recreational vehicles. In response to submissions, amendments have been made to the definitions and headings sections of the draft local law to ensure clarity and consistency in the interpretation of the provisions.

Requests for a further tightening of regulations regarding hours of use have been carefully considered and the permitted times of use have been amended as detailed below:

First draft proposed hours of use:

Monday to Friday: 7.00am – 8.00pm
Saturday, Sunday and Public Holidays: 9.00am – 8.00pm

Final proposed hours of use:

Monday to Friday: 9:00am – 8:00pm
Saturday, Sunday and Public Holidays: 10:00am – 6:00pm
No changes have been made to the property size requirements or to the relevant penalty units for an offence.

It is considered that the draft provisions strike the appropriate balance between protecting amenity for all residents and allowing the use of private land for a legitimate recreational pursuit.

Dogs on lead provisions

A number of 'dog on lead' and 'dog off lead' area models were considered in the process of developing the draft local law. In the current Local Law there are no restrictions on dogs in public areas under the control of their owner.

After the consideration of submissions it was determined that a future regulatory model should place additional control on dogs in those areas with the higher densities of human population and significant pedestrian movement. In refining the approach, zone mapping was updated to include those streetscapes which serve as the main thoroughfares for children attending school. Dog on leash requirements are proposed to apply within nine of the larger townships across the Shire.

In the process of implementation it is likely that new signage would be required to be installed at the entry points to the restricted areas. The introduction of the new requirements would also be the subject of a significant public education and awareness campaign explaining the reasons for the control and the consequences of non-compliance.

The draft 'dog on lead' provisions contained within the draft Local Law are considered to be appropriate for a predominantly rural Shire where there have not previously been regulations requiring dogs on leads in public areas.

Implementation

The Local Law comes into operation when it is made, that is, immediately after a Council resolution to adopt, not when notice is published in the Gazette or a newspaper. Once a Local Law is made Council must take the appropriate steps to ensure that it can be lawfully utilised. Importantly Council must gazette and give public notice of the Local Law. A public notice must specify the title of the Local Law, the purpose, the general purport of the Local Law and confirmation that a copy of the Local Law may be inspected at the Council office. In addition to the notice requirements Council will make available a copy of the new Local Law on the Golden Plains Shire website.

A copy of the new Local Law must be sent to the Minister for Local Government. Council officers will be undertaking a review of authorisations and delegations to ensure the administration of the new provisions is lawful.

Transitional arrangements

Prior to the circulation of the draft provisions for public review and comment Council sought legal advice regarding transitional arrangements and the retrospective application of the draft provisions. On the matter of retrospective application the following advice was provided:

'In general, any change to the local laws will only have prospective effect. That is, no fines or penalties should be pursued against persons who had shipping containers, animals, heavy vehicles etc on their land prior to the commencement of the new law. However, upon the commencement of the new law, persons in breach of the local law will be required to obtain a permit or otherwise comply with the local law.'

Council officers will work with the community to ensure that new Local Law requirements are clearly understood. Where issues of non-compliance pre-date Local Law provisions Council officers will work with property owners to resolve ongoing amenity impacts. In determining actions to resolve ongoing non-compliance Officers will ensure timeframes for resolution are fair and reasonable.

Education and awareness

An important part of the implementation process will involve education and awareness campaigns across the Golden Plains Shire community. This step is likely to involve some of the following techniques:

- General communications – through public notice and government gazette, through Golden Plains Shire gazette articles, mail outs to effected groups and individuals, social media and traditional media announcements;
- Targeted communications – including the installation of signage in strategic locations, visits to businesses and community groups, letters to developers and builders, etc;
- Guidance materials – FAQ sheets, online and hardcopy brochures addressing particular issues, etc.

Officers from the Community Protection (Local Laws) team will work closely with Communications officer to develop and distribute education and awareness materials.

Community Engagement

A formal consultation process was required. Public notice was published in the Geelong Advertiser and Ballarat Courier newspapers inviting submissions and comments. Copies of the draft local law were made available for viewing at the two customer service centres.

Submitters to the draft local law were invited to address Council at the December Ordinary Council Meeting. Details regarding the local law review process were published within the Gazette and made available on Council's website.

Financial & Risk Management Implications

Financial implications associated with the adoption of a new Local Law have been considered. New provisions may generate service actions placing an additional burden on existing operating budgets. New provisions have the potential to generate income from the issuing of penalties for infringeable offences.

It is considered that there are no risk management implications that should prevent the adoption of the draft provisions.

Economic, Social & Environmental Implications

It is considered that there are no economic implications that should prevent the adoption of the draft provisions. Council's local laws have social implications for residents. Through the public notification process residents and ratepayers have been afforded the opportunity to consider and comment on the proposed draft.

It is considered that the local laws serve to protect the environmental values and objectives of Council and the broader community.

Communications

A communications plan was prepared and implemented through the drafting and refinement stages of the process. Communications were distributed within Council's publications and website in addition to the notices placed in the Geelong Advertiser and Ballarat Courier. A new communications plan will be developed that specifically addresses the implementation of the provisions once adopted.

Conclusion

In accordance with the requirements of the Local Government Act 1989, Council's current Local Law No. 2 – Public Amenity, Roads and Streets is due to expire. It is proposed that the new Local Law No 2 – General Public Amenity be adopted in its place. The revised draft is the result of a comprehensive process of document development and review. The draft local laws have been informed by internal workshops and officer records detailing common complaints, investigations and general compliance activities. The draft local laws were reviewed and formatted by Harwood Andrews Lawyers and have been considered at numerous Councillor workshops. The public notification process has revealed strong community support for the draft local law. When the resolution is carried the Local Law will become effective immediately.

The draft local laws are tailored to address a range of amenity issues relevant to both rural communities and to growing townships in a peri-urban context. The provisions build on the proven strengths of our existing local laws and address those areas where provisions have failed to provide certainty to our residents and rate payers.

The process undertaken to create the proposed Local law has been in accordance with the statutory provisions of the Local Government Act 1989 and it is recommended that Council resolve to formally make Local law No. 2 – General Public Amenity.

Recommendation

That Council, in accordance with the provisions of the Local Government Act 1989 (The Act):

- 1. Notes and acknowledges the written and verbal submissions received and considered as part of the formal consultation process for Local Law No. 2 – General Public Amenity;***
- 2. Makes Local Law No. 2 – General Public Amenity (Appendix)***
- 3. Gives public notice of the making of Local Law No. 2 – General Public Amenity in accordance with Section 119(3) of the Act; and***
- 4. Forwards to the Minister for Local Government a copy of Local Law No. 2 – General Public Amenity.***

4.4.2 Amendment C67 -South West Landscape Assessment Study

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Laura Wilks, Planning Team Leader
File References	EDMS file: 60-02-067
Council Plan Link	Encourage and facilitate sustainable land use and development and protect and enhance the natural environment
Relevant Council Strategies	N/A
Overlays	Significant Landscape Overlays schedule 1 and 15
Relevant Legislation	Golden Plains Planning Scheme Planning and Environment Act 1987
Attachments	3. Part 1 – SLO 1 and 15 Instruction Sheet, Explanatory Report, Submissions Received, conditional withdrawal of submissions including new map for proposed Rowsley Scarp Environs 4. Part 2 – SLO14

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Laura Wilks: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to seek Council adoption of Amendment C67 – South West Landscape Assessment Study (SWLAS).

Proposal

The SWLAS identified four significant landscapes within the Golden Plains Shire Council. These were:

- Brisbane Ranges & Rowsley Scarp Environs
- Enfield State Park
- Devils Kitchen
- Barrabool Hills

The study recommended that the Significant Landscape Overlays (SLO) be applied to the Barrabool Hills and the Brisbane Ranges & Rowsley Scarp Environs landscapes and the existing SLO controls for Devils Kitchen be strengthened.

The Enfield State Park and Brisbane Ranges National Park already have statutory protection through their designation as public parks and therefore did not require additional controls and hence the scope of the proposed overlays has been reduced to exclude the Brisbane Ranges and Enfield State Park.

A description of each significant landscape is provided below:

Rowsley Scarp Environs (SLO15)

A new SLO is proposed for the Rowsley Scarp Environs, which is a long tectonic fault line that sweeps from Bacchus Marsh in the north, past Anakie in the south, and forms the eastern edge of the Brisbane Ranges. The proposed SLO15 was mapped to cover the edges of the Brisbane Ranges and Scarp, as included within the Golden Plains Shire.

It was proposed that the SLO would be applied to land within the Farming Zone and the Rural Conservation Zone, excluding land within the Public Conservation and Resource Zone.

Devils Kitchen (SLO1)

This existing SLO is proposed to be strengthened. It covers the deeply incised gorge of the Woody Yaloak River. The existing SLO has been mapped to align with cadastral boundaries and roads and covers views from the identified viewing corridor of Piggoreet Road. The existing SLO largely applies to Farming Zone land with an area of Public Conservation and Resource Zone.

No change to the extent of the SLO was proposed, however its controls are proposed to be strengthened. Specifically, to avoid built form in visually prominent locations, minimise visual impact measures such as a clustering of new and existing buildings, implementing adequate setbacks and careful siting, design and material selection.

Barrabool Hills (SLO14)

A new SLO was proposed by way of introducing the proposed SLO which has been mapped to cover the landscape setting and foreground of the Hills as are visible from the Hamilton Highway. This includes part of the Barwon River Valley.

Background

In October 2015 Amendment C67 was formally exhibited with notice being directly sent to affected landowners. As a result of exhibition there were seven (7) submissions received from landowners. The submissions regarding the Devils Kitchen and Rowsley Scarp Overlays were successfully resolved and subsequently withdrawn. As not all submissions were withdrawn, in September 2016 the Planning Committee resolved to:

1. Adopt Part 1 of Amendment C67 in the form of Attachment 3 and send to the Minister for Planning for approval in accordance with section 31(1) of the Planning and Environment Act 1987.
2. Abandon Part 2 of Amendment C67 in the form of Attachment 4.

Part 2 of the Amendment affected those landowners who had made submissions which were not resolved.

Under Section 188 of the *Planning and Environment Act 1987* the Planning Committee is not authorised to adopt or abandon an amendment. Therefore this report simply seeks formal Council adoption of Part 1 and abandonment of Part 2 to allow the Minister to consider the approval (in part) of the amendment.

Cultural Heritage Implications

There are no Cultural Heritage Implications

Financial & Risk Management Implications

There are no Financial & Risk Management Implications

Economic, Social & Environmental Implications

There are no Economic, Social & Environmental Implications

Communications

It is not considered that a communication plan is required.

Conclusion

It is recommended that the implementation of the South West Landscape Assessment be carried out via the application of the reinforced Devils Kitchen SLO and the application of the Rowsley Scarp SLO (Part 1). The Amendment will give statutory effect to the recommendations of the study, and assist Council in its decision making in relation to future development within the Shire's significant landscapes.

It is further recommended that the Barrabool Hills SLO be abandoned (Part 2).

For further detail regarding the assessment of this amendment please refer to the Minutes of the September Planning Committee (13 September 2016).

Recommendation

That Council resolve to:

- 1. Adopt Part 1 of Amendment C67 in the form of Attachment 3 and send to the Minister for Planning for approval in accordance with section 31(1) of the Planning and Environment Act 1987.***
- 2. Abandon Part 2 of Amendment C67 in the form of Attachment 4.***

4.5. KEY RESULT AREA – FINANCIAL MANAGEMENT

No report.

4.6. KEY RESULT AREA – HUMAN SUPPORT SERVICES

No report.

4.7. KEY RESULT AREA – RECREATION & COMMUNITY DEVELOPMENT

4.7.1 Access and Inclusion Plan 2016-2019

Directorate	Community Services
Unit	Recreation and Community Development
Senior Manager	Jill Evans, Community Services Director
Responsible Manager	Louisa White, Community Development Manager
Author	Rebecca Hickey, Health and Wellbeing Team Leader
File References	EDMS file: 52-01-1117 – Access and Inclusion Plan and Action Plan
Council Plan Link	To provide a range of sustainable human support services that maintains or enhances the wellbeing and quality of life of Golden Plains Shire residents.
Relevant Council Strategies	Access and Inclusion Plan 2016-2019
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> ▪ Disability Act 2006 ▪ Disability Discrimination Act 1992 ▪ National Disability Strategy 2010-20 ▪ Victorian State Disability Plan 2013-16 ▪ Creating a more Inclusive Community for People with a Disability – A strategic Framework for Local Government (MAV Framework)
Attachments	<ol style="list-style-type: none"> 5. Background Paper and Consultation Report 6. Draft Access and Inclusion Plan 7. Community feedback

Declarations of Interest: Councillors & Officers

Jill Evans: In providing this advice as the senior manager, I have no disclosable interests in this report.

Louisa White: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Rebecca Hickey: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to seek Council adoption of the Golden Plains Shire Access and Inclusion Plan 2016-2019.

Background

Golden Plains Shire has developed a new Access and Inclusion Plan (AAIP). Council's current plan expired in 2016. The AAIP will support Council in meeting its obligations under the Commonwealth Disability Discrimination Act 1992 and other relevant legislation.

A key component in the development of the AAIP was consultation and engagement with the Golden Plains' community, as well as Council staff, to assist in identifying access barriers, issues, opportunities and potential priorities for improvement.

Council's commitment to a thorough consultation process has enabled engagement with a cross-section of stakeholders providing the opportunity for the community to express their views via a range of engagement and feedback options.

A Council workshop was held in July 2016 which informed Council of the key findings and issues identified during the consultation process.

The Access and Inclusion Plan (AAIP) 2016-2019 as a whole comprises four separate documents:

1. AAIP Background Paper
2. AAIP Consultation Report
3. AAIP Part A – Introduction and Overview
4. AAIP Part B – Key actions for the next three years to address access and inclusion.

The four documents provide a simple approach to understanding the AAIP, what has contributed to its development, and how it is going to be implemented.

Discussion

The AAIP provides the framework for Council to address disability and access and inclusion issues across all areas of the organisation's operations. The Plan assists in removing existing or potential barriers and provide equity of access to premises, services, programs, information, communication and employment processes and systems related to Council.

The draft plan consists of two documents. Part A outlines the following:

- The purpose of the Access and Inclusion Plan
- Who is impacted by access and inclusion in Golden Plains Shire
- Council's requirements specified in the legislation and what is considered best practice
- The potential key areas for action.

Part B focuses on the specific actions that are recommended for implementation over the next three financial years of Council. Included are the specific budget requirements so that these can be allocated in the coming financial years, providing confidence that the actions will be prioritised and if funded, will be implemented, coordinated and reported on annually.

The actions have been integrated into the four priority areas as follows:

- Natural and built environment - Getting around;
- Services and programs - Getting involved;
- Information and communication - Getting informed;
- Council operations - Council.

Community Engagement

Community meetings, online surveys and paper surveys were undertaken during April 2016 and were provided to the Disability – Access and Inclusion Advisory Committee, community members, staff and organisations that provide services for Golden Plains Shire residents.

Anyone who could not participate in this way was provided the opportunity to provide feedback by phone or email directly with the consultant. Information about the consultation opportunities were available via the Gazette and Council's website, through flyers, emails, phone calls and mail outs to community contacts, Council committees, schools, kindergartens and community centres.

The draft Access and Inclusion Plan 2016-2019 was open for public exhibition from 5 December 2016 until 1 January 2017. Opportunities to provide comment were promoted in six community newsletters, The Geelong Advertiser, The Courier and Council's website. Hard copies were available for viewing at the Bannockburn Customer Service Centre, Linton Customer Service Centre and The Well, Smythesdale. Electronic copies were sent to individuals who participated in earlier consultation processes in the development of the plan.

Comment during the public exhibition period was received from one community member. The comment was complimentary and did not effect change in content of the final plan.

Financial & Risk Management Implications

New legislation requires that a Council that proposes to adopt a plan to provide services or take initiatives must ensure that the resources required for the plan are consistent with the Strategic Resource Plan.

The AAIP contains a number of recommendations that are listed as either resourced or contingent. Actions listed as resourced are currently included in Council's Strategic Resource Plan. Actions listed as contingent require further funding. The contingent action items will be considered within Council's budget process.

Actions identified in this Plan will assist Council to identify potential risks and manage them proactively.

Economic, Social & Environmental Implications

The economic implications are that organisations and residents with disabilities within Golden Plains Shire will benefit from employment and participation in economic opportunities.

The social implications are that Golden Plains Shire residents who have a disability or access issues will be able to fully participate in community life and be more autonomous in their everyday actions.

It is considered that there are no environmental implications.

Communications

The final plan will be available electronically on Council's website and hard copies will be printed for distribution to key stakeholders and community on request.

Conclusion

The Access and Inclusion Plan 2016-2019 is informed by a comprehensive community and stakeholder consultation and enables Council to be proactive and responsive to meeting the needs of people with disabilities and other access challenges within the Shire.

The AAIP continues to assist Council in removing existing or potential barriers to access and inclusion and provide equity of access to premises, services, programs, information, communication, and employment processes and systems related to Council, whilst also supporting Council in meeting its obligations under the Commonwealth *Disability Discrimination Act 1992* and other relevant legislation.

Recommendation

That Council adopt the Access and Inclusion Strategy 2016-2019.

4.8. KEY RESULT AREA – ROADS & STREETS INFRASTRUCTURE

No report.

4.9. KEY RESULT AREA – WASTE MANAGEMENT

No report.

5. NOTICES OF MOTION

File: 02-03-004 &

6. PETITIONS

7. OTHER BUSINESS

7.1. MAYOR'S REPORT

Cr Des Phelan, Mayor
File: 02-03-003

The Mayor reported on a range of meetings and activities that he was engaged in over the past month.

Date	Details
12/1/17	Central Highlands Council meeting with Tim Pallas MP, Treasurer of Victoria
17/1/17	Meeting with Jaala Pulford MP, Minister for Agriculture, Regional Development and Deputy Leader of the Government in the Legislative Council
19/1/17	Official Australia Day Luncheon – Department of Premier and Cabinet

7.2. CHIEF EXECUTIVE OFFICER'S REPORT

Rod Nicholls, Chief Executive Officer
File: 02-03-004

7.3. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT

Cr Nathan Hansford, MAV Delegate
File: 03-05-001

7.4. COUNCILLOR REPORTS

7.5. IN CAMERA MEETING

8. ATTACHMENTS

Attachment 1a	Item 4.2.1	KRA – Citizen & Customer Service
Attachment 1b	item 4.2.1	KRA – Economic Development
Attachment 1c	Item 4.2.1	KRA – Environment & Land Use Planning
Attachment 1d	Item 4.2.1	KRA – Financial Management
Attachment 1e	Item 4.2.1	KRA – Human Support Services
Attachment 1f	Item 4.2.1	KRA – Recreation & Community Development
Attachment 1g	Item 4.2.1	KRA - Roads & Streets Infrastructure
Attachment 1h	Item 4.2.1	KRA – Waste Management
Attachment 2	Item 4.4.1	Draft Local Law No 2. – General Public Amenity
Attachment 3	Item 4.4.2	Part 1 – SLO 1 and 15 Instruction Sheet, Explanatory Report, Submissions Received, conditional withdrawal of submissions including new map for proposed Rowsley Scarp Environs
Attachment 4	Item 4.4.2	Part 2 – SLO14
Attachment 5	Item 4.7.1	Background paper and Consultation Report
Attachment 6	Item 4.7.1	Draft Access and Inclusion Plan
Attachment 7	Item 4.7.1	Community feedback

Attachments are available upon request.

9. CLOSE OF MEETING

Assemblies of Councillors

Council is advised that Assemblies of Councillors meetings will be held on Tuesday 14 February 2017 at the Bannockburn Shire Hall. The meetings are not open to the public.

Next Ordinary Meeting

The next Ordinary meeting of Council will be held on Tuesday 28 February 2017 at the Linton Customer Service Centre. The meeting is open to the public.

Close of Meeting

It is recorded that the meeting closed at _____ pm.

10. CERTIFICATION

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Council meeting have been confirmed as a true and correct record.

Confirmed, Mayor, Cr Des Phelan

Date

Distribution

Agendas (total printed).....14
Councillors.....7
CSO.....2
Gallery.....5