



# Council Meeting Agenda

**Bannockburn Shire Hall**

**Tuesday 28 November 2017, 4.00pm**

**Embargoed until 5pm on  
Friday 24 November 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 Helena Kirby  
Cr David Evans  
Cr Joanne Gilbert  
Cr Nathan Hansford  
Cr Des Phelan  
Cr Les Rowe  
Cr Owen Sharkey

Mayor

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 24 October 2017, as circulated, be confirmed.**
- 2. That the Minutes of the Special meeting of Council held 8 November 2017, as circulated, be confirmed.**

### 3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

#### 3.3.1 Council Briefing: Regional Flood Strategy (24 October 2017)

Meeting type and name	Council Briefing: Regional Flood Strategy
Meeting date and time	3.00pm Tuesday 24 October 2017
Matters discussed	1. Regional Floodplain Management Strategy
Councillor information	1. Draft Regional Floodplain Management strategy 2. Golden Plains Shire specific information brochure
Councillors	Cr Des Phelan, Mayor 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 Martin Roberts, Environment Services Team Leader Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

#### *Recommendation*

**That Council notes the record of assemblies of Councillors:**

- 1. Council Briefing: Regional Flood Strategy (24 October 2017)**

### 3.4. **ADVISORY COMMITTEES OF COUNCIL**

#### 3.4.1 **Audit & Risk Committee (14 November 2017)**

Richard Trigg, Director Corporate Services

File: 02-01-001

<b>Meeting type and name</b>	<b>Audit &amp; Risk Committee Meeting</b>
Meeting date and time	Tuesday 14 November 2017, 9.00am
Matters discussed	<ol style="list-style-type: none"> <li>1. Election of the Chair</li> <li>2. Audit and Risk committee Charter and Composition</li> <li>3. Meeting Plan 2017-18 – Audit and Risk committee</li> <li>4. Swimming Pool Safety Audit Program</li> <li>5. Quarterly Risk Management Report</li> <li>6. Finance Report</li> <li>7. Strategic Internal Audit Plan – Outstanding Recommendations</li> <li>8. Fraud Investigation</li> </ol>
Councillor information	<ol style="list-style-type: none"> <li>1. Council Agenda item 4.6.2 – 26 September 2017</li> <li>2. Council Agenda item 4.6.3 – 24 October 2017</li> <li>3. Adopted Charter – 24 October 2017</li> <li>4. Meeting Plan 2018</li> <li>5. Quarterly Risk Management Report</li> <li>6. Recent Reports and Publications of Interest</li> <li>7. Budget Report 3 Months Ended 30 September 2017</li> <li>8. VAGO – Audit engagement letter</li> <li>9. Summary of Outstanding Recommendations</li> </ol>
Councillors	Peter Bollen, Independent Chairman Joe Adamski, Independent member Andrew Pearce, Independent member Cr Helena Kirby, Mayor Cr Nathan Hansford
Apology	Greg Anders, Director Assets & Amenity
Staff	Rod Nicholls, Chief Executive Officer Richard Trigg, Director Corporate Services Jill Evans, Director Community Services Jason Clissold, Acting Human Services Manager Claire Tehan, People & Culture Manager Carolynne Roberts, Acting Finance Manager Dale Aston, Municipal Building Surveyor Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

#### ***Recommendation***

***That Council notes the Audit and Risk Committee meeting minutes 14 November 2017.***



### 3.4.2 **Confidential: Chief Executive Officer (CEO) Review Committee**

Cr Helena Kirby, Chairperson  
File: 02-01-002

No meeting held.

## **4. REPORTS**

### **4.1. KEY RESULT AREA – CITIZEN & CUSTOMER SERVICE**

No reports.

## 4.2. **KEY RESULT AREA – CIVIC LEADERSHIP**

### 4.2.1 **Review of Council Policy 4.3: Confidential Information.**

Directorate	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: 34-03-001 and 02-03-005
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future, and advocate for our community
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Council Policy Manual
Attachments	1. Amended Council Policy 4.3

#### ***Declarations of Interest: Councillors & Officers***

Richard Trigg, Director Corporate Services: In providing this advice as the senior manager, responsible manager and author, I have disclosable interests in this report.

#### ***Purpose***

The purpose of this report is to review and adopt Council Policy 4.3: Confidential Information.

#### ***Background***

Policy 4.3 was first adopted in 1997 and last reviewed in 2014.

#### ***Discussion***

This policy complements other policy and legislation and provides guidance on identifying confidential information, the balance between confidential and informing the community and how confidential information is identified to the Council.

Minor amendments are proposed which seek to further clarify the operation of the Policy.

In all other respects, the Policy has served the Council well and no other changes are proposed.

#### ***Community Engagement***

A formal consultation process is not required.

#### ***Financial & Risk Management Implications***

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

#### ***Economic, Social & Environmental Implications***

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

#### ***Communications***

It is considered that a communication plan is not required.

*Conclusion*

The proposed changes have been developed by Officers to assist in clarifying the operation of the policy.  
A marked-up version of the amendments is shown in the attachment.

*Recommendation*

***That Council adopt amended Policy 4.3: Confidential Information as presented in the attachment.***

#### 4.2.2 Review of Council Policy 4.8: Recognition of Service by Councillors.

Directorate	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: 34-03-001 and 02-03-005
Council Plan Link	Delivering good governance and leadership – we will govern with integrity, plan for the future, and advocate for our community
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Council Policy Manual
Attachments	2. Council Policy 4.8 Recognition of Service by Councillors

#### ***Declarations of Interest: Councillors & Officers***

Richard Trigg, Director Corporate Services: In providing this advice as the senior manager, responsible manager and author, I have disclosable interests in this report.

#### ***Purpose***

The purpose of this report is to review and adopt Council Policy 4.8: Recognition of service by Councillors.

#### ***Background***

Policy 4.8 was first adopted in 1998 and last reviewed in 2013.

#### ***Discussion***

The policy provides clear guidelines on when a Councillor will receive a certificate of service and a gift based on years of service.

A gift to the value of 1% or 2% of the annual allowance for a councillor has been the policy for some time with the percentage not requiring an increase as the Councillor allowance itself is indexed each year.

For reference, the current value of a 1% gift is \$216.

The policy has served the Council well and no changes are proposed.

#### ***Community Engagement***

A formal consultation process is not required.

#### ***Financial & Risk Management Implications***

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

#### ***Economic, Social & Environmental Implications***

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

#### ***Communications***

It is considered that a communication plan is not required.

*Conclusion*

The current policy has served the Council well in the past and no amendments are proposed.

*Recommendation*

***That Council adopt Policy 4.8: Recognition of service by Councillors, in its current form as presented in the attachment.***

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

#### 4.3.1 **Policy Review – 6.4 Tourism & Service Signage on Roads**

Directorate	Chief Executive Office
Unit	Executive Unit
Senior Manager	Mike Barrow, Manager Executive Unit
Responsible Manager	Mike Barrow, Manager Executive Unit
Author	Mike Barrow, Manager Executive Unit
File References	EDMS File: 06-07-008
Council Plan Link	Enhancing Local Economies We work with business, government and community partners to sustain a diverse, resilient, prosperous and socially responsible economy, through investment attraction, supporting local business, and tourism development
Relevant Council Strategies	Economic Development and Tourism Strategy 2017 – 2021.
Relevant Policies & Legislative Frameworks	Road Management Act 2004 Council Policy 6.4 – Tourism & Service Signage on Roads
Attachments	3. Council Policy 6.4 – Tourism & Service Signage on Roads

#### ***Declarations of Interest: Councillors & Officers***

Mike Barrow: 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 seek Council endorsement for Council Policy 6.4 Tourism & Service Signage on Roads.

#### ***Background***

Council has the responsibility to manage the installation and control of directional signage under its obligations as a coordinating road authority pursuant to Section 66 of the Road Management Act 2004 (the 'Act'). Policy number 6.4 relates to these obligations and is due for review.

#### ***Discussion***

VicRoads Tourism Signing Guidelines (February 2009) provides direction for the regulation and management of tourism and service signage on VicRoads managed roads. Council Policy 6.4 – Tourism & Service Signage on Roads complies with these guidelines.

It also complies with the relevant Australian Standards that signs must be manufactured to and outlines circumstances under which signs may be removed or adjusted for rationalisation purposes.

#### ***Community Engagement***

A formal consultation process was not required as the Tourism Signing Guidelines were adopted following extensive consultation with the tourism industry, Local Government and tourism businesses.

#### ***Financial Implications***

It is considered that there are no financial implications.

***Economic, Social & Environmental Implications***

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

***Risk Management Implications***

It is considered that there are no risk management implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

The Tourism & Service Signage on Roads policy aligns Council with the current VicRoads Tourism Signing Guidelines and allows for a consistent approach to the installation and management of signage on all roadsides within the Shire.

The VicRoads Tourism Signing Guidelines were developed following consultation with the tourism Industry, Local Government and Tourism Businesses and uphold the basic principles of traffic management and road safety.

The policy has been reviewed and is recommended to Council without change.

***Recommendation***

***That Council endorse Council Policy 6.4 Tourism & Service Signage on Roads.***



#### 4.4. **KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING**

##### 4.4.1 **Planning Application P17-213 The Use and Development of the Land for a Restricted Place of Assembly (Men’s Shed), at 2 Pope Street, Bannockburn**

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Planning Team Leader
Author	Leigh Page, Town Planner
File References	P17-213
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for a restricted place of assembly (men’s shed)
Land Address	2 Pope Street, Bannockburn; Lot 2 on Plan of Subdivision 606914X
Applicant	Golden Plains Shire
Zone & Overlay Summary	<ul style="list-style-type: none"> <li>▪ Low Density Residential Zone</li> <li>▪ Design and Development Overlay 5</li> </ul>
Attachments	<ol style="list-style-type: none"> <li>4. P17-213 Application, Site and Elevation Plans</li> <li>5. P17-213 Victoria Park Precinct Masterplan</li> <li>6. P17-213 Locality Plan</li> <li>7. P17-213 Copy of Objections</li> </ol>

#### ***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.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

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

#### ***Purpose***

This report relates to a planning permit application for the use and development of the land for a restricted place of assembly (men’s shed) at 2 Pope Street, Bannockburn. The application has been referred to Council for determination as an objection to the application has been received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

#### ***Proposal***

The application proposes the use and development of the land for a restricted place of assembly (men’s shed) (refer to attachment 5).

The proposed shed will be 28 metres x 12 metres and 4.8 metres to the highest point. The shed will have a 3 metre x 4 metre x 3 metre high portico entrance at the north side of the shed and is proposed to be constructed of colourbond cladding and coloured Shale Grey.

The proposal will provide a large hard standing area to the west for car parking as shown on the Victoria Park precinct masterplan (refer to attachment 6).

The northern third of the shed will be a meeting and amenities area, with the southern two-thirds being the workshop area. The workshop will be used predominantly for woodwork, metal work, welding, art and sculpting and other associated hobbies. The meeting area will be used for club meetings for the Men's Shed group along with other community groups such as the local garden club, the angling club, and Bannockburn's Women's Shed group.

A landscape plan will be required to help screen the shed.

Access to the site is proposed to be from the existing driveway from Moore Street.

### *Site Description*

The land of 2 Pope Street, Bannockburn is Council owned and has a total area of approximately 5.7 hectares and currently contains the Golden Plains Shire main office, the family services centre, and sporting ovals and facilities.

The parcel of land is separated into two zonings; Public Use Zone 6 (PUZ6) and Low Density Residential Zone (LDRZ). The shed is proposed to be located towards the south east corner of the LDRZ, being setback 30 metres from the west boundary abutting 11 Andrews Court and 3 metres from the north boundary abutting 79 Burnside Road (refer to attachment 7).

The parcel is surrounded by LDRZ to the north, east, and south, and is not affected by any restrictive covenants.

### *History*

A previous planning permit for the development of a men's shed was approved for this site on 2 September 2016. The shed was proposed to be located within the PUZ6, on the undeveloped area between the existing Family Services Centre and the sporting oval.

The new siting will allow for a better layout of facilities on Council land, as shown in the approved Victoria Park precinct masterplan.

The application was received by Council on 30 August 2017 and a preliminary assessment of the application was undertaken.

The application was referred to Council's Works Department for their comments and requirements relating to the proposal. The Works Department have responded and requested conditions relating to car parking requirements, surface standards, access, and stormwater.

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

### *Communications*

Notice of the application was given in accordance with Section 52 (1)(a) and (d) of the Planning and Environment Act 1987 (the Act). Notice was provided by mail to three (3) adjoining owners and occupiers. Notice was also carried out by placing a sign on the site.

### *Summary of Objections*

As a result of the public notice one objection was received (refer to attachment 8). The objection relates to noise generated by the proposed use

A consultation meeting was arranged for 16 October 2017 to provide the objector with an opportunity to voice their concerns and to determine if a resolution to the issues could be reached. The objector did not attend the meeting.

## ***Golden Plains Planning Scheme***

### **State Planning Policy Framework**

#### ***Clause 13.04 Noise Abatement***

The objective of the noise abatement policy is to assist the control of noise impacts on sensitive land uses through noise reduction requirements. Noise abatement is applied to ensure that community amenity is not impacted by noise emissions. This is commonly negated by the way buildings are designed as well as by separating sensitive land uses from uses with adverse amenity potential.

#### **Zone & Overlay Provisions**

The site is in a Low Density Residential Zone and the Development Design and Development Overlay 5 applies to this area.

The primary purpose of the zone is to provide for low density residential development. The *Planning Practice Note 78 – Applying the Residential Zones*, identified key attributes of the various residential zones of which the LDRZ is one. The practice note makes clear that non-residential uses can be considered in the LDRZ, for example food and drink premises, service station and a place of assembly.

A Restricted Place of Assembly is not specifically listed as a section 2, permit required use under Clause 32.03-1 of the planning scheme. The proposed use is an innominate (not named or classified) section 2 use under the reference of any other use not in section 1 (permit not required) or section 3 (prohibited uses). Accordingly, a Restricted Place of Assembly has the same status as any other non-residential use in that there is discretion to allow the issue of a permit.

The fact that the LDRZ is silent in its purposes compared to what other residential zones include in their respective purposes does not mean there is less support or otherwise for such proposals. It does, however, present less guidance in how such discretion over whether to grant a permit or not is exercised.

#### **Particular Provisions**

##### **Clause 52.06 Car Parking**

Under the provisions of Clause 52.06 for car parking there are no specified parking figures for this specified use. As a guide, Place of Assembly requires 0.3 parking spaces per patron permitted. The application proposes that a maximum 25 of people could be using the facility at any one time, though in reality the average number of people using the facility at any one time is expected to be less.

Given the application advises that a maximum of 25 people may use the facility at any one time, it is considered that they will need to provide 8 parking spaces. Car parking has not been specifically annotated on site, but there is adequate room for the required car parks, with the large amount of parking in the area allowing more cars to be parked onsite outside of the normal business hours.

An amended site plan will be a condition in the planning permit requiring eight car parking spaces to be provided onsite, including 1 disability compliant space.

The submitted approved Victoria Park precinct master plan indicates a large area to the west of the men's shed will be developed and used for car parking.

##### **Clause 52.10 Uses with Adverse Amenity Potential**

The purpose of Clause 52.10 is to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

The Clause provides the required threshold distances between proposed uses that have the potential to have adverse amenity impacts on residential areas. The proposed use for the men's shed is not listed within Clause 52.10.

### **General Provisions**

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

### ***Discussion***

The application is considered to satisfy the provisions of the State and Local Planning Policy Framework, the Low Density Residential Zone, Design and Development Overlay 5, the Particular Provision for Car Parking, and the Clause 65 of the Victoria Planning Provisions.

The proposed building facility will connect into the existing sewer system, with stormwater connecting into the existing stormwater network.

The establishment and use of 'men's shed' facilities is an initiative that has become popular in recent years and is accepted as a valuable community facility, particularly for community members approaching or at retirement. It can serve multiple purposes that go beyond the works that take place in the shed, in that community connections and friendships can be established or strengthened.

The building will be used as a community men's shed which seeks to provide a facility and place for individuals to get support and undertake hobbies and activities that may not ordinarily be available in such areas. It is proposed that the shed will be open most days 9am to 5pm.

The building will be constructed on Council owned and managed land. There is currently no committee of management for this land. Council have approved this location and support the men's shed initiative.

The zone provides for a wide range of uses other than residential, for which a permit can be granted and the zone purpose neither encourages nor discourages these uses in the zone.

The decision guidelines of the LDRZ provide little guidance in considering applications for a restricted place of assembly, apart from its reference to policy framework and decision guidelines under Clause 65.

Clause 65 includes reference to environmental, social and economic effects, orderly planning, the zone purpose, amenity, land hazards and infrastructure capacity to accommodate a proposed use and development.

Clause 65 identifies that because a permit can be granted this does not imply that a permit should or will be granted. It places an onus on Council to decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines including matters relevant to this

proposal, such as impact on amenity. It is important to note that the planning scheme refers to acceptable outcomes, and this means different things to different people.

Given the proximity to the Public Use Zone 6 and the existing Council office, child care facility, and community sports facilities, it was considered that the proposed restricted place of assembly would be in keeping with the mix of uses in the area, predominantly for community purposes, and also, in line with Council's vision for this area.

Consideration of the visual amenity impact that a shed of this nature could have on adjoining dwellings has been assessed. Large sheds are a feature of the LDRZ and it is not considered that the proposal would create a visual impact out of character with that of the nearby LDRZ. It was determined that the proposal would not create any visual impact if landscaping were required in a planning permit.

Landscaping requirements will include small canopy trees and undergrowth to help screen the walls of the proposed shed from adjoining land owners.

The proposal encroaches on the south setback of the Design and Development Overlay 5 with a proposed setback of 3 metres instead of 5 metres as outlined in Schedule 5 of the Overlay. The decision guidelines of Schedule 5 outlines consideration should be given to whether the siting of the proposed building will be in keeping with the character and appearance of the area and whether the siting will be detrimental to the amenity of the area.

It is considered that given there is a large separation between the proposed men's shed and the existing dwelling on the adjoining lot to the south that the proposal would not impact the appearance or character of the area.

As outlined previously in this report, the application was notified to the adjoining owners, the owner of the lot to the south did not object to the application or the reduced siting of the shed. Given they did not object to the proposal, it is considered that the reduced setback by 2 metres will not detrimentally impact the adjoining owner.

### **Matters Raised by Objectors**

The noise concerns raised by the objector to the application is addressed as follows:

The State Planning Policies as outlined previously in this report, seeks to ensure that the amenity of the area is not impacted by new uses and developments. Existing dwellings are located within proximity to the proposed men's shed. The closest dwelling is located approximately 70 metres to the south of the site, with dwellings also located approximately 120 metres to the east, and approximately 130 metres to the north east.

It should be noted that the men's shed is proposed to operate between 9am and 5pm Monday to Friday, with the meeting room being available for use Monday to Saturday 9am to 10:30pm. The normal operations of the men's shed is proposed to be limited to business hours, when it is quite reasonable to experience a level of noise and activity which may not be tolerable in the evening or early morning.

A condition has been recommended to ensure that the amenity impact of the area is not detrimentally impacted by, among other things, noise from the site. An additional condition requiring compliance with the State Environmental Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1) has been included, plus the limited daylight operating hours will control noise to an acceptable level.

### ***Cultural Heritage Implications***

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

### ***Financial & Risk Management Implications***

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

### *Economic, Social & Environmental Implications*

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

### *Conclusion*

The application satisfies the provisions of the State and Local Planning Policy Framework, the provisions of the Low Density Residential Zone, Clause 52.06 (Car Parking) and the decision guidelines of the Planning Scheme (Clause 65). It is therefore considered that the grant of a permit will not cause material detriment to any person.

### *Recommendation*

***That Council resolves to issue a Notice of Decision to Grant a Permit for the use and development of the land for a restricted place of assembly (men's shed) at Lot 2 on Plan of Subdivision 606914X, (2 Pope Street, Bannockburn), subject to the following conditions.***

- 1. Before the use and development starts, an amended site plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The site plan must be drawn to scale with dimensions and three copies must be provided. The site plan must be generally in accordance with the plan submitted with the application but modified to show:***
  - a) A minimum of eight (8) car parking spaces, including 1 disability compliant space, onsite in accordance with the Australian Standards for off-street car parking.***
- 2. The layout of the site and the size of the proposed building and works as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.***
- 3. The use and development of the facility must not be altered without the prior written consent of the responsible authority.***
- 4. Within 6 months of the use of the Men's Shed commencing, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:***
  - a) Landscape screening consisting of small canopy trees and understorey are to be planted along the north, east, and south boundary sides of the men's shed.***
  - b) A planting schedule of proposed trees, shrubs and ground covers, including botanical names and quantities of each plant.***
  - c) All species selected must be to the satisfaction of the responsible authority.***
- 5. Within 12 months of the use of the shed commencing, or by such later date as approved by the responsible authority in writing, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.***
- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.***
- 7. Before any works are undertaken onsite, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of the permit. All works constructed or carried out must be in accordance with those plans.***



8. **All external materials to be used in the construction of the shed must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area.**
8. **All materials, machinery, and equipment must be stored within the shed at all times unless with the prior written consent of the responsible authority.**
9. **The amenity of the area must not be adversely affected by the use or development as a result of:**
  - a) **transport of materials, goods or commodities to or from the land;**
  - b) **appearance of any building, works, stored goods or materials;**
  - c) **emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil; or**
  - d) **the presence of vermin.**
10. **Noise levels emanating from the premises must not exceed those level required to be met under the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and Environment Protection (Residential Noise) Regulations 1997.**
11. **No uses listed within “Uses with adverse amenity potential” of Clause 52.10 of the Golden Plains Planning Scheme may occur on site, to the satisfaction of the responsible authority.**
12. **All plant equipment and generators must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the responsible authority.**
13. **The facilities workshop must only operate between the following hours:**

**Monday to Friday – 9.00am until 5.00pm (excluding ANZAC Day and Good Friday)**  
**ANZAC Day – 12noon until 5.00pm**  
**Good Friday – 12noon until 5.00pm**
14. **The facilities meeting room must only operate between the following hours:**

**Monday to Saturday – 9.00am until 10.30pm (excluding ANZAC Day and Good Friday)**  
**ANZAC Day – 12noon until 10.30pm**  
**Good Friday – 12noon until 10.30pm**
15. **The applicant must ensure that appropriate measures are implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock, or other debris being carried onto public roads, access roads, or footpaths from the subject land, to the satisfaction of the responsible authority.**
16. **The applicant must ensure that throughout the construction stage of the development dust suppression is undertaken to ensure that dust does not cause a nuisance to surrounding properties and users to the satisfaction of the responsible authority.**
17. **No fewer than eight (8) car parking spaces are to be provided for use in association with the Men’s Shed, including at least one space (including required shared area) clearly marked and set aside as disabled compliant, to the satisfaction of the responsible authority.**
18. **Before the use of the shed commences the area set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:**
  - a) **Surfaced with an all-weather construction to the satisfaction of the responsible authority**
  - b) **Constructed and completed to the satisfaction of the responsible authority**
  - c) **Drained in accordance with an approved drainage plan**

- d) Line marked to indicate each car space and all access lanes*
- e) Provided with one (1) disabled carpark*
- f) Provided with traffic control signage and/or structures as required*
- g) Provided with signage directing drivers to the areas set aside for car parking.  
Such signs are to be located and maintained  
All to the satisfaction of the responsible authority.*

- 19. All car parking must be designed to allow all vehicles to enter and egress the site in a forward direction.*
- 20. Before the occupancy permit is issued for the shed, all stormwater and surface water discharging from the site, buildings, and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.*
- 21. Before the use of the facility begins, security lighting directed to the adjoining car park must be installed, baffled, and located to the satisfaction of the responsible authority.*
- 22. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.*
- 23. The permit will expire if one of the following circumstances applies:*
  - a) The development is not started within two years of the date of this permit.*
  - b) The development is not completed and the use has not commenced within four years of the date of this permit.*

*The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards (or twelve months after the permit expires for a request to extend the time to complete the development).*

*Note: A works within road reserve permit must be obtained from the responsible authority prior to the carrying out of any vehicle crossing works.*

*Note: This permit does not authorise the commencement of any building construction works. Before any such development commences, the applicant must apply for and obtain appropriate building approval.*



#### 4.4.2 Planning application P17-103 for a two lot subdivision at 10 Ruby Court, Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Planning Team Leader
Author	Peter O'Brien, Town Planner
File References	Planning Application P17-103
Council Plan Link	Managing Natural and Built Environments We work to promote, conserve, enhance and protect the natural environment and ensure that growth and change in the built environment is managed for the benefit of all of our community
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Two lot subdivision
Land Address	Lot 1 on Plan of Subdivision 722892G (10 Ruby Court, Bannockburn)
Applicant	Neville Findlay
Zone & Overlay Summary	<ul style="list-style-type: none"> <li>▪ Low Density Residential Zone (LDRZ)</li> <li>▪ Design &amp; Development Overlay – Schedule 5 (DDO5)</li> </ul>
Attachments	<ul style="list-style-type: none"> <li>8. P17-103 Copy of application and plans</li> <li>9. P17-103 Locality map</li> <li>10. P17-103 Copy of objections</li> <li>11. P17-103 Copy of legal advice (Confidential attachment)</li> </ul>

#### *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.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Peter O'Brien: In providing this advice as the author, I have no disclosable interests in this report.

#### *Purpose*

This report relates to a planning permit application for a two lot subdivision at 10 Ruby Court, Bannockburn. The application has been referred to the Council Meeting for determination because there are objections to the application and because Council officers' consider that the application does not satisfy the provisions of the planning scheme and should be refused.

### *Proposal*

The application proposes the development of the land for a two lot subdivision (refer to Attachment 9 – copy of application and plans). It is proposed to subdivide the land as follows:

- Proposed lot 1 contains the existing dwelling, garage and swimming pool and has an area of 5065m<sup>2</sup>. The lot is located on the corner of Garonne Drive and Ruby Court. The lot has frontages to Garonne Drive and Ruby Court of 79m and 64.44m respectively.
- Proposed lot 2 is a vacant lot with an area of 4000m<sup>2</sup>. Access to the lot is from Ruby Court. The lot has road frontage of 45m and a depth of 70m. The lot contains an existing shed and 5m wide drainage easement along the southern boundary.

A Section 173 Agreement applies to the land which prohibits subdivision. The applicant wishes to end the Agreement however at this stage the applicant has not formally applied to end the Agreement.

### *Site Description*

The subject land is situated at 10 Ruby Court, Bannockburn and is formally known as Lot 1 on Plan of Subdivision 722892 (refer to Attachment 10 – locality map). The site contains an existing dwelling and outbuildings and has a total area of 9065m<sup>2</sup>. The site is flat and cleared except for planted trees along the boundaries of the lot. The site is located in a low density residential area of Bannockburn. The surrounding area is developed with single dwellings on lots ranging from 0.6 to 2 hectares in size.

### *History*

The subject land was previously subdivided in 2014 (Planning permit P13-215). Prior to subdividing the land the applicant made an application to vary the covenant applying to the land which restricted the number of dwellings that may be constructed on the land (Planning permit P12-213). One objection was received and later withdrawn on the understanding that the owner would be required to enter into a section 173 agreement with Council to prevent the further subdivision of the land. The permit to vary the covenant was issued subject to a condition requiring that the owner enter into a section 173 agreement prohibiting further subdivision.

The current application was lodged on 4 May 2017 and a preliminary assessment of the application was undertaken. There are no referral authorities specified in the planning scheme for an application of this type. The application was internally referred to Council's Works Engineer and Environmental Health Officer (EHO) and both parties requested further information. The further information has not been submitted by the applicant. As a result the Works Engineer and EHO have not consented to the issue of a permit.

### *Communications*

Notice of the application was given in accordance with Section 52 (1)(a) and (d) of the *Planning and Environment Act 1987* to neighbouring landowners including the person who previously objected to the variation of the covenant. Notice was provided by mail to 7 neighbouring owners and occupiers.

### *Summary of Objections*

As a result of the public notice 7, objections were received. A copy of the objections are provided as Attachment 11. The main grounds of objection are summarised as follows:

**1. Section 173 agreement.** The objectors believe that the section 173 agreement should not be ended. The variation of covenant and initial subdivision was allowed subject to the applicant entering into an agreement to provide that the land was not further subdivided and the objectors believe that the applicant should not renege on this agreement.

**2. Character and amenity.** The objectors are concerned that the proposed subdivision will have an adverse impact on the low density character of the area and the amenity and lifestyle of existing residents.

**3. Traffic impacts.** Concerns have been raised regarding potential traffic impacts resulting from the subdivision including pedestrian safety, vehicle movements and car headlights.

**4. Drainage and wastewater.** An objector has raised concerns regarding insufficient drainage and the capability of the land for the treatment and retention of wastewater.

A consultation meeting with the objectors and the applicant was held on 13 July 2017 to attempt to resolve the objectors concerns and reach a mediated outcome. There was no resolution or agreement reached at the meeting however following the meeting the applicant submitted an 'offer of concessions' which was circulated to the objectors (copy included in attachment 11). Despite the concessions made by the applicant, none of the objections were withdrawn.

### *Golden Plains Planning Scheme*

#### **State Planning Policy Framework (SPPF)**

##### Clause 11.02 Urban growth

The objective of the policy for the supply of urban land (Clause 11.02-1) is to ensure a sufficient supply of land is available for residential and other uses. Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

##### Clause 15.01 Urban environment

The objective of the policy for neighbourhood and subdivision design (Clause 15.01-3) is to ensure the design of subdivisions achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by, among other things, providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

##### Clause 16.01-2 Location of residential development

This policy aims to locate new housing in or close to activity centres that offer good access to jobs, services and transport. The policy seeks to ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

#### **Local Planning Policy Framework (LPPF)**

##### Clause 21.02 Municipal Strategic Statement (MSS)

The vision for the Golden Plains Shire states that the Shire, in partnership with the community, and through its decisions and actions, will work for the sustainable development of the Shire based on, among other things, maintaining and enhancing the diversity and uniqueness of our communities, while encouraging population growth and economic development. The MSS includes town structure plans that are designed to meet a variety of objectives including quality of lifestyle and appearance of development. Development of Bannockburn's low density residential areas will be managed through the implementation of the local policies for Bannockburn (Clause 21.07-1) and Low Density Residential Subdivision (Clause 22.09).

##### Clause 21.03 Settlement

The local policy for subdivision for dwellings outside townships (Clause 21.03-4) applies to the development of land in low density residential areas. The policy seeks to control the density and overall lot sizes of land according to environmental conditions and established character and to avoid indiscriminate subdivision of land. To satisfy this policy new subdivision must recognise

and maintain the surrounding lot configurations and lot size, provide appropriate infrastructure, including drainage and roads, and provide for on-site effluent disposal including on-going maintenance of septic systems.

#### Clause 21.07-1 Bannockburn

The objectives of the local policy for Bannockburn and the Bannockburn Urban Design Framework are, among other things, to encourage development that is responsive to the character and rural ambience of Bannockburn and to ensure the efficient provision of infrastructure which supports new growth and improves the land, character and environmental qualities of Bannockburn. The subject land is located in an area identified as "Existing Low Density Residential" on the Bannockburn Framework Plan.

#### Clause 22.09 Low Density Residential Subdivision Policy

This policy seeks to ensure the elements of land capability and character are addressed when considering subdivision applications. The objectives of the policy are to ensure that new lots are of sufficient size for on-site effluent disposal and to maintain an open and spacious character in low density residential areas. Character will be maintained by encouraging:

- Design that provides for open space and landscaping.
- Retention of existing vegetation.
- Minimal use of narrow battle-axe access.
- The provision of wide driveways with sufficient areas available for landscaping.
- Lot sizes with sufficient area to accommodate setbacks required by the Design and Development Overlay Schedule 5.

It is policy that support for subdivision in the LDRZ will be considered only where a land capability assessment demonstrates that the proposed lots can contain on site effluent disposal and there will be no impact on the surrounding area, and where subdivision respects and positively contributes to the lot configuration and character elements of the surrounding area.

### **Zone and overlay provisions**

#### **Clause 32.03 Low Density Residential Zone (LDRZ)**

The site and surrounding land is in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. A permit is required to subdivide land under the provisions of the LDRZ. The LDRZ sets a minimum lot size of 0.4 hectares.

#### **Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)**

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The setbacks specified in the DDO5 are 10m from the road boundary, 5m from other boundaries, and 15m from a dwelling not in the same ownership. The DDO5 does not contain any specific requirements relating to subdivision.

### **General provisions**

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

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

The section 173 agreement that applies to the land is a relevant consideration in deciding the permit application. Section 60(1A)(i) of the Act provides that:

1A. *Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider:*

- (i) *any agreement made pursuant to section 173 affecting the land the subject of the application*

### ***Discussion***

The relevant planning considerations for this application are addressed as follows:

### **Section 173 Agreement**

Advice has been obtained from Council's lawyer regarding the section 173 Agreement that applies to the land and the effect of the Agreement on the application. A full copy of the advice is provided as Attachment 12 (confidential). The legal advice recommends against Council issuing a permit and ending the Agreement. In summary the reasons are as follows:

**The permit application.** The Agreement imposes a mandatory obligation to restrict further subdivision of the land. This permit application proposes to subdivide the land which would breach the existing 173 agreement. Given the mandatory nature of the obligation, the existence of the Agreement, on its own, is sufficient reason to refuse this permit application.

Even if Council was to form the view that the proposed subdivision would be supported if not for the Section 173 Agreement, it would not be proper or orderly planning to decide that a notice of decision to grant a permit be issued.

Legal advice to Council reinforced this position by recommending against Council issuing a notice of decision to grant a permit, subject to a condition requiring the Agreement be ended and removed from title prior to certification, under the *Subdivision Act 1988*.

**Ending the Agreement.** The appropriate process for ending the Agreement is under Division 1 of Part 9 of the Act and includes a requirement that notice be given of the proposal to end the Agreement. The relevant considerations are set out in Section 178B(2) of the Act, as follows:

- (a) *the purpose of the agreement; and*
- (b) *whether and why the agreement is no longer required; and*
- (c) *whether the ending of the agreement would disadvantage any person, whether or not a party to the agreement; and*
- (d) *the reasons why the responsible authority entered into the agreement; and*
- (e) *any relevant permit or other requirements the land is subject to under the Subdivision Act 1988; and*
- (f) *any other prescribed matter.*

The assessment of each factor is summarised as follows:

**Purpose of the Agreement.** The Agreement was made four years ago to fulfil a condition on the permit to vary the covenant. It is the clear intent of the Agreement to prevent the subdivision of the Land. There appears to be no change in circumstances which would make the purpose of the Agreement redundant. When considered individually, this factor weighs against ending the Agreement.

**Whether and why the Agreement is no longer required.** In considering whether and why the agreement is no longer required, it is necessary to consider why the Agreement was made in the first instance and whether there has been any material change in circumstances.

The Agreement was entered into to satisfy a condition of the permit to vary the covenant (P12-213).

If the condition requiring the Agreement had not been imposed on planning permit P12-213, the covenant may not have been permitted to be varied. A counterbalancing factor is that there is no planning policy that supports the retention of a restriction of further subdivision. This factor is regarded as neutral.

**Whether the ending of the Agreement would disadvantage any person, whether or not a party to the Agreement.** If the Agreement was ended surrounding properties may suffer disadvantage in the planning and general sense. This disadvantage may include:

- Any detriment that may arise from further subdivision of the land including increase in lot density, increase in dwelling density, change in character and increase in traffic.
- The current level of certainty would be lost if the Agreement was ended. That is, the owners would be able to make a planning permit application for further subdivision of the land with no impediment on title.

This disadvantage weighs against ending the Agreement. In considering whether to end the Agreement, the grounds of any objection must be considered. Any objections would weigh against amending the Agreement.

**The reasons why the responsible authority entered into the Agreement.** Council required the owner to enter into the agreement as a condition of the permit to vary the covenant. The Agreement was entered into:

- To address a conditional withdrawal of an objection; and
- On the basis that the Agreement would ensure that the covenant variation would be unlikely to cause material detriment to any beneficiary of the covenant.

Council formed the view that the covenant variation was only acceptable subject to a condition limiting further subdivision and had the condition not been included Council may have determined that the covenant should not have been varied. The reasons why Council entered into the Agreement remain relevant and weigh against ending the Agreement.

**Any relevant permit or other requirements the land is subject to under the *Subdivision Act 1988* and any other prescribed matter.** There are no relevant permits or requirements relating to the ending of the agreement. If the applicant formally applies to end the Agreement notice of the proposal to end the agreement must be given and Council must consider any objection or submission received in respect to the proposal.

It is the view of Council's lawyer that the factors in section 178B(2) weigh against ending the Agreement when assessed individually and when assessed as a whole, and therefore it is recommended that the Agreement should not be ended.

### **Planning scheme**

As previously stated Council's Works Engineer & Environmental Health Officer have requested further information in regard to drainage and wastewater. The applicant has chosen not to supply this information. Subject to these matters being resolved satisfactorily it is considered that the proposed subdivision satisfies the relevant provisions of the planning scheme including State and Local planning policies, the Low Density Residential Zone, Design & Development Overlay Schedule 5, and Clause 65 of the Victoria Planning Provisions.



In respect to the local policy for Low Density Residential Subdivision (Clause 22.09) the proposed subdivision design will maintain the character of the area as the proposed lots are of sufficient size to provide setbacks in accordance with the DDO5, retains existing vegetation and provides sufficient space for additional landscaping, and provides wide street frontages.

A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal.

### **Objectors' concerns**

The concerns raised by the objectors are addressed as follows:

1. Section 173 agreement. The section 173 Agreement was entered into as a condition of the permit to vary the covenant and prohibits further subdivision. For the reasons outlined above the section 173 Agreement is considered to be a valid reason to refuse the permit.
2. Character and amenity. The proposed subdivision design will maintain the character and amenity of the area. The proposed lots are of sufficient size to provide setbacks in accordance with the DDO5, retains existing vegetation and provides opportunities for additional landscaping and provides wide street frontages.
3. Traffic impacts. The existing road network is considered to be adequate for the proposed subdivision which will only result in one additional dwelling.
4. Drainage and wastewater. As mentioned above, these matters are yet to be resolved to Council's satisfaction.

### ***Cultural Heritage Implications***

It is considered there are no cultural heritage implications.

### ***Financial & Risk Management Implications***

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

### ***Economic, Social & Environmental Implications***

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

### ***Conclusion***

The application is not considered to satisfy the provisions of the planning scheme (Clause 65) and Section 60(1A)(i) of the *Planning & Environment Act 1987*. The application proposes to subdivide the land which is a breach of the section 173 Agreement that applies to the land. It is therefore recommended that the application be refused.

### ***Recommendation***

***That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for a two lot subdivision at 10 Ruby Court, Bannockburn on the grounds that the proposed subdivision fails to satisfy the provisions of Clause 65 of the Planning Scheme and Section 60(1A)(i) of the Planning & Environment Act 1987 because it breaches the section 173 Agreement that applies to the land which prohibits subdivision.***

## 4.5. KEY RESULT AREA – FINANCIAL MANAGEMENT

### 4.5.1 Budget Report – 3 Months Ended 30 September 2017

Directorate	Corporate Services
Unit	Finance
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Jason Clissold, Finance Manager
Author	Jason Clissold, Finance Manager
File References	EDMS file: 40-01-010
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future, and advocate for our community
Relevant Council Strategies	<ul style="list-style-type: none"> <li>▪ Strategic Resource Plan</li> <li>▪ Annual Budget</li> </ul>
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> <li>▪ Local Government Act 1989</li> <li>▪ Local Government Amendment (Fair Go Rates) Act 2015</li> <li>▪ Local Government (Planning and Reporting) Regulations 2014</li> </ul>
Attachments	12. Budget Report – 3 Months Ended 30 September 2017

#### *Declarations of Interest: Councillors & Officers*

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

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

#### *Purpose*

The purpose of this report is to present the Budget Report – 3 Months Ended 30 September 2017 to Council for adoption.

#### *Background*

The report was tabled at the 14 November Audit and Risk committee for review and discussion. The Committee resolved *‘That the Audit and Risk Committee recommend to Council that the Budget Report for 3 Months ending 31 March 2017 be adopted.’*

Section 138 of the Local Government Act 1989 requires a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date be presented to Council at least every 3 months.

Council has completed three months of the 2017-18 financial year. The attached budget report has been prepared on an operating basis and includes the following:

- Income Statement;
- Balance Sheet;
- Statement of Cash Flows;
- Statement of Capital Works; and
- Key Result Areas.

Each of the above statements show the original budget together with the current forecast and the actual results for the three month period July 2017 to September 2017.



### *Discussion*

The Audit and Risk Committee have reviewed the results to 30 September 2017. They are satisfied that the overall surplus remains consistent with the original budget and maintains Council's sustainable financial position, as depicted in its Strategic Resource Plan.

The current forecast projects a surplus of \$6m for the year ending 30 June 2018 compared to the original surplus of \$3m. This positive movement of \$3m is primarily due to:

- \$3.6m in capital grants and contributions forecast to be received in 2017-18, that were not received in 2016-17 due to the timing of capital projects
- \$708k of expenditure rolled forward from 2015-16, to complete funded projects/programs.

It must be noted that this forecast result assumes that all projects and services are fully expended by 30 June 2018, which is often not the case. Further detail is provided in the attached budget report.

The 'Adjusted Underlying Result', which removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other contributions to fund capital expenditure from the result, is forecast to be a deficit of \$724k, compared to a budget deficit of \$85k. This formula is prescribed within the Local Government (Planning and Reporting) Regulations 2014.

This decrease in the 'Adjusted Underlying Result' does not represent a permanent impact on Council's financial position as the variance is primarily due to the timing of 2016-17 projects/programs. I.e. projects that were budgeted for in 2016-17 are now forecast to be delivered in 2017-18.

Total expenditure in the Statement of Capital Works is now forecast to be \$14.6m compared to the original budget of \$9.2m. This increase of \$5.4m is due to projects rolled forward from 2016-17, most of which are funded by grants.

### *Community Engagement*

A formal consultation process was not required.

### *Financial & Risk Management Implications*

The financial implications are explained within this agenda and the attached budget report.

It is considered that there are no risk management implications.

### *Economic, Social & Environmental Implications*

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

### *Communications*

It is considered that a communication plan is not required.

### *Conclusion*

Financial controls and regular monitoring by officers ensures that the current forecast remains consistent with the original budget adopted by Council, after allowing for roll forwards and budget reallocations.

The financial results detailed in the attached budget report remain consistent with the objectives adopted in Council's Strategic Resource Plan and meet the principles of sound financial management as required under Section 136 of the Local Government Act.

### *Recommendation*

***That Council adopts the Budget Report for the 3 Months Ended 30 September 2017.***

**4.6. KEY RESULT AREA – HUMAN SUPPORT SERVICES**

No report.

**4.7. KEY RESULT AREA – RECREATION & COMMUNITY DEVELOPMENT**

No report.

**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 Helena Kirby, Mayor  
File: 02-03-003

The Mayor and former Mayor reported on a range of meetings and activities that they were engaged in over the past month.

<b>Date</b>	<b>Details</b>
26/10/17	Meeting with Joshua Morris MP
27/10/17	G21 Board meeting
30/10/17	Meeting with Jaala Pulford MP
3/11/17	Celebration event for retiring CEO, Rod Nicholls
7/11/17	Meeting with Geoff Howard MP
16/11/17	Committee for Ballarat Round Table Dinner
22/11/17	Volunteer Victoria State Awards
25/11/17	Ballarat Cup luncheon
25/11/17	Spring in the Shire

### **7.2. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT**

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

### **7.3. COUNCILLOR REPORTS**

## 7.4. IN CAMERA MEETING

Should Council wish to consider any matters in camera, in accordance with Section 89 of the Local Government Act 1989, it may resolve to close the meeting to members of the public if the meeting is discussing:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

## 8. ATTACHMENTS

Attachment 1	Item 4.2.1	Amended CP 4.3 confidential information
Attachment 2	Item 4.2.2	CP 4.8 Recognition of Service
Attachment 3	Item 4.3.1	Council Policy 6.4 – Tourism & Service Signage on Roads
Attachment 4	Item 4.4.1	P17-213 Application, Site and Elevation Plans
Attachment 5	Item 4.4.1	P17-213 Victoria Park Precinct Masterplan
Attachment 6	Item 4.4.1	P17-213 Locality Plan
Attachment 7	Item 4.4.1	P17-213 Copy of Objections
Attachment 8	Item 4.4.2	P17-103 application and plans
Attachment 9	item 4.4.2	P17-103 locality plan
Attachment 10	Item 4.4.2	P17-103 copy of objections
Attachment 11	Item 4.4.2	P17-103 copy of legal advice - Confidential
Attachment 12	Item 4.5.1	Budget Report – 3 Months Ended 30 September 2017

Attachments are available upon request.

## 9. CLOSE OF MEETING

### *Next Ordinary Meeting*

The next Ordinary meeting of Council will be held on Tuesday 19 December 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.

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**Confirmed, Mayor, Cr Helena Kirby**

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**Date**

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