



Council Meeting Agenda

Linton Customer Service Centre

Tuesday 28 February 2017, 4.00pm

**Embargoed until 5pm on
Friday 24 February 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 24 January 2017, as circulated, be confirmed.**
- 2. That the Minutes of the 'In Camera' meeting of Council held 24 January 2017, as circulated, be confirmed.**

3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

3.3.1 Workshop: Rating Strategy 2016-17 (15 February 2017)

Meeting type and name	Council Workshop: Rating Strategy 2016-17
Meeting date and time	10.00am Wednesday 15 February 2017
Matters discussed	Rating Strategy Review
Councillor information	Golden Plains Revenue Review – Research paper
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 Jason Clissold, Finance Manager Kim Manley, Organisations Development Manager Di Quigley, Customer Service & Rates Team Leader Petra Neilson, Council Support Officer
Guests	Brian Haratsis, MacroPlan Dimasi Glenn Lamont, MacroPlan Dimasi
Declarations of Interest	Nil

3.3.2 Workshop: Meeting Procedure (15 February 2017)

Meeting type and name	Council Workshop: Meeting Procedure
Meeting date and time	1.20pm Wednesday 15 February 2017
Matters discussed	Councillor training – Meeting Procedure
Councillor information	1. Extract from Local Law No 1
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 Petra Neilson, Council Support Officer
Guests	Terry Bramham, Macquarie Local Government Lawyers
Declarations of Interest	Nil

3.3.3 Council Briefing: G21 Motor Cross Facility (15 February 2016)

Meeting type and name	Council Briefing: G21 Motor Cross Facility
Meeting date and time	11.55am Wednesday 15 February 2017
Matters discussed	G21 Motor Cross Facility
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 Jason Clissold, Finance Manager Dean Veenstra, Recreation Team Leader Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

3.3.4 Council Briefing: Potential for Youth Detention Centre in GPS (15 February 2016)

Meeting type and name	Council Briefing: Potential for Youth Detention Centre in GPS
Meeting date and time	12.05pm Wednesday 15 February 2017
Matters discussed	Potential for Youth Detention Centre in Golden Plains Shire
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 Jason Clissold, Finance Manager Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

Recommendation

That Council notes the record of assemblies of Councillors:

- 1. Council Workshop: Rating Strategy 2016-17 (15 February 2017)***
- 2. Council Workshop: Meeting Procedure (15 February 2017)***
- 3. Council Briefing: G21 Motor Cross Facility (15 February 2017)***
- 4. Council Briefing: Potential for Youth Detention Centre in Golden Plains Shire***

3.4. **ADVISORY COMMITTEES OF COUNCIL**

3.4.1 **Audit & Risk Committee (15 February 2017)**

Richard Trigg, Director Corporate Services

File: 02-01-001

Meeting type and name	Audit & Risk Committee Meeting
Meeting date and time	9.00am Wednesday 15 February 2017
Matters discussed	<ol style="list-style-type: none"> 1. Quarterly Risk Management Report 2. Annual Risk Management Strategy and Action Plan Report 3. Biannual Risk Profile Monitoring Report 4. Local Government Indicators Six Monthly Report 5. External Audit – 2016-17 Audit Strategy 6. Council Policy – Borrowing 7. Strategic Internal Plan – Outstanding Recommendations 8. Finance Report
Councillor information	<ol style="list-style-type: none"> 1. Quarterly Risk management Report 2. Risk Management Strategy 2017 3. Risk Management Action Plan 2017 4. Performance Indicator Six Monthly Report by Unit 5. GPS Audit Strategy – Year ending 30/6/17 6. Proposed Council Policy – Borrowing 7. Summary of Outstanding Recommendations 8. Budget Report – 6 months ended 31/12/16 9. Circular 50/2016 – Fair Go Rates System and the Cap for the 2017-18 Rating Year 10. Recent Reports and Publications of Interest 11. Letter re LASF Vested Benefit Index
Councillors	Peter Bollen, Independent Chairman John McDonald, Independent member Cr Nathan Hansford Cr Helena Kirby Cr Des Phelan, Mayor
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Richard Trigg, Director Corporate Services Jill Evans, Director Community Services Greg Anders, Director Assets & Amenity Mike Barrow, Manager Executive Unit Jason Clissold, Finance Manager Kim Manley, Organisational Development Manager Petra Neilson, Council Support Officer
Guests	David Pell, Accounting and Audit Solutions Bendigo
Declarations of Interest	Cr Kirby declared an indirect interest by close association for report 4.2.4 Finance Report. Her business caters for the Shire

Recommendation

That Council notes the Audit and Risk Committee meeting minutes 15 February 2017.

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

No report

4.3. KEY RESULT AREA – ECONOMIC DEVELOPMENT

4.3.1 Golden Plains Farmers Market Community First Service Improvement Review

Directorate	Chief Executive
Unit	Executive Unit
Senior Manager	Mike Barrow, Executive Unit Manager
Responsible Manager	Mike Barrow, Executive Unit Manager
Author	Mike Barrow, Executive Unit Manager
File References	EDMS file: 78-04-007
Council Plan Link	To facilitate the growth of the local economy particularly in township development and rural based industries.
Relevant Council Strategies	<ul style="list-style-type: none">▪ Economic Development Strategy 2013-17▪ Golden Plains Farmers' Market Business Plan 2016
Relevant Policies & Legislative Frameworks	
Attachments	Nil

Declarations of Interest: Councillors & Officers

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

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

Purpose

This report is to brief Council on Golden Plains Farmers' Market service improvement review and to seek Council's endorsement of the recommendation for continued support of the market.

Background

The original Golden Plains Farmers' Market was held on the first Saturday in December 2009 with 14 stallholders. In 2016 stallholder attendance is peaking at 50 plus during the summer months.

The market achieved VFMA (Victorian Farmers' Market Association) accredited status in 2012 and is currently the only farmers' market in the Great Ocean Road region accredited with the VFMA. It won the 'Judges Award' at the Geelong Business Excellence Awards in 2012 and the 'Best Regional Business' at the Geelong Business Excellence Awards in 2013.

The market was established with an external market manager however this structure was not successful. The company contracted for this purpose had poor management practices that led to ongoing stallholder complaints. The company also asked for an increased fee beyond the capacity of the Farmers' Market budget. After six months operation under this structure the market was brought 'in-house'.

The Market is now managed by Council Officers in partnership with a community based advisory body called the Integrity Committee that convenes monthly to ensure that:

- The market operates as a genuine VFMA accredited farmers' market;
- The market is properly managed for the benefit of stallholders and food producers in the region;
- Approval of stallholder applications;
- Appropriate and adequate consultation takes place with stallholders;

- The market maintains a positive culture and provides a viable attraction to visitors and residents; and
- Contact is maintained with the VFMA and relevant tourism bodies.

The vision of the Golden Plains Farmers' Market is to provide a genuine farmers' market experience for visitors and residents that strengthens opportunities for local growers and producers, and provides customers with access to quality, nutritional and healthy products in a relaxed and fun environment.

The market is a lynchpin element in Council's successful bid to secure funding for the Bannockburn Civic Heart Development Project. It is also a primary pillar of Council's external marketing to potential visitors and to attract new residents.

A formal service improvement review has been completed and this report deals with the outcomes of that process.

Discussion

The Community First service improvement process is staged in three parts – firstly an examination of the service in question, secondly an evaluation of alternative delivery options and finally a plan for future service delivery.

The examination of the current service reveals that the Market is attracting:

- On average 850 visitors from outside of the Shire per market.
- Between 30 and 55 stallholders per market.

Annual visitor numbers at the market (over 10,000) exceed those of any other Council event, including the Golden Plains Arts Trail (approximately 1,500 visitors) and comparable with the two largest community events; the Meredith Music Festival (12,500) and Golden Plains Music Festival (10,500). Rokewood Rodeo as the third largest community event with an average of 5,000 visitors.

The strengths of the market are its seven year history of quality performance; long term loyal stallholders; high visitation and sales; and its authenticity as the only VFMA market in the region. The latter is under threat as new markets planned for South Geelong and Geelong intend to seek VFMA accreditation. There has also been a high growth in the region over the past year of other non-accredited markets.

Other challenges for the market are the high product price point for consumers; the lack of space on the site and the lack of a wet weather contingency.

Another looming issue is the decline in stallholders with VFMA accreditation. Currently the market has an acceptable level of 75% compliance. If membership continues to decline the Market could lose its overall accreditation. While accreditation is a Market strength, VFMA newcomers in the region will diminish this unique competitive advantage.

There needs to be a reconsideration of value of VFMA accreditation. Membership is restrictive in that it limits the types of activities and produce to be available at VFMA markets. At the same time membership benefits are hard to define and the organisational vision is vague. VFMA accreditation may be holding the Market back.

Opportunities for development of the market are:

- Increased marketing and promotional activity including increased Social Media presence and new website to attract Geelong, Bellarine, Surf Coast and Lara populations.
- Partnership marketing with Tourism Greater Geelong & Bellarine in connection with the Moorabool Valley Taste Trail.
- Implementation of 'Sitetrak' market management software.
- Enhancement of the produce and products range available.

- Special events, cooking demonstrations, workshops.
- Regional Development Victoria support through grant for marketing and infrastructure.
- Review of VFMA accreditation to explore diversification of the Market offer.
- Review of site fees to encourage new stallholders.
- Review of the Integrity Committee role to increase community participation.

The 2016 market Expansion Project, funded by RDV involved:

- Targeted radio advertising into Geelong (and surrounds) – incorporating both commercial and community broadcasting;
- Direct mail drop of 2016 and new 2017 market calendars throughout Geelong region
- Monthly advertising in a variety of community newsletters within the Golden Plains region;
- Improved the overall product offering and market experience by providing stallholders with business skills training.
- Developed a new farmers' market website – including content creation, design and build – which is mobile and tablet friendly, and that can be incorporated into the new Golden Plains Shire Council website and Drupal platform; www.goldenplains.farmersmarket.com.au
- Infrastructure and made site improvements: lighting, water supply, umbrellas, picnic tables, safety mats, marquees and miscellaneous equipment.

As well as attracting more visitors to the market through promotional activity the project also delivered an enhanced market experience to influence these people to become repeat visitors and loyal customers.

The key outcomes of the project were:

- Creation and development of strong relationships with all market stakeholders that fostered progressive growth and sustainable operations;
- Improvement of the amenities and equipment at the market site so as to accommodate an increase in overall attendees and stallholders at the market;
- Investment in training with a specific focus on improving business skills for stallholders;
- Implementation of a new public relations, advertising and promotional campaign which anticipates the requirements of the proposed Civic Heart expansion at the Bannockburn market site;
- Continuing to support and promote the Golden Plains Farmers' Market – new visitors from both the greater Geelong and Golden Plains regions;
- Leveraging the success of the Farmers' Market and regularly attending local food and wine stallholders to build the Golden Plains brand– a strong relationship has been developed with Tourism Greater Geelong and the Bellarine with discussion of the farmers' market becoming a lynchpin of the proposed Moorabool Valley Taste Trail tourism initiative.

The service improvement review identified four options for future management of the Market:

Option 1

Maintain the same level of service with continuous improvement to the service delivery model.

In support of this option, the market is a very successful service delivered by Council; employing a local ratepayer as Market Manager and providing a revenue stream for local businesses as well as an enjoyable, regular event for visitors to attend.

The Market provides Council and community service organisations with the opportunity for community engagement in a casual, friendly environment and provides a platform for Council's community development work including environmental, youth and well-being programs.

It supports regional economic development by creating a direct distribution pathway to consumers for local and surrounding producers and as such acts as a business incubator for new and developing enterprise. It is a central hub for retail, social and community activity and generates a sense of community pride.

The market brings visitors to the area and supports the promotion of Golden Plains as a gourmet food and wine region and therefore encourages future tourism initiatives and business investment. It generates a sense of place and is a critical element in the delivery of the Bannockburn Heart project.

The Farmers' Market is the one critical element that enables Council to leverage funds from governments, for the Bannockburn Civic Heart Project, through its links with economic development, business development and jobs growth.

Continuous Improvement actions identified (through stallholder and visitor feedback) will further improve the service model. Aspects to be investigated include the market's VFMA membership, broadening the appeal of the market, the Integrity Committee structure and impact of the new fee structure implemented on 1 January 2017. Other actions will include increased marketing and promotional activity, partnership marketing with Tourism Greater Geelong & Bellarine, implementation of 'Sitetrak' market management software and seeking support from RDV.

The impact of supporting Option 1 is Council's continued resource and financial commitment to the Market.

Option 2

Divest Council of the market – hand over to a private provider

This would remove the cost burden of market management from Council and would provide an opportunity to create a less regulated market that would potentially continue to offer a quality service to the community

The potential impact of this Option is the risk of diminishing the quality of the Market. Service and safety standards would not be as closely monitored and may not be adequately maintained. This option reduces Council's control over the service delivery model and may create an opportunity for infiltration of providers who are not actually producers.

Given current information market profitability is unlikely and so the market does not present an attractive offer. If unable to generate an ongoing profit the market would likely close and the benefit to stallholders and visitors would evaporate. In turn this would seriously impact on the accountability of Council over grants for the redevelopment of the Bannockburn Civic Heart Precinct based on the ongoing existence and future growth of the Market.

The Market was initially operated by 'Visionary Events' in 2009 but this was unsuccessful and led to low stakeholder satisfaction.

Option 3

Gift to a Committee of Management

This option would also remove the cost burden of market management from Council and would provide an opportunity for community members to be directly involved in the running of the market. However, this option would still require some level of Council support. In addition the recruitment of suitably qualified, reliable and interested group of volunteers for this purpose is likely to be difficult.

Community operated farmers markets have a chequered history. And as in Option 2 there is a risk that the quality of the service offering and safety standards of the market might not be adequately maintained.

This option reduces Council's control over the service delivery model and this in turn could impact on the Bannockburn Civic Heart project.

Option 4

Maintain ownership; sub-contract to management group

This would remove the majority of the cost burden of market management and as in Option 3 allow a higher level of community participation. However the problems identified with Option 3 would still be prevalent plus a higher degree of Council support would be required.

Option 1 is the preferred Option.

Community Engagement

Market stallholders and visitors to the Market have been surveyed over a long period to seek their input. The Integrity Committee has been closely involved with the service improvement review.

Financial & Risk Management Implications

There are no risk management implications in this report however Council should be informed of the financial structure that supports the market.

Based on the 2015/16 Financial Year the overall cost to Council of the Farmers Market was \$90,740 including staff resources, materials and equipment, and corporate overheads. The 2015/16 income made up of fees, reimbursements and grants was \$67,000 leaving a net shortfall of \$23,740 which is the net cost of the community benefit achieved through this service.

Economic, Social & Environmental Implications

Council made the decision to invest in a local Farmers Market for the following reasons:

Social/cultural

- Raise the profile of the Golden Plains and surrounding areas as a producer of a diverse range of quality food & wine products
- Increase visitor numbers to Golden Plains
- Builds strong community interaction and relationships. Increase community spirit and pride, which increases desirability of living in Bannockburn and the surrounding areas.

Environmental

- Expand range of produce available for purchase within the region
- Provide a safe and secure (VFMA quality assured) food source

Economic

- Provide for greater diversity of market outlets for local growers and producers
- Provide linkages with local retailers and other town centre activities
- Strengthen the local economy

Communications

The Communication's plan will include general media and social media actions plus formal advice to the Market Integrity Committee.

Conclusion

The Golden Plains Farmers' Market is a very successful Council service attracting over 10,000 visitors per annum. It provides a genuine farmers' market experience that strengthens opportunities for local growers and producers, and provides customers with access to quality, nutritional and healthy products in a relaxed and fun environment.

The market is utilised by local residents, local producers and growers (local business) and visitors. It is accessible for people with prams, wheelchairs and walking frames and is children and family friendly. In the spirit of creating a sense of community, the market also welcomes (friendly) dogs on a lead.

The Market is a key element in Council's successful bid to secure funding for the Bannockburn Civic Heart Development Project. The revitalisation of the Bannockburn Civic Heart site, including the farmers' market site, is vital for the creation of a central civic hub for community gatherings and events. It will provide a sense of place and civic pride for residents of Bannockburn and the Shire. While essentially a community development project, funding depends on evidence or economic development that only the farmers' market can provide.

Alternative service delivery options would threaten the viability of the Market and diminish or vaporize the very strong community benefits as well as undermine Council's credibility with State and Federal Governments in relation to grants received for the redevelopment of the precinct.

If Council supports the recommendation a number of service improvement initiatives will be undertaken plus a review of the pros and cons of VFMA accreditation.

Recommendation

That Council endorses the continued resourcing and funding of the Golden Plains Farmers Market.

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

4.4.1 **Planning Application P16-166; Development of the Land for Telecommunications Facility, at 10 Railway Street, Inverleigh**

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Laura Wilks, Planning Team Leader
Author	Leigh Page, Town Planner
File References	P16-166
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The development of the land for a Telecommunications Facility
Land Address	10 Railway Street, Inverleigh; Crown Allotment 19, Township of Inverleigh, Parish of Doroq
Applicant	Aurecon
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Public Park and Recreation Zone ▪ Part Flood Overlay (3%) ▪ Part Land Subject to Inundation Overlay (37%)
Attachments	<ol style="list-style-type: none"> 1. P16-166 Application, Site and Elevation Plans 2. P16-166 Locality Plan 3. P16-166 Copy of Objections 4. P16-166 Copy of Withdrawal

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 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 development of a NBN Co. telecommunications facility at 10 Railway Street, Inverleigh. The application has been referred to Council for determination as objections to the application have 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 development of the land for a telecommunications facility (refer to attachment 1). The proposed facility is for the purpose of providing improved broadband services for Inverleigh and surrounds. The proposed development would involve the construction of a 45.3 metre high lattice tower as well as associated outdoor cabinets which would be installed adjacent to the facility.

Site Description

The facility is proposed to be located at the Inverleigh Recreation Reserve at the corner of Railway Street and the Hamilton Highway, Inverleigh (refer to attachment 2). The land is not affected by any restrictive covenants. The development is proposed to be located in the south east corner of Crown Allotment 19, being setback 10 metres from the south boundary and 40 metres from the west boundary. The recreation reserve contains two football ovals, netball courts, a lawn bowls green, and clubrooms. The closest dwelling from this position is approximately 140 metres from the tower site.

History

The application was received by Council on 30 June 2016 and a preliminary assessment of the application was undertaken. The application was not referred as there are no referral authorities specified in the planning scheme for an application of this type.

The initial site plan proposed to locate the telecommunications facility towards the south east corner of Crown Allotment 19A, being 33 metres from the south boundary and 84 metres from the east boundary. The closest dwelling from this position was approximately 120 metres from the tower site.

The position of the telecommunications facility has been altered as a result of the notification process as outlined below.

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 19 adjoining and neighbouring owners and occupiers. Notice was also carried out by placing a sign on the site and by publishing a notice in the Geelong Advertiser.

Summary of Objections

As a result of the public notice three objections and one petition were received (refer attachment 3). The objections relate to health concerns, property devaluation, and lightning striking the telecommunication tower.

A consultation meeting was held on 8 September 2016. As a result of the consultation meeting the applicant reviewed the position of the tower and amended the application to relocate the tower to the south east corner of Crown Allotment 19.

The objectors and other nearby land owners and occupiers were notified of the altered position of the telecommunication facility. One objection has been withdrawn as a result of the amended siting (please see attachment 4).

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 19.03-4 Telecommunications

The objective of this policy is to facilitate the orderly development, extension and maintenance of telecommunication infrastructure. The policy seeks to ensure that communications technology is widely accessible and meets the needs of business, domestic, entertainment and community services. Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement. Planning must consider the Code of Practice for Telecommunications Facilities in Victoria (Department of Sustainability and Environment, 2004).

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, the efficient and environmentally sensitive provision of essential infrastructure.

Clause 21.07-5 Inverleigh

This policy describes Inverleigh as a low density rural living area that attracts residents seeking semi-rural lifestyle and passing traffic for rest stops and refreshments. Key issues for Inverleigh includes providing appropriate infrastructure that meets the needs of the growing community and protect environmental qualities of the area. The policy does not contain any specific strategies related to the subject land or an application of this type.

Zone & Overlay Provisions

The site is in a Public Park and Recreation Zone with part of the land being within a Land Subject to Inundation Overlay. The purpose of the zone is to recognise areas for public recreation and open space as well as providing for commercial use where appropriate.

No planning permit is required for the building works for the telecommunication facility under the schedule to the Land Subject to Inundation Overlay.

Particular Provisions

Clause 52.19 Telecommunications facility

A permit is required under Clause 52.19 to construct a building or construct or carry out works for a telecommunications facility. The purpose of this Clause is, among other things, to ensure the application of consistent provisions for telecommunications facilities and to encourage the provision of telecommunication facilities with minimal impact on the amenity of the area. Before deciding on an application the responsible authority is required to consider:

- The principles for the design, siting, construction and operation of a telecommunications facility set out in the Code of Practice for Telecommunications Facilities in Victoria.
- The effect of the proposal on adjacent land.

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.

The Code of Practice for Telecommunications Facilities in Victoria (the Code)

The Code sets out guidelines for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on an application for a planning permit. It is an aim of the Code, among other things, to encourage the provision of telecommunications facilities with minimal impact on the amenity of the area. The Code sets out four principles for the design, siting, construction and operation of telecommunications facilities. These are:

- Principal 1 – A facility should be sited to minimise visual impact.
- Principal 2 – Facilities should be co-located wherever practical.
- Principal 3 – Health standards for exposure to radio emissions will be met.
- Principal 4 – Disturbance and risk relating to siting and construction should be minimised.

Discussion

The application is considered to satisfy the provisions of the State Planning Policy Framework, the Local Planning Policy Framework, Public Park and Recreation Zone (PPRZ), Clause 52.19 (telecommunications facility) and Clause 65 of the Victoria Planning Provisions.

Compliance with the Code

The application is considered to satisfy the Code of Practice for Telecommunications Facilities in Victoria. The principles set out in the Code are addressed as follows:

Principle 1 – A facility should be sited to minimise visual impact

The location of the proposed facility is considered to be appropriate as the siting and design of the facility will minimise the visual impact on the surrounding area. The tower has been re-sited further away from the township and towards the Farming Zone and agricultural properties. The buffers to the subject lot created by road frontages, railway reservation, and established vegetation cover will greatly assist in limiting views to the proposed facility from the town area. It is the aim of the Code to ensure that telecommunications facilities are designed, where practical, to minimise the visual impact on an area rather than completely screening the facility. This view has been reinforced by VCAT where it has been established that planning policy does not require a facility to be completely screened from all view, rather the visual impact of a facility must be balanced against the wider community benefit of the provision of important telecommunications infrastructure. The Code provides that a telecommunications facility should be located so as to minimise any interruption to a significant view of a streetscape, vista or panorama. The location of the facility will not interrupt any significant views.

Principle 2 – Facilities should be co-located wherever practical

The Telstra tower currently located onsite does not provide the height required to maximise the range to the Inverleigh Township. The development of this facility will provide improved mobile telecommunications for the Inverleigh community. The proposal will also provide co-location opportunities for other carriers in the future.

Principle 3 – Health standards for exposure to radio emissions will be met

The Code requires that telecommunications facilities be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with the Australian standard determined by ARPANSA (Australian Radiation Protection and Nuclear Safety Agency). In order to demonstrate compliance with the standard, ARPANSA has developed a prediction report ('Electromagnetic Energy (EME) report'). The EME report submitted with the application demonstrates that the proposed facility will operate well within the required standards. The report shows that the maximum EME level possible at the site will be 0.11% of the maximum EME level allowed under the ARPANSA limits.

Principle 4 – Disturbance and risk relating to siting and construction should be minimised

Construction of the facility will be undertaken in consultation with the Public Land Manager and Committee of Management and will not cause any disruption to adjoining properties. The site has existing vehicle access and will not require the removal of any vegetation. Construction activity will comply with relevant environmental management and health and safety guidelines.

Matters Raised by Objectors

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

Health concerns; a telecommunications facility must comply with national electromagnetic energy emission (EME) standards set by ARPANSA. The EME report submitted with the application shows that the predicted emission levels from the facility will be within the allowable limits. VCAT has consistently ruled that potential health issues are not a basis to refuse an application if the relevant health standards are met.

Lightning; the proposed tower will be fitted with appropriate lightning conductors and grounding equipment to earth the lightning and reduce the risk of fire. The security fencing surrounding the facility will restrict persons getting too close to the tower.

Property values; property devaluation is not a planning consideration and cannot be considered in the assessment of this application.

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 Public Park and Recreation Zone, Clause 52.19 (Telecommunication Facility) and the decision guidelines of the Planning Scheme (Clause 65). The application complies with the Code of Practice for Telecommunications in Victoria. The site of the proposed facility is considered to be appropriate as it provides important telecommunications services whilst minimising the potential for impacts on the amenity of the area. 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 development of a telecommunications facility at Crown Allotment 19, Township of Inverleigh, Parish of Doroq (10 Railway Street, Inverleigh), subject to the following conditions.

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***
- 2. All telecommunications and power connections (where by means of cable) and associated infrastructure to the land must be underground to the satisfaction of the responsible authority.***
- 3. The telecommunications facility must comply with Radiation Protection Standard – Maximum Exposure Level to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002, or such other standard as is adopted from time to time by the Australian Communications Authority, to the satisfaction of the responsible authority.***

4. ***The development must be managed so that the amenity of the area is not detrimentally affected, through the:***
 - a) ***Transport of materials, goods, or commodities to or from the land;***
 - b) ***Appearance of any building, works, or materials;***
 - c) ***Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit or oil;***
 - d) ***Presence of vermin.***

5. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not started within two years from the date of issue***
 - b) ***The development is not completed 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 three months afterwards.

Department of Environment, Land, Water, and Planning

6. ***Only those activities specified in the planning permit application are to be undertaken on Crown land***

7. ***Suitable tenure for the use and development of reserved forest must be obtained before the commencement of any works.***

8. ***On expiration of the planning permit, or if the nature of the permitted use or development changes, renewed Public Land Manager Consent must be sought.***

4.4.2 Planning Application P16-321 Use of the land for Dog Breeding (10 Dogs)

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Laura Wilks, Planning Team Leader
Author	Leigh Page, Town Planner
File References	P16-321
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use of the land for Dog Breeding (10 dogs)
Land Address	5 Young Street, Linton; Lot 2 on Plan of Subdivision PS112991
Applicant	Leonard Tomlinson and Carla Day
Zone & Overlay Summary	<ul style="list-style-type: none">▪ Low Density Residential Zone▪ Design and Development Overlay 5
Attachments	<ol style="list-style-type: none">5. P16-321 Site and Floor layout plan6. P16-321 Locality Plan7. P16-321 Clause 32.03 (Low Density Residential Zone)

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 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 of the land for Dog Breeding (10 dogs) at 5 Young Street, Linton. The application has been referred to the Council Meeting for determination as refusal of the proposal is recommended. 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 of the land for a Dog Breeding Establishment to keep up to a maximum of 10 dogs. The species of dog proposed to be kept are Norwich Terriers.

There is an existing shed which has been fitted out internally with individual dog pens and kennels. No planning permit is required for the internal works to the shed (refer to attachment 5).

Site Description

The subject site is located at 5 Young Street, Linton, being Lot 2 on Plan of Subdivision PS112991. The lot is located within the Low Density Residential Zone and is surrounded by the Low Density Residential Zone to the east of Young Street, and Township Zone to the west of Young Street. The lot is rectangular in shape, has a total area of 2.6 hectares with road frontage of approximately 90 metres and a depth of approximately 280 metres. The lot contains an existing dwelling and associated shedding. A Design and Development Overlay Schedule 5 exists over the land (refer to attachment 6).

History

In April 2016 the applicant attempted to obtain a local laws permit to register 17 dogs. This matter was referred to Council's Planning Department at which time it was determined that no more than 5 dogs could be kept on the premises for the purposes of breeding. Planning Officers met with the applicant to advise the proposed use for animal keeping in excess of 5 dogs was prohibited.

The planning permit application was received on 2 December 2016. An inspection of the site was conducted on 20 December 2016 to undertake an assessment of the operations being conducted onsite.

Communications

Notice of the application was not given to neighbours pursuant to Section 52 (1) (a) of the Planning and Environment Act 1987 ("the Act"). This was deemed unnecessary as the proposal is prohibited and must be refused.

Golden Plains Planning Scheme

Clause 22.02 Animal Keeping

The objectives of this local policy are to provide for the appropriate siting and quality design of Animal Keeping proposals, maintaining and protecting the residential amenity of areas, and ensuring the use and development of the land for Animal Keeping does not impact on the environment.

Clause 32.03 Low Density Residential Zone

The site is located within the Low Density Residential Zone. Under the table of uses Dog Breeding, which is classified as 'Animal Keeping', is defined as 'Land used to breed or board domestic pets'.

The general intent of the Low Density Residential Zone is to provide for a low density residential area with single dwellings on larger sized allotments.

Discussion

The closest adjoining dwelling is approximately 40 metres from the existing shed containing the kennels and the already fenced outdoor exercise area. There are also an additional six dwellings within 150 metres of the dog kennels. Given the close proximity of dwellings to this site and the proposal being required to meet the Code of Practice for Animal Keeping under the Local Policy, there are serious concerns about the negative impacts that this proposed use would have on the surrounding area.

Under the table of uses within the Low Density Residential Zone the condition under Section 2 for Animal Keeping requires that where there are more than 2 dogs and no more than 5 dogs a planning permit is required. If the application proposes more than 5 dogs, the proposed use is prohibited.

Given the number of dogs proposed exceeds 5, the proposal is prohibited and Council cannot issue a planning permit for the use.

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 the application does not present economic or social implications. If approved, the proposal may have a negative impact on the environment as It would allow the concentration of dogs on a parcel of land which is not of sufficient size to be able to effectively contain waste products.

Conclusion

The application is prohibited under the table of uses contained within Clause 32.03-1 Low Density Residential Zone as the number of dogs exceeds the amount specified within this Clause. Council have no alternative but to recommend refusal of the application.

Recommendation

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit, on the following grounds:

- 1) The use proposed for dog breeding exceeds the number of breeding animals specified in Clause 32.03-1 and is therefore prohibited.***

4.4.3 Golden Plains Planning Scheme Amendment C77

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Laura Wilks, Team Leader
Author	Alicia te Wierik, Senior Strategic Planner
File References	EDMS File: 60-02-077
Council Plan Link	Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	Bannockburn Urban Design Framework
Overlays	<ul style="list-style-type: none"> ▪ Design and Development Overlay Schedule 6 ▪ Environmental Significance Overlay Schedule 2 ▪ Land Subject to Inundation Overlay
Relevant Legislation	The Golden Plains Planning Scheme The Planning and Environment Act 1987
Attachments	8. C77 Current zoning map

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 responsible team leader, I have no disclosable interests in this report.

Alicia te Wierik: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to seek from Council, authority to prepare and exhibit a planning scheme amendment (Amendment C77) to:

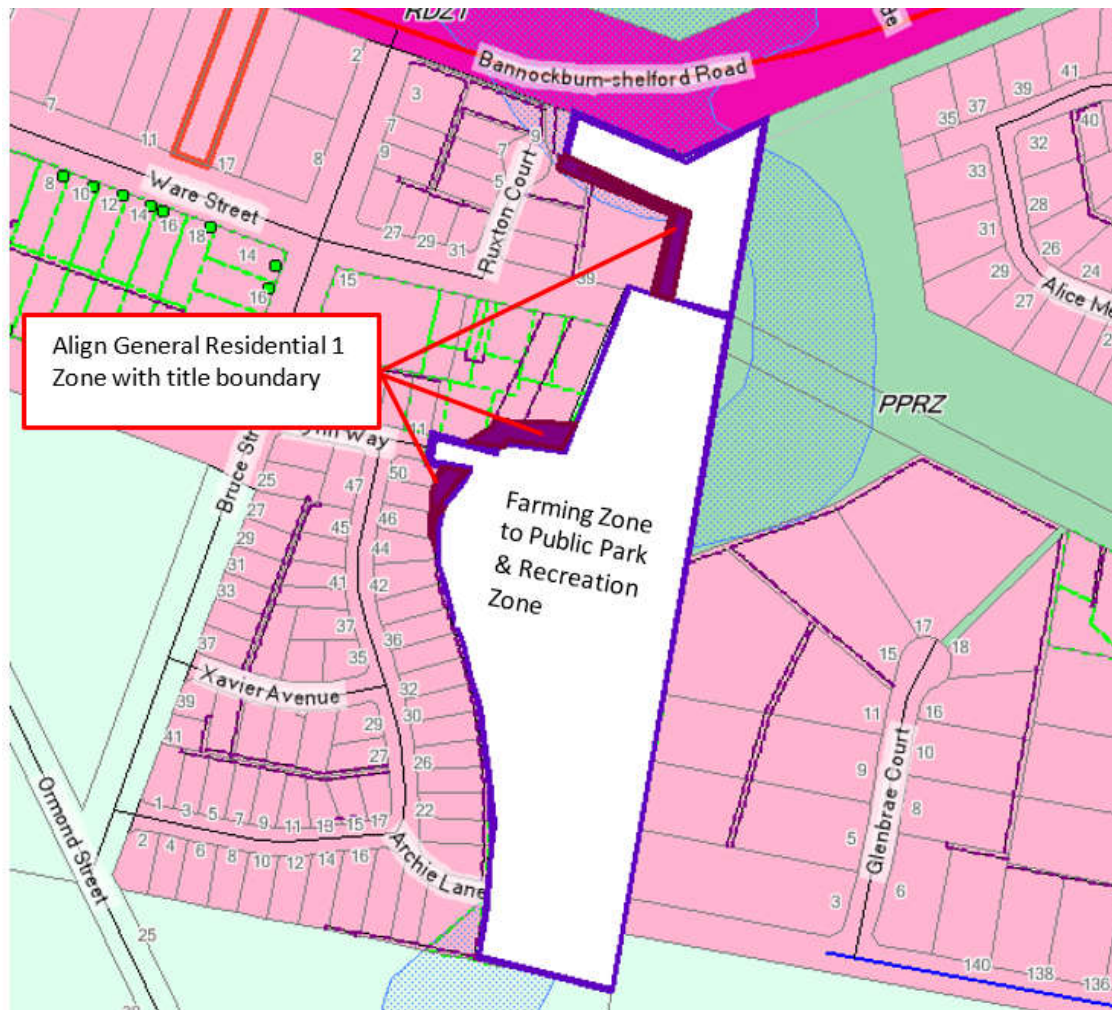
1. Rezone land, known as Part Lot 1 PS644046, Lot RES1 PS717168 and the extension of Ware Street within the Bruce's Creek Reserve, Bannockburn from the Farming Zone to Public Park and Recreation Zone and remove the Design and Development Overlay 6 from these parcels of land; and
2. Align the General Residential 1 Zone with title boundaries of Lots 13 and 16 PS717168 and Lots 58-62 PS644046 and Lot E PS644046 Parish of Murgheboluc, Bannockburn which abut the Bruce's Creek Reserve.

The rezoning to Public Park and Recreation Zone reflects the intended purpose of the land adjoining Bruce's Creek as envisaged through the Bannockburn Urban Design Framework and the Bruce's Creek Masterplan. Transfer of the land to Council ownership was required as a condition of subdivision. It is Council's responsibility to ensure the land is appropriately zoned for its purpose.

The zoning re-alignment relating to Lots 13 and 16, PS717168, Lots 58-62 PS644046 and Lot E PS644046, relates to a slither of land where the zone boundary falls slightly short of the title boundary. This mapping anomaly was identified after the surveying of title boundaries was finalised at the time subdivision.

The rezonings represent one of the final stages of the Willowbrae and De Bonair residential Estates developed by Jim Ramsay and the Carlands on land between Bruce's Street and Bruce's Creek in Bannockburn.

The plan below identifies the location of the subject land and the areas proposed for rezoning.



Background

The Bannockburn Urban Design Framework identified that the landscape, natural creek and river systems surrounding Bannockburn make an important contribution to the town's character. The Framework identifies opportunities for further development of open space, to protect and preserve existing open space values and to ensure open space is accessible and provided in proximity to the town centre.

Opportunity for open space development was identified along Bruce's Creek to protect this area as a significant landscape corridor, incorporating the provision of parkland and pedestrian/ cycle pathways. A specific strategy of the Bannockburn Urban Design Framework is to pursue development of the open space and trail system along Bruce's Creek.

When the Willowbrae and De Bonair Estates were first being planned, the above strategy was implemented and the land between the proposed residential development and Bruce's Creek was identified for public open space. This area contributes to the overall linear open space spine of Bannockburn.

Now that the subdivision of both Estates is almost complete, the transfer of land is underway and the final rezoning from the original Farming Zone to Public Park and Recreation Zone is necessary to reflect the intended use of the land.

This amendment (Amendment C77) will also correct a minor anomaly in the mapping of the alignment between the zone boundary and title boundaries in two small sections adjacent to Bruce's Creek. As such, the rezoning of the Farming Zone to Public Park and Recreation Zone will also include alignment of the General Residential 1 Zone along title boundaries.

Proposal

Council has met with the developers and spoken with residents affected to discuss the rezoning.

It is submitted that by allowing this land to be rezoned, the site will be better suited to meeting Council's strategic vision for Bannockburn and ensuring the land is appropriately zoned for its purpose.

The proposed rezoning includes:

Rezoning land known as Part Lot E PS644046, Lot RES1 PS717168 and the extension of Ware Street towards Bruces Creek from Farming Zone to Public Park and Recreation Zone (PPRZ) and removing the Design and Development Overlay 6, consistent with the adjoining land in Bruce's Creek zoned PPRZ .

The purpose of the Public Park and Recreation Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

The Design and Development Overlay 6 will be removed because it applies to development and is not consistent with other land zoned PPRZ in the Bruce's Creek Open Space corridor. The Environment Significance Overlay 2 remains as does the Part Floodway, consistent with other land in the Bruce's Creek Open Space corridor.

In addition, the rezoning seeks to align the zone and title boundaries at Lots 13 and 16 PS717168, Parish of Murgheboluc (6 Ruxton Court and 39 Ware Street), Bannockburn, Lot E PS644046 Parish of Murgheboluc, together with Lots 58, 59, 60, 61 and 62 PS644046, Parish of Murgheboluc (42-50 Willowbrae Way), Bannockburn. Specifically, the rezoning here will extend the General Residential 1 Zone across the entirety of each lot and remove the slither of Farming Zone which became apparent following the detailed survey of the land at the time of subdivision.

It is impractical to have more than one zone apply in a single title. Failure to proceed with this amendment will lead to confusion as to what zone provisions apply to each of the above parcels affected. Where the Farming Zone applies to parts of residential lots, allows for inappropriate uses to be applied for and considered within a residential area.

Discussion

The current zoning of the land as Farming Zone is inappropriate given the intended purpose of the land as detailed in the Bannockburn Urban Design Framework and Bruce's Creek.

Rezoning to Public Park and Recreation is consistent with the zoning applied on the other side of Bruce's Creek and also north of the bridge.

The amendment also corrects the alignment of the residential zone with title boundaries adjoining the Bruce's Creek reserve.

Community Engagement

A formal consultation process is required to be undertaken as part of the Planning Scheme Amendment process, pursuant to the *Planning and Environment Act 1987*.

As part of this process, the community, relevant agencies and landowners will have the opportunity to provide comment on the amendment through the formal exhibition process. Amendments are made available for public inspection during office hours at the Bannockburn Customer Service Centre and online through the Golden Plains Shire Council and Department of Environment, Land, Water and Planning website.

Cultural Heritage Implications

Cultural Heritage matters were considered as part of the original rezoning, subdivision and residential development of the Willowbrae and De Bonair Estates. There is no development proposed as part of this planning scheme amendment and as such there are no foreseen cultural heritage implications for this amendment.

Financial & Risk Management Implications

The financial implications of this rezoning are the standard planning scheme amendment fees applied by the Department of Environment, Land, Water and Planning, to administer planning scheme changes. These are provided for within Council's current budget.

This amendment seeks to apply to appropriate zone to match the intended use of land. Failure to correct the anomaly on private lots may have implications on Council whereby owners seek rectification of the zone anomaly at a later stage and in the Bruce's Creek Open Space Reserve, the application of a public zone rather than a farming zone better supports Council's management of the land.

Economic, Social & Environmental Implications

There are not considered to be any economic, social or environmental implications.

Communications

It is not considered that a communication plan is required.

Conclusion

Amendment C77 proposes to:

1. Rezone the land at Part Lot I PS644046, Lot RES1 PS717168 and the extension of Ware Street (within the Bruce's Creek Reserve), Parish of Murgheboluc, Bannockburn from Farming Zone to Public Park and Recreation Zone and remove the Design and Development Overlay 6 to reflect the intended purpose of the land as open space within the Bruce's Creek Open Space reserve.
2. Rezone part of Lots 13 and 16 PS717168, Parish of Murgheboluc (6 Ruxton Court and 39 Ware Street), Bannockburn, part Lot E PS644046 Parish of Murgheboluc, together with Lots 58, 59, 60, 61 and 62 PS644046, Parish of Murgheboluc (42-50 Willowbrae Way), Bannockburn to remove the part Farming Zone and extend the General Residential 1 Zone to align with title boundaries.

This report seeks Council's authorisation to proceed with a planning scheme amendment to ensure the appropriate zone applies to the above mentioned land.

Recommendation

That an application be made to the Minister for Planning for the authority to prepare and exhibit an amendment (C77) to the Golden Plains Planning Scheme under Section 9(2) and Section 19 of the Planning and Environment Act 1987 to:

- ***rezone land at Part Lot I PS644046, Lot RES1 PS717168 and the extension of Ware Street (within the Bruce's Creek Reserve), Parish of Murgheboluc, Bannockburn from Farming Zone to Public Park and Recreation Zone and;***
- ***remove the Design and Development Overlay 6 and rezone part of Lots 13 and 16 PS717168, Parish of Murgheboluc (6 Ruxton Court and 39 Ware Street), Bannockburn, part Lot E PS644046 Parish of Murgheboluc, together with part of Lots 58, 59, 60, 61 and 62 PS644046, Parish of Murgheboluc (42-50 Willowbrae Way), Bannockburn to remove the part Farming Zone and extend the General Residential 1 Zone to align with the title boundaries abutting the Bruce's Creek open space reserve.***

4.4.4 VCAT appeal – Planning Application P15-171 for the Use and Development of land for Industry at Lot 1 on Plan of Subdivision 629459R at 798 Tall Tree Road, Lethbridge

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director of Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	This report relates to Planning Permit Application P15-171
Council Plan Link	N/A
Relevant Council Strategies	N/A
Relevant Policies & Legislative Frameworks	Planning and Environment Act 1987
Attachments	9. Minutes from July Planning Committee Meeting (P15-171) 10. Correspondence from Farm Pride Pty Ltd 11. Correspondence from RFM Pty Ltd

Declarations of Interest: Councillors & Officers

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

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

Purpose

This report relates to a recent planning permit refusal that has been appealed to the Victorian Civil and Administrative Tribunal (VCAT) by the applicant Ausnovus Group Pty Ltd. In summary the application proposed the use and develop of land for the purposes of an enclosed composting vessel at 798 Tall Tree Road, located west of Lethbridge. The matter is scheduled to be considered at a two day hearing commencing on the 26 April 2017. The first day of the hearing has been listed for a compulsory conference where the applicant, objectors and Council have an opportunity to potentially negotiate a mutually agreeable outcome.

In refusing the planning permit application the Planning Committee provided a single ground of refusal based on biosecurity concerns. The applicant and two objectors to the proposal (both parties to the appeal) have recently made contact with Golden Plains Shire presenting new evidence which effectively addresses significant biosecurity concerns.

This report seeks Council's 'in principle' support to mediate a resolution through the compulsory conference process provided that the single ground of refusal is addressed to the satisfaction of all parties.

Background

At the July 2016 Planning Committee meeting the Golden Plains Shire Council resolved to issue a Notice of Refusal to Grant a Permit for the use and development of land for industry at 798 Tall Tree Road, Lethbridge (Lot 1 on PS629459R). A copy of the delegate report is provided at Attachment 1. In summary the application proposed the use and development of land for the purposes of an enclosed composting vessel. Notice of the application was given, resulting in six objections being lodged with Council. Objections raised concerns regarding biosecurity impacts on adjoining farms and along key transport routes, infrastructure concerns (including capacity of power supply and drainage impact) and fire management issues. At the Planning Committee

meeting there were discussions regarding the importance of protecting land within the identified Food Production Precinct from inappropriate use and development and Council subsequently resolved to refuse the proposal for the following reason:

'the proposed use and development of the land, if allowed to proceed, presents an unacceptable risk to farms in the area from a bio security perspective.'

The planning officer had recommended to the Planning Committee that a Notice of Decision to Grant a Planning Permit be issued with a number of conditions attached to the permit.

Council's decision to refuse the proposal has been appealed by the applicant to the Victorian Civil and Administrative Tribunal. The appeal is proposed to be considered at a hearing to commence on the 26 April 2017. Only two of the original six objectors elected to be parties to the appeal proceedings.

In January 2017 representatives from the Ausnovus Group (the applicant) contacted Council officers to discuss new developments regarding their proposal. The applicant's representative explained that two objectors to the proposal had entered into discussions regarding biosecurity concerns. These conversations had identified a pathway for the resolution of the single ground of refusal. The applicant sought support from Council for a request to change the first day of a scheduled merits hearing to a compulsory conference, effectively allowing negotiations regarding the proposal, prior to the presentation of formal submissions.

On the 3 February 2017 the request for a compulsory conference was heard before VCAT member Susan Whitney. A Council officer attended the Practise Day Hearing and offered no objection to the request for a compulsory conference. An order was issued on the 6 February 2017 stating that the first day of the scheduled merits hearing (26 April 2017) would be amended to become a compulsory conference. The second day of the hearing (27 April 2017) would be retained for a merits hearing if required.

Discussion

This report provides Council with an opportunity to consider new information regarding the Ausnovis development prior to the commencement of an appeal against permit refusal. If the matter proceeds to a merits hearing Council would be required to engage expert legal counsel to present submissions in support of the decision to refuse. Detailed submissions may not be necessary if the grounds of refusal can be resolved through negotiations at a compulsory conference.

The officer report presented to the former Planning Committee identified strategic policy support for the proposed land use. The report also provided a draft framework of conditions to regulate the operations of the facility if approved.

Community Engagement

A formal consultation process is not required. All parties to the appeal will be invited to present their concerns at the compulsory conference.

Financial & Risk Management Implications

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

Economic, Social & Environmental Implications

The economic implications of the proposed use and development were considered during the assessment of the permit application.

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

Communications

It is considered that a communication plan is not required.

Conclusion

In light of new information regarding the proposed use and development it is considered appropriate for the Council to consider its position with regards to the Ausnovis proposal before the commencement of compulsory conference proceedings at VCAT scheduled for April 2017.

The presentation of new evidence addressing the single ground of refusal indicates that there is potential for the resolution of biosecurity concerns. Officers seek Council's authority to negotiate a resolution through compulsory conference that appropriately addresses biosecurity concerns.

It is to be noted that the officers will be supported by expert legal counsel at the compulsory conference.

Recommendation

That Council, in regard to the matter of the VCAT compulsory conference convened to consider Planning Application No 15-171 (for the use and development of land for industry at 798 Tall Tree Road Lethbridge), resolves to authorise the Development Manager to negotiate on behalf of Council, and with the objective of agreeing to consent orders, conditional upon concerns regarding potential biosecurity impacts being satisfactorily resolved.

4.5. KEY RESULT AREA – FINANCIAL MANAGEMENT

4.5.1 Budget Report – 6 Months Ended 31 December 2016

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	Implement Strategic Resource Plan
Relevant Council Strategies	Strategic Resource Plan Annual Budget
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> ▪ Local Government Act 1989 ▪ Local Government Amendment (Fair Go Rates) Act 2015 ▪ Local Government (Planning and Reporting) Regulations 2014
Attachments	12. Budget Report – 6 Months Ended 31 December 2016

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 – 6 Months Ended 31 December 2016 to Council for adoption.

Background

The report was tabled at the 15 February Audit and Risk committee for review and discussion. The Committee recommended *'That the Audit and Risk Committee recommends to Council that the Finance Report including the Budget Report for 6 months ending 31 December 2016 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 six months of the 2016-17 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 six month period July 2016 to December 2016.

Discussion

The Audit and Risk Committee have reviewed the results to 31 December 2016, as detailed in the report. 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 \$8.3m for the year ending 30 June 2017 compared to the original surplus of \$5.2m. This positive movement of \$3.1m is primarily due to:

- \$2.4m increase in capital grants. \$2.1m from Black Spot program, \$220k Inverleigh Sports Oval Lighting and \$100k Bannockburn Soccer Pavilion Kitchen upgrade.
- \$1.6m in capital grants and contributions forecast to be received in 2016-17, that were not received in 2015-16 due to the timing of capital projects.
- \$1m 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 2017, 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 \$265k, compared to a budget surplus of \$498k. 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 2015-16 projects/programs. I.e. projects that were budgeted for in 2015-16 are now forecast to be delivered in 2016-17.

Total expenditure in the Statement of Capital Works is now forecast to be \$18.2m compared to the original budget of \$12.3m. This increase of \$5.9m is due to projects rolled forward from 2015-16 and new capital projects 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 should ensure 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 6 Months Ended 31 December 2016.

4.5.2 Council Policy – Borrowing

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:
Council Plan Link	Implement Strategic Resource Plan
Relevant Council Strategies	Strategic Resource Plan
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> ▪ Australian Accounting Standards ▪ Local Government Act 1989 ▪ Local Government (Planning and Reporting) Regulations 2014
Attachments	13. Council Policy - Borrowing

Declarations of Interest: Councillors & Officers

Richard Trigg: In providing this advice as the senior manager, 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 Council Policy – Borrowing, for adoption.

Background

The policy was tabled at the 15 February Audit and Risk committee for review and endorsement. The Committee recommended '*That the Audit and Risk Committee endorse and recommend to Council that the proposed Council policy – Borrowings be adopted without amendment*'.

Historically, Council has assessed the need for borrowing funds after taking into account the general Budget Principles listed below.

- The financial result should be consistent with Council's Long Term Financial Plan, to ensure long-term sustainability
- All strategies contained within the Council Plan should be funded in the Budget
- Rates and charges are levied in accordance with Council's Rating Strategy and in compliance with the Local Government Amendment (Fair Go Rates) Act 2015
- Spending and rating policies should be consistent with a reasonable degree of stability in the level of the rates burden
- Council should have regard to the effect on future generations of decisions made
- Staffing levels should be in accordance with Council's Strategic Resource Plan
- Only one off capital projects should be funded from any retained earnings balance
- Debt finance can be used where appropriate but Council's total borrowings should not exceed 60% of total rates and charges
- Cash reserves should be maintained at appropriate levels

- Long-term assets should be managed to maximise community benefit
- Existing fees and charges should be in line with Council's Strategic Resource Plan or market forces
- New revenue sources should be identified wherever possible
- New initiatives or new employee proposals should be justified through a business case
- Council recognises that government grants are a crucial element of financial sustainability
- Council's Budget should take into account all of Council's other strategic plans
- Financial risks faced by Council should be managed having regard to economic circumstances

These general principles essentially ensure all areas of Financial Sustainability have been considered before adopting each annual budget.

Discussion

Borrowing funds is a legitimate and responsible financial management tool when used to finance projects, as it spreads the payments for such assets across multiple years to reduce the impact on rate payers, in any given year.

The practical use of borrowings is implied within the Essential Services Commission's (ESC) guidance on applying for a higher rate cap, where it states that applications will need to demonstrate that alternative funding, financing and revenue sources have been explored. The ESC has indicated that they will refer to Council policy in relation to debt, when reviewing any higher rate application.

The Victorian State Government has indicated that Councils should be utilising appropriate levels of debt to manage financial sustainability and, in the past, have alluded to the fact that Victorian Council debt levels are low when compared to other Australian States.

The purpose of the attached Borrowing Policy is to:

- Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework
- Ensure Council keeps within the relevant prudential requirements provided by State Government and
- Set out the manner in which Council may establish and manage a debt portfolio

Not only does the Policy formalise Council's current practice when undertaking borrowings, it also details:

- The legislative framework Council is required to operate within
- The objectives to be achieved from borrowing funds
- Council and Sector-wide targets for specific ratios and
- Borrowing arrangements that are acceptable to Council

Community Engagement

A formal consultation process is not required.

Financial & Risk Management Implications

It is considered there are no financial or 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

The Council Policy – Borrowing outlines the requirements and considerations to be undertaken when borrowing funds.

The policy provides the community with an understanding of why and how Council undertakes and manages the borrowing portfolio required to deliver the services and projects contained within the Council Plan.

The Audit and Risk Committee have reviewed the policy and have recommended that it be adopted by Council without amendment.

Recommendation

That Council adopt the Council Policy – Borrowing.

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

4.8.1 Contract: GPS-T15/2017 – Construction of Four [4] Road Safety Projects, involving Road Widening and Guard Fence Installation

Directorate	Assets and Amenity
Unit	Works
Senior Manager	Greg Anders - Director Assets & Amenity
Responsible Manager	David Greaves – Works Manager
Author	Tony Talevski – Team Leader Roads & Waste
File References	<ul style="list-style-type: none"> ▪ EDMS File: 39-123-001 ▪ Contract Number: GPS- T15/2017
Council Plan Link	To maintain and enhance safety on the road network at a level that adequately satisfies transportation needs.
Relevant Council Strategies	Road Strategy
Relevant Policies & Legislative Frameworks	N/A
Attachments	14. Confidential Attachment GPS –T15/2017

Declarations of Interest: Councillors & Officers

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

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

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

Purpose:

This report seeks Council approval to the awarding of a single contract for construction of four [4] road safety projects, involving road widening & guard fence installation

Background

The Federal Government's Black Spot Programme is part of a commitment to reduce crashes on Australian Roads. Golden Plains Shire Council was successful in obtaining funding for four [4] projects to be completed in the 2016/17 financial year.

The cost of these projects are 100% funded through the programme and are included in the 2016/17 budget.

As the purchase exceeds the \$200,000 (incl. GST) threshold detailed in Council's Procurement Policy a public tender process was required.

The specification called for road construction works at four locations:

- a) Ross Creek-Haddon Road (Nintingbool) in the vicinity of the Nintingbool Road intersection, (approximately 700m)
- b) Sebastopol-Smythesdale Road (Smythesdale) from Pascoe Street to Incolls Road, (approximately 2,620m)
- c) Smythesdale-Snake Valley Road (Smythesdale) from Hillcrest Road to Woady Yaloak River, (approximately 3,500m)
- d) Meredith-Steiglitz Road (Steiglitz) from Pioneer Ridge Road to Eclipse Road, (approximately 3,000m).

The contract includes all civil works required to complete the scope of works as defined in the drawings and the schedules. For all four projects, the works generally include construction and sealing of shoulders, installation of VicRoads approved guard fence at specified locations, improved signage, improved line-marking, improved delineation throughout and drainage improvements, together with upgrades to driveway culverts and cross road culverts.

The Ross Creek-Haddon Road project, will also include channelised reconstruction of the Nintingbool Road intersection.

All roads are managed by the Golden Plains Shire Council and as such the construction process requires construction zone traffic management plans to be prepared and submitted to Council for approval prior to the commencement of works. The respective roadways must remain operational during the works with minimal disruption to traffic.

The tender process was conducted by public tender.

As shown in Table 1 below, only one tender was received.

Table 1

No.	Tenderers
1	Bitu-mill (Civil) Pty Ltd

Discussion

Tender Evaluation

The received tender was evaluated for compliance with the specification by the tender evaluation panel.

The tender evaluation panel (TEP) was formed by the following personnel:

1. Greg Anders
2. Tony Talevksi
3. David Greaves

Chairperson: Kate Herford

The Tender was rated using the following criteria and weightings:

A	Compulsory Criteria	Weighting
	OH & S	Pass/Fail
	Insurance	Pass/Fail
	Risk Management Policy	Pass/Fail
	Pre-qualified VicRoads Contractor	Pass/Fail
B	Qualitative Assessment	
	Experience and ability	30%
	Capability – Project Delivery	30%
C	Quantitative Assessment	
	Price	40%

Scoring

The tender evaluation panel conducted a thorough evaluation of the tender. The evaluation panel determined a consensus for each weighted criteria to allow an evaluation score for the tender out of 100.

As per Table 1 of the confidential attachment, the tender submitted by Bitu-mill (Civil) Pty Ltd is the preferred tenderer, being the only tender received and meeting the specification requirements and project budget.

Therefore it is considered to provide Best Value to Council.

Financial Assessment

There was no requirement for a Tender Interview or Financial assessment for this.

Community Engagement

A formal consultation process was not required.

Financial & Risk Management Implications

The tendered price from Bitu-mill (Civil) Pty Ltd of **\$1,697,766.68 (Including GST)** is within the total project budget.

It is considered that there are no risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no economic or social implications. However, environmental implications will be managed with a site specific Environmental Management Plan across the four [4] projects.

Communications

It is considered that a communication plan is not required.

Conclusion

Based on tender information received and subsequent detailed assessment Bitu-mill (Civil) Pty Ltd was deemed to provide Best Value to Council with a weighted score of 88/100.

Recommendation

That Council resolves to award Contract GPS-T15/2016, for construction of four [4] road safety projects, involving road widening and guard fence installation to Bitu-mill (Civil) Pty Ltd for the tendered amount of \$1,697,766.68 (including GST).

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
26/1/17	Linton Australia Day celebration
27/1/17	G21 Board meeting
1/2/17	Lunch with Bill McArthur
10/2/17	Grampians Central West Forum meeting and board election
13/2/17	G21 Environment Pillar annual workshop
16/2/17	Central Highlands Mayors and CEOs forum
17/2/17	Peri Urban Group of Rural Councils Mayors and CEOs Forum
21/2/17	Sarah Henderson MP, member for Corangamite
22/2/17	Gayle Tierney MP, Minister for Training and Skills, Minister for Corrections
24/2/17	G21 Board meeting

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 1	Item 4.4.1	P16-166 Application, Site and Elevation Plans
Attachment 2	Item 4.4.1	P16-166 Locality Plan
Attachment 3	Item 4.4.1	P16-166 Copy of Objections
Attachment 4	Item 4.4.1	P16-166 Copy of Withdrawal
Attachment 5	Item 4.4.2	P16-321 Site and Floor layout plan
Attachment 6	Item 4.4.2	P16-321 Locality Plan
Attachment 7	Item 4.4.2	P16-321 Clause 32.03 (Low Density Residential Zone)
Attachment 8	Item 4.4.3	C77 Current zoning map
Attachment 9	Item 4.4.4	Minutes from July Planning Committee Meeting
Attachment 10	Item 4.4.4	Correspondence from Farm Pride Pty Ltd
Attachment 11	Item 4.4.4	Correspondence from RFM Pty Ltd
Attachment 12	Item 4.5.1	Budget Report to 31 December 2017
Attachment 13	Item 4.5.2	Borrowings Policy
Attachment 14	Item 4.8.1	Confidential Attachment GPS-T15-2016

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 March 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 March 2017 at the Bannockburn Shire Hall. 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