

AGENDA

Ordinary Council Meeting

6.00pm Tuesday 18 December 2018

VENUE:
Linton Customer Service Centre
Council Chambers
68 Sussex Street, Linton

NEXT ORDINARY COUNCIL MEETING
7.00pm Tuesday 22 January 2019

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at www.goldenplains.vic.gov.au

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

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

BEHAVING WITH INTEGRITY

We Councillors will:

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

MAKING COMPETENT DECISIONS

We Councillors will:

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

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1 OPENING DECLARATION

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire.

2 ACKNOWLEDGEMENT OF COUNTRY

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.

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES**

That the minutes of the meeting of Council, 27 November 2018 as circulated, be confirmed.

5 DECLARATION OF CONFLICT OF INTEREST

6 BUSINESS REPORTS FOR DECISION**6.1 DELEGATES REPORT - 28 NOVEMBER 2018 TO 17 DECEMBER 2018****File Number:** 78-07-002**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**Cr Owen Sharkey**

28 November	G21 Induction
29 November	Volunteer Celebration Event
29 November	Cinema Pop Up event
30 November	G21 Board Meeting
2 December	Official Opening of the Avalon Airport Terminal
2 December	Memorial Service for Linton Firefighters
3 December	BSA Awards Evening
4 December	Audit & Risk Committee Meeting
6 December	VLGA Mayor and Deputy Mayor event
7 December	PUGRC Bi-monthly meeting
8 December	Meredith Music Festival
11 December	Councillor Briefing meeting
12 December	CHCV meeting
12 December	Mayoral Student Award presentation at Linton Primary School
13 December	Meeting with [REDACTED]
13 December	Mayoral Student Award presentation at P-12 Bannockburn College
13 December	Mayoral Student Award presentation at St Mary MacKillop Catholic Primary School
14 December	Meeting with [REDACTED]
14 December	Mayoral Student Award presentation at Teesdale Primary School
17 December	MAV 2018 Mayor Induction Day

Cr David Evans

29 November	Volunteer Celebration Event
30 November	Rural and Peri Urban Scoping Discussion
2 December	Memorial Service for Linton Firefighters
4 December	Audit & Risk Committee Meeting
7 December	Rural and Peri Urban Advisory Committee
11 December	Councillor Briefing meeting

6.2 PLANNING APPLICATION P17-255 - VARIATION OF RESTRICTIVE COVENANT V278933P, 59 YORKSHIRE CLOSE, BATESFORD**File Number:****Author:** [REDACTED], Town Planner**Authoriser:** [REDACTED], Director Assets and Amenity**Applicant:** [REDACTED]**Owner:** [REDACTED]**Proposal:** Variation of Restrictive Covenant V278933P to allow no more than two dwelling houses on the same parcel of land**Location:** 59 Yorkshire Close, Batesford**Attachments:**

1. Copy of Application Documents (under separate cover)
2. Copy of Objections (under separate cover)
3. Copy of VCAT Appeal P778/2016 (under separate cover)

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit to vary restrictive covenant V278933P over 59 Yorkshire Close, Batesford to allow two dwellings on the Lot, with the proposed conditions listed in this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application which proposes to vary the registered restrictive covenant V278933P, to allow two dwellings on the land at 59 Yorkshire Close, Batesford. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation which supports the issue of a planning permit.

PURPOSE

The application has been referred to the Council Meeting for determination as there are a number of outstanding objections to the issue of a planning permit.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officers preparing this report declare no conflict of interest in regard to this matter.

COUNCIL PLAN

Managing natural and built environments.

BACKGROUND INFORMATION

The initial application sought to vary the restrictive covenant V278933P affecting the land at 59 Yorkshire Close, Batesford, to alter the wording of 1.1 of part 1 to allow more than one single dwelling house. This variation to the covenant would potentially have allowed (with further planning approval) more than two dwellings on the land.

As a result of the consultation meeting the applicant amended their application as follows

The amended application proposes a variation of the restrictive covenant V278933P to allow no more than two dwellings on the lot (see attachment 1).

The applicant is seeking to alter 1.1 of part 1 from

1. Shall not at any time hereafter erect or build or cause or suffer to be erected or built on the Lot or any part thereof:

1.1 any more than one single dwelling house.

To be amended to become

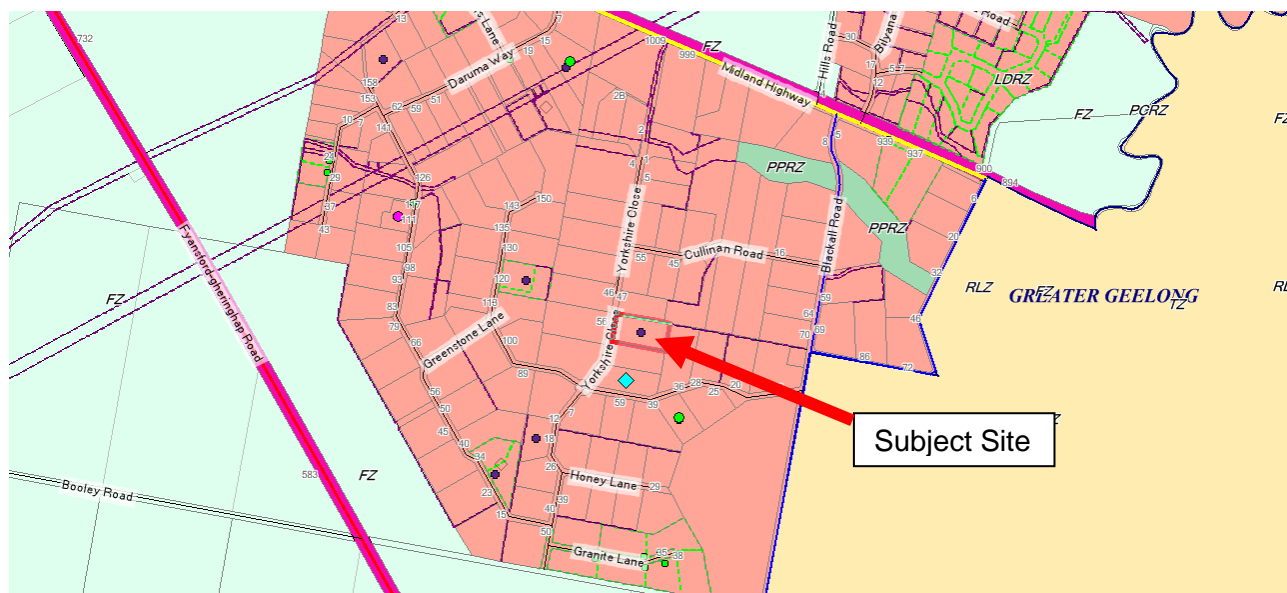
1. Shall not at any time hereafter erect or build or cause or suffer to be erected or built on the Lot or any part thereof:

1.1 any more than two single dwelling houses

Locality

The subject land is situated at 59 Yorkshire Close, Batesford and is formally described as Lot 7 on Plan of Subdivision 406956V. The site is located within a Low Density Residential Zone (LDRZ) area of the Batesford township. Design and Development Overlay 5 (DDO5) and Development Plan Overlay 2 (DPO2) also apply to the site.

DDO5 seeks to ensure that the siting and design of any new buildings is in keeping with the character and appearance of the area. DPO2 will only be applicable to the site if an application for planning permit to subdivide the land is received in the future.



The land parcel has an area of 1.4 hectares and it contains an existing dwelling and associated shed with the site having access from Yorkshire Close.

The lots within this area of Batesford range in size from around 4,000 square metres up to 1 hectare; are predominately rectangular in shape, and contain single dwellings with associated shedding.

The application was received by Council on 9 October 2017 and a preliminary assessment of the application was undertaken. Council requested a copy of title for all lots benefitted by the covenant; which were received on 14 November 2017.

The applicant then applied to amend the application as outlined previously in this report on 30 August 2018.

CONSULTATION

Notice of the application was given in accordance with Section 52 of the Act. Notice was provided by registered mail to all adjoining and neighbouring owners and occupiers that are beneficiaries to the covenant. A sign was placed onsite and a copy of the notice placed in a Saturday edition of the Geelong Advertiser.

As a result of the public notice eleven (11) objections were received (see attachment 2). Five (5) objections were from beneficiaries to the restrictive covenant, with the remaining six (6) objections not beneficiaries to the covenant. The objections related to:

- Loss of privacy;
- Devaluation;
- Amenity impacts;
- Increased traffic;
- Impact on services to the property;
- Environmental Impacts;
- Precedent.

A consultation meeting with the objectors and the applicant was held on 18 July 2018, however there was no resolution reached.

As a result of the consultation meeting the applicant applied to amend the application. This amendment altered the variation to the restrictive covenant as outlined previously.

Following on from this amendment, Council notified all of the objectors of the proposed change. No objections were withdrawn as a result of the amended application.

ASSESSMENT

Planning Scheme

Particular Provisions

Clause 52.02 – Easements, restrictions and reserves

A planning permit is required under Clause 52.02 to create, vary or remove an easement or restriction.

The purpose of the clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme but only after the interests of affected people are considered.

A permit is required under the *Planning and Environment Act 1987* before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary or remove a restriction. Before deciding on an application, the responsible authority must consider the interests of affected people.

In the case of a restrictive covenant, the affected people are primarily the beneficiaries. Beneficiaries are those who own land affected by the same covenant to which a variation is sought. Non-beneficiaries can still make an objection.

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

Section 60 of the Act specifies a number of matters that the responsible authority must consider before deciding an application. Under Section 60(2) of the Act for covenants listed post 1991 (the covenant in this application was registered in 2011), Council must satisfy itself that the owners of any land benefitted by a covenant will be unlikely to suffer detriment of any kind. Section 60(2) states the following

The responsible authority must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer:-

- (a) financial loss; or*
- (b) loss of amenity; or*
- (c) loss arising from change to the character of the neighbourhood; or*
- (d) any other material detriment:-*

as a consequence of the removal or variation of the restriction.

Therefore if an objection is received from a person benefitting from the covenant, Council must not grant a permit unless they are satisfied that the grant of a permit is unlikely to cause any of the detriments described in Section 60(2) to any of the other persons benefited by the covenant.

DISCUSSION

(i) VCAT Decision

VCAT decision P778/2016 [REDACTED] v *Golden Plains SC* (2016) provides Council with guidance in the assessment of covenant variations similar to this application. In this case Council decided to refuse the application for planning permit on the grounds that the application failed to satisfy Section 60 (2) of the Act.

VCAT set Council's decision aside and directed that a planning permit be granted to vary the restrictive covenant to allow two dwellings on the land.

The VCAT member commented that they were satisfied that the beneficiaries would be unlikely to suffer any of the detriments outlined in section 60(2) of the *Planning and Environment Act 1987* (attachment 3).

(ii) Planning and Environment Act 1987

When considering an application to vary or remove a restrictive covenant, with objections from beneficiaries to the covenant, Council must consider each of the matters listed (as outlined previously in this report) in Section 60(2) of the *Planning and Environment Act 1987*, being:

(a) Financial Loss

There has been no evidence supplied by any of the objectors that may support the claim of financial loss as a direct result of this proposed variation to restrictive covenant. Further, VCAT has made clear over time that objection to planning applications based on property devaluation is speculative. It is therefore considered that it would be unlikely that the variation of the restrictive covenant will decrease the value of the lots in the estate.

(b) Loss of Amenity

Given the size of the land, the subdivision and development of the lot would only create a single additional dwelling on the land which still meets the minimum lot size requirements of the LDRZ.

It is considered that the traffic impacts generated by a second dwelling on the land would be insignificant and will not affect the capacity and functionality of the surrounding streets. The land would also be large enough to accommodate the increased car parking demands of a second dwelling.

(c) Loss arising from change of neighbourhood character.

As per the above response relating to loss of amenity, as the proposal would only allow a single additional dwelling on the land it is not considered that this will change the character of the neighbourhood.

By allowing the variation of the restrictive covenant, this will not in itself allow any development on the land and the applicant will still require a planning permit to use and develop the land for a second dwelling or to subdivide the land. Any future development will be required to meet the minimum setback requirements set out in Schedule 5 to the Design and Development Overlay, the objective of which is which is aimed at protecting the low density character of the area and maintaining the high level of amenity in low density residential areas.

(d) Other material detriment

The Planning and Environment Act 1987 and the planning scheme provide for covenants to be varied in appropriate cases.

The fact that beneficiaries perceive that they will be materially affected by an alteration to their original expectation is not a ground for refusal under Section 60(2) of the Planning and Environment Act 1987.

Concerns relating to the setting of a precedent also fall into the category of perceived detriment and again is not grounds for refusal under Section 60(2) of the Planning and Environment Act 1987.

CULTURAL HERITAGE IMPLICATIONS

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

CONCLUSION

A recommendation has been made to issue a Notice of Decision to Grant a Planning Permit to allow the variation to restrictive covenant V278933P to allow two dwellings on the land. It is considered that the beneficiaries would be unlikely to suffer from any of the detriments outlined in Section 60(2) of the Planning and Environment Act 1987 and therefore the application meets the relevant requirements of the planning scheme.

PROPOSED CONDITIONS

1. A plan of variation of a restriction must be submitted to the responsible authority for certification.
2. The certified plan must be lodged with the Office of Titles for registration in accordance with section 23 of the Subdivision Act 1988.
3. This permit will expire if the certified plan is not lodged at the Office of Titles for registration within two years of the issue date of this permit. In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

6.3 PLANNING APPLICATION P18-187 - THE USE OF THE LAND FOR A LIQUOR LICENCE (GENERAL LICENCE), 80 SUSSEX STREET, LINTON

File Number:**Author:** [REDACTED], Town Planner**Authoriser:** [REDACTED] Director Assets and Amenity**Applicant:** Rosemary's Speakeasy**Owner:** [REDACTED]**Proposal:** The use of the land for a Liquor Licence (General Licence)**Location:** 80 Sussex Street, Linton**Attachments:**

1. Copy of Application Documents (under separate cover)
2. Copy of Objections (under separate cover)

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the use of the land for a Liquor Licence (General Licence), at 80 Sussex Street, Linton, with the proposed conditions listed in this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application which proposes the use of the land for a liquor licence (general licence) on the land at 80 Sussex Street, Linton. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation which supports the issue of a planning permit.

PURPOSE

The application has been referred to the Council Meeting for determination as there are a number of outstanding objections to the issue of a planning permit.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officers preparing this report declare no conflict of interest in regard to this matter.

COUNCIL PLAN

Managing natural and built environments.

BACKGROUND INFORMATION

The application seeks to allow the use of the land for a general liquor licence. The general licence allows for the consumption of alcohol both on and off (takeaway) the premises. The licenced (red line) area is proposed to be located around the boundary of the site and extend beyond the front boundary which would include the adjoining footpath to the edge of kerb fronting Sussex Street/Glenelg Highway.

The trading hours under this licence are proposed as:

Monday to Wednesday – Closed

Thursday – 1.00pm until 9.00pm

Friday – 11.00am until 11.00pm

Saturday – 10.00am until 11.00pm

Sunday – 10.00am until 9.00pm

The site is currently being used for a food and drink premises (Rosemary’s Speakeasy) and has been so for a number of years; a planning permit is not required for this use. The current operator has described the use as ‘a relaxed restaurant/lounge aiming to provide meals, light meals and finger food in a relaxed and comfortable lounge style environment indoors’.

As part of the liquor licensing process, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) provide the relevant responsible authority the opportunity, if it so chooses, to lodge a submission to a liquor licence application on the grounds that the proposal may detract from, or be detrimental to, the amenity of the area in which the proposed licensed premises is situated.

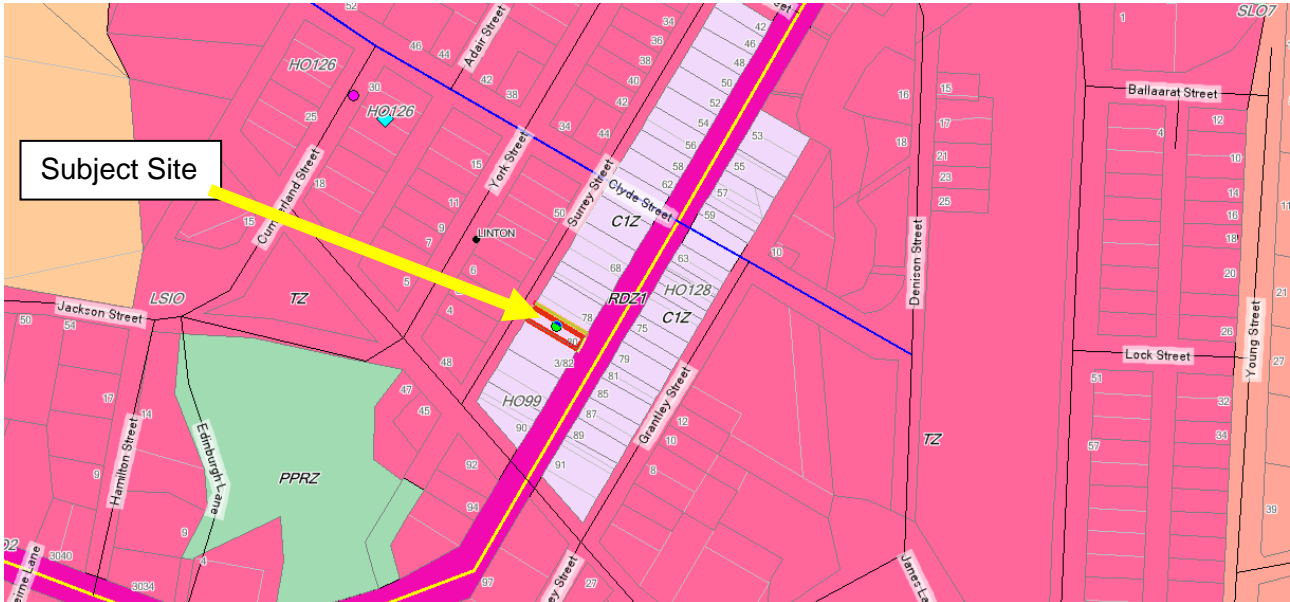
This process sits outside the planning permit application process and is not considered by the planning department but by Council’s Investigations Officer. In this instance the Investigations Officer has requested that the licensed area be reduced to remove the external front footpath area from licensed red line area and be brought into line with the front boundary (building line) of the site.

As a result of this submission, the VCGLR received an amended plan from the applicant reducing the liquor licence area in line with the boundary of the site. As this amended plan is now lodged with the VCGLR, an amended liquor licence (red line) area plan in line with this will be required via an amended plans condition, as recommended.

The subject land is situated at 80 Sussex Street, Linton and is formally described as Crown Allotment 9, Section 1, Parish of Argyle. The site is located within a Commercial 1 Zone (C1Z) area of the Linton township. Heritage Overlay HO99 also applies to the land, this overlay relates to the Linton Heritage Precinct.

The site abuts the Township Zone to the west, with Road Zone Category 1 (Sussex Street/Glenelg Highway) and Commercial 1 Zone to the east. This area is a mix of commercial buildings and uses, and dwellings.

Locality map showing subject site (red outline).



The parcel has an area of 597 square metres and it contains an existing commercial building towards the Sussex Street frontage of the parcel.

Given the commercial zoning, a planning permit is not required for the (existing) use of the land for a food and drink premises, nor are there any car parking requirements associated with this use. No buildings or works are proposed.

The application was received by Council on 17 July 2018 and a preliminary assessment of the application was undertaken. The application was referred to VicRoads and Victoria Police for their information and comments on the proposal. VicRoads have responded and advised that they have no in principle objection to the proposal. No response was received from Victoria Police.

CONSULTATION

Notice was also given in accordance with Section 52 of the Act. Notice was provided by mail to 16 adjoining and neighbouring owners and occupiers and a sign was placed on site.

As a result of the public notice two (2) objections were received (see attachment 2). The objections relate to:

- Traffic;
- Parking;
- Noise;
- Cumulative impact.

A consultation meeting with the objectors and the applicant was held on 15 November 2018. As a result of the consultation meeting draft permit conditions were prepared and circulated to the objectors (and the applicant) to attempt to resolve the concerns of the objectors.

No objections were withdrawn as a result of this process.

ASSESSMENT

Clause 52.27 Licensed Premises

The purpose of this clause is to ensure that licensed premises are situated in appropriate locations and that the impact of the licensed premises on the amenity of the surrounding area is considered.

Clause 65 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 use of the land for a food and drink premises has previously been established and is not being altered or considered as part of this planning application. As the site has existing use rights for a food and drink premises and no buildings and works are proposed, the requirements of the Commercial 1 Zone, the Heritage Overlay and the car parking provisions are not a consideration as part of the assessment of this proposal. Hence Council can only consider the decision guidelines of the particular provision for a liquor licence, Clause 52.27 in the planning scheme.

The number of patrons allowed onsite will be controlled by the occupancy permit that is required for a liquor licence under the Building Act which will be issued by a licensed building surveyor.

In regards to issues concerning noise from the premises, including music emanating from the site and patrons outside the building. It is considered that the EPA requirements for noise emissions

should manage any amenity impacts relating to noise. Conditions have been placed in the planning permit that should negate any noise impacts.

Noise concerns were also raised regarding noise from traffic/car doors and vehicle movements through this area as a result of people arriving and leaving the site, and patrons talking in the street. Council could not expect that the operator to be able to control these external noises, as vehicles currently have the right to park within the street and pedestrians have the right to talk within public areas. Conditions are proposed that will assist in dispersing patrons out the front of the premises to assist in negating this potential issue.

Car parking has been raised as a concern relating to the use of the land. As outlined previously it is considered that as the use has previously been established, the car parking requirements are not required to be met. The application is only for the liquor licence onsite and no consideration of the car parking is required.

The cumulative impact must be considered as part of the planning assessment of a liquor licence, under the particular provision for a licensed premises. This concern was also raised as an issue in the objections. Currently there is only one existing general liquor licence in Linton, this being the Linton Railway Hotel. Only two other liquor licenses exist, being the Linton Bowling Club (restricted club licence) and the Linton Cricket Club (renewable limited licence). Given the minimal number of liquor licences as identified above, it is not considered that by granting a planning permit for a liquor licence would create a negative cumulative impact.

CULTURAL HERITAGE IMPLICATIONS

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

CONCLUSION

A recommendation has been made to issue a Notice of Decision to Grant a Planning Permit to allow the use of the land for a Licensed Premises (General Licence) on the land. It is considered that the application satisfies the provisions of the State and Local Planning Policy Frameworks, the particular provision for a Licensed Premises (Clause 52.27), and the decision guidelines of the Planning Scheme (Clause 65). The proposed conditions in the planning permit ensure there is no adverse effect on the amenity of the area. For these reasons the issue of a permit is not considered to cause material detriment to any person.

PROPOSED CONDITIONS

Amended plans required

1. Before the Liquor Licence is approved, an amended red line plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the red line plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the red line plan submitted with the application but modified to reduce the red line to remove the foot path area at the front of the premises.
2. The red line area as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority;

Staff Training & Serving of Liquor

3. All staff engaged in the serving of liquor must complete a 'Responsible Serving of Alcohol' course approved by the director of Liquor Licensing Victoria, within 2 months of this condition being imposed or of commencing employment.

Hours of Operation

4. The licenced premises shall only serve alcohol between the following hours:

Monday to Wednesday – Closed
Thursday – 1.00pm until 9.00pm

Friday – 11.00am until 11.00pm
Saturday – 10.00am until 11.00pm
Sunday – 10.00am until 9.00pm

Noise

5. The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy, Control of Noise from Commercial, Industrial or Trade Premises No. N-1, and Control of Music Noise from Public Premises No. N-2, to the satisfaction of the Responsible Authority.
6. Noise emissions must comply with State Environment Protection Policy or any other standard recommended by the Environmental Protection Authority.
7. No music is to be played outside the premises including the rear yard. No speakers are to be sited outside the building or in the rear yard area.

Waste

8. Any empty bottles associated with the use must only be emptied into waste and/or recycling bins within designated hours. No emptying of bottles into waste and/or recycling bins is permitted after 9:00pm on any night or before 7:00am on any day.

Number of Patrons not to exceed Occupancy Permit

9. Prior to the commencement of the use, a copy of the Occupancy permit must be provided to the Planning Department of the Golden Plains Shire Council. The number of patrons permitted on the premises at any one time must not exceed the maximum number of patrons allowed under any Occupancy Permit issued under Building Regulations.

Amenity

10. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.
11. The operator must request patrons, by a prominent notice, to take account of the needs of local residents for peace and quiet during normal sleeping hours.
12. The operator and/or security staff must request patrons to not congregate on the footpath, in front of the premises.

Management/supervision of premises

13. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the responsible authority.
14. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to a member of the Victoria Police, an "authorised officer" of the responsible authority or an officer of Victorian Commission for Gambling and Liquor Regulation for the carrying out of an investigations associated with the sale or consumption of alcohol on the site.
15. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an "authorised officer" of the responsible authority or an officer of Victorian Commission for Gambling and Liquor Regulation regarding the conduct of the premises for the activity hereby authorised.

Expiry of Permit

16. This permit will expire if the use is not started within *two* 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

6.4 PLANNING APPLICATION P17-039 FOR THE USE AND DEVELOPMENT OF LAND FOR INTENSIVE ANIMAL HUSBANDRY (FREE-RANGE PIGGERY) AND DWELLING AT 1779 HAMILTON HIGHWAY, MURGHEBOLUC

File Number:

Author: [REDACTED] Town Planner

Authoriser: [REDACTED] Director Assets and Amenity

Applicant: [REDACTED]

Owner: [REDACTED]

Proposal: The use and development of the land for the purposes of intensive animal husbandry (free-range piggery) and a dwelling

Location: Lot 2 on Title Plan 863669H (1779 Hamilton Highway, Murgheboluc)

Attachments:

1. Locality map (under separate cover)
2. Copy of application and plans (under separate cover)
3. Copy of objections (under separate cover)
4. Referral responses (under separate cover)

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of the land for Intensive Animal Husbandry (Free Range Piggery) and a Dwelling at 1779 Hamilton Highway, Murgheboluc (Lot 2 on Title Plan 863669 Parish of Murgheboluc) on the grounds that the proposed piggery presents a high biosecurity risk to existing poultry operations in the area because the proposed biosecurity buffer distance is inadequate to prevent the spread of disease.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the use and development of the land for Intensive Animal Husbandry (Free Range Piggery) and Dwelling at 1779 Hamilton Highway, Murgheboluc. This report provides a background to the application and a summary of the relevant planning considerations.

PURPOSE

The application has been referred to the Council Meeting for determination because there are objections to the application and because Council officers' are of the opinion that the application does not satisfy the provisions of the planning scheme and should be refused.

CONFLICT OF INTEREST

In accordance with Section 80B of the *Local Government Act 1989*, the Officers preparing this report declare no conflict of interest in regards to this matter.

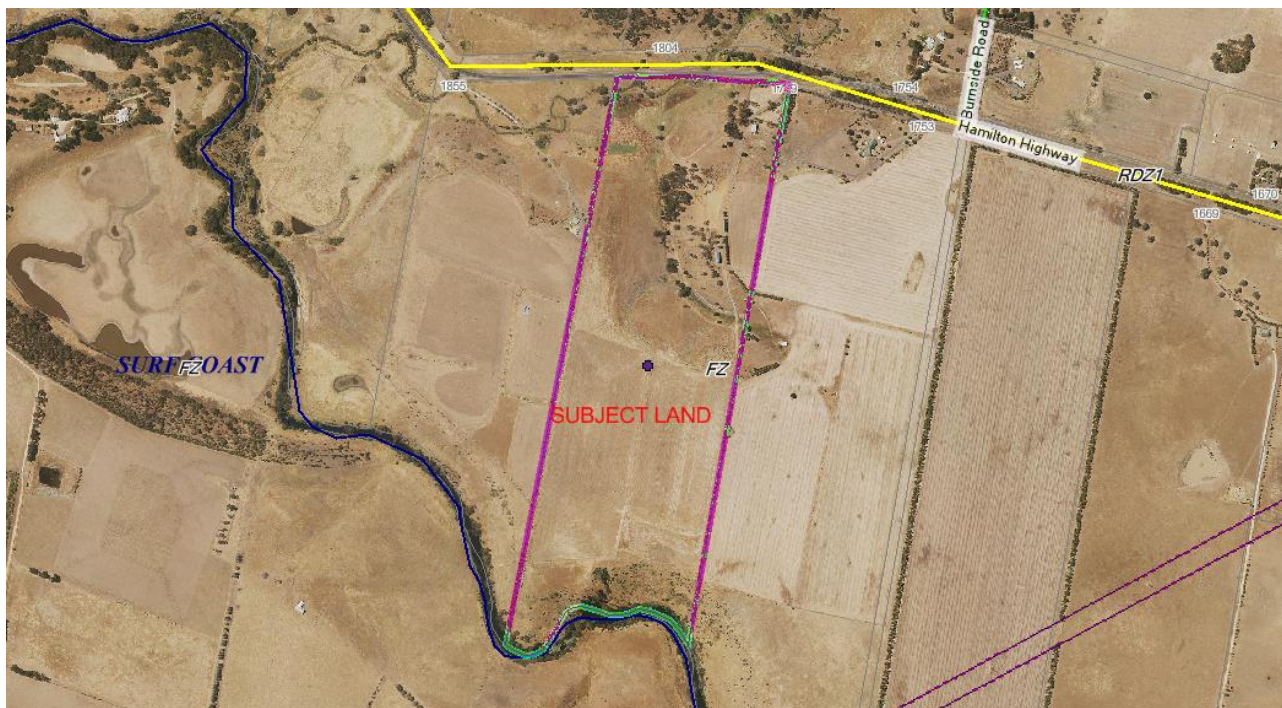
COUNCIL PLAN

Managing natural and built environments.

BACKGROUND INFORMATION

The subject land is located at 1779 Hamilton Highway, Murgheboluc and is formally known as Lot 2 on Title Plan 863669 (refer to attachment 1 – locality map). The land has a total area of approximately 51 hectares. The land is located in the rural locality of Murgheboluc and runs longways between the Hamilton Highway to the north and the Barwon River to the south. A tributary of Bruce's creek passes through the northern portion of the property. Adjoining and nearby land is in a Farming Zone (FZ) and is used for a mixture of agricultural activities including poultry farms and rural

residential purposes. The nearest dwelling not in the same ownership is located approximately 320 metres to the north-west.



The application proposes the use and development of the land for Intensive Animal Husbandry (Free Range Piggery) and a Dwelling (refer to Attachment 2 – copy of application and plans). The proposed free range piggery operation comprises an area of approximately 20ha with a maximum capacity of 290 pigs. The pig herd will be separated into two herds, being the breeding herd and growing herd, with each herd contained in an area of approximately 9 hectares.

Shelter for the pigs will be provided in moveable hutches with a paddock rotation system to operate for the free range feeding. The hutches will be checked for cleanliness on a daily basis and will include hay bedding. Drinking and feeding facilities will be provided for each paddock.

Pest management will be undertaken for weeds and vermin. An Environmental Management Plan has been provided with the application that details odour and waste management, stormwater control, carcass disposal as well as chemical storage and handling. A herd health program will manage the risk of disease with a management plan in place to ensure potential health and bio-security risks to the herd are minimised where possible.

The proposed dwelling is associated with the use of the land for a piggery. The dwelling will be single storey and sited towards the rear boundary towards the Barwon River frontage. The dwelling will comprise 5 bedrooms, 2 bathrooms, an open plan living area with kitchen, separate lounge room and attached double garage. The external materials of the dwelling consist of hardwood wall cladding, colorbond roofing and hardwood windows and doors.

CONSULTATION

Notice of the application was given in accordance with Section 52 (1) (a) and (d) of the *Planning and Environment Act 1987*. Notice was provided by mail to adjoining and neighbouring owners and occupiers within 1km of the site. Notice was also carried out by placing a sign on the site and by publishing a notice in the Geelong Advertiser newspaper.

As a result of the public notice, 10 objections were received. A copy of the objections is provided in Attachment 3. The main grounds of objection are as follows:

1. Environmental impact. Many of the objectors are concerned that run-off from the proposed free-range piggery will contaminate the Barwon River. Other environmental concerns include erosion and native vegetation impacts.

2. Odour. The objectors are concerned that the surrounding area will be adversely affected by odour from the proposed piggery.
3. Traffic. Concerns have been raised regarding traffic, in particular safety risks associated with access to the Hamilton Highway.
4. Biosecurity. [REDACTED] has raised concerns regarding the spread of diseases shared by pigs and poultry and believes that the 1.7 kilometre distance between the proposed piggery and the existing poultry farms does not provide an adequate biosecurity buffer.
5. Other concerns have been raised regarding inaccuracies in the application documents, the viability of the proposal, the use of river and bore water by the proposal, and the impact of the proposed piggery on recreational use of the Barwon River and the lifestyle of adjoining property owners.

Due to concerns raised regarding biosecurity Council sought expert advice from [REDACTED], Principal Veterinary Officer – Poultry & Emerging Diseases at the Department of Economic Development, Jobs, Transport and Resources (DEDJTR). [REDACTED] advised that the proposed piggery presented a high biosecurity risk due to the planned free range farming system and recommended that Council apply a 5km buffer distance between the proposed piggery and existing poultry farms. The applicant was provided with a copy of the advice and was informed that the application was unlikely to be supported due to the biosecurity risk.

Despite numerous attempts Council officers have since been unable to contact the applicant. As a result no consultation (mediation) meetings with the applicant and objectors have been held.

ASSESSMENT

The application was received by Council on 22 February 2017. The application originally proposed a mix of animal husbandry uses, including pigs, goats, poultry and horses. Two requests for further information were made for detailed information and plans of the proposal, the first on 15 March 2017 and the second on 18 April 2017. At this time the applicant decided to amend the proposal to a free-range piggery only and submitted amended information and plans satisfying Council's further information request.

The application was referred under Section 55 of the Act to VicRoads in accordance with Clause 52.29 of the planning scheme (proposal to alter access to a road in a RDZ1). VicRoads had no objection to the issue of a permit. Advice on the application was sought from the EPA and Corangamite Catchment Management Authority (CCMA). As previously mentioned advice was also sought from DEDJTR regarding biosecurity concerns. A copy of the referral responses are provided in attachment 4.

On 21 September 2018, new animal industries planning reforms came into effect. The reforms introduce new land use definitions and associated planning controls for animal industries into the Victoria Planning Provisions and all local planning schemes in Victoria. The new reforms do not apply to this application because it was lodged prior to 21 September 2018. Instead the application is assessed against the planning scheme in place at the time the application was lodged.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 13.07-1S Land use compatibility

The objective of this clause is:

- To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies

- To ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations
- Using a range of building design, urban design, operational and land use separation measures

Clause 14.01 Agriculture

The objective of this clause is:

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

Strategies includes, but are not limited to:

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors
- Prevent inappropriately dispersed urban activities in rural areas
- Protect strategically important agricultural and primary production land from incompatible uses

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses

Clause 14.01-2S Sustainable agricultural land use

Objective

- To encourage sustainable agricultural land use.

Strategies include, but are not limited to:

- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes
- Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment

Planning Policy Framework

Clause 17.01-1S Diversified economy

Objective

- To strengthen and diversify the economy

Strategies include but are not limited to:

- Support rural economies to grow and diversity

Clause 17.01-1R2 Diversified economy – Geelong G21

Strategies include but are not limited to:

- Build on the region's competitive strengths, including tourism and agricultural land resources and economic, social and natural assets
- Support industries that utilise skills within the region

Municipal Strategic Statement

Clause 21.05-1 Agriculture

The location of the Shire on the edge of the Western District represents an important critical mass of agricultural productivity particularly in terms of wool production and cropping. Agricultural industries continue to be the major economic sector in the Golden Plains Shire. There has been a growth of intensive agricultural activities within the Shire, particularly in the wine and specialist livestock industries. Other significant farm types are sheep and fat lambs for meat production, egg production, poultry, pastures and specialist livestock industries. Significant infrastructure has been provided for the Food Precinct to service intensive animal industries.

Objectives and strategies include but are not limited to:

- To ensure agricultural land is protected and used as an economically valuable resource.
- Support agricultural diversity
- Support new farming enterprises
- Avoid sensitive uses near agricultural operations where there may be conflict
- To support the development of intensive animal industries

Local Planning Policies (LPP)

Clause 22.03 Intensive Animal Husbandry

This policy provides siting and design guidelines for intensive animal husbandry but does not apply to piggeries as the Code of Practice, Piggeries takes precedence.

Zone and overlay provisions

Clause 32.07 Farming Zone (FZ)

The site and surrounding land is in the Farming Zone (FZ). The purpose of the Farming zone is to:

- Implement relevant policy
- To provide for the use of land for agriculture
- To ensure non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- To encourage the retention of employment and population to support rural communities
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- To provide for the use and development of land for the specific purposes identifies in a schedule to this zone.

Clause 42.01 Environmental Significance Overlay Schedule 2 (ESO2)

The subject site is affected by the ESO2 which triggers a planning permit.

Clause 42.03 Significant Landscape Overlay Schedule 3 (SLO3)

The subject site is fully affected by the SLO3 which triggers a planning permit.

Clause 44.03 Floodway Overlay (FO)

The subject site is only partly affected by the FO being the rear boundary area that adjoins Barwon River. The area to be developed for the free range piggery and dwelling are not affected by the Overlay.

Clause 44.04 Land subject to Inundation Overlay (LSIO)

The subject site is only partly affected by the LSIO, which covers a drainage line that traverses the land at the front boundary only. The Overlay does not affect the area to be developed for the free range piggery and dwelling.

Clause 44.06 Bushfire Management Overlay (BMO)

The subject site is only partly affected by the BMO, being the front boundary area only. No impact to the proposed free range piggery and dwelling.

General provisions

The decision guidelines as per Clause 65 of the Golden Plains Planning Scheme requires Council to consider the following matters, as appropriate:

- The matters set out in Section 60 of the Act, including any code or guideline which has been adopted by a government department or public authority (Section 60(1A)(g))
- 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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts

Code of Practice, Piggeries

The Code of Practice, Piggeries ('the Code') is an incorporated document of the planning scheme. The Code specifies minimal standards that apply to new piggeries. The Code sets out fixed and variable buffer zones which a new piggery must achieve. Fixed buffer distances include setbacks to roads, watercourses, a residence on the property and neighbouring piggeries. Variable buffer zones must be established between the piggery and townships, rural residential areas, isolated rural residences and farmhouses. The Code also sets out specific requirements relating to the design and operation of piggeries including fencing, building design, drainage, noise, disposal of dead pigs and disposal of effluent.

Biosecurity Guidelines for Poultry Producers

The Biosecurity Guidelines for Poultry Producers (Department of Environment and Primary Industries, 2008) provides guidelines for effective biosecurity procedures to limit the spread of infectious diseases. The guidelines recommend the application of biosecurity buffer distances around poultry farms to protect them from the transmission of disease. There is no equivalent guidelines for piggeries. While the Poultry biosecurity guidelines do not specify an appropriate buffer distance between poultry farms and piggeries the National Farm Biosecurity Manual for Pork Production recognises the risk of disease transmission between pigs and poultry and recommends that adequate buffer zones be established between poultry operations and piggeries.

DISCUSSION

Planning scheme

The application responds well to the relevant policies within the Golden Plains Planning Scheme, particularly in regard to the establishment of intensive animal husbandry in a rural area.

State policy recognises the value and importance of agricultural land as is specified in Clause 14.01. Further, this policy also makes clear that housing development should be directed to appropriate locations, i.e. lifestyle properties should pursue appropriate zones such as Low Density Residential or Rural Living rather than using FZ land.

This proposal is also in line with Clause 14.01-2S Sustainable agricultural land use by encouraging a genuine farm enterprise and diversification. The proposed use will develop new infrastructure on the site and provide an existing grazing enterprise with a new business opportunity.

The application is considered to satisfy the requirements of the Code of Practice, Piggeries. The application demonstrates that the proposed piggery meets all fixed and variable buffer zone distances specified in the Code. The fixed buffer zone distances for the piggery include 200m from a road (Hamilton Hwy), 100m from watercourses (Barwon River & Bruce Creek), 20m from property boundaries and 3000m to neighbouring piggeries not in the same ownership. Using the formula contained in the Code the minimum buffer zone distance for the piggery to a neighbouring dwelling is 300m. The application meets the minimum buffer zone distance as the nearest neighbouring dwelling is located 320 metres to the north-west.

As a result of biosecurity concerns raised by a poultry farm operator located approximately 1.7km from the proposed piggery, Council sought expert advice from the ██████████ Principal Veterinary Officer at DEDJTR. While there are not specific Government regulations setting out required biosecurity buffers between poultry and piggeries, DEDJTR raised concerns in regard to the proximity of the proposed piggery to the existing poultry operations.

In an email to Council dated 5 July 2018 from ██████████, the following information was provided:

'.....The proposed free range pig farm represents a potential risk of disease transmission to the existing poultry breeder farm unless adequate separation distance is established between these operations.

In my view, the proposed pig farm presents a high biosecurity risk due to the planned free range farming system, therefore I would encourage you to apply the maximum 5000 metres of biosecurity buffer distances between these farms.'

In the opinion of officers the application should not be supported by Council because the proposed 1.7km distance between the proposed piggery and existing poultry operations is an inadequate biosecurity buffer and presents too great a risk of spread of disease.

Objector's concerns

1. Environmental impact. The Code of Practice, Piggeries sets out buffer distance requirements which must be met to ensure the use and development does not contaminate waterways. The Code requires that the proposed piggery be setback at least 100m from the Barwon River. The proposed free range pig area is located 200m from the Barwon River which is considered adequate to protect the watercourse and streamside environment. Council also sought the advice of the Corangamite Catchment Management Authority (CCMA) in regard to the application and the CCMA had no objection to the issue of a permit.

2. Odour. The Code of Practice, Piggeries sets minimum buffer distances to protect local amenity from adverse impacts including offensive odours. The proposed piggery complies with the minimum buffer distances requirements which will ensure there are no adverse impacts due to odour.

3. Traffic. The proposed vehicle access is considered to satisfy road safety guidelines and VicRoads as the relevant road authority has no objection to the issue of a permit.

4. Biosecurity. As previously discussed, officers are of the opinion that the application should not be supported by Council because the proposed biosecurity buffer to existing poultry operations is inadequate and the proposed piggery presents too great a risk of spread of disease.

5. In regard to other concerns raised by objectors the viability of the proposal is not a relevant planning consideration and the use of river and bore water is a matter for Southern Rural Water. As discussed the application of appropriate buffers to watercourses and neighbouring dwellings would ensure that the proposed piggery has no impact on the recreational use of the Barwon River and the lifestyle of adjoining property owners.

CULTURAL HERITAGE IMPLICATIONS

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

CONCLUSION

The application satisfies the provisions of the planning scheme, including State and Local Agriculture policies and the Code of Practice, Piggeries. The application is also strongly supported by the provisions of the Farming Zone. However, based on the advice provide by the Department of Economic Development, Jobs, Transport and Resources the proposed biosecurity buffer distance between the proposed piggery and existing poultry operations is considered to be inadequate and presents too great a risk of spread of disease. For this reason, officers recommend that the application be refused.

6.5 PLANNING APPLICATION P18-080 - DEVELOPMENT OF LAND FOR RACING DOG KEEPING AND TRAINING, 2874 MIDLAND HWY, LETHBRIDGE**File Number:****Author:** [REDACTED] Statutory Planning Team Leader**Authoriser:** [REDACTED], Director Assets and Amenity**Applicant:** [REDACTED]**Owner:** [REDACTED]**Proposal:** The use and development of the land for Racing dog keeping and Racing dog training (5 greyhounds)**Location:** Lot 1 PS603667, Parish of Wabdallah, 2874 Midland Highway, Lethbridge 3332**Attachments:**

1. Application Information (under separate cover)
2. Submissions (under separate cover)

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the use and Development of the land for racing dog keeping and racing dog training (5 greyhounds) at 2874 Midland Highway, Lethbridge (Lot 1 on Plan of Subdivision PS603667, Parish of Wabdallah), with the proposed conditions listed in the report.

EXECUTIVE SUMMARY

This report relates to a planning permit application which proposes the Use and development of the land for Racing dog keeping and Racing dog training (5 greyhounds) at 2874 Midland Highway, Lethbridge. This report provides the background to the application, a summary of the relevant planning considerations and an officer recommendation which supports the issue of a planning permit.

This application was previously considered by Council at the 27th November 2018 Ordinary meeting. Council deferred determination of the application to the 18th December 2018 Ordinary Council meeting.

PURPOSE

This application has been referred to Council meeting for determination as there are two (2) outstanding objections to this planning permit application.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report and any authorisers declare no conflict of interest in regards to this matter.

COUNCIL PLAN

We will work to promote and protect the natural environment and ensure that growth and change in the Shire will be managed for the benefit of all of the community.

BACKGROUND INFORMATION

The subject site is known as Lot 1 on Plan of Subdivision 603667, Parish of Wabdallah, which is located at 2874 Midland Highway, Lethbridge. The site is zoned Low Density Residential (LDRZ) and is subject to Design and Development Overlay Schedule 5 (DDO5) – Low Density Residential Zone Setbacks. The site is irregular in shape with approximately 50 metres of frontage to the Midland Highway, 260m on the northern boundary and 230m on the southern boundary with a total area of

1.01 hectares. The site is directly accessible from the Midland Highway which is a Road Zone Category 1, VicRoads road. No alteration to the existing access point, located near the middle of the allotment frontage, is proposed.

The site contains an existing single story dwelling, owned and occupied by the applicant. The dwelling is setback approximately 28 metres from the front (western) property boundary which fronts the Midland highway. To the rear of the dwelling, located approximately 5 metres from the southern boundary is an existing outbuilding which includes attached dog infrastructure; directly north of this, approximately 2m off the northern boundary is a small area of dog pens; this area is not continually occupied.

Approximately 15 metres east of the main outbuilding on site, is more dog infrastructure in the form of pens and x3 side-by-side exercise runs which are 84m in length and 3m wide (each); these run/exercise areas are situated 2 metres off the southern boundary.



The site is modestly landscaped around the dwelling and some trees and shrubs have been planted along the mid-section of the northern boundary though these are very immature plantings at this stage.

All adjoining land is in the Low Density Residential Zone with this property being located on the eastern side of the Midland Highway and slightly north-west of the town centre. Land immediately to the north is in two separate ownerships though it is noted that the middle portion is more recently created as a result of a two (2) lot subdivision P15-165 which has had title release, though has not been developed (this is owned by one of the objectors).

The nearest dwelling to the north is approximately 45m from the existing dwelling and no longer shares a property boundary with the subject site on account of the previously mentioned subdivision. The adjoining property to the south contains a dwelling which sits opposite the dog run exercise area. This dwelling is currently unoccupied. This property to the south also has approval for a two (2) lot subdivision which has had certification and statement of compliance.

This application proposes the Use and development of the land for Racing dog keeping and Racing dog training (5 greyhounds). The lodgement of this application came about as a result of an inspection by one of the Council Community Protection Officers where a number of dogs (Greyhounds) were found to be on site without a planning permit for the 5 racing dogs; this application was subsequently lodged.

The application proposes to keep and/or train 5 racing dogs (Greyhounds).

The dogs proposed to be kept on site consist of the following:

- 3 year old racing male
- 3 year old racing male
- 4 year old racing female
- Pup (approximately 4 months of age) to race from 2 years of age
- Pup (approximately 4 months of age) to race from 2 years of age

Neither Racing dog keeping nor Racing dog training are defined as per Clause 73.03 of the Golden Plains Planning Scheme. These land use terms are nested under Animal keeping and Animal training respectively which are nested under the broader heading of Animal husbandry, which is defined as follows:

Animal husbandry: *Land used to keep, breed, board, or train animals, including birds.*

There are currently 8 dogs on site. Three (3) are retired and are kept as pets. Three (3) are current racing dogs and a further two (2) are pups (at the time of writing approximately 4 months of age). In time, the two pups will also be trained as racing dogs. It is a condition of Animal keeping in the LDRZ that no more than 5 animals are kept on site.

All of the dogs are kept in secure kennels on site, adjoining the main outbuilding which is centrally located on site. The racing dogs are exercised in the secure dog run/exercise area which is 84m in length, located near the southern boundary. The dogs are exercised in this area for half an hour each morning and afternoon. The kennel and exercise areas are said to be as per Greyhound Racing Victoria's requirements.

All dogs are fed twice daily; approximately 8am and 5pm.

Waste is collected daily from all secured areas, placed in plastic bags and disposed of in the household waste collection which is collected fortnightly as part of Council's household waste collection service. Disinfectant as approved by Greyhound Racing Victoria is used with warm water to wash down pen/kennel areas as required.

The dogs are secured on the subject site at all times whether inside or out of the kennel areas and in addition, the subject site is fenced all the way around. Shade and shelter is available to the dogs.

No new buildings or works are proposed.

CONSULTATION

Notice of the application was given in accordance with Section 52(1) (a) and (d) of the *Planning and Environment Act 1987*. Notice was provided by mail to eight (8) nearby owners and/or occupiers and one (1) sign was placed on site.

As a result of the public notice, two (2) objections were received and one (1) submission of support.

A consultation meeting was not convened as it was not considered appropriate in this instance on account of unsatisfactory landowner/neighbour interactions. The matters raised by these objectors are examined in more detail later in the report.

ASSESSMENT

Golden Plains Planning Scheme

Planning Policy Framework (PPF)

Clause 13 Environmental risks and amenity

- Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.
- Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts
- Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society

- Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes
- Planning should prepare for and respond to the impacts of climate change

Clause 13.05-1S Noise abatement

Objective

- To assist the control of noise effects on sensitive land uses

Clause 13.06-1S Air quality management

Objective

- To assist the protection and improvement of air quality

Clause 13.07-1S Land use compatibility

Objective

- To safeguard amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Municipal Strategic Statement

21.08 Local areas – Small towns

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The areas for which the town structure plans apply area identified on the Golden Plains Strategic Framework Plan (Clause 21.01-1) and address:

- The preferred layout of residential, commercial, community and other land uses based on a ten-year outlook
- Infrastructure servicing
- Desired future character
- Environmental sustainability

Local Planning Policies (LPP)

Not applicable.

Zone and overlay provisions

Clause 32.07 Low Density Residential Zone (LDRZ)

The site and surrounding land is included in the Low Density Residential Zone (LDRZ). The purpose of the Low Density Residential zone is to:

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

Clause 43.02 Design and development overlay

- The site and surrounding land is covered by Design and development overlay Schedule 5 - Low density residential zone setbacks. The purpose of the DDO is to:
- Implement the Municipal Planning Strategy and the Planning policy Framework; and
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

The specific design objectives of schedule 5 are:

- To ensure that the siting and design of buildings creates an attractive low density residential environment
- To ensure that development has regard to the low density residential character of the area
- To ensure that a high level of amenity is maintained in the low density residential areas.

The purpose of this policy is:

- To ensure the use and development of land for racing dog keeping and racing dog training is consistent with orderly and proper planning.

General Provisions

The decision guidelines as per Clause 65 of the Golden Plains Planning Scheme requires Council to consider matters as appropriate. Before deciding on an application or approval of a plan, the responsible authority must consider as appropriate:

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

DISCUSSION

Planning scheme

The Low Density Residential Zone, as the name suggests, provides for a low-density form of residential development which can treat and retain all wastewater on site in the absence of reticulated sewerage. Although there are a variety of uses permissible via planning permit, there are no decision guidelines in the zone itself which relate to use, therefore consideration of a use such as this defaults to relevant policy and the general decision guidelines of clause 65.

The condition for Animal keeping as per the LDRZ is that it must be no more than 5 animals; any more than this and the use becomes prohibited – there are currently 8 dogs on site. The three (3) retired dogs will be required to be re-homed off site.

Close consideration must be given to the potential impact on amenity in the LDRZ. Potential for noise impact is a relevant consideration in the keeping of 5 Greyhounds. Clause 13.05 of the Planning Policy Framework aims to ensure that, among other things, community amenity is not reduced by noise emissions and appropriate using of land separation techniques as appropriate to the land use functions and character of the area. This application was referred to Council's Environmental Health department who provided comment in regard to noise controls and any

necessary procedures if complaints are received. The keeping of the dogs will be subject to any relevant requirements of Greyhound Racing Victoria and the EPA. General amenity conditions have been recommended which includes reference to noise.

Along with consideration of Clause 13.07-1S, Land use compatibility, it is considered particularly important that the location and layout of associated infrastructure be taken into account to provide the best possible outcome in relation to potential impact on amenity from a noise perspective.

Particular consideration has been given to the location of the dog run/exercise area which is centrally located and set back 2m from the southern boundary (refer to photo).

Dog run/exercise area located near the southern property boundary.



This area is used for approximately half an hour each morning and afternoon to exercise the dogs. This area is fenced and includes shade cloth along the southern boundary to provide a visual screen from the adjoining property to the south. It is approximately 84m in length with each of the three run areas 3m wide. Given this infrastructure is within the 5m setback from any other boundary which triggers the need for buildings and works as per Schedule 5 to the Design and Development Overlay (Clause 43.02), it is considered reasonable to require the southernmost run/exercise strip to be removed. This would then provide a 5m separation between this exercise area and the neighbouring property. This is recommended via a proposed condition of planning approval.

Dogs cannot be expected to be noise free in their particular setting. Whilst some barking may occur when the dogs are let out to exercise or periodically at other times, it is an important requirement of Greyhound Racing Victoria that they are provided with exercise opportunities. Other measures to

minimise noise include regular feeding times and acoustic treatment in the form of cement sheeting inside the kennels which are located centrally on the site.

The keeping of five (5) dogs is not considered to negatively impact on air quality in a Low Density Residential Zone setting, where nearby properties have similarly sized LDRZ properties. As previously outlined, dog waste is collected daily, bagged and disposed of via the fortnightly Council collection service for household waste. In addition, kennel areas are hosed out regularly for animal health purposes and to minimise odour; these measures are deemed acceptable in relation to Clause 13.06-1S, Air quality management.

Objector concerns

Matters raised by the objectors are summarised as follows:

Loss of property value on account of noise from the number of dogs, potential smell created by the kennels and proximity of the runs/kennels to a dwelling.

VCAT has repeatedly made clear in decisions in recent years, that the impact on property value as a result of planning applications is speculative and is not a valid ground for objection. However, consideration has been given to potential impact on amenity on account of noise, odour and the location of the exercise area. The consideration of these matters is addressed in the Discussion section of this report which considers the relevant areas of the Planning Scheme.

The applicant owns more than 5 dogs. Greyhound Racing Victoria requirements state that owners/trainers are to abide by all Council laws regarding dog numbers.

It is a condition of the Low Density Residential Zone that Animal keeping must be no more than 5 animals; any more than 5 is prohibited. This report recommends the approval of the application for the Use and development of the land for Racing dog keeping and Racing dog training (5 greyhounds). The applicant must make arrangements to ensure that there are only ever 5 greyhounds on site.

The applicant is a registered public trainer, thus although he may restrict the number of dogs he personally owns, he could have many others on his property for training. This objection contends that the applicant will have many more dogs to make a living from the training of greyhounds.

The planning scheme only allows 5 animals (greyhounds in this instance) to be kept for Animal keeping within the Low Density Residential Zone. Even if the applicant has other dogs located elsewhere, he would need to make arrangements if he was to bring a dog to his property, to relocate another so there is only ever a maximum of 5 dogs on site.

Unightly dog kennels along our (southern) boundary

Particular consideration has been given to the dog run/exercise area located 2m from the southern property boundary. The photo on the following page shows the 2m separation between the southernmost area of this dog exercise yard and the neighbouring property to the south. It is approximately 84m in length with each of the three run areas 3m wide. Given this infrastructure is within the 5m setback from any other boundary which triggers the need for buildings and works as per Schedule 5 to the Design and Development Overlay (Clause 43.02), it is considered reasonable to require the southernmost run/exercise strip to be removed. Although this infrastructure may not require planning approval pursuant to this overlay, it would then provide a 5m separation between this exercise area and the neighbouring property which is in keeping with the setback provisions of this overlay. This is recommended via a condition on permit.

This photo shows the 2m separation between the dog exercise area and the adjoining property on the southern boundary.



Noise from barking dogs

Consideration has been given to how and where the dogs will be kept on site. The dogs are fed and exercised at routine times each morning and afternoon. Exercise is an important requirement of Greyhound Racing Victoria and will contribute to the well-being of the dogs on site. No matter the zone or setting, noise from dogs barking can occur and it is unreasonable to expect that no barking will ever occur. The other measures in place together with the limited number of dogs is considered to result in an acceptable level of amenity for adjoining or nearby parties.

The number of dogs in a small area would impact on the surrounding amenity

Various aspects of amenity have been addressed via this report including noise, location of associated infrastructure, waste and odour. In summary, it is considered that the site will have the appropriate measures in place to keep any potential impact on amenity to an appropriate level.

It is also acknowledged that one (1) submission of support was received with the application from 2880 Midland Highway, Lethbridge. Refer to Attachment 3 (Submissions).

CULTURAL HERITAGE IMPLICATIONS

The proposal does not require the preparation of a Cultural Heritage Management Plan (CHMP) under the Aboriginal Heritage Regulations 2007.

CONCLUSION

The application satisfies the provisions of the Planning Policy Framework and the Municipal Strategic Statement for animal keeping and training. The application is also in line with the provisions of the Low Density Residential Zone and accords with the relevant decision guidelines of the Planning Scheme (Clause 65).

PROPOSED CONDITIONS

Amended plans

1. Prior to the use commencing, amended plans 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 plans must be drawn to scale with dimensions. The plans must show:
 - a) Deletion southernmost dog run/exercise area, providing a 5m separation between the dog run/exercise area and the southern property boundary;
 - b) Plans which show the layout of all dog keeping and training areas including kennels, exercise areas and other yards where the dogs may spend time;
 - c) Existing site features, including buildings, title boundaries, adjoining road/s and any other relevant features.

General

2. The southernmost dog run/exercise area, including fencing must be removed within 30 days of the date of this permit.

Number and breed of dogs

3. This permit allows the keeping of Greyhounds only.
4. No more than 5 dogs may be kept on site at any one time.

Endorsed plans

5. The use and development must not be altered and must be carried out in accordance with the endorsed plan/s.

Amenity

6. The housing area and outdoor yard areas must be kept in a clean, tidy and sanitary condition at all times to the satisfaction of the responsible authority.
7. All waste water must be treated and disposed of within the boundaries of the land and must not drain into an adjoining property, road, watercourse or drain to the satisfaction of the responsible authority.
8. All dog waste including faeces must be regularly collected and disposed of to the satisfaction of the responsible authority.
9. Waste disposal must not occur by way of incineration.
10. The permit holder must be available to ensure that the dogs are under control at all times and to ensure that the conditions of this permit are fully complied with. At times that the owner is temporarily absent from the site, measures must be taken to ensure the dogs are suitably contained.
11. All dogs over the age of three (3) months of age must be registered with the responsible authority each year.

12. The use hereby permitted must not cause injury to or prejudicially affect the amenity of the amenity of the area by reason of wandering dogs, transportation of the dogs to or from the site or by any reason of the appearance of any building or enclosure or yard area or by reason of the emission of noise, smell, waste, or otherwise, to the satisfaction of the responsible authority.
13. Appropriate ventilation must be provided in all dog keeping facilities, with appropriate noise abatement measures, to the satisfaction of the responsible authority.
14. Offensive odours must not be discharged beyond the boundaries of the premises.

Expiry

15. The permit will expire if any one of the following circumstances applies:
 - a) The use is not commenced within a period of twelve (12) months from the date of issue;
 - b) The permit holder, [REDACTED] is no longer residing on the property in a full time basis;
 - c) [REDACTED] ceases to wholly or partially own the land subject to the permit at 2874 Midland Highway, Lethbridge.
 - d) The responsible authority may extend the period referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

6.6 DEVELOPMENT PLAN (DPO13) - 31 MERCER STREET, SHELFORD

File Number:

Author: [REDACTED], Strategic Planner

Authoriser: [REDACTED] Director Assets and Amenity

Applicant: [REDACTED]

Owner:

Proposal: Approval of Development Plan

Location: Crown Allotments 25 and 26B at 31 Mercer Street, Shelford

Attachments:

1. Development Plan
2. Planning Scheme Assessment Development Plan Overlay Schedule 13 (DPO13) (under separate cover)
3. Planning Scheme Assessment Wider Planning Scheme (under separate cover)

RECOMMENDATION

That Council approves the Development Plan provided at Attachment 1 to this report, for 31 Mercer Street, Shelford.

EXECUTIVE SUMMARY

An application for the approval of a Development Plan for nineteen lots under the Development Plan Overlay Schedule 13 (DPO13) to the Golden Plains Planning Scheme has been received.

The Development Plan has been assessed against the requirements of the Golden Plains Planning Scheme and is considered to respond appropriately.

The Planning and Environment Act is “silent” in regard to who has the authority to approve Development Plans. It is current practice at Golden Plains Shire Council that all Development Plans be presented to Council for approval.

PURPOSE

To consider approval of a Development Plan for 31 Mercer Street, Shelford, also known as CA25 and CA26B, prepared under Schedule 13 to the Development Plan Overlay in the Golden Plains Planning Scheme.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest.

COUNCIL PLAN

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.

BACKGROUND INFORMATION

Council adopted amendment C66 to the Golden Plains Planning Scheme in 2013. The amendment included the rezoning of 31 Mercer Street, Shelford (the subject land) from the Farming Zone to the Low Density Residential Zone, together with the application of a Development Plan Overlay (Schedule 13), Design and Development Overlay and Heritage Overlay.

The rezoning of the land was an identified recommendation of the Shelford Structure Plan (2013), which was included in the Planning Scheme as a component of amendment C66.

Schedule 13 to the Development Plan Overlay was prepared within Council specifically for the subject land and seeks to ensure a range of matters are addressed prior to the approval of any subdivision. This includes ensuring appropriate integration with the existing road network, ensuring future dwellings are responsive to the historic and visual sensitivities of the site and requiring mandatory specialist reports e.g. a Stormwater Management Plan. The Development Plan Overlay Schedule 13 requires that a development plan be lodged with and approved by Council before a planning permit for subdivision can be considered.

A Development Plan for nineteen lots, together with supporting documentation was lodged with Council on 18 September, 2018. A planning permit application for subdivision was submitted with the proposal and is known as P18-260.

Development plans are generally utilised to ensure that the broad elements for future subdivisions are in place, such as the road network and an indication of the future lot layout. Subdivisions are typically more detailed. Whilst it is possible for the proponent to lodge the subdivision at the same time as the development plan, under the Development Plan Overlay a subdivision cannot be approved until a development plan is approved.

The Development Plan Overlay states that a planning permit granted must be "*generally in accordance with the development plan*". Once a Development Plan is approved, the subdivision application must closely align with the Development Plan.

The Subject Land

The subject land is 10.43 hectares in area. It currently contains a Presbyterian Manse, guest house and outbuildings. The site is mostly cleared with the exception of a group of mature pine trees which surround the Manse and a few scattered gum trees. The site generally slopes downwards from west to east, however the slope is variable. Most parts of the site have a slope of around 10%.

The subject land is zoned Low Density Residential Zone and is affected by the Development Plan Overlay Schedule 13, the Design and Development Overlay Schedule 5, the Design and Development Overlay Schedule 10 and the Heritage Overlay Schedule 158.



Map 1 Subject Land

Surrounding Area

The land immediately surrounding the subject site is mostly flat. To the east of the land there is an unmade road reserve and then the established part of the Shelford township. To the south is farmland. To the west there is an unmade road reserve and beyond that farmland. Immediately to the north of the site is the Rokewood-Shelford Road (Mercer Street) and then residential type development.

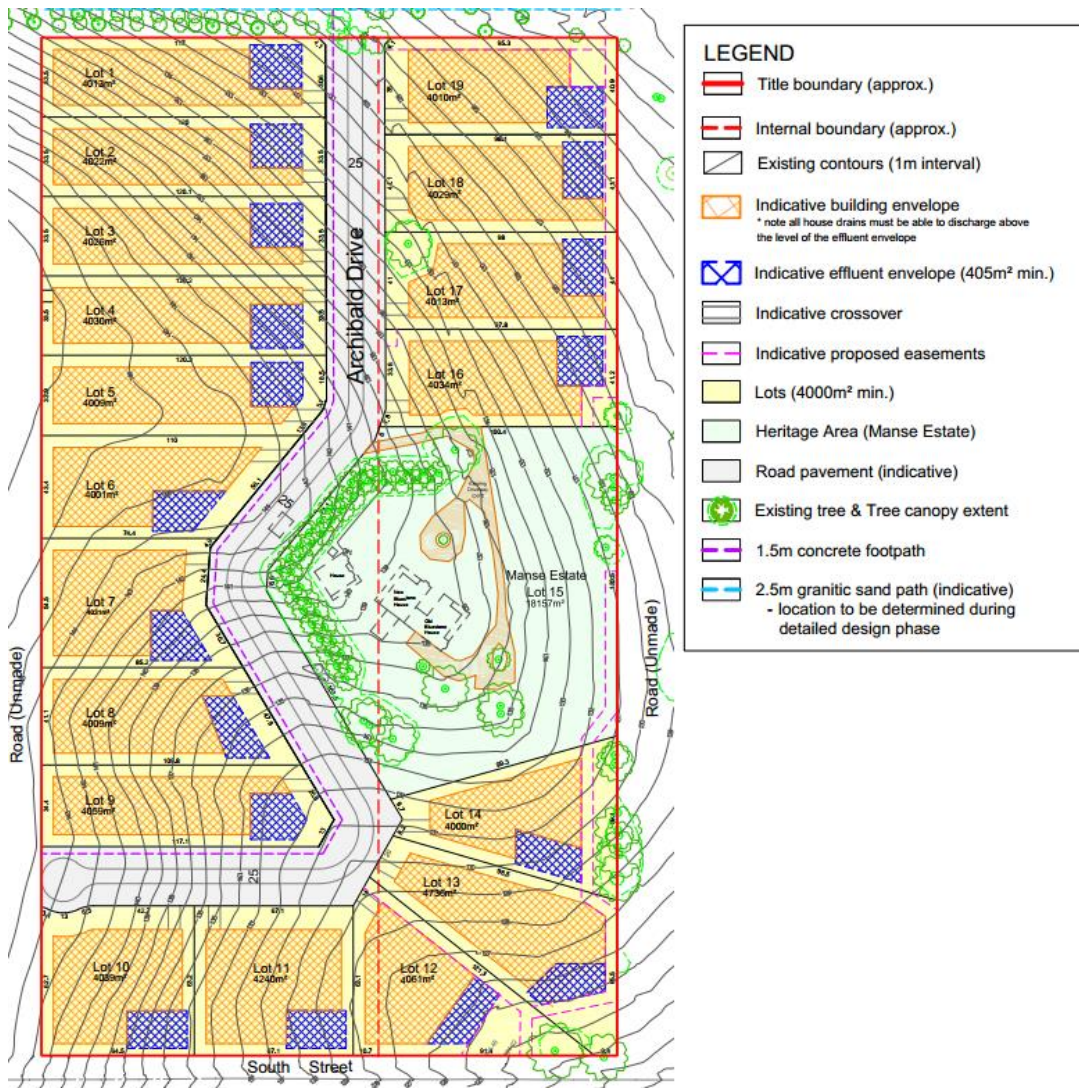
CONSULTATION

Under the Golden Plains Planning Scheme as well as the *Planning and Environment Act 1987* there are no requirements for the exhibition of Development Plans. This applies across the state of Victoria.

Notably Amendment C66 included the implementation of a Development Plan Overlay Schedule for the subject land which largely determined the future layout of any proposed development. Amendment C66 underwent a rigorous formal exhibition process in accordance with the *Planning and Environment Act 1987*.

PROPOSAL AND ASSESSMENT

The submitted Development Plan proposes the subdivision of the land into nineteen low density residential lots including one lot proposed to contain the Presbyterian Manse. Lots range from 4000sqm to 4736sqm in size with the exception of the lot for the Manse itself which is 18,157sqm. The Development Plan is depicted below and is provided in a larger format at Attachment 1.



Map 2 Proposed Development Plan

The following have been taken into account when assessing the Development Plan:

- The submitted application.
- Planning controls.
- Compliance with the DPO13 Schedule.
- Responses received from referral authorities and other Council Departments.

The proposal has been assessed against the requirements of the DPO13 and the Golden Plains Planning Scheme. A full assessment against the requirements of the DPO13 is provided at Attachment 2 to this report. An assessment against the LPPF, SPPF, decision guidelines of the Low Density Residential Zone, ResCode (Clause 56) and the Overlays applicable to the site is provided at Attachment 3.

The proposed Development Plan generally accords with the requirements of the DPO13 and wider Planning Scheme and is considered satisfactory. Nonetheless the following requirements, described as a “must” requirement in the DPO13, warrant acknowledgement as they are not met in the Development Plan.

- The DPO13 requires that the “existing and traditional driveway shall be used as the main entrance and internal access road within the subdivision design of the site”. This refers to an existing gravel driveway which runs through the area shown as lots 16-19 on the proposed Development Plan. Whilst the traditional entrance has been used for the proposed road, the alignment proposed is different to the traditional driveway. The proposed design follows a more logical topography than the driveway and will better allow the developer to make efficient use of the land, by providing lots closer to the 4000sqm minimum size of the LDRZ. The driveway is not mentioned in the Statement of Significance for the site under the Heritage Overlay and would cease to exist regardless of whether a road is developed in the same location as the driveway. Given the above, the proposed alignment is considered satisfactory.
- The DPO13 includes a requirement for a 20 metre buffer either side of a waterway which was previously thought to traverse the southern portion of the site. The land is also identified as a waterway on Council’s mapping system. In a letter provided by the Corangamite Catchment Management Authority (CCMA) to the proponent and then reiterated in a referral from CCMA to Council it is expressed that the land is not actually a designated waterway. Whilst a small overland flow path passes through the southern boundary of the property “this is not a designated waterway” and the CCMA “would not require any waterway setbacks for the subdivision”. As the CCMA is the expert authority that deals with waterways in this area, it is considered that there would be no logic to applying the required setbacks.

The application is also supported by a number of specialist reports as follows:

- Stormwater Management Plan.
- Land Capability Assessment.
- Town Planning Report.
- Design and Siting Guidelines.
- Traffic Impact Assessment.
- Landscape Plan.

Stormwater Management Plan

The Development Plan is supported by a Stormwater Management Plan which includes:

- Two retarding basins to manage stormwater flows and provide stormwater treatment.
- Installation of open swale drains alongside roadways.
- Provision of overland drainage with a capacity for at least a once in ten year storm event.
- Excess flows up to a 1 in 100 year storm event to be conveyed via the roadway and open drains, discharging the above-mentioned retardation basins at the North east and South east corners of the site.

For the purposes of the Development Plan, which seeks to ensure the major components of a development are in place the Stormwater Management Plan is considered satisfactory.

Roads

The proposed development plan includes an internal road network which would provide a connection to the western boundary. This will provide a future connectivity benefit assuming long term development to the west. The Shelford Structure Plan defines this area as a “Long Term Growth Area”.

Open Space

No open space is provided. The proponent will be required to make a 5% cash contribution for public open space purposes at the subdivision stage, in accordance with Section 18 of the *Subdivision Act 1987*.

Landscape Plan

The proponent has provided a landscape plan that proposes ornamental cherry trees either side of the proposed road.

An entrance feature is proposed in the form of a small bluestone wall reading "The Manse Estate". Several trees listed as "conifer or crab apple species" are to be situated directly behind the entrance wall.

Referrals

The application was referred to a number of agencies, internal departments and heritage consultant with the following key findings.

- The Land Capability Assessment (identifying the suitability of the site to support septic systems) was considered by Council's environmental health area and deemed satisfactory. A planning permit condition will be required to limit the number of bedrooms to four on each lot that is under 4,500 square metres in size on the basis of Council's domestic waste water management requirements.
- The traffic assessment was considered satisfactory.
- Advice from Council's works area indicates that additional detail will be required relating to Stormwater Management. This information will be required as a Planning Permit condition at the subdivision stage. The key information still to be provided includes identification of stormwater flows external to the site and potentially an upgrade to external drainage infrastructure, for instance drains in the road reserve (s) adjoining the site. Further details about the proposed retarding basins will also be required.
- No objections were received from external referral authorities, however planning permit conditions were provided for the future subdivision of the land by VicRoads, Barwon Water and Powecor. The application was also referred to the Corangamite Catchment Management Authority who provided no objection or conditions.
- Council's heritage consultant has recommended that the existing driveway to the Manse be retained. Officers believe that this would be unreasonably onerous as discussed under the "Proposal and Assessment" section of this report.

Design Guidelines

Design guidelines have been prepared by the proponent and are intended to affect the design of future dwellings and landscaping. The guidelines promote a contextually appropriate residential character within the subdivision. The guidelines are intended to have effect through the creation of a restriction on title that will require future owners of individual lots to apply to the "Manse Design Review Panel" (which in practice will be the same as the proponent) who will assess whether their dwelling proposal complies with the guidelines.

The guidelines include requirements such as:

- Limit of one dwelling on a lot.
- A minimum floor area for homes of 150m².
- Discouraging two storey homes.
- Requiring a verandah, portico or porch as an entrance feature.
- Limiting the range of acceptable fence styles.
- Discouraging kit homes.

- Requiring pitched roofs.
- Prevention of identical façade treatments relative to nearby dwellings.
- Requirements regarding acceptable materials and colours “muted colours and finishes shall be used to blend with the natural setting of The Manse”.

Design guidelines of the nature proposed have become common in new developments over recent years and ensure a minimum standard for dwellings.

DISCUSSION

Having considered the application against the requirements of the DPO13 and the wider Planning Scheme, as well as the analysis/recommendations of relevant authorities and internal Council departments the proposed development plan is considered to be acceptable.

OPTION ANALYSIS

Council has the options of:

- a) approving the Development Plan as submitted.
- b) approving the Development Plan with changes.
- c) refusing to approve the Development Plan for the reasons specified in the Council resolution.

CULTURAL HERITAGE IMPLICATIONS

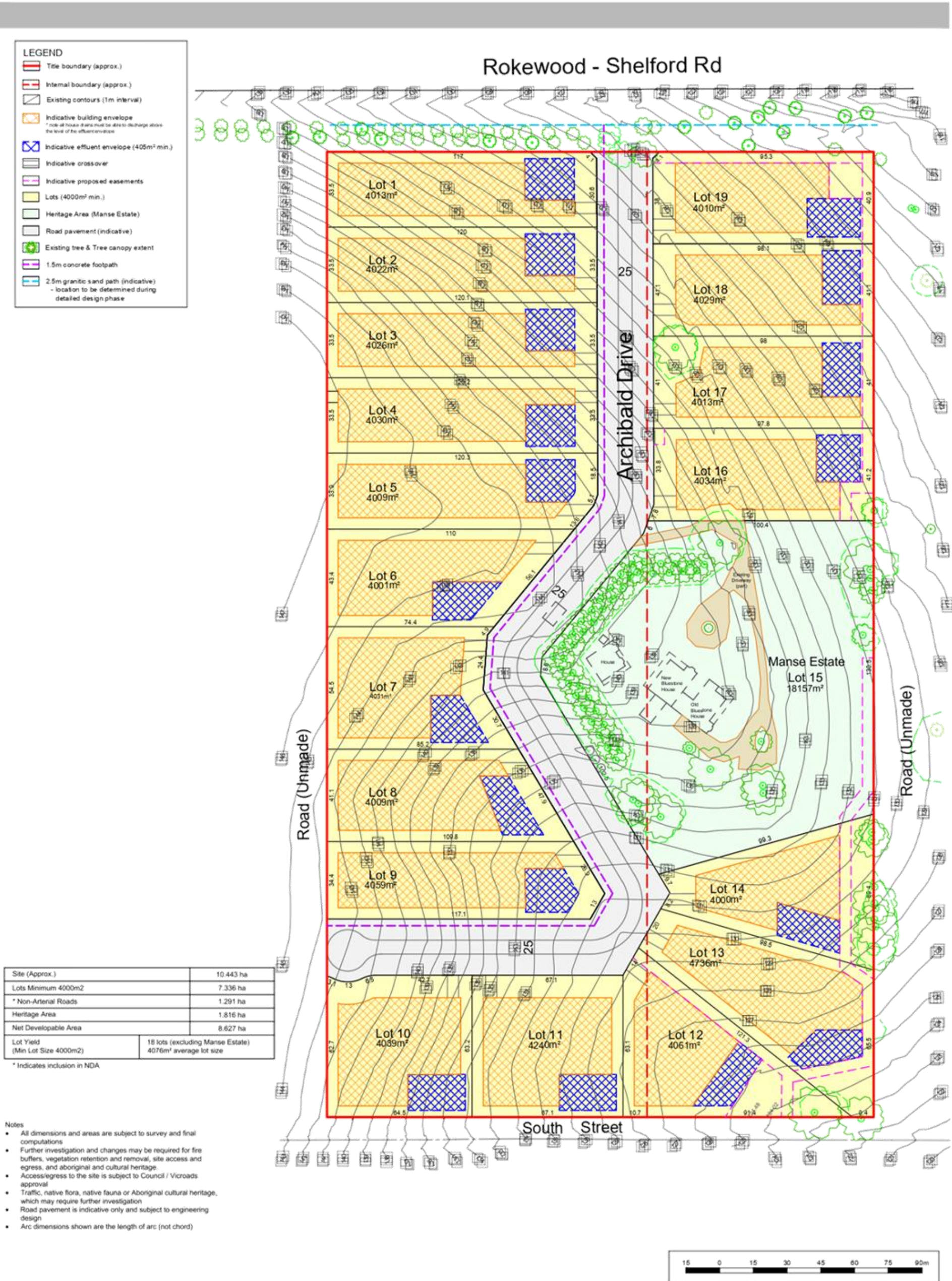
There are no cultural heritage implications. The subject land is not in an area of Cultural Heritage Sensitivity. In addition the proponent has provided a letter from a heritage advisor confirming as such.

CONCLUSION

A number of features of the proposed development help to provide an appropriate context for the Manse including low density lots, design guidelines that encourage single storey dwellings and retention of all vegetation on site. The vegetation surrounding the Manse will be contained/protected on the largest lot and no development is proposed east of the Manse, which will ensure preservation of views in this direction.

The approval of the Development Plan does not allow the land to be subdivided, but generally directs the form and conditions of the future use and development of the land. The related subdivision application (ref. P18-260), which has already been submitted, is required to be “generally in accordance” with the approved Development Plan and is also subject to the requirements of the Planning Scheme. The subdivision process will be simplified by the approval of the Development Plan because key issues have already been considered. Issues yet to be resolved relate to stormwater management and are considered appropriate for finalisation at the subdivision stage.

It is considered that the submitted Development Plan responds appropriately to the requirements of the DPO13 and the Planning Scheme and it is therefore recommended for approval.



Development Plan 31 Mercer Street, Shelford Sector Advantage	Beveridge Williams development & environment consultants Melbourne ph : 03 9524 8888 www.beveridgewilliams.com.au	06 16/10/2018 Manse Overlay shown LN LN	Date: 21.11.2018 Version No: 10 Job No: 1801239 Scale (A1): 1:750 (A3): 1:1500
		07 17/10/2018 Amended to Full Proposed Easements LN LN	
		08 26/10/2018 Crust Bar Extended to Edge of Property LN LN	
		09 14/11/2018 Footpaths added LN LN	
		10 21/11/2018 Lot 4 Proposed amended, 50% subdivision easement added LN LN	
		Version: Date: Description: Drafted: Approved:	

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6.7 DRAFT COMMUNICATIONS AND MARKETING STRATEGY 2019-21

File Number:

Author: Felicity Bolitho, Connected Communities Team Leader

Authoriser: Patti Wenn, Acting Director Community Services

Attachments:

1. Draft Communications and Marketing Strategy 2019-21 (under separate cover)
2. Communications and Marketing Strategy Engagement Report (under separate cover)

RECOMMENDATION

That Council endorse the draft Communications and Marketing Strategy 2019-21 for release for public comment.

EXECUTIVE SUMMARY

The Golden Plains Shire Council Communications and Marketing Strategy 2019-2021 ('the Strategy') aims to connect communications and marketing efforts with the needs of Council and the community.

The Strategy will ensure communications to both internal and external audiences are aligned to the key priorities and Strategic Directions of the Council Plan 2017-2021:

"To help build a stronger connection between Golden Plains Shire Council and its diverse communities through informative, engaging communications and conversations that promote trust and support Council's vision of a 'healthy, safe, vibrant, prosperous and sustainable community.'"

The Strategy also aims to keep local residents, business-owners and other stakeholders better informed of Council activities and operations and more engaged with what is happening in the Shire, by addressing key themes and feedback provided through community consultation.

BACKGROUND

The Events, Marketing and Communications Strategy 2015-2018 has now expired and its initiatives and projects completed. A new strategy is required in its place to guide Council's communications and marketing activities over the next three years.

DISCUSSION

Public feedback on the endorsed draft Communications and Marketing Strategy 2019-2021 will be presented to the February 2019 Councillor Briefing Session in readiness for Council approval at the subsequent Ordinary Council Meeting.

CONSULTATION

Significant and targeted communication and consultation was undertaken with Councillors, staff and community during the development of this Strategy. Feedback was received from 230 people during the six week engagement period. Please see the Communications and Marketing Strategy Engagement Report attached for further detail.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

It is proposed that the draft Communications and Marketing Strategy 2019-2021 be endorsed and released for community review and feedback, prior to finalisation.

6.8 GOLDEN PLAINS MUNICIPAL EARLY YEARS PLAN 2018-2019**File Number:****Author:** Heidi Preston, Child & Family Services Manager**Authoriser:** Patti Wenn, Acting Director Community Services**Attachments:** 1. Interim Golden Plains Municipal Early Years plan 2018-2019**RECOMMENDATION**

That Council note the interim Golden Plains Municipal Early Years Plan 2018-19.

BACKGROUND

The Golden Plains Municipal Early Years Plan (MEYP) provides a strategic direction for the development and coordination of early childhood education and care as well as health programs and activities that impact on children from birth to eight years of age in Golden Plains Shire.

Golden Plains Shire Council is expected to develop and deliver a Municipal Early Years Plan (MEYP) as a signatory of the Early Years Compact agreement between Department of Education and Training (DET), the Department of Health and Human Services (DHHS) and local government, represented by the Municipal Association of Victoria (MAV).

In development of this one-year MEYP, consultancy firm LG Project reviewed the previous MEYP, Council Plan and relevant strategies/policies; and consulted Golden Plains Shire early years staff. An extensive community consultation process will be undertaken in 2019 to inform preparation of the 2019-2023 MEYP.

DISCUSSION

The current MEYP 2014-2018 will finish by the end of this calendar year. Given Federal and State Government announcements/election commitments regarding proposed reforms in early years education and care, a 12 month bridging plan has been prepared in the interim.

This will allow for preparation of the 2019-2023 MEYP, having full regard for strategic planning activities currently underway:

- A community services mapping exercise in which all current public, private and community-based health, wellbeing and human support services available to Golden Plains' residents are being identified and mapped. Importantly, this exercise will also identify service gaps.
- A review of Council's 'Bannockburn Children's Services' childcare operation.
- Reviews of all early years services including Maternal and Child Health; Family Day Care; and Early Years Management (Kindergartens). It is expected the service reviews will be completed by 30 December 2018.

The outcomes of the community services mapping work and the service reviews are highly relevant to the future planning, coordination and provision of early years services in Golden Plains Shire over the next four years.

ACTIONS FOR 2018-2019

The following actions have been, and will be, undertaken during 2018-2019:

- Support and provide input into the community services mapping exercise currently being undertaken by Council's Health and Wellbeing Team, specifically as it relates to early years services for Golden Plains' residents.
- Complete the current review of the Bannockburn Children's Services childcare operation and implement its recommendations as appropriate.

- Continue to fund and operate the current range of early years services (noting that change may occur in respect of point b. above).
- Continue to invest in staff training and development across all early years services as a key element of high quality service provision.
- Monitor and evaluate Council's early years services and make appropriate changes to enhance quality, accessibility and efficiency.
- Strengthen the marketing of Council's early years services, including Bannockburn Family Services Centre as an early years hub providing a range of integrated services.
- Continue to encourage early years service delivery at The Well in Smythesdale by Council and other providers.
- Consider the introduction of Central Enrolment for relevant early years services.
- Prepare a detailed Project Brief for preparation of the 2019-2023 MEYP and commence the project in early 2019.
- Build relationships with other early years agencies to maximise their commitment and engagement in the preparation and implementation of the 2019-2023 MEYP.
- Explore opportunities for greater engagement of parents and families in service planning and improvement.
- Advocate for continued funding of Universal Access to kindergarten (specifically 15 funded hours per week for 4 year olds).
- Continue to implement Council's various responsibilities relating to child safety as per the outcomes of the Federal Royal Commission and Victorian Parliamentary Inquiry relating to the handling of child sexual abuse.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Council's early years planning, activities and direct service delivery over the next few years will be informed by community needs and demand from population growth; government requirements; private and non-profit sector operations; reform challenges and opportunities. It is anticipated that over the life of this one year bridging Plan and the Golden Plains Municipal Early Years Plan 2019-2023, Council's commitment and investment in early years service provision will be confirmed.



Municipal Early Years Plan

2018-19

December 2018

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1. PURPOSE

The purpose of this Municipal Early Years Plan (MEYP) is to provide a strategic direction for the development and coordination of early childhood education, care and health programs and activities that impact on children from birth to eight years of age in Golden Plains Shire.

Whilst common practice is that councils in Victoria prepare a four-year MEYP, this plan is for the one-year period from 1 December 2018 to 30 December 2019, thus serving as a 'bridging' plan between the expired 2014-2018 MEYP and a new four-year MEYP to be prepared in late 2019 for the period commencing 1 January 2020. This will allow for preparation of the 2019-2023 MEYP to occur, having full regard to the outcomes of two current matters of significant strategic importance:

- A community services mapping exercise in which all current public, private and community-based health, wellbeing and human support services available to Golden Plains' residents are being identified and mapped. Importantly, this exercise will also identify service gaps.
- Reviews of all early Years services including Maternal and Child health; Family Day care; and Early Years Management (Kindergartens). It is expected the service reviews will be completed by December 30th 2018.
- A review of Council's 'Bannockburn Children's Services' childcare operation.

The outcomes of both the community services mapping work and the service and operational review are highly relevant to the future planning, coordination and provision of early years services in Golden Plains Shire. Accordingly, rather than prepare a new four-year plan for commencement in July 2018, it is considered more appropriate that preparation of a new four-year MEYP be delayed for one year while these important strategic inputs are completed and in light of Federal and State Government announcements/election commitments regarding proposed reforms in early years education and care.

The preparation of this one-year MEYP has included a review of the previous MEYP, a review of relevant strategic plans and policies, and consultation with Golden Plains Shire early years staff and Councillors.

A full planning and community consultation process will occur as part of the preparation of the 2019-2023 MEYP.

2. PLANNING CONTEXT

Planning for municipal early years services and programs sits within the broader context of Council's strategic planning framework and relevant government policy and legislation.

The 2017-21 Council Plan sets the following vision for Golden Plains Shire:

A healthy, safe, vibrant, prosperous and sustainable community supported by strong leadership, transparent governance and community partnerships - Our Community, Our Economy, and Our Pride.

Municipal Early Years Plan 2018-19

Council's mission includes: *Working and advocating in partnership with our community to address social, economic and environmental challenges.*

One of the Council Plan's four strategies is to: *Promoting healthy and connected communities.*

The Council Plan incorporates Council's Health and Wellbeing Plan, one of the priorities of which is: *Access to local health and community services.*

The *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008* set out a council's requirements around strategic planning for health and wellbeing. Local government has a key legislated leadership role in working with local stakeholders to plan for their municipality, and a responsibility to ensure that local service systems work well for their community. This does not mean that councils must directly provide all required services, but that they are expected to plan, coordinate and advocate for individuals and groups of children and families to receive appropriate services.

In addition to the above, relevant specific policy issues which shape the context for municipal early years planning in Golden Plains Shire includes:

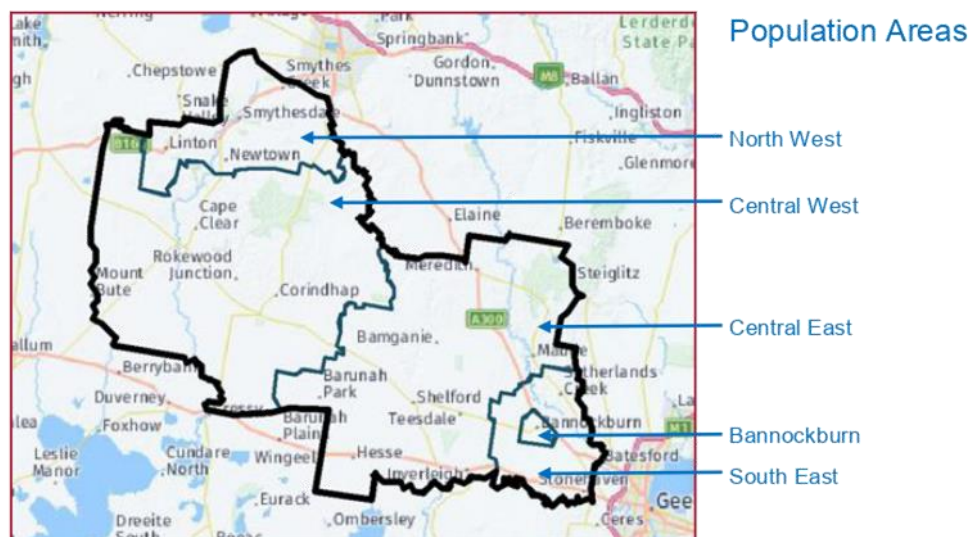
- The emphasis on increased integration of early years services through the establishment of community hubs and other integrated service delivery models.
- The uncertainty about the longer-term commitment from federal and state governments to fund universal access to kindergarten; defined as the provision of 15 hours of kinder per week for a minimum of 40 weeks each year, delivered by degree qualified early childhood teachers, for every four year old child in Australia.
- The improved links between early childhood services and schools through improved early childhood workforce reform, improving quality in early years services, and improved opportunities for disadvantaged children.
- The strengthening of participation rates for maternal and child health ages and stages.
- The reduction of children who are not developmentally "on track" by investing in early childhood and in prevention of vulnerability. Including the expansion of LOOKOUT program supporting children in out-of-home care.
- The importance of engagement and consultation with parents and children in the community.
- Support for expanding and upskilling the workforce.
- Expansion (funding) of three year old (pre-kindergarten).
- The emphasis on the improvement of early childhood infrastructure development and planning with an election commitment (Dec 2018) for Kindergarten Infrastructure - \$1.68 Billion over next decade.

3. COMMUNITY PROFILE

The context for the planning and delivery of early years services and facilities by Council and other agencies to Golden Plains residents is heavily influenced by a range of critical and somewhat unique factors. These relate primarily to the shire's geography, settlement patterns and demography, including:

- It's location in between Victoria's two largest regional cities, Geelong and Ballarat.
- The lack of one 'main' town serving as a community, recreation, commercial and infrastructure centre for the whole shire or a significant portion of shire residents.
- The dispersed nature of the population over some 35 communities including 16 towns across 56 localities; with higher population growth at both 'ends' of the shire proximate to Geelong and Ballarat, and slow or no growth in smaller, more isolated communities through the central regions. The 2016 ABS Census data indicates 13% population growth across Golden Plains since the 2011 Census, including 42% growth in Bannockburn in the south and approximately 5% across the north.
- A lack of public transport and highways that run around the shire, not 'through' it.
- With a lack of local jobs, 75% of working residents leave the shire to work.
- Of the 16 towns, only 11 have a shop, 4 have community centres, 3 have a medical clinic, and only Bannockburn has a bank, dental clinic, long day care centre and an aged care facility.
- No major health service or hospital, with only a small community health service based at Rokewood (Hesse Rural Health).
- A lack of willingness or capacity of agencies to actively service Golden Plains given the inherent difficulties and inefficiencies in doing so and their workloads in servicing their large client bases in Geelong and Ballarat.

Demographic data relevant to early years planning in Golden Plains appears below.



Municipal Early Years Plan 2018-19

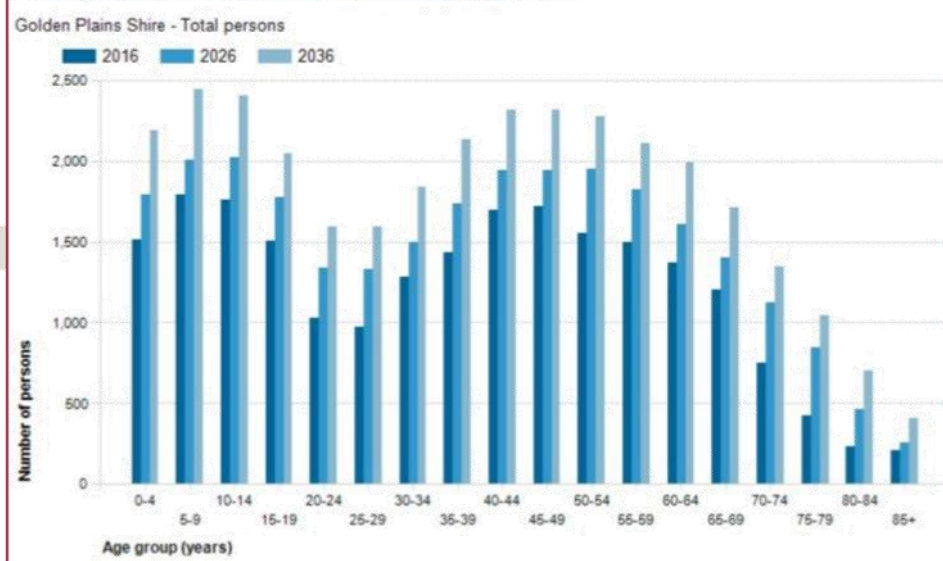
Population summary

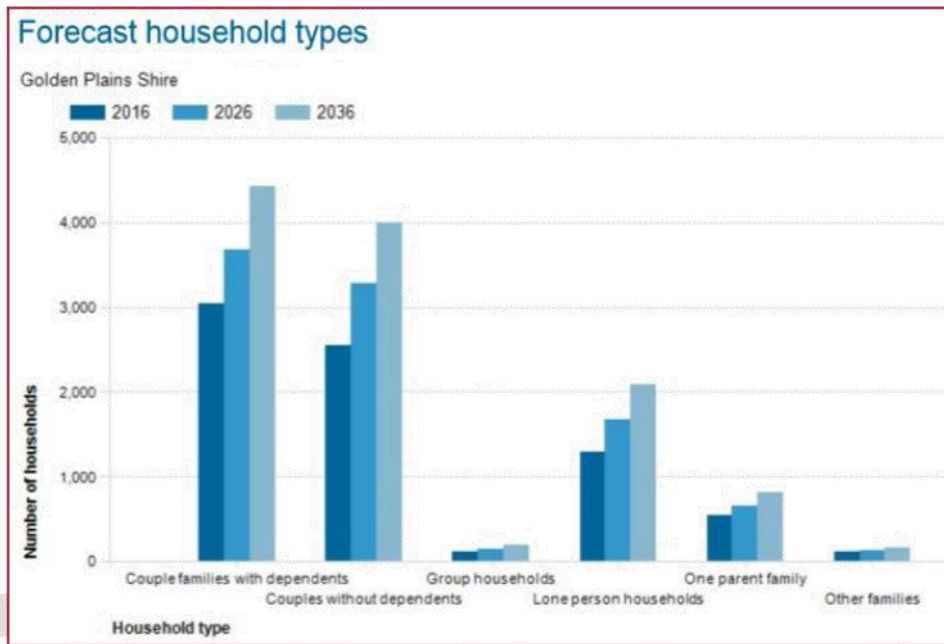
Golden Plains Shire	Forecast year					Change between 2016 and 2036	
	2016	2021	2026	2031	2036	Total change	Avg. annual % change
Golden Plains Shire	21,929	24,327	26,826	29,507	32,449	+10,520	+1.98
Bannockburn	5,134	6,211	7,346	8,607	10,018	+4,884	+3.40
Central East	5,799	6,448	7,019	7,635	8,261	+2,461	+1.78
Central West	2,570	2,693	2,846	3,023	3,203	+633	+1.11
North West	6,923	7,261	7,634	8,052	8,555	+1,632	+1.06
South East	1,502	1,716	1,980	2,189	2,412	+910	+2.40

Components of population change

Golden Plains Shire	Forecast period				
	2012 to 2016	2017 to 2021	2022 to 2026	2027 to 2031	2032 to 2036
Births	--	1,349	1,533	1,714	1,889
Deaths	--	589	660	784	899
Natural increase/decrease	--	759	873	930	991
Net migration	--	1,593	1,590	1,716	1,916
Change in persons in non-private dwellings	--	46	35	35	35
Total population change	--	2,398	2,499	2,681	2,942

Forecast age structure - 5 year age groups





Note: The above five maps, tables and graphs have been sourced from the 'Population and household forecasts 2016 to 2036' report prepared for Golden Plains Shire by .id Consulting Pty Ltd.

4. CURRENT EARLY YEARS SERVICES

Historically, Council has been the main service provider of early years services across Golden Plains Shire. Some early years services have been provided independently from Council, such as some occasional child care services or community-managed kindergarten.

During the period of the last MEYP, Council directly provided:

- Maternal and Child Health
- Long Day Care
- Occasional Child Care
- Family Day Care
- Early Years Management of five kindergartens

In doing so, Council provided early years services to more than 1,300 individual children and 1,000 individual families each year.

It should be noted that the environment that created the need for a strong Council service delivery role has now changed, with a rapidly increasing population and more childcare service providers exploring opportunities to extend their service provision into Golden Plains Shire. The extent to which this is occurring will be more fully understood when the current community services mapping exercise is completed by Council's Community Services Department. This will provide a better basis upon which preparation of the next four-year MEYP (2019-2023) can occur, particularly in terms of targeting and more effectively responding to gaps in current and future service provision.

5. STRATEGIC FRAMEWORK FOR EARLY YEARS PLANNING

This strategic framework for early years planning underpins this 2018-2019 MEYP.

The framework should also inform project planning for the preparation of the 2019-2023 MEYP, and should then be tested and further developed as part of its preparation.

5.1 Goals

In seeking to support families and contribute to the best possible start in life for children, Council will focus its early years planning and initiatives on three primary goals:

- a. **ACCESS** Promoting residents' access to early years services and programs.
- b. **WELLBEING** Encouraging wellbeing among children and families through social inclusion, community connectedness, capacity building and physical activity.
- c. **COUNCIL SERVICES** Providing Council-operated early years services to respond to gaps in provision.

5.2 Key Principles

Below are the principles that are core to Council's work in early years. They both underpin the actions contained in this MEYP, and provide a framework for planning and implementation of early years services, programs and initiatives more broadly.

- Early years development is a whole-of-society responsibility best exercised as a partnership between families, early-years professionals, community-based and private service providers, schools, the broader community and all levels of government.
- Early years planning and practice must be research-driven and evidence-based.
- High quality and easy access are the fundamental elements of successful early years service provision.
- Early years services are most effective when the connections they generate and capacity they build are maintained long after provision of the service has ceased.

5.3 Council's Role

In line with the Goals and Principles above, Council plays a number of roles in early years, including:

- **Promoter:** Plays an active role in promoting and facilitating access to early years services provided by other agencies.
- **Researcher:** Undertakes research to identify and understand needs and issues.
- **Advocate:** Advocates to government, external agencies and service providers about local needs, issues and opportunities.
- **Planner:** Participates in and leads planning for early years services and infrastructure.

Municipal Early Years Plan 2018-19

- **Partnership Builder:** Facilitates partnerships between other agencies, without ongoing involvement from Council.
- **Active Partner:** Builds effective partnerships with agencies, primarily based in Geelong and Ballarat, to deliver services in Golden Plains.
- **Connector:** Facilitates connections and engagement as a value-add to services to enhance wellbeing and capacity.
- **Infrastructure Provider:** Provides and manages single-purpose facilities as well as leading the conceptualisation, delivery and operation of integrated service hubs for private, community-based and council services to co-locate.
- **Service Provider:** Funds and operates services to respond to service gaps.

6. STRATEGIC QUESTIONS FOR THE FUTURE

Key to Council's early years planning and activities over the next few years will be its approach to a set of strategic questions and challenges. Some of these questions may be addressed during the life of this one-year MEYP, while others should be referred to the 2019-2023 MEYP for consideration. These strategic questions include:

- Is the Strategic Framework at section 5 of this MEYP (Goals, Key Principles and Council's Role) appropriate in the longer term?
- Should early years planning continue to focus on 0 – 8 year olds, or 0 – 11 year olds so as to align with Council Youth Services program (12 – 25 year olds)?
- On what basis should Council decide whether or not it remains or becomes involved in direct provision of specific services?
- How can Council ensure that community demand for early years education and care within the shire's growth areas can be met given insufficient infrastructure?
- What is the role of 'The Well' at Smythesdale for early years services and programs?
- Should Council continue Early Years Management of five of the seven kindergarten services in the shire if other providers are interested in doing so?

7. ACTIONS FOR 2018-19

Council will pursue the following actions during 2018-2019:

- a. Support and provide input into the community services mapping exercise currently being undertaken by Council's Health and Wellbeing Team, specifically as it relates to early years services for Golden Plains residents.
- b. Complete the current review of the Bannockburn Children's Services childcare operation and implement its recommendations as appropriate.
- c. Continue to fund and operate the current range of early years services (noting that change may occur in respect of point b. above).
- d. Continue to invest in staff training and development across all early years services as a key element of high quality service provision.
- e. Monitor and evaluate Council's early years services and make appropriate changes to enhance quality, accessibility and efficiency.
- f. Strengthen the marketing of Council's services and of the Bannockburn Family Services Centre as an early years hub providing a range of integrated services.
- g. Continue to encourage early years service delivery at The Well in Smythesdale both by Council and other providers.
- h. Consider the introduction of Central Enrolment for relevant early years services.
- i. Prepare a detailed Project Brief for preparation of the 2019-2023 MEYP and commence the project in early 2019.
- j. Build relationships with other early years agencies to maximise their commitment and engagement in the preparation and implementation of the 2019-2023 MEYP.
- k. Explore opportunities for greater engagement of parents and families in service planning and improvement.
- l. Advocate for continued funding of Universal Access to kindergarten (specifically 15 funded hours per week).
- m. Continue to implement Council's various responsibilities relating to child safety as per the outcomes of the Federal Royal Commission and Victorian Parliamentary Inquiry relating to the handling of child sexual abuse.

6.9 GPS-RFT20-2018 - SUPPLY OF MOTOR GRADERS X 2 - AWARDING OF TENDER**File Number:****Author:** David Greaves, Works Manager**Authoriser:** Greg Anders, Director Assets and Amenity**Attachments:** Nil**RECOMMENDATION**

That Council award contract GPS-RFT20-2018 to Hitachi Construction Machinery (Australia) Pty Ltd for the supply and delivery of two [2] John Deere 670GP Motor Graders for a total tendered price of \$777,900 (excluding GST).

EXECUTIVE SUMMARY

This tender is part of Council's long term plant and equipment replacement program. The existing (12+ years old) Caterpillar 12H graders are used to maintain Council's gravel road network and sealed roads (road shoulders) as well as for construction associated with the renewal and upgrading of the road network. Replacement of the graders is in accordance with Council's Plant Replacement Schedule.

This report was previously considered by Council at the 27 November 2018 Ordinary Meeting. Council deferred determination of the recommendation until after the Asset Management (FAST) report is presented. That report is to be presented to Council prior to the December Ordinary Meeting.

BACKGROUND

As part of the ten [10] year plant replacement program, it is proposed to procure two [2] Motor Graders as replacements for two [2] existing Graders. Council maintains in excess of 700km of gravel (unsealed) road infrastructure across the Shire, as well as gravel shoulders on sealed roads. Motor graders are essential in the delivery of the gravel road maintenance program. The existing Motor Graders are 12+ years old (P302 and P303) and both of these Caterpillar 12 H2 graders are used to maintain Council's road network and in construction associated with the renewal and upgrading of the road network.

Tenderers were asked to provide costs for one [1] and two [2] Motor Graders as separate quotes to make the pricing comparison easier for the evaluation team.

For this tender Council utilised the Municipal Association of Victoria (MAV) pre-approved suppliers list via Vendor Panel. Vendor Panel provides councils with access to supplier compliance details (eg, insurance certificates) and reduces the cost and time associated with a public tender process.

Scope

Some of the requirements of the tender that needed to be met to be considered for purchase are:

- Minimum 110kw Diesel Engine
- Direct Drive, Power Shift – Grader is to have power side shift, circle turn and leaning wheels
- A braking system that acts on all four [4] wheels and is suitable for undulating conditions
- One [1] Cabin Roof Mounted LED beacon with tree protection
- Front bar mounted with turn and hazards
- Cabin warning lights
- Light fixtures to enable night operations
- Air conditioning and heating to meet OH&S regulations
- Fire Extinguishers
- Suspension type driver's seat

- Sound Levels at the operator’s ear shall not exceed 75db(A) with the cabin doors closed at operating load.
- Reflective Red and Yellow “Give Way to Turning Vehicle” signs installed
- Set of hazard triangles installed to the vehicle
- Tenderers were also requested to indicate if the motor grader had joy stick or steering wheel controls or both.

Tenderers were also asked to provide a quote for an optional:

- GPS-based machine monitoring system capable of providing information to Council via an internal enabled computer to assist in Fleet Management
- Advice on the capacity of the Motor Grader to carry and use Grader mounted Rollers on the rear and
- Provide pricing if the tenderer has Grader Mounted Rollers suitable to the proposed Grader.

Evaluation Panel

The Evaluation Team for this procurement comprised of:

	Position	Scoring/Non Scoring
1	Works Manager	Scoring
2	Works Superintendent	Scoring
3	Workshop Mechanic	Scoring
4	Grader Driver	Scoring
5	Grader Driver	Scoring
6	Fleet Coordinator	Scoring
7	Contract & Procurement / Chair	Non Scoring
8	Contract & Procurement	Non Scoring

Tender Submissions

A total of five [5] Tenders (two by Tender C) were submitted for evaluation with prices for both one [1] and two [2] Motor Graders. The two motor graders submitted by Tender C were both above the decibel rating that was requested in the Tender documents; however as the rating was only over by a very small margin and well under the rating of 85db(A) averaged over an eight [8] hour period – as set out in The Occupational Health and Safety Regulations 2017 (OHS Regulations) – it was decided to allow the submission to be assessed by the evaluation panel.

Tenderer name	Motor Grader Model Name & Number	Weighted Score (out of 90)
Hitachi Construction Machinery (Australia) Pty Ltd	John Deere 670GP	80.25
Tender B		55.5
Tender C		39.5
Tender C(i)		N/C
Tender D		71.25

Councillors have previously been provided with a copy of the Tender Evaluation Report.

Evaluation Meeting and Scores

The weighted criteria assessed by the evaluation panel included suitability, service, track record and delivery time and operator and OHS Review. The local content and price evaluations were completed by the procurement team using a standard formula. The pricing included the cost of purchase, including all extras, and the cost of servicing to 5,000 hours. It did not include the optional grader mounted roller.

Evaluation Criteria	Weight %
PRICE AND TOTAL COST OF OWNERSHIP Preference will be given to the lowest cost of ownership that sufficiently conforms to the Specification. (Plant efficiency and Council’s estimate of achievable productivity may also be factored in)	30%
SUITABILITY OF THE PLANT FOR THE PURPOSE INTENDED Preference will be given to tenders fully complying with or exceeding the Specification. Failure to comply with fundamental aspects of the Specification may eliminate some tenders.	30%
SERVICE, TRACK RECORD & DELIVERY TIME Preference will be given to a Supplier with a proven track record of vehicle/plant quality and longevity, service and warranty responsiveness and parts availability. Delivery time must be acceptable to Council.	15%
OPERATOR & OHS REVIEW The review will include, but not be limited, to: ergonomics, access, cabin space, height of tray and equipment operation (as applicable). Plant and equipment must meet required OHS standard to be considered.	20%
LOCAL CONTENT Preference will be given to a supplier defined as local under the procurement policy	5%

CONFLICT OF INTEREST

In accordance with section 80B of the *Local Government Act* 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The Tender Evaluation Panel conducted a thorough assessment of the four [4] compliant tenders using the specified tender evaluation criteria. The evaluation determined that the tender with the highest score – and therefore the preferred tender – is that received from Hitachi Construction Machinery (Australia) Pty Ltd for the John Deere 670GP Motor Grader for an amount of \$777,900 (excluding GST) for the supply of two [2] graders. This is within the budget amount of \$810,000.

6.10 GPS-RFT24/2018 CONSTRUCTION OF THE VICTORIA PARK NETBALL COURTS UPGRADE, BANNOCKBURN - AWARDING OF TENDER

File Number:

Author: David Miocic, Team Leader Community Projects Engineer

Authoriser: Greg Anders, Director Assets and Amenity

Attachments: Nil

RECOMMENDATION

That Council;

1. Award contract GPS-RFT24-2018 for the Construction of the Netball Courts Upgrade at Victoria Park, Bannockburn, to Plumbing Logistics Pty. Ltd for the tendered sum of \$461,328.00 excluding GST.
 2. Delegates to the Chief Executive Officer or his delegate, authority to execute the associated contract on behalf of Council.
-

EXECUTIVE SUMMARY

Council approval is required for the awarding of a tender for an experienced contractor to undertake the construction of an upgrade to the existing netball courts at Victoria Park, Bannockburn.

Works will include:

- Construction of two [2] compliant concrete based netball courts laid in accordance with Australian Standards and Netball Australia's Recommended Netball Court Dimensions
- Construction of a concrete based multipurpose sports zone which will provide elements associated with basketball, netball and soccer.
- Application of an acrylic finish, inclusive of all line marking, to both netball and multipurpose zones
- Installation of four [4] Netball Goal Posts and associated sockets (netball courts); two [2] Basketball/Soccer multi sport elements (multi- purpose courts); two [2] Netball Goal Posts and associated sockets; and one [1] Netta Netball Goal post and associated socket
- Installation of LED sports lighting of average luminance 200 Lux to cater for regional night competition.
- Supply & Install variable 1.2m-3.0m high, Black PVC Coated chainmesh perimeter fencing and associated access and maintenance gates
- Installation of two [2] interchange shelters and one [1] scorers' shelter
- Installation of required storm water, subsoil drains and pits

In general, the project will see the footprint of the current netball precinct increase and will involve the introduction of a new multipurpose sports zone.

BACKGROUND

The Bannockburn netball courts are located at Victoria Park, Bannockburn. The reserve is situated at 3 Moore Street, Bannockburn – Golden Plains Shires largest township. The reserve caters for a number of sporting and leisure activities and is utilized on a daily basis.

The G21 AFL Barwon Football and Netball Regional Strategy facility audit rated the playing surface as very poor and highlighted safety concerns which included unevenness, ponding and a cracking surface due to foundation deterioration. This was the motivation behind the Golden Plains Shire Council to pursue funds for this project.

The existing three [3] non-compliant netball courts shall be reconstructed to two [2] compliant courts and one [1] multipurpose sports zone, with concrete pavement and an acrylic surface laid in accordance to Australian Standards and Netball Australia’s Recommended Netball Court Dimensions Guidelines.

The total project cost of \$500K was budgeted for in the 2018/19 capital works program – \$400K funded by Golden Plains Shire Council and a \$100K grant from Sports and Rec Victoria.

POLICY CONTENT

The delivery of this project is in line with Council Plan 2017-2021, specifically in terms of the following strategic directions:

Promoting healthy and connected communities

- Support and enable participation in physical activity, sport and recreation.
- Build community strength, capacity and resilience through fostering opportunities for people to engage, connect and participate in community life.

Managing the natural and built environment

- Work with the community to plan and provide natural and built environments that create safe, accessible, inclusive and inviting public spaces, social infrastructure, open space and destinations for all.

At the local level the project has been identified as a priority 1 project in Council’s Recreation Strategy 2015-19 and is also a Priority 1 project in the Bannockburn Victoria Park Recreation Reserve Master Plan. The project will complement the existing dedicated change facilities for both men and women and the recently redeveloped cricket training facility will further achieve key priorities outlined in both the Recreation Strategy and Site Master Plan.

This project also aligns strongly with the following goals in the Netball Victoria's Strategic Plan 2014/18:

- Goal 1: Increase Participation and
- Goal 2: Build Our Capacity.

Regionally, the G21 Physical Activity Strategy supports this project by recommending resources be allocated to infrastructure encouraging physical activity.

DISCUSSION

Tender Evaluation: The four [4] tenders received were assessed for compliance. Only two [2] submissions were successful in providing all required documentation relating to OHS, Insurances, Risk Management and Quality Control. Therefore, only two [2] tenders were assessed against the criteria listed in Table 2. The two [2] remaining non-compliant tenderers were removed from further consideration. Further detail on pricing is included in the confidential attachment.

The table below summarises the tenders that were received.

No.	Tenderers	Conforming (C) /Non-Conforming (NC)
1	Tenderer A	C
2	Tenderer B - Plumbing Logistics Pty Ltd	C
3	Tenderer C	NC
4	Tenderer D	NC

Table 1: Tenders received

The Tender Evaluation Panel (TEP) was made up of the following personnel:

1. ██████████ – Community Projects Engineer Team Leader
 2. ██████████ – Project Manager Capital and Operational Projects
 3. ██████████ – Recreation Development Officer
- Chairperson: ██████████ (Contract and Procurement Support Officer)

Tenders were rated using the following criteria and weightings:

Compulsory Criteria	Weighting
OH & S	Pass
Insurance	Pass
Risk Management Policy	Pass
Quality Policy & Management System	Pass
Qualitative Assessment	
Capability:	15%
Experience and capability in relation to this project	
Demonstrated understanding of project requirements	
Qualifications and experience of personnel (incl. subcontractors) allocated	
Degree of innovation and 'value-adding' items offered by tenderer	
Methodology:	10%
Quality of project methodology	
Understanding of key SQE risks and how such risks will be mitigated	
Approach to ongoing management of the contract	
Capacity:	15%
Ability to meet project deadline	
Quality of project program	
Proposed staffing levels are adequate to meet project deadline	
Local	5%
Extent of economic contribution to the local region	
Quantitative Assessment	55%
Pricing	

Table 2: Tender assessment criteria and weightings

Scoring

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

Tenderer	Score
Tenderer A	-
Tenderer B - Plumbing Logistics Pty Ltd	88.0

In order to confirm the scoring panel's consensus, a referee check and site inspection were completed for Plumbing Logistics Pty Ltd. Further information can be found in the Confidential Attachment: GPS-RFT24/2018 Tender Evaluation Report.

Councillors have previously been provided with a copy of the Tender Evaluation Report.

Financial Implications

Please note: The following figures relating to the budget are GST exclusive.

The available funding for the 'construction' contract is \$500K (\$100K SRV, \$400K Council).

The tender submission received from Plumbing Logistics Pty Ltd is to the value of \$461,328.00.

The remaining funds, \$38,672.00, are required to provide for the following items of the project:

- Purchase of six [6] netball goals, one [1] one 'Netta netball' goal and two [2] two multi-sport equipment (basketball/soccer);
- Manufacturing of two [2] interchange shelters and one [1] scorers' shelter; and
- Preconstruction demolition works – removal of fence, existing asphalt and light towers

The estimated cost for these elements is approximately \$60,000; hence, the overall cost for the project will be approx. \$520,000. The additional cost is largely due to the specification of luminaires being revised to LED, in lieu of the traditional metal halide variety. This will ensure longevity and quality of light whilst minimising operational costs for the Committee of Management in the years to come.

The \$20,000 (approx.) funding shortfall will be reallocated from the reduced Council contribution required for the replacement floor at the Haddon Stadium. This opportunity has arisen courtesy of the State Government's funding commitment in the lead up to the recent State elections.

Risk Management Implications

The Project Management Framework (PMF) for the Victoria Park Netball Upgrade, approved by Sports Recreation Victoria, stipulated an acquittal date of 1 December 2019. Council plans to appoint a contractor in the month of December, 2018, with the recommended tenderer's completion date scheduled for 17 April, 2019 – completion well before required acquittal dates.

This will ensure an early completion date for the project resulting in a positive outcome for users, THE community and the Golden Plains Shire Council.

Economic, Social & Environmental Implications

The project will provide for the following economic benefits:

- The local economy will benefit during the construction phase of the project as local resources and contractors will be used
- The facility upgrade will allow the facility to host championships and scheduled netball games, day or night, with compliant dimensions

The project will provide for the following social benefits:

- increase participation in sport and active recreation
- Increase the public profile of active play within the Golden Plains Shire

Other benefits the project will provide will be to:

- Accommodate the population expansion proposed for the region
- Provide a viable and sustainable community
- Create a potential opportunity for employment of local labour

It is considered that there are no environmental implications for the project.

CONSULTATION

Initial Community consultation was undertaken during the development of Councils Recreation Strategy 2015 -2019 as well as the recent completion of the Victoria Park Bannockburn Masterplan 2014. These documents were developed in collaboration with the former Section 86 Committee of Management and all users groups (who are now seasonal tenants) to meet the collective needs of the clubs and community. The documents prioritised a need to reconstruct the netball courts and upgrade the lighting in order to meet the needs of the community and grow participation in netball.

The stakeholders associated with the consultation process were:

- Bannockburn Football Netball Club (BFNC),
- Bannockburn Cricket Club (BCC),
- Sport and Recreation Victoria (SRV),
- AFL Barwon, Netball Victoria (NV),
- Geelong & District Football Netball League (GDFNL), and
- Leisure Networks

On completion of the conceptual plans, based upon the outcomes of the initial consultation process, further consultation was completed with the BFNC and the BCC to discuss the propose works and request approval of the drawings. This was achieved.

CONFLICT OF INTEREST

In accordance with section 80B of the *Local Government Act* 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The Tender Evaluation Panel recommends that Plumbing Logistics Pty Ltd be engaged to deliver the GPS-RFT24-2018 - Construction of the Victoria Park Netball Court Upgrade project in Bannockburn.

The Tender Evaluation Panel (TEP) conducted a thorough evaluation of the two [2] compliant tenders using the specified evaluation criteria.

Council has had experience working with Plumbing Logistics Pty Ltd in the past with great success. However, further investigation was completed with an on-site inspection of provided past works and a referee check was also conducted. Both the inspection and referee check supported the TEP's recommendation.

6.11 GPS-RFT27/2018 CONSTRUCTION OF LINTON RECREATION RESERVE FOOTBALL LIGHTING - AWARDING OF TENDER**File Number:****Author:** [REDACTED], Project Manager Capital and Operational Projects**Authoriser:** [REDACTED], Director Assets and Amenity**Attachments:** Nil**RECOMMENDATION**

That Council;

1. Award contract GPS-RFT27-2018 for the Construction of Linton Recreation Reserve Football Lighting to DeAraugo & Lea Electrical for the tendered sum of \$261,900.00 excluding GST.
 2. Delegates to the Chief Executive Officer or his delegate, authority to execute the associated contract on behalf of Council.
-

EXECUTIVE SUMMARY

Council approval is required for the awarding of this tender to an experienced contractor to undertake the construction of football lighting at the Linton Recreation Reserve.

Works will include:

- Demolition and disposal of existing undersized lighting pole and lamps, as well as removal of lamps from existing NBN communications poles
- Supply and installation of a new main switchboard and modifications to existing switchboard on the netball shed
- Supply and installation of underground re-wireable conduit systems and trafficable cable pits
- Supply and installation of new consumer mains and submains cabling
- Supply and installation of four [4] No. 30 metre football poles, including concrete footings and crossarm assemblies
- Supply and installation of eight [8] No. floodlights per pole (32 No. total), capable of producing an average illuminance of 150 Lux, switchable down to 50 Lux, including residual current device (RCD) protection and lighting protection
- Supply and installation of wiring of poles including steel support cables in poles, stainless steel flexible conduit protection of exposed cable at pole heads, and connection to floodlights
- Supply of pre-aiming of floodlights and subsequent aiming adjustments

The load imposed by the introduction of the new football lighting to the recreation reserve has resulted in the need for the electrical supply to the reserve to be upgraded. This was an unknown at the time of lobbying for funding.

BACKGROUND

The provision of sports oval lighting at the Linton Recreation Reserve has been identified as a priority in Golden Plains Shire Council's Recreation Strategy 2015-19.

The existing lighting consists of a set of luminaries mounted on a singular pole, the NBN communications pole and the pavilion roof. The existing lighting is both inadequate for the playing of night matches and insufficient for training. The presence of dark areas on the surface has raised safety concerns from users.

The proposed project will see the erection of four [4] lighting towers around the football oval at the Linton Recreation Reserve that will provide 150 Lux (average) illuminance for club competition purposes and 50 lux illuminance (average) for training purposes. It will allow the Linton Football Club to offer night matches, train safely across the entire oval and improve the overall quality of the facility. This will in turn assist in attracting new players to the club, progress the club's level of competition and improve the club's financial sustainability.

The total project cost of \$255K is to be funded by the 2018/19 Community Sports Infrastructure fund through Sport and Recreation Victoria.

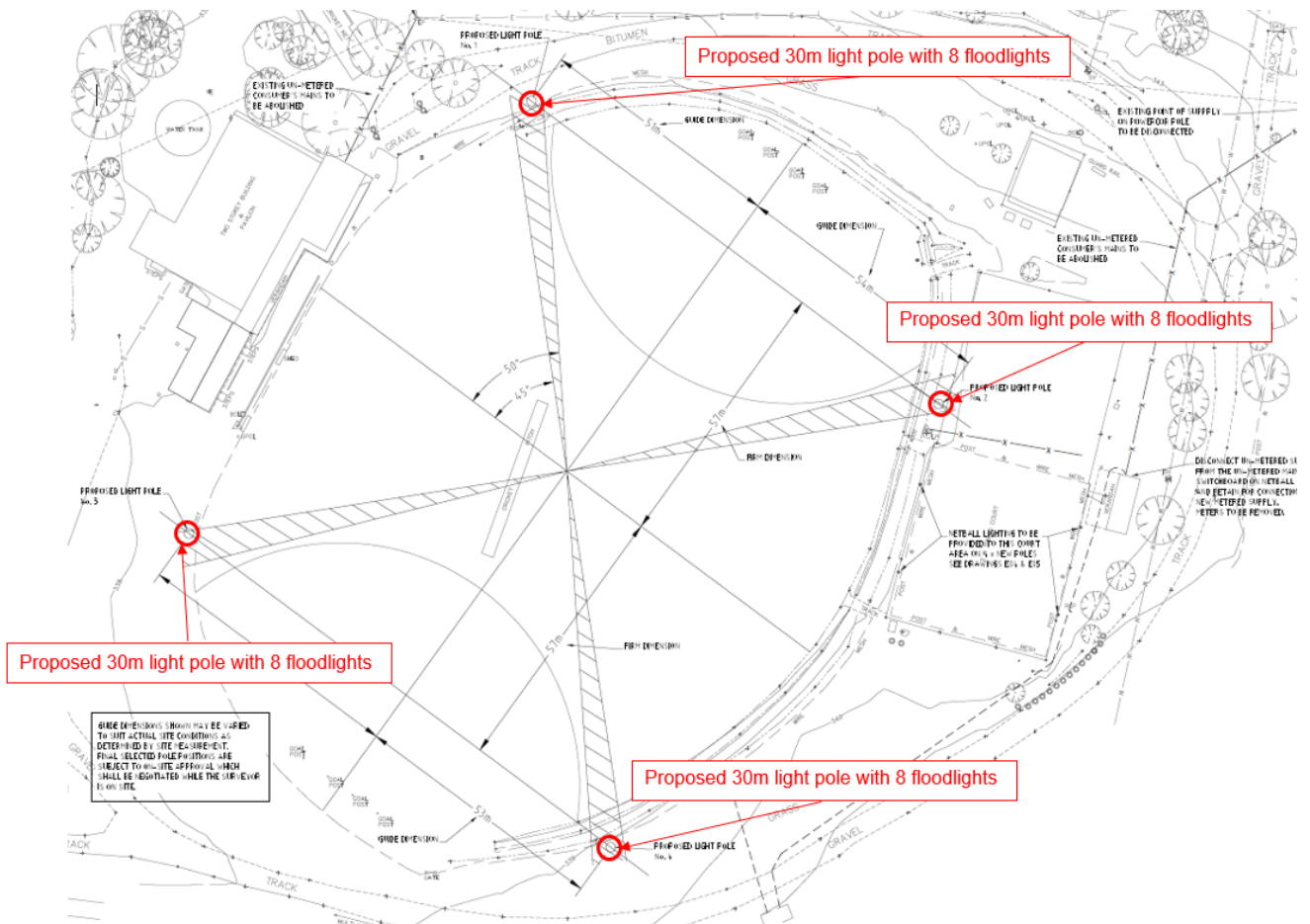


Figure 1: Proposed Football Lighting Works

POLICY CONTENT

The delivery of this project is in line with Council Plan 2017-2021, specifically in terms of the following strategic direction:

Promoting healthy and connected communities

- Support and enable participation in physical activity, sport and recreation.
- Build strong, vibrant communities that provide opportunities for all people to engage, connect and participate.
- Support local sporting and community groups to provide participation and engagement opportunities.

DISCUSSION

Tender Evaluation: The tenders received were assessed for compliance. Only two [2] submissions were successful in providing all required documentation relating to OHS, Insurances, Risk Management and Quality Control documentation. Therefore, only two [2] tenderers were compliant

and assessed against the criteria listed in Table 2. The remaining non-compliant tender was removed from further consideration. Further detail on pricing is included in the confidential attachment.

The table below summarises the tenders that were received.

No.	Tenderers	Conforming (C) /Non-Conforming (NC)
1	Tenderer A	NC
2	Tenderer B	C
3	DeAraugo & Lea Electrical	C

Table 1: Tenders received

The Tender Evaluation Panel (TEP) was formed by the following personnel:

1. ██████████ – Community Projects Engineer Team Leader
2. ██████████ – Project Manager Capital and Operational Projects
3. ██████████ – Recreation Development Officer

Chairperson: ██████████ (Contract and Procurement Support Officer).

Tenders were rated using the following criteria and weightings:

Compulsory Criteria	Weighting
OH & S	Pass
Insurance	Pass
Risk Management Policy	Pass
Quality Policy & Management System	Pass
Qualitative Assessment	
Capability:	20%
Experience and capability in relation to this project	
Demonstrated understanding of project requirements	
Qualifications and experience of personnel (incl. subcontractors) allocated	
Degree of innovation and 'value-adding' items offered by tenderer	
Methodology:	10%
Quality of project methodology	
Understanding of key SQE risks and how such risks will be mitigated	
Approach to ongoing management of the contract	
Capacity:	20%
Ability to meet project deadline	
Quality of project program	
Proposed staffing levels are adequate to meet project deadline	
Local	5%
Extent of economic contribution to the local region	
Quantitative Assessment	45%
Table 2: Tender assessment criteria and weightings	

Scoring

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

Tenderer	Score
Tenderer B	68.40
DeAraugo & Lea Electrical	74.90

Table 3: Tender weighted scores

Councillors have previously been provided with a copy of the Tender Evaluation Report.

Council has had first-hand experience working with DeAraugo & Lea Electrical as they delivered the Inverleigh Sporting Complex Lighting Project and, as such, a referee check was deemed not to be required for the validation of the scoring panel's consensus. Council was extremely satisfied with the quality of work demonstrated on this project.

Financial Implications

Please note: The following figures relating to the budget are GST exclusive.

The available funding for the 'construction' contract is \$255,000, funded solely by Sport and Recreation Victoria (SRV). Council did request \$285,000 to complete the works, inclusive of an electrical supply upgrade, in later lobbying for funding; however, this was unsuccessful and the initial request of \$255,000 was funded.

The cost of the proposed football lighting contract is \$261,900 and the cost of the power supply upgrade is \$25,494. This brings the total cost of the project to a value of \$287,394.

The \$32,394 funding shortfall will be sourced from the reduced Council contribution required for the replacement floor at the Haddon Stadium.

Risk Management Implications

The Project Management Framework (PMF) for the Linton Recreation Reserve Football Lighting Project, approved by Sports Recreation Victoria, indicated an acquittal date of 30 April, 2020. Council plans to appoint a contractor by no later than 25 January 2019 and allowed an 18-week construction program, requesting tenderers to demonstrate that a practical completion date of 31 May 2019 can be achieved. DeAraugo & Lea Electrical's tender demonstrates that they can deliver the project in a 15.2 week timeframe, albeit with a long lead time for delivery of the lighting poles and switchboard. The proposed project program will ensure the impact to the Linton Football Club is as minimal as possible.

The engagement of DeAraugo & Lea Electrical's experienced team, which includes A Grade Electricians who are well versed in sports lighting projects, will ensure the project is delivered safely, on time and to the required quality.

As the introduction of the Sports Lighting will require an electrical supply upgrade to the reserve by Powercor, the programming of these works is unknown at this stage and may extend completion dates – it should not, however, affect acquittal dates.

Economic, Social & Environmental Implications

The project will provide the following economic benefits:

- The local economy will benefit during the construction phase of the project as local subcontractors and other resources will be used
- The facility upgrade will allow the hosting of night matches, thus attracting new players and an increased amount of spectators to the club, which will increase revenue.

The project will provide for the following social benefits:

- Enhancement of a key sporting and social hub for the community of Linton and surrounding townships, promoting health and wellbeing
- Increase in the profile of the Linton Football Club within the Golden Plains Shire

It is considered that there are no environmental implications for the project.

CONSULTATION

As part of the development of the Linton Recreation Reserve Masterplan (2018), Council facilitated an extensive consultation with key community stakeholders – including Carngham Linton Football Netball Club and the Linton Cricket Club – to help identify facility improvements that would support current and future participation at the reserve. Sports Oval Lighting was identified during this process as a No. 1 priority.

Further to this, and following discussions about the poor light provision during the development of the AFL Goldfields Regional Strategy, a lighting assessment was undertaken at the reserve, where the current provision was rated as poor and not meeting minimum requirements for training or night matches.

CONFLICT OF INTEREST

In accordance with section 80B of the *Local Government Act* 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The Tender Evaluation Panel conducted a thorough evaluation of the two [2] compliant tenders using the specified evaluation criteria and recommends that DeAraugo & Lea Electrical be engaged to deliver the GPS-RFT27-2018 - Construction of Linton Recreation Reserve Football Lighting contract.

6.12 ASSEMBLY OF COUNCILLORS**File Number:** 02-03-004**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** 1. Assembly of Councillors**RECOMMENDATION**

That Council notes the Assembly of Councillors Record from 28 November 2018 to 17 December 2018 as attached.

EXECUTIVE SUMMARY

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 28 November 2018 to 17 December 2018.

BACKGROUND

In accordance with Section 80A of the Local Government Act 1989 a written record of assembly of Councillors must be reported at an ordinary Council meeting and minuted as soon as practicable.

DISCUSSION

The record must include:

1. The names of all Councillors and members of Council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a Councillor attending
4. Whether a Councillor who has disclosed a conflict of interest left the assembly

CONSULTATION

A formal consultation process is not required.

CONFLICT OF INTEREST

In Accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

The information provided in this report is compliant with Section 76A of the Local Government Act 1989.



Assembly of Councillors Record

Date of meeting:	Tuesday 11 December 2018
Time:	9.00am
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Owen Sharkey, Mayor Cr Helena Kirby Cr Joanne Gilbert Cr Nathan Hansford Cr Les Rowe Cr David Evans
	Arrived 11.40am
Apologies:	Cr Des Phelan
Council staff present:	Eric Braslis, Chief Executive Officer Greg Anders, Director Assets & Amenity Patti Wenn, Acting Director Community Services Richard Trigg, Director Corporate Services Louisa White, Community Development Manager Tim Waller, Development Manager Sarah Fisher, Statutory Planning Team Leader Leigh Page, Town Planner Peter O'Brien, Town Planner David Greaves, Works Manager Emily Crosbie, Project Manager Capital & Operational Projects Geoff Alexander, Strategic Planner Heidi Preston, Child & Family Services Manager
Other people present:	Mark Davies Mr Adam Lehmann and Mr Ross Goyne, CT Management Group
Conflict of Interest Disclosures (Councillors)	Mayor Cr Owen Sharkey declared a direct conflict of interest for Item 2.4 Planning Application P18-080 – Development of land for racing dog keeping and training, 2874 Midland Hwy, Lethbridge
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p>Presentations</p> <ul style="list-style-type: none"> - Rating Practices Workshop with Mark Davies - FAST Asset Management Improvement Project with Mr Adam Lehmann and Mr Ross Goyne, CT Management Group. <p>Reports</p> <ul style="list-style-type: none"> - Planning Application P17-255 - Variation of Restrictive Covenant V278933P, 59 Yorkshire Close, Batesford - Planning Application P18-187 - The use of the land for a Liquor Licence (General Licence), 80 Sussex Street, Linton - Planning Application P17-039 for the use and development of land for intensive animal husbandry (free-range piggery) and dwelling at 1779 Hamilton Highway, Murgheboluc - Planning Application P18-080 - Development of land for Racing dog keeping and training, 2874 Midland Hwy, Lethbridge - Development Plan (DPO13) - 31 Mercer Street, Shelford - Draft Communications and Marketing Strategy 2019-21 - Golden Plains Municipal Early Years Plan 2018-2019 - GPS-RFT20-2018 - Supply of Motor Graders x 2 - Awarding of Tender - GPS-RFT24/2018 Construction of the Victoria Park Netball Courts Upgrade, Bannockburn - Awarding of Tender - GPS-RFT27/2018 Construction of Linton Recreation Reserve Football Lighting - Awarding of Tender <p>Council Updates</p> <ul style="list-style-type: none"> - Bunkers Hill - Sago Hill Road, Haddon



Council Issues
SMT Only

Council Issues
CEO Only

Councillor Only Session

Completed by: Eric Braslis, Chief Executive Officer

A handwritten signature in dark ink, appearing to read "Eric Braslis", is written below the text "Completed by: Eric Braslis, Chief Executive Officer".

7 NOTICES OF MOTION

7.1 NOTICE OF MOTION - GRANTS REVIEW PANEL

File Number:

Attachments: Nil

I, Councillor David Evans, give notice that at the next Ordinary Meeting of Council be held on 18 December 2018, I intend to move the following motion:-

MOTION

That Council support the formation of a Grants Review Panel to conduct the overview of nominated grants prior to acceptance as detailed in this paper.

RATIONALE

This motion is intended to address what I believe is the lack of consultation with Councillors prior to a grant being submitted for a project funding on behalf of the Golden Plains Shire.

This motion proposes that;

- Council establish a Grant Review Panel consisting of Councillors, the CEO and Directors only.
- The grants that will require co funding and or result in adding to our asset load shall be brought to this panel.
- Grants that fit this description can be in the process of application but must be brought to panel prior to acceptance or rejection. It is the function of this panel to determine acceptance or rejection.
- Panel recommendation must then be brought to an Ordinary Council meeting for formal approval or rejection.

The proposer is concerned that grants are awarded which subject ratepayers to additional costs which may not be in the budget and for which the Council has no funding. Furthermore, the proposer is concerned that Councillors may have no prior knowledge of the grant application at the time it is submitted.

Grants can come in three forms and they must be assessed in accordance to their characteristics.

- The first form is a fully funded grant that is project specific and leaves council with no further costs to maintain it in the future. An example is a Consultant's Report.
- The second form is a grant that builds an asset that requires Council to maintain and replace it at its life's end. An example is a toilet block.
- The third is a grant that requires it to be co-funded by Council with or without a third party. An example is the Bannockburn Bowls Club upgrade proposal.

All but the first can have a legacy which can be an unintended increase in asset costs both ongoing and for its replacement.

It is Council's responsibility to make decisions through a complete understanding of the impacts that these grants can have both in the short and the long term. To achieve this aim, we must ensure that our staff present Councillors with all of the facts as well as detailed justification for applying for a grant. This shall include ongoing annual costs that need to be factored into future budgets.

For example this could be a sports ground that requires watering, mowing, resurfacing and any other maintenance cost.

Council is now in a period that is presenting us with extreme stress on our ability to maintain our service level while losing the battle to maintain our existing assets.

We have two choices and they are

- to review or reduce asset accumulation or
- to dramatically increase rates by applying for a rate cap increase via a variation.

The latter will have little support in our highly rated community whereas the former could give us time to prioritise projects and assess other potential revenue streams.

For instance, the West Wind Energy farm revenue could be earmarked purely for asset maintenance but that will be at least 5 years away. In the meantime, we need to keep our costs under strict control.

This will allow councillors to make an informed judgement on the merits of applying for and accepting any grant

I believe this proposed Grant Review Panel will greatly assist the Council in achieving this objective and I seek your support for its formation.

I commend this Notice of Motion to Council.

8 PETITIONS

9 CONFIDENTIAL ITEMS**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 89(2) of the Local Government Act 1989:

9.1 Australia Day Awards 2019

This matter is considered to be confidential under Section 89(2) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Any other matter which the Council or special committee considers would prejudice the Council or any person.
