



AGENDA

Council Meeting

6.00pm Tuesday 15 December 2020

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

NEXT COUNCIL MEETING
6.00pm Tuesday 19 January 2021

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 acknowledge the traditional Wadawurrung owners of the land where we meet today. 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****Recommendation**

That the minutes of the Council Meetings held on Tuesday 17 November 2020 and 24 November 2020 as circulated, be confirmed.

5 DECLARATION OF CONFLICT OF INTEREST**6 PUBLIC QUESTION TIME**

7 BUSINESS REPORTS FOR DECISION



7.1 MEETING RECORD

File Number:

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments:

1. Meeting Notice 19.11.20  
2. Meeting Notice 8.12.20  

RECOMMENDATION

That Council receive and note the Meeting Records from 23 September 2020 to 14 December 2020 as attached.

EXECUTIVE SUMMARY

To receive any Meeting Records that disclose any conflict of interests declared since the previous Council meeting.

BACKGROUND

The *Local Government Act 2020* (the Act) outlines obligations and requirements for Councillors to declare and manage conflicts of interests. Council's Governance Rules provide further procedures in relation to Conflict of Interest.

In accordance with chapter 23 of the Governance Rules, procedures at meetings other than Council Meetings, for example Councillor Briefings, requires meetings records to be presented to Council for noting and inclusion on the public record where a conflict of interest was declared.

By disclosing conflicts of interests and following the prescribed procedures, Councillors engage in practices that promote the integrity and transparency of decision-making.

DISCUSSION

The attached meeting record is prepared in accordance with the Act and Council's Governance Rules.

In accordance with the Act and the Governance Rules, a record of any meeting held under the auspices of Council where a conflict of interest was declared must be presented to the next possible Council meeting.

Meetings held under the auspices of Council may include (but are not limited to) Councillor briefings or forums, advisory committee meetings, public consultations and site meetings (including meetings the Council arranges jointly with other organisations).

These records replace the previous requirements for assemblies of councillors under the Local Government Act 1989.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No

Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	No
Human Rights Charter	Yes

POLICY/RELEVANT LAW

Local Government Act 2020

Governance Rules

PUBLIC TRANSPARENCY

All conflicts of interests are documented and reported to external auditors upon request.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council receive and note the Meeting Record from 23 September 2020 to 14 December 2020 as attached.

This option is recommended by officers as it complies with the *Local Government Act 2020* and Governance Rules.

Option 2 – That Council do not receive and note the Meeting Record from 23 September 2020 to 14 December 2020 as attached.

This option is not recommended by officers as this report is to communicate any conflicts of interest only.

Option 3 – That Council require further information.

This option is not recommended by officers as the conflict of interest records are accessible to Councillors.

CONFLICT OF INTEREST

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

CONCLUSION


That Council notes the meeting record.



Meeting Notice

Date of meeting:	Tuesday 19 November 2020
Time:	9.00am
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Helena Kirby, Mayor Cr Ian Getsom, Deputy Mayor Cr Brett Cunningham Cr Gavin Gamble Cr Les Rowe Cr Owen Sharkey Cr Clayton Whitfield
Apologies:	Nil
Council staff present:	Eric Braslis, Chief Executive Officer Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Annmaree Bowey, Corporate Governance Coordinator Candice Robinson, Corporate Governance Coordinator Leanne Wilson, Manager Development and Regulatory Services Fiona Rae, Manager Finance Susan Talpey, Coordinator Communications, Engagement and Advocacy Ben Jordan, Manager Community and Council Planning Matt Sims, Coordinator Community Safety & Municipal Fire Prevention Officer Stuart Symes, Coordinator Environmental Health
Other people present:	Nil
Conflict of Interest Disclosures (Councillors)	Mayor Cr Helena Kirby - 2021 Environmental Health Registration Renewal Fee Reductions – Material conflict of interest.
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p>Reports</p> <ul style="list-style-type: none"> - Golden Plains Shire Council 2019-20 Annual Report - Adoption - Council Delegates 2020/21 - Council and Audit Committee Meeting dates 2021 - Quarterly Finance Report - Quarterly Council Plan 2017-2021 Implementation - Progress Report - Community Strengthening Grants - Round 2, 2020 - Local Roads and Community Infrastructure Program Extension Funding Allocation - Proposed Sale of Council Owned Land at Lomandra Drive, Teesdale - Council Plan 2021-2025 Development - Project Plan and Timelines - Draft Community Engagement Policy - Establishment of the Municipal Emergency Management Planning Committee - Risk Management Framework - Property Management Framework 2020 - Councillor Expenses and Meeting Attendance report - First Quarter ending 30 September 2020 - GPSC-RFT-10-2020 - Meredith Shelford Road Widening - GPSC-RFT-17-2020 - Panel Crushed Rock and Quarry Products <p>Updates</p> <ul style="list-style-type: none"> - Golden Plains Shire Council Community Awards 2020 - Heinzs Road Napoleons bore, stand and tank safety concerns. - 2021 Environmental Health Registration Renewal Fee Reductions




	<ul style="list-style-type: none">- Tree Removal at Bannockburn Heart- Quarterly CEO KPI Update <p>Issues SMT Only CEO Only Councillors Only</p>
Completed by:	Eric Braslis, Chief Executive Officer 



Meeting Notice

Date of meeting:	Tuesday 8 December 2020
Time:	1.00pm
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Helena Kirby, Mayor Cr Ian Getsom, Deputy Mayor Cr Brett Cunningham Cr Gavin Gamble Cr Les Rowe Cr Owen Sharkey Cr Clayton Whitfield
Apologies:	Nil
Council staff present:	Eric Braslis, Chief Executive Officer Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Anmaree Bowey, Corporate Governance Coordinator Candice Robinson, Corporate Governance Coordinator Leanne Wilson, Manager Development and Regulatory Services Fiona Rae, Manager Finance Leanne Green, Manager Active Ageing & Inclusion Laura Wilks, Coordinator Strategic Planning Sarah Fisher, Coordinator Statutory Planning Laura Hardiman, Strategic Planner Geoff Alexander, Strategic Planner Sandra Tomic, Statutory Planner Peter O'Brien, Statutory Planner Susan Talpey, Coordinator Communications, Engagement and Advocacy Ben Jordan, Manager Community and Council Planning
Other people present:	Nil
Conflict of Interest Disclosures (Councillors)	Cr Brett Cunningham - P19-273 54 Native Hut Drive, Teesdale (Four Lot Subdivision – declared a general conflict of interest. Cr Owen Sharkey - P20-106 36 Oxley Rise, Batesford (Two lot subdivision and covenant variation) – declared a general conflict of interest.
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p>Presentations</p> <ul style="list-style-type: none"> - 2021-22 Draft Budget <p>Reports</p> <ul style="list-style-type: none"> - P20-106 36 Oxley Rise, Batesford (Two lot subdivision and covenant variation) - P20-178 271 Glen Avon Rd, Bannockburn (Two lot subdivision and covenant variation) - P20-061 704 Teesdale Inverleigh Rd, Teesdale (Use of the land for a Place of Assembly (Function Centre)) - P20-116 1803 Steiglitz Road, Maude (Dwelling) - P19-273 54 Native Hut Drive, Teesdale (Four Lot Subdivision) - Amendment C91gpla - General Amendment - Surplus Council Land in Bannockburn - Golden Plains Shire Community Vision 2040 - Draft Active Ageing & Inclusion Plan 2020-2024 - Property Management Framework 2020 - Inverleigh Play Space Naming - Risk Management Framework - Council Policy - Township Maintenance



	<ul style="list-style-type: none"> - COVID -19 Hardship Policy and Customer Assistance Progress - Audit & Risk Committee Report - 2 December 2020 - Local Government Performance Reporting Indicators - Final Report 19/20 - Petition to prevent the building of the proposed arbour in Milton Street, Bannockburn - GPSC-RFT-03 - Geggies Rd Bridge, Rokewood - GPSC-RFT-02 - Slate Quarry Road Bridge, Meredith <p>Updates</p> <ul style="list-style-type: none"> - Update and written submissions relating to Local Law No. 2 General Public Amenity - Priority Projects 2021 - Governance Quarter One Report - MAV Liability Mutual Insurance Scheme Structural Reform Update - G21 Region Social Housing Project <p>Issues Councillors Only</p> <p>Confidential Item</p> <ul style="list-style-type: none"> - Golden Plains Shire Council Community Awards 2021
<p>Completed by:</p>	<p>Eric Braslis, Chief Executive Officer</p> 

7.2 DELEGATES REPORT - 24 NOVEMBER 2020 TO 14 DECEMBER 2020**File Number:** 78-07-002**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Delegates Report – 24 November 2020 to 14 December 2020.

Cr Helena Kirby

24 November	Councillor Induction Session 4
24 November	Council Meeting
25 November	G21 CEO Recruitment Interviews
26 November	Virtual meeting with Richard Riordan MP
27 November	G21 Board Meeting
27 November	G21 Councillor Induction
28 November	Golden Plains Shire Tour
30 November	Meeting with Berrybank Wind Farm
1 December	Corporate Services Portfolio meeting
1 December	Councillor Induction Session 5
2 December	Meeting with Michaela Settle MP
2 December	Audit & Risk Committee meeting
4 December	Berrybank Wind Farm Community Engagement Committee meeting
4 December	Central Highlands Councils Victoria AGM
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting
10 December	Water for our Future Regional virtual Forum
11 December	Peri Urban Group Councils virtual meeting
14 December	Implementation Matters virtual forum
14 December	Meredith Community Garden launch

Cr Brett Cunningham

24 November	Councillor Induction Session 4
24 November	Council Meeting
27 November	MAV Councillor Induction
27 November	G21 Councillor Induction
28 November	Golden Plains Shire Tour
1 December	Corporate Services Portfolio meeting
1 December	Councillor Induction Session 5

2 December	Audit & Risk Committee meeting
4 December	Tourism Greater Geelong and Bellarine Induction
7 December	G21 Sport & Recreation Pillar virtual meeting
7 December	Tourism Greater Geelong & Bellarine Board virtual meeting
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting
10 December	G21 Economic Development Pillar virtual meeting

Cr Gavin Gamble

24 November	Councillor Induction Session 4
24 November	Council Meeting
28 November	Golden Plains Shire Tour
1 December	Councillor Induction Session 5
4 December	2020 Virtual G21 - Geelong Region Alliance Stakeholder Forum
7 December	Infrastructure and Development Portfolio meeting
7 December	G21 Environment Pillar virtual meeting
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting

Cr Ian Getsom

24 November	Councillor Induction Session 4
24 November	Council Meeting
28 November	Golden Plains Shire Tour
1 December	Councillor Induction Session 5
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting

Cr Les Rowe

24 November	Councillor Induction Session 4
24 November	Council Meeting
1 December	Corporate Services Portfolio meeting
1 December	Councillor Induction Session 5
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting

Cr Owen Sharkey

24 November	Councillor Induction Session 4
24 November	Council Meeting
26 November	Ballarat University - Q&A session- MBA Group project
27 November	MAV Councillor Induction
27 November	G21 Councillor Induction
28 November	Golden Plains Shire Tour

1 December	Councillor Induction Session 5
2 December	Regional Development Victoria Councillors Briefing
3 December	MAV Councillor Induction
4 December	2020 Virtual G21 - Geelong Region Alliance Stakeholder Forum
10 December	Virtual meeting with Federation Uni
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting
10 December	G21 Economic Development Pillar meeting
10 December	Virtual meeting with Federation Uni
11 December	Peri Urban Group Regional Councils virtual meeting
14 December	Meredith Community Garden launch

Cr Clayton Whitfield

24 November	Councillor Induction Session 4
24 November	Council Meeting
27 November	MAV Councillor Induction
27 November	G21 Councillor Induction
1 December	Councillor Induction Session 5
2 December	Regional Development Victoria Councillors Briefing
3 December	MAV Councillor Induction
7 December	Infrastructure and Development Portfolio meeting
8 December	Councillor Induction Session 6
8 December	Councillor Briefing meeting
10 December	Water for our Future Regional virtual Forum
11 December	Grampians Central West LG Waste virtual Forum
14 December	Meredith Community Garden launch

7.3 P20-106 36 OXLEY RISE, BATESFORD (TWO LOT SUBDIVISION AND COVENANT VARIATION)

File Number: P20-106

Author: Peter O'Brien, Town Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: Nil

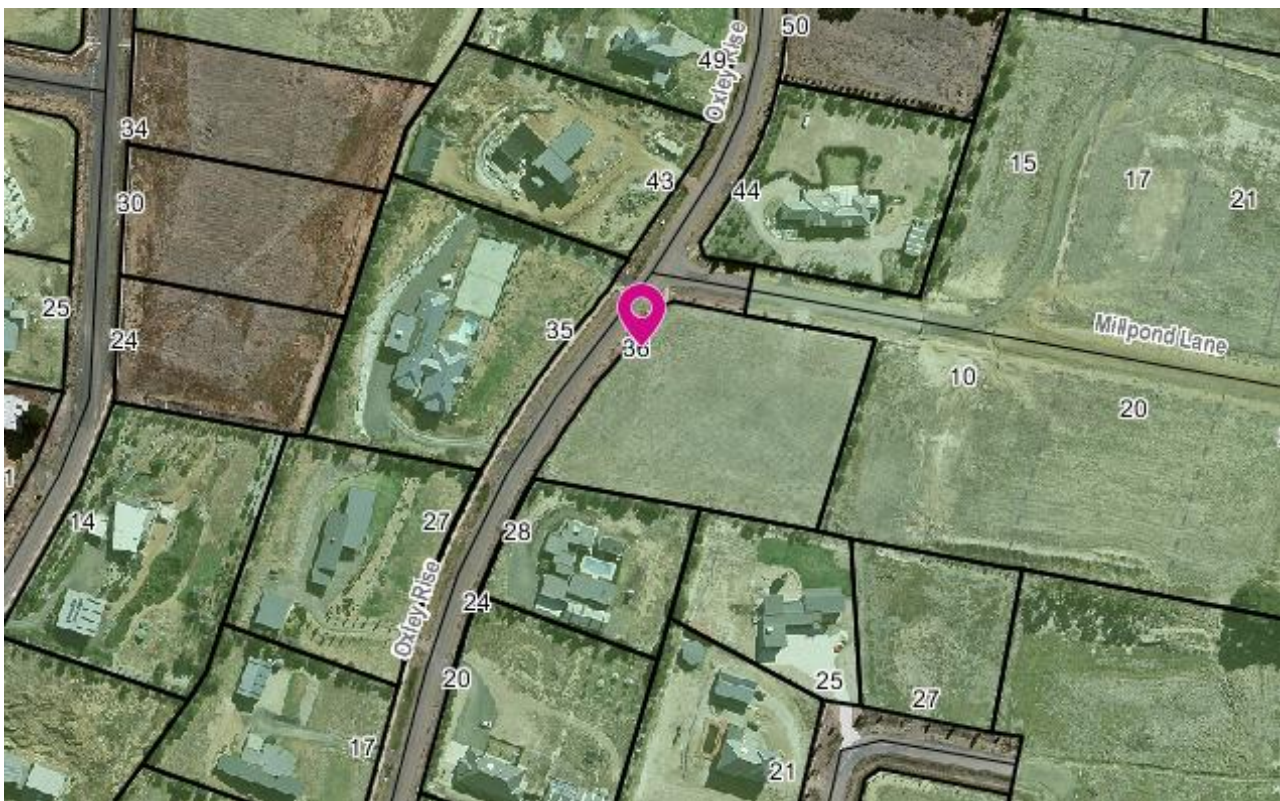
RECOMMENDATION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the development of a two lot subdivision and variation to restrictive covenant AK191651C at 36 Oxley Rise, Batesford for the reason that the application does not satisfy the provisions of the Development Plan Overlay – Schedule 11 (Clause 43.04) because the proposed subdivision is not in accordance with the development plan that applies to the land.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a two lot subdivision and variation of covenant at 36 Oxley Rise, Batesford. The application has been referred to the Council Meeting for determination because there are objections to the application. This report provides a background to the application and a summary of the relevant planning considerations. The Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

Site map



BACKGROUND

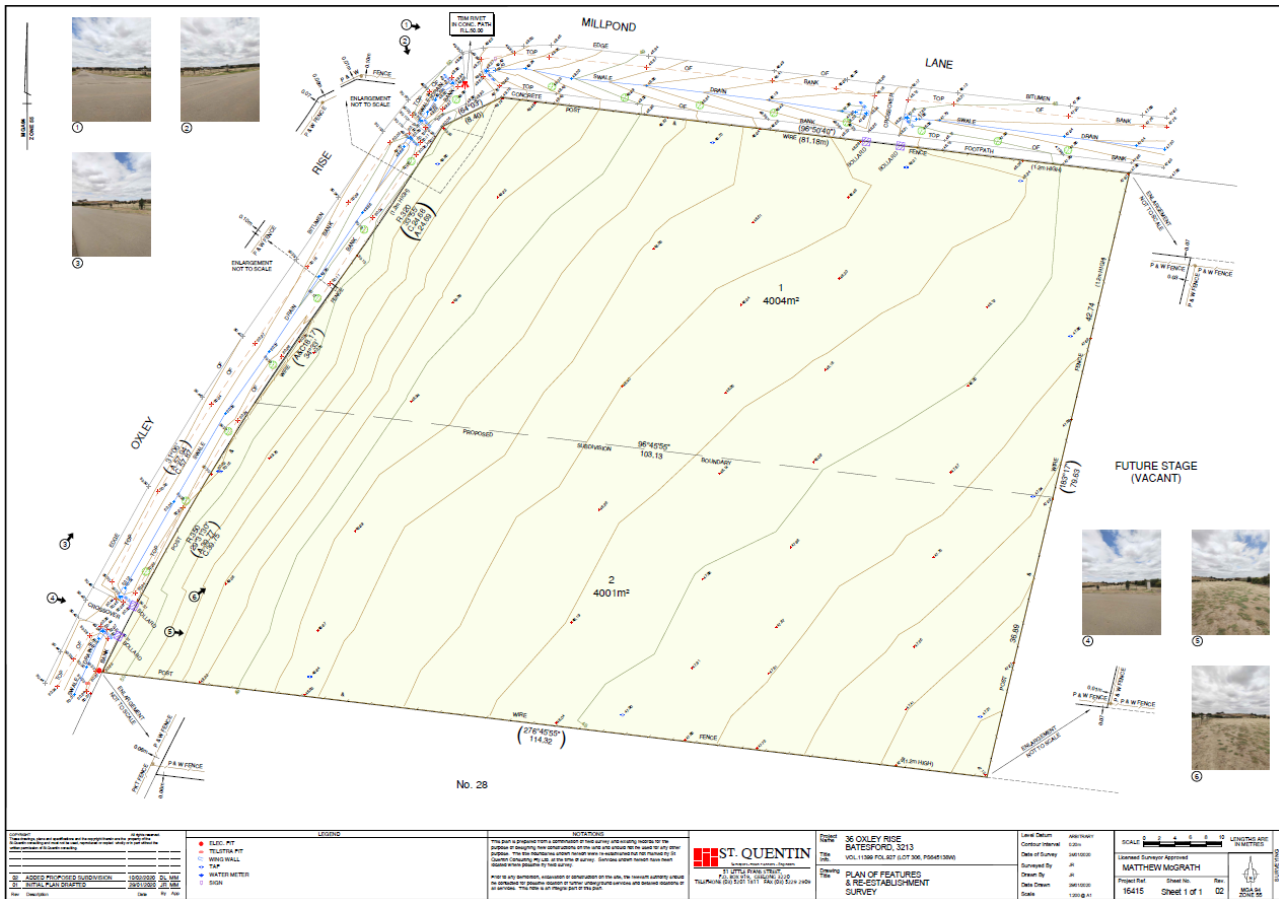
Site description

The subject land is situated at 36 Oxley Rise, Batesford and is formally known as Lot 306 on Plan of Subdivision 645138. The site is a vacant lot with a total area of 8005m². The land is generally flat and cleared. The site is a corner lot with frontages to Oxley Rise and Millpond Lane which are both sealed roads managed by Council. The site is located in a low density residential area of Batesford in a large staged subdivision known as the Riverstone Estate. Covenant number AK191651C (created 15/02/2013) applies to the land and prohibits, among other things, the construction of more than one dwelling on the land.

The proposal

The application proposes the development of the land for a two lot subdivision. The proposed subdivision will create two lots of similar size and dimensions. Proposed lot 1 has an area of 4004m² and is on the corner of Oxley Rise and Millpond Lane with access proposed via Millpond Lane. Proposed lot 2 has an area of 4001m² with frontage and access to Oxley Rise.

Proposed plan of subdivision



The application also proposes to vary covenant AK191651C. It is proposed to vary section (a)(i) which prohibits the construction of more than one dwelling on the land. The covenant must be varied to allow the construction of additional dwellings on the vacant lots resulting from the subdivision.

CONSULTATION

Notice of the application was given in accordance with Section 52 (1)(cb) of the *Planning and Environment Act 1987*. Notice was given by mail to 33 owners and occupiers of land benefitting from the covenant. Notice was also given by placing a sign on the land and by placing an advertisement in the Saturday edition of the Geelong Advertiser newspaper. The advertising material was available on Council's website.

As a result of the public notice, 4 objections were received. One of the four objecting parties is a covenant beneficiary. A copy of the objections has been provided to the Councillors under separate cover. The objectors' concerns relate to precedent, neighbourhood character, drainage impacts, integrity issues and breach of the section 173 agreement entered into as part of the original subdivision development.

A consultation meeting was not held for this application due to COVID-19 health restrictions.

ASSESSMENT

The application was lodged on 29 April 2020. There are no referral authorities specified in the planning scheme for an application of this type. An application for a two lot subdivision is exempt from referral to utility authorities. The application was internally referred to Council's Works and Environmental Health departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

PLANNING SCHEME

Planning Policy Framework (PPF)

Clause 11.02 Managing Growth

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

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

Clause 15.01 Urban Environment

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

Clause 16.01 Residential Development

The objective of the policy for the location of residential development (Clause 16.01-2S) is to locate new housing in designated locations that offer good access to jobs, services and transport. The policy seeks to increase the proportion of new housing in designated locations within established urban areas, ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

Local Planning Policy Framework (LPPF)

Clause 02.03 Municipal Planning Strategy – Strategic Directions

The Strategic Directions for Settlement (LPP Clause 02.03-1) encourages the consolidation of townships, including directing residential development to within township boundaries. The Strategic Directions for Residential Development (LPP Clause 02.03-6) applies to Low Density Residential Zones and discourages subdivision of land in the Low Density Residential Zone that does not maintain or complement the established character and does not meet the requirements of the Domestic Wastewater Management Plan (DWMP).

Clause 02.04 Strategic Framework Plans

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The Batesford Structure Plan contained in Clause 02.04

was adopted by Council on 22/11/2001 and shows the subject land within a future 'rural-residential' area of the Batesford township. The structure plan does not make any specific references to the subject land or contain any policies of particular relevance to the application.

Clause 11.01-1L Settlement

This policy seeks to direct population growth to urban areas provided with water, sewerage and social infrastructure.

Clause 15.01-6L Low Density Residential Subdivision Policy

This policy applies to subdivisions in the Low Density Residential Zone and encourages subdivision that respects the lot configuration and character elements of the surrounding area. The policy seeks to maintain an open and spacious character through:

- Design that provides for generous areas of open space and landscaping including along accessways.
- Retention of existing vegetation.
- Avoiding creation of lots with battle-axe access.
- The provision of wide driveways with areas available for landscaping.

The policy requires Council to consider (as relevant) whether the subdivision requires the provision of infrastructure, including drainage and roads.

Zone and overlay provisions

Clause 32.03 Low Density Residential Zone (LDRZ)

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

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

Clause 42.01 Environmental Significance Overlay Schedule 3 (ESO3)

The land is affected by the Environmental Significance Overlay – Schedule 3 (ESO3) which seeks to protect the environmental attributes of the Moorabool Valley and other areas of environmental significance. A permit is required for subdivision under the provisions of the ESO3. There are no referral authorities specified in the ESO3. The decision guidelines of the ESO3 require Council to consider, among other things:

- the preservation of the natural environment including natural environmental processes, any important landscape or conservation characteristics of the area;
- the need to protect the general environs of any natural vegetation or objects or features from development which would detract from their setting.

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements related to subdivision.

Clause 43.04 Development Plan Overlay – Schedule 11 (DPO11)

The land is affected by the Development Plan Overlay – Schedule 11 (DPO11) which applies to 'Hills Road, Batesford – Low Density Residential Zone' (Riverstone Estate). The DPO11 requires the preparation of a development plan and any permit granted must be generally in accordance with the approved development plan. The DPO11 also requires that any permit granted includes a condition for a section 173 agreement ensuring that the land is not further subdivided. The current Development Plan was approved by Council on 6 April 2018. The land has already been subdivided as identified on the Development Plan. The subdivision permit included a condition which required such a section 173 agreement. Notwithstanding, an agreement was not registered on the title of the Land.

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 (covenant). The purpose of this clause is to provide for the removal and variation of restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. The decision guidelines of Clause 52.02 require Council to consider the interests of affected people before making a decision on an application.

General provisions

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

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

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.

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

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Section 60 of the Planning and Environment Act 1987

Before making a decision on an application to remove or vary a restrictive covenant Council must consider the requirements of section 60 of the Act. Because this covenant was created after 25 June 1991, the application must satisfy the requirements of section 60(2) of the Act. This provision requires Council to be satisfied that any beneficiary will be unlikely to suffer financial loss, loss of amenity, loss arising from change to the character of the neighbourhood or any other material detriment as a consequence of the removal or variation of the covenant.

CULTURAL HERITAGE IMPLICATIONS

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

DISCUSSION

Subdivision

An assessment of the application against the provisions of the planning scheme has found that while the proposed subdivision meets the requirements of the Low Density Residential Zone and Low Density Residential Subdivision Policy (Clause 15.01-6L) the application fails to satisfy the provisions of the Development Plan Overlay – Schedule 11 (DPO11) because the proposed subdivision is not generally in accordance with the development plan that applies to the land.

The DPO11 requires that a development plan be prepared for the land and that any permit to subdivide land must be generally in accordance with the development plan. The current Development Plan was approved by Council on 6 April 2018 and depicts the subdivision layout and designates lot sizes. The subject land is shown on the Development Plan as having an area of 8000m².

The subject land was created via a subdivision permitted by Planning Permit P11-175 (the 2011 Permit). As required by DPO11, a condition of the 2011 Permit required a section 173 agreement specifying that each lot created by the subdivision could not be further subdivided. An agreement

to this effect was executed by Council, the developer and the landowner at the time on or around 30 May 2013 (the Agreement). However, the Agreement was not registered on title. Council's lawyer has advised that the Agreement is unenforceable against the current owners of the Land as it is not recorded on title and the current owners of the Land are not party to the Agreement. Further, the Agreement cannot be recorded on title in its current form because it is expressed to apply to land in a certificate of title that has been cancelled.

As a development plan has been approved, Council must determine whether the proposed subdivision is generally in accordance with the Development Plan. The Development Plan specifies the lot layout and overall lot sizes and dimensions to achieve a low density residential character for the area. The subject land is identified as an 8000 m² lot on the Development Plan. The application proposes two lots of 4000m². This doubles the identified density of the land as shown on the Development Plan. Clause 2.0 of Schedule 11 requires any permit to subdivide land to include a condition requiring a section 173 agreement to ensure no further subdivision. Despite the agreement not being registered on the title of the Land, the permit condition and the requirement in the Schedule demonstrate an intent to prevent further subdivision of the Land. The Development Plan identifies the expected development intensity of the final subdivision layout and as the application seeks permission to double the intensity of the intended lot size this is not consistent or generally in accordance with Development Plan.

Variation of covenant

The provisions of the Planning Scheme (Clause 52.02) and Act (Section 60(2)) requires that Council consider the interests of affected people (beneficiaries) before making a decision on an application to remove or vary a covenant. If an objection is received from a beneficiary, Council must not grant a permit unless it is satisfied that the grant of a permit is unlikely to cause material detriment of the kind described in Section 60(2) of the Act. Of the four objections received, only one is from a covenant beneficiary.

An assessment against the matters contained in section 60(2) of the Act has been carried out and it is considered that the proposed covenant variation satisfies each of the matters contained in section 60(2). An assessment against each individual matter is set out as follows:

Financial Loss

No evidence has been provided by the objectors to support any claim of financial loss and it is considered unlikely that the variation of the restrictive covenant will decrease the value of the lots in the estate.

Loss of Amenity

The objectors did not raise 'loss of amenity' as a specific concern. Nevertheless, the proposed covenant variation is not considered to cause any loss of amenity.

Loss arising from change of neighbourhood character

The proposed covenant variation is not considered to have any detrimental effect on neighbourhood character. The land has an area of approximately 0.8ha and is large enough to accommodate a two lot subdivision and a dwelling on each lot while still maintaining the low density character of the surrounding area. The proposed lots are of adequate size to accommodate building envelopes that meet the minimum setback requirements set out in Schedule 5 to the Design and Development Overlay, which is designed to maintain and protect the low density character of the area.

Other material detriment

The proposed variation is not considered to cause any other material detriment. In relation to the objectors concerns regarding drainage impacts the additional development resulting from the variation of the covenant would not affect the capacity and functionality of the drainage network. Council's Works Department require that stormwater run-off from each dwelling is directed to a legal point of discharge and that appropriate works be carried out to ensure that stormwater runoff does not impact downstream properties.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the planning application has been undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*, by way of letters to adjoining and adjacent landowners.

PUBLIC TRANSPARENCY

As objections have been submitted for this application, the application is being forwarded to Council for a decision, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal.
- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputational risk to Council.

COMMUNICATION

For all options proposed for this application, the outcome will be communicated to all parties in writing.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Issue a Notice of Decision to Refuse to Grant a Permit

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

Option 2 – Issue a Notice of Decision to Grant a Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application is not considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application is not considered to satisfy the provisions of the planning scheme, in particular the provisions of the Development Plan Overlay – Schedule 11 (Clause 43.04) because the proposed subdivision is not in accordance with the development plan that applies to the land. It is therefore recommended that the application be refused.

7.4 P20-178 271 GLEN AVON RD, BANNOCKBURN (TWO LOT SUBDIVISION AND COVENANT VARIATION)

File Number:**Author:** Sandra Tomic, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Draft Conditions  **RECOMMENDATION**

That Council resolve to issue a Notice of Decision to Grant a Planning Permit for Two lot subdivision and to vary restrictive covenant AH778818 by removing Clause 1 a) i) any more than single house, subject to conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for a two lot subdivision and variation to restrictive covenant AH778818 by removing Clause 1 a) i) any more than single house

The application has been referred to a Council meeting for determination because there are seven (7) objections to the application. This report provides a background to the application and a summary of the relevant planning considerations. Councillors have been provided with a full copy of the application, and objections for consideration prior to making a decision.

BACKGROUND**Site description**

The subject site has an area of 1.0 hectare, currently containing an existing dwelling and outbuilding, located on the western portion of the site. The eastern portion of the land is vacant and free of vegetation. There are two existing crossings from Glen Avon Drive, which is a sealed Council road. The existing building and access arrangement will be retained as part of the proposal. The site is devoid of any vegetation, aside from modest landscaping around the dwelling.

The site is located within the Low Density Residential Zone (LDRZ) with the following overlay controls; Design and Development Overlay schedule 5 (DDO5) and a Development Plan Overlay schedule 6 (DPO6). Land surrounding the site is also zoned LDRZ and covered by the DDO5 and DPO6. Adjoining lots are developed with dwellings and outbuildings.

The land is subject to a covenant which restrict the land to one dwelling, amongst other matters. Similar covenants exist on other properties within the broader subdivision (Glen Avon estate)

A planning permit is triggered under the following clauses of the Golden Plains Planning Scheme: -

- Clause 32.03-2 – A permit is required to subdivide land.
- Clause 43.02-3 – A permit is required to subdivide land.
- Clause 43.04-2 (DPO) – A permit must not be granted to subdivide land until a development plan has been prepared to the satisfaction of the Responsible Authority.

Subject site



Proposal

The application proposes a variation of the restrictive covenant AH778818 by removing Clause 1 a) i) any more than single house, and a two (2) lot subdivision.

The applicant is seeking to alter (i) of part (a) which currently reads:

(a) 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:

(i) any more than one single dwelling house.

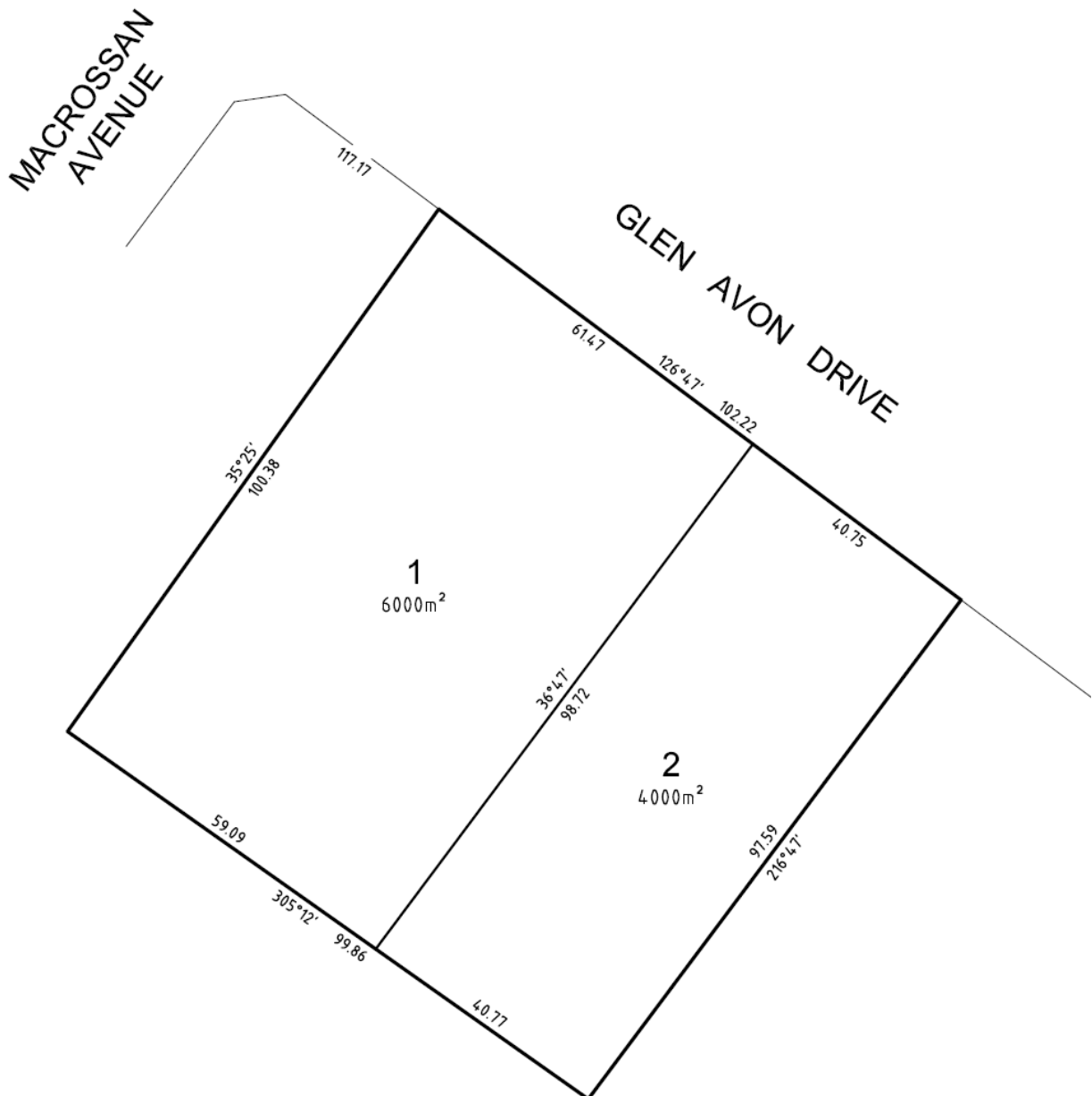
The change seeks to remove all of this wording which would allow for a second dwelling on the land, subject to acting on the subdivision (of the land into 2 lots) that also forms part of this application. The other elements of the covenant will remain unchanged.

The subdivision proposes the following:

Lot 1 is proposed to be 6000sqm in area with a frontage 61.47m to Glen Avon Drive. Lot 1 will retain the existing dwelling shed and access arrangement.

Lot 2 is proposed to be 4000sqm in area with a frontage of 40.75m to Glen Avon Drive, this lot would become a vacant parcel of land post subdivision.

Proposed plan of subdivision



ASSESSMENT

The application was submitted to Council on 1 June 2020 and a preliminary assessment was undertaken. The application was internally referred to Council’s Works and Environmental Health Departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

Golden Plains Planning Scheme

Planning Policy Framework (PPF)

Clause 11.02 Managing Growth

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

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

Clause 15.01 – Urban Environment

The objective of the policy for subdivision design (Clause 15.01-3S) is to ensure the design of subdivision achieves, safe, accessible, diverse and sustainable neighbourhoods. In the development of new residential areas and the redevelopment of existing areas, subdivisions should be designed to create liveable and sustainable communities by, among other things, providing a range of lot sizes to suit a variety of dwelling and household types to meet the need and aspiration of the different groups of people.

Clause 16.01 – Residential Development

The objectives of the policy for the location of residential development (Clause 16.01-2S) is to locate new housing in designated locations that offer good access to jobs, services and transport. The policy seeks to increase the proportion of new housing in designated locations with established urban areas, ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

Clause 15.01-6L - Low density residential subdivision

This policy applies to subdivisions in the Low Density Residential Zone (LDRZ).

Strategies for this policy are as follows:

Encourage subdivision that respects the lot configuration and character elements of the surrounding area.

Maintain an open and spacious character for low density residential areas through:

- Design that provides for generous areas of open space and landscaping including along accessways.
- Retention of existing vegetation.
- Avoiding creation of lots with battleaxe access.
- The provision of wide driveways/access ways with areas available for landscaping.

Zone and overlay provisions**Low Density Residential Zone (LDRZ)**

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

Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries
- The availability and provisions of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements related to subdivision.

DPO6 - GLEN AVON ESTATE - LOW DENSITY RESIDENTIAL DEVELOPMENT PLAN

A permit may be granted to construct a single dwelling and associated outbuildings on any lot existing at the approval date, provided it is the only dwelling on the lot, before a development plan has been prepared.

A permit granted must:

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay*

Response

An application was submitted for a proposed individual ('spot') development plan at the same time as this application. All relevant information was submitted. Under delegation, officers will approve the development plan at the same time as the subdivision permit.

*Note: The subdivision will be recommended for approval via a NOD – the DP approval will not issue until the time of subdivision approval.

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.

General provisions

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

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

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.

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

Development Contribution

A development Contribution requirement prior to Statement of Compliance has been made as a condition of permit, it has been required at a rate of \$4500 per lot for each new lot. This application proposes one new lot therefore a total contribution of \$4500 is required.

DISCUSSION

Variation of restrictive covenant

The provisions of the Golden Plains Planning Scheme (Clause 52.02) and The Planning and Environment Act 1987 (Section 60(2)) requires that Council consider the interests of affected people (beneficiaries) before making a decision on an application to remove or vary a covenant. If an objection is received from a beneficiary, Council must not grant a permit unless it is satisfied that the grant of a permit is unlikely to cause material detriment of the kind described in Section 60(2) of the Act.

An assessment against the matters contained in section 60(2) of the Act has been carried out and it is considered that the application satisfies each of the matters contained in section 60(2). An assessment against each individual matter is set out as follows:

Financial Loss

No evidence has been provided by the objectors to support any claim of financial loss and it is considered unlikely that the variation of the restrictive covenant will decrease the value of the lots in the estate.

Loss of Amenity

The objectors have raised concerns regarding loss of amenity resulting from increased traffic. Given the size of the land and the minimum lot size requirements in the LDRZ, the variation of the covenant would only allow the land to be subdivided into two (2) lots and the development of one additional dwelling. Traffic impacts generated by a two lot subdivision and one additional dwelling would be insignificant and not affect the capacity and functionality of the surrounding streets. The absence of footpaths in the area is an existing condition and the proposed variation is not considered to have any effect on pedestrian safety.

Loss arising from change of neighbourhood character

The proposed covenant variation is not considered to have any detrimental effect on neighbourhood character because the lot is large enough to accommodate a second dwelling while still maintaining the low density character of the surrounding area. The covenant variation alone would not allow any development of the land. Any development of the land must meet the requirements (setbacks) of the Design and Development Overlay – schedule 5 (DDO5), or a planning permit is required. The DDO5 aims to provide a level of character by providing separation between buildings and property boundaries. The Glen Avon estate contains a mixture of lot sizes including lots down to 0.4ha therefore any future subdivision would be in keeping with existing lot sizes in the area.

Other material detriment

The proposed variation is not considered to cause any other material detriment. The decision *Pawlak v Golden Plains SC (2016) VCAT 2049* is of local relevance and provides guidance for the assessment of covenant variations similar to this application. In this case VCAT directed that a planning permit be granted to vary the restrictive covenant to allow two dwellings on the land because the member was satisfied that the proposed variation to the covenant satisfied each of the matters contained in section 60(2) of the Act.

Subdivision

The proposed subdivision satisfies the relevant provisions of the planning scheme including State and Local Planning Policy for Low Density Residential Development (Clause 15.01-6L).

Clause 15.01-6L seeks to encourage subdivision that respects the lot configuration and character elements of the surrounding area, by maintaining an open spacious character for low density residential areas through: -

- Design that provides for generous areas of open space and landscaping including along accessways.
- Retention of existing vegetation.
- Avoiding creation of lots with battleaxe access.
- The provision of wide driveways/access ways with areas available for landscaping.

The proposed subdivision design contributes to the character of the area by creating lots of sufficient size to provide setbacks in accordance with the DDO5, allowing for street frontage to both lots and providing space for landscaping.

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

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes

Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice was provided by registered mail to all adjoining and neighbouring owners as well as all beneficiaries to the covenant. A sign was placed onsite, a copy of the notice placed in a Saturday edition of the Geelong Advertiser and the application information was placed on Councils website.

As a result of the public notice seven (7) objections were received.

Objectors cited matters such as the variation to restrictive covenant being contrary to original expectations, creating a precedent by varying the covenant, impact on the character of the area, increase in traffic, drainage impacts, and devaluation of properties

No consultation meeting was held due to the current hold on public gatherings as a result of COVID-19. This includes no unnecessary meetings held by Council.

Beneficiaries

Owners of land within the same subdivision are not all necessarily beneficiaries of a covenant shown on the title for a particular lot. The extent of nearby landowners having the benefit of the covenant is dependent upon the wording of the covenant and the date that each stage and associated lots were transferred from the parent title.

Given the varying nature of covenants, a covenant restriction may apply to every lot in the subdivision or it may only apply to a few lots, meaning that the number and location of beneficiaries to individual covenants vary each time. The determination of beneficiaries is identified on the title of the land and requires a title search to establish the entitlements of each lot within the original subdivision.

Objectors concerns

Varying the covenant

Restrictive covenants are placed on subdivision by developers and a level of comfort is often taken by purchasers that this (restriction) provides a watertight situation that will not alter. However, the variation or removal of a restrictive covenant is a legitimate alteration that can be made and seeking approval via a planning permit is one way to achieve this.

Impact on the character of the area

The purpose of the LDRZ is to provide for low density residential development on lots which can treat and retain all wastewater. The minimum lot size in the LDRZ is 0.4ha. The application satisfies the provisions of the LDRZ as the proposed lots meet the minimum lot size and are of sufficient size to treat and retain all wastewater. Further lots can achieve a level of separation for any new buildings and there is ample room for new landscaping.

Increase in traffic

Traffic generation from one additional dwelling will have an insignificant impact to the operation of Glen Avon Drive and will not impact its functionality. The application was referred to Council's Works department. No upgrades to the road network have been required as it is deemed capable of supporting an additional lot. Further, the existing lot already has two vehicle access points, which can continue to be used to service the additional lot.

Drainage impacts

Stormwater and drainage management can occur on the site to ensure levels meet the requirements of Council's Works department and pre-existing conditions are not impacted. Similar to the traffic concerns, the management of stormwater and necessary drainage for one additional dwelling can be managed by appropriate engineering conditions, which must be carried out and inspected by council.

Devaluation of properties

No specific evidence about how the proposed covenant variation will impact property values was provided in the submissions. Past VCAT decisions have confirmed that devaluation of properties is a speculative concern in regard to planning processes and has been given limited weight in planning assessments as a result.

PUBLIC TRANSPARENCY

The recommendation, and determination made by the officer has been made in line with the *Planning and Environment Act 1987*, and the Public Transparency Policy adopted by Council.

STRATEGIES/PLANS

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

RISK ASSESSMENT

- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal; if the decision of Council is considered unfounded, costs may be awarded against Council. This outcome may impact Council's professional indemnity and reputational risk to Council.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputational risk to Council.

COMMUNICATION

For all options proposed for this application, the outcome will be communicated to all parties in writing.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the proposed development achieves a high compliance against the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Refusal to Grant a Planning Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application achieves a high compliance to the provisions of the Golden Plains Shire Planning Scheme.

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

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

CONFLICT OF INTEREST

The officers preparing this report declare no conflict of interest in regard to this matter.

CONCLUSION

A recommendation has been made to issue a Notice of Decision to Grant a Planning Permit to allow the variation to restrictive covenant AH778818 to remove all of this wording which would allow for a second dwelling on the land, and a two (2) lot subdivision. Notice of the application was provided to all persons benefitting from the covenant. Seven objections to the application were received. The subject site is an appropriate location for an additional two lot subdivision. The proposal is consistent with relevant planning policy. The issue of a planning permit is considered to be appropriate subject to conditions.

Proposed Conditions: 271 Glen Avon Rd Bannockburn**Covenant Variation**

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. Before Statement of Compliance is issued, evidence that the plan of variation to vary covenant AH778818 by removing Clause 1 a) i) any more than single house on the land has been lodged with the title office must be supplied to the responsible authority.

Endorsed Plans

4. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan.

Telecommunications

5. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.
6. Prior to the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

General

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Development Contribution

9. Prior to the issue of Statement of Compliance, a Development Contribution of \$4500 (\$4500 for each new lot) must be paid to the responsible authority

Environmental Health

10. Prior to certification a restriction must be placed on the plan of subdivision that provides for the following:
 - a) Any dwelling on lot 2 does not exceed 4 habitable bedrooms. Habitable bedrooms include any room that may be closed off with a door, such as a study, library or sunroom that could be used for the purposes of a bedroom.
 - b) This requirement is at the owner's expense and must not be varied except with the written consent of the responsible authority.
11. Before the issue of a statement of compliance under the *Subdivision Act 1988*, the existing septic tank system must be altered/decommissioned/replaced and brought into compliance with the latest version of the 'EPA Code of Practice – Onsite Wastewater Management' to the satisfaction of the responsible authority.
12. All waste water must be treated and retained within the lots in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

Works Department

13. Before to certification of the plan of subdivision and before any construction works associated with the development or subdivision start, detailed construction plans and drainage computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Construction plans shall be to Golden Plains Shire standards and specifications as detailed in current Infrastructure Design Manual (IDM)
14. Before to Statement of Compliance existing vehicle crossings to Lot 1 must be upgraded to a crushed rock drive entry, reinforced concrete culvert and driveable end walls conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255.
15. Before to Statement of Compliance a new vehicle crossing to Lot 2 must be provided by provision of a crushed rock drive entry, reinforced concrete culvert and driveable end walls conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255.

16. Before to Statement of Compliance provide open drains and provide each allotment in the subdivision a discharge point. Works must include shallow perimeter drain constructed along the eastern boundary of Lot 1 and Lot 2, discharging neatly into the existing table drain on Glen Avon Drive. Works must also include regrading of the existing table drain on Glen Avon Drive fronting the site where required. Works shall be in accordance with requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority. Open drains where required must be contained within a 5m drainage easement which must be set aside on the Plan of Subdivision for this purpose.
17. Before to Statement of Compliance all existing and proposed easements and sites for existing or required utility services, drainage and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the relevant authority for which the easement or site is created.
19. Before to issue of Statement of Compliance services to the buildings on Lot 1 must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:
 - a) All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.

Expiry

20. This permit will expire if:
 - a) The variation to the restrictive covenant is not lodged at the titles office for registration within two years of the issue date of this permit; or
 - b) The plan of subdivision is not certified within two years of the date of this permit; or
 - c) The registration of the subdivision is not completed within five years of the date of certification.

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.

Note:- Pursuant to section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 6 of the Subdivision (Permit and Certification Fees) Regulations 2000, the prescribed maximum fee for checking engineering plans will be 0.75 percent of the estimated cost of constructing the works proposed on the engineering plan. Such a fee must be paid to the responsible authority prior to the issue of a statement of compliance.

Note:- Pursuant to section 17(2)(b) of the Subdivision Act 1988 and Clause 5 of the Subdivision (Permit and Certification Fees) Regulations 2000, the prescribed maximum fee for supervision of work will be up to 2.5 per cent of the cost of constructing those works, which are subject to supervision. Such a fee must be paid to the responsible authority prior to the issue of a statement of compliance.

Note:- Works within road reserve permit must be obtained from the Council prior to the carrying out of any vehicle crossing works.

Note:- Prior to certification the responsible authority will require a plan showing the location of all existing and proposed vehicle crossings. The plan is required to show setback distances of existing and proposed crossovers from the closest property boundary to the satisfaction of the responsible authority. The plan is required to satisfy Regulation 29 of the Subdivision (Procedures) Regulations 2011, allowing the allocation of street numbers.

7.5 P20-061 704 TEESDALE INVERLEIGH RD, TEESDALE (USE OF THE LAND FOR A PLACE OF ASSEMBLY (FUNCTION CENTRE))

File Number:**Author:** Sandra Tomic, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Draft Conditions  **RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use of the land for a place of assembly (function centre), at 704 Teesdale- Inverleigh Road, Teesdale, subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the use of the land for a place of assembly (function centre), at 704 Teesdale-Inverleigh Road, Teesdale. This report provides a background to the application and a summary of the relevant planning considerations. The application has been referred to the Council Meeting for determination because there is an unresolved objection to the application. Councillors have been provided with a full copy of the application and objection for consideration prior to making a decision.

BACKGROUND**Site description**

The subject site is located on the east side of Teesdale – Inverleigh Road, it contains a dwelling and a number of outbuildings. The subject site is irregular in shape and 720.85 hectares in area. It currently contains three access points, one from Teesdale – Inverleigh Road and two from Bannockburn – Shelford road.

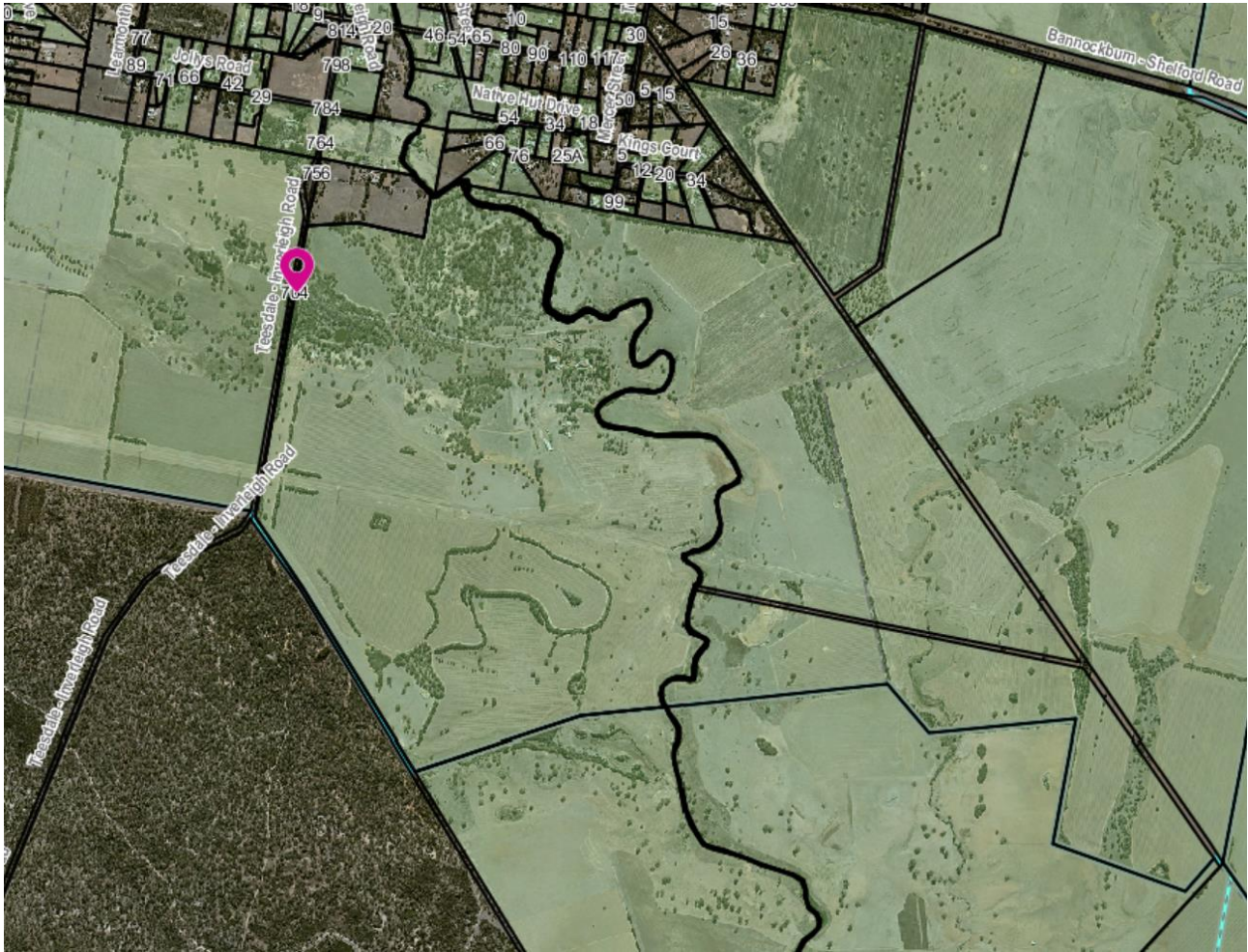
The subject site is zoned Farming Zone (FZ) as is land to the south, west and east with the adjoining land to the north zoned Low Density Residential (LDRZ). The LDRZ land is approximately 670m from the area proposed to accommodate this use.

The site is subject (in parts) to various overlays. The overlays that are applicable to the area under consideration are the Heritage Overlay (HO), Environmental Significant Overlay (ESO) and the Land Subject to Inundation Overlay (LSIO). The homestead is known as 'Woolbrook' and is subject to Heritage Overlay (HO168). It is not listed on the Victorian Heritage Register (VHR)

The site is a working farm and has been since the early 1900s, with an agricultural focus on sheep and crop production. The homestead is currently operating as a bed and breakfast, with a maximum number of 10 people. No planning permit is required for this use (B n N) under the farming zone on the condition that no more than 10 persons may be accommodated from their normal place of residence and at least 1 car parking space be provided for each 2 persons able to be accommodated away from their normal place of residence.

The site has also been significantly landscaped around the dwelling and outbuildings and within the front portion of the site.

Site Map



The Woolbrook homestead



Location of existing homestead and buildings



Proposal

The application proposes the use of the land for a Place of Assembly (Function centre). A Function centre is defined as per clause 73.03 of the Golden Plains Planning Scheme as:

- *Land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing.*

This falls under the nesting of Place of Assembly. A permit is triggered under clause 35.07-1 for a place of assembly (section 2 use)

The application proposes the following: -

Use

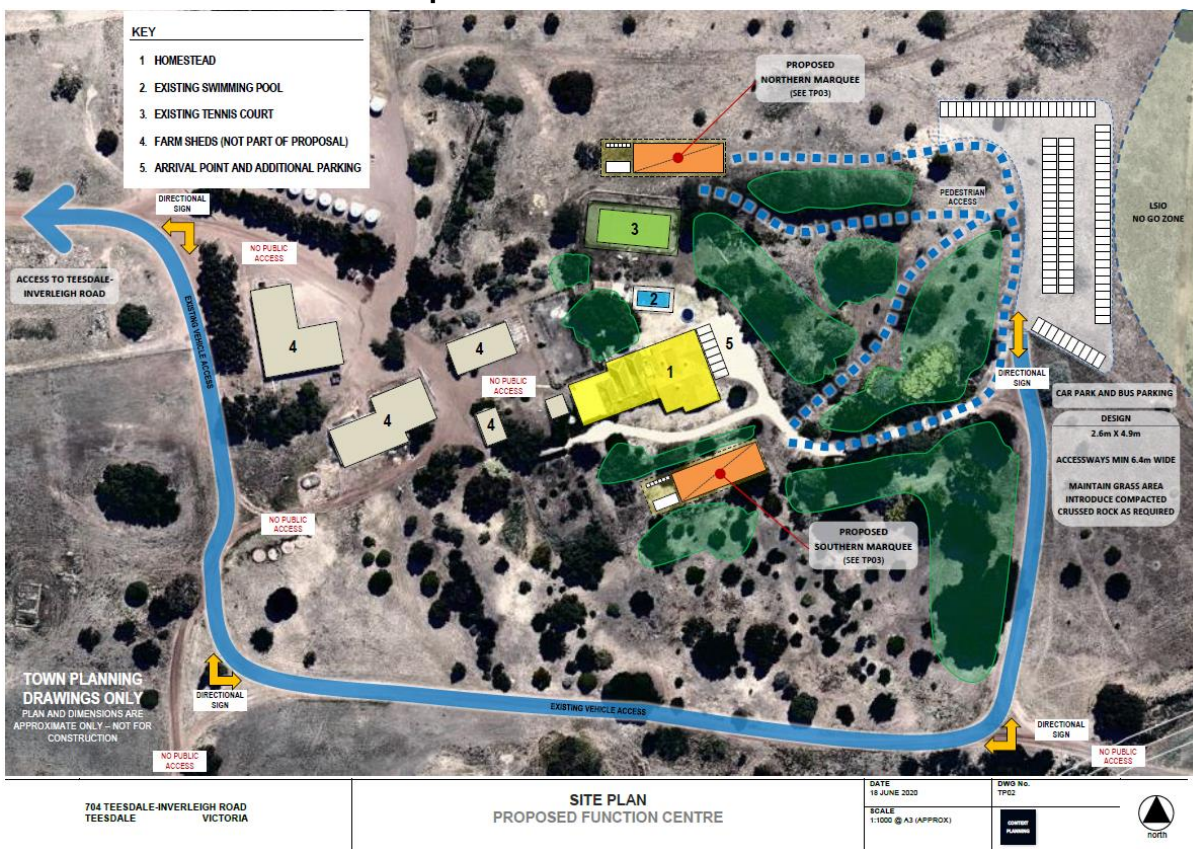
Use of the land for a Function centre. The site is proposed to be used to host a variety of functions and events including but not limited to weddings, birthdays, and celebration events.

The applicant has summarised the proposal as follows:

- Up to 30 functions per year, with a maximum of 20 of these to finish after 8pm
- Maximum number of 300 people per function
- Hours of operation:
 - Thursday: 12pm – 11pm

- Friday: 12pm – 1am
- Saturday: 12pm – 1am
- Sunday: 12pm – 10pm
- Day preceding Public Holiday: 12pm – 1am
- Utilise the existing buildings and garden
- Two marquee locations (north and south marquee). Marquees are 30 x 10m which is large enough to seat 300 people. Marquees used may be of different dimensions to suit the size of the function. All structures are temporary and are erected and taken down for each event.
- Informal Car parking is proposed, utilising the existing access way from Teesdale – Inverleigh Road.

Proposed site use



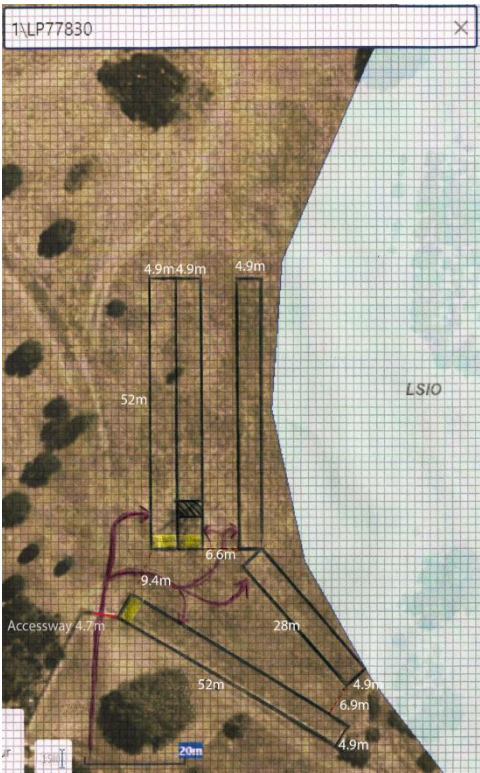
Existing access from Teesdale – Inverleigh Road



Car parking

The car park will remain as a bare paddock. The area will be mowed, and the access ways sprayed out to define the area to drive. Each individual parking space will be defined using railway sleepers

Proposed car parking layout and location



No buildings are proposed as part of this application.

ASSESSMENT**PLANNING SCHEME****Planning Policy Framework (PPF)**

The application satisfies the provisions of the planning scheme, including the State and Local Planning Policy Frameworks, Clause 65 and Section 60 of the Act. The relevant planning scheme provisions to this application are addressed as follows:

Golden Plains Planning Scheme

Planning Policy Framework (PPF)

Clause 13.05-1S - Noise abatement

The objectives of the policy are to assist the controls of noise effect on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.07-1S Land use compatibility

The objectives of this policy are to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. Strategies to do this are 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 location and using a range of building design, urban design, operational and land use separation measures

Clause 14.01-2S – Sustainable agricultural land use.

The objective is to encourage sustainable agricultural land use.

Clause 15.01-2S – Building design

The objective is to achieve design outcomes that contribute positively to the local context and enhance the public realm.

Clause 17.04-1S – Facilitating Tourism

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Clause 17.04-1L – Tourism, the strategies are: -

- Facilitate development that supports arts and cultural activities and events.
- Support the development of tourism accommodation across the Shire.
- Direct the development of tourism accommodation in the Moorabool Valley to the Rural Activity Zone Schedule 1 (RAZ1).
- Support tourism use and development that adds value to products grown and produced locally, such as wineries, other beverage producers and speciality food producers

Response

Tourism in Golden Plains Shire is a relatively small industry sector with significant capacity to grow. Tourism attractions include wineries and cellar doors, with the majority located around the Moorabool Valley Wine Region. Cafes and restaurants, gourmet food and produce events and festivals such as the Golden Plains and Meredith Music Festivals. Heritage sites and equestrian facilities are also draw cards, whilst this application proposes to make use of the historic rural setting to cater to the popular rural/regional locations for events such as weddings.

This application proposes a use that will rely on temporary structures, and waste being removed from site (rubbish, portable toilets). No vegetation is to be removed. The areas proposed to be used have good separation from waterways and will not impact on the heritage significance of the site.

Clause 35.07 - Farming Zone (FZ)

Key purpose of the zone, include, but are not limited to: -

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities

Response

The subject site is a working farm which contains the main dwelling ('Woolbrook') and a number of out buildings. The permit applicant resides at the property; the intent of the proposal is for a place of assembly (function centre), to be operated and managed by the landowners. The main activities and operation of the proposed use will not be seen from the road frontage or from adjoining properties. The temporary car park is informal. The marquees are located 600 metres from the closest residential property.

The proposed use will not impact on the farming use on the site or on adjoining and nearby properties because the land to be used is clustered together near the homestead, leaving the balance of the 700+ha site free to continue its agricultural uses. The use will not be operational on a daily basis and numbers of patrons will be capped.

Conditions are recommended that limit the use, patron numbers, and hours of operation. The restriction will ensure that the primary purpose of the adjoining land (Farming) will not be impacted. The use and how it could operate have been carefully considered to ensure it will not impact on existing (adjoining) lots within the farming zone and the Low Density Residential Zone.

Car parking – Clause 52.06-5

Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06-1 applies to a new use and is required at the rate of 0.3 spaces per patron.

The car parking rates requires 90 spaces based on the proposed maximum number of patrons of 300.

Response

The plans submitted with application show an area of approximately 3 acres to be dedicated to parking. There is ample space for additional car parking areas to be provided without the need to formally apply to reduce the number of car spaces.

The application was referred to Council's Works department (Engineering), with no objection to the proposal.

Parking can be managed for functions within the area that has been set aside with minimal works required. A condition will be included that will require some maintenance of this area to ensure safety for patrons to park and be able to enter and exit the site.

Private use car parking is located in a different area on the property.

General provisions

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

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

CULTURAL HERITAGE IMPLICATIONS

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

DISCUSSION

The purpose of the FZ includes, but is not limited to;

Encourage the retention of productive agricultural land to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture.

The proposed use is a section 2 use in the Farming Zone. Given the retention of agricultural land is not in question, another key consideration is whether the use will adversely affect the use of the agricultural land; it is clear that this will not be the case. Existing access points can be used to access the site. The location proposed to host the use sits as part of the existing historical homestead setting, taking advantage of all that it has to offer. The surrounding farm infrastructure (shedding) and landscaping already provides an informal buffer from the agricultural activities associated with the livestock and crop production.

The location of the carparking has been sensitively selected, and importantly, is not proposed to be formalised via bitumen seal, for example. No aspects of the proposal propose the removal of any vegetation or carrying out of permanent works, such as earthworks.

The proposal satisfies the relevant provisions of the planning scheme including State and Local planning policies, the Farming Zone, and Clause 65 of the Victoria Planning Provisions.

Important considerations arise in the decision guidelines to the Farming Zone in Clause 35.07-6. These include:

- General issues that are related to policy, the capability of the land to accommodate the proposed use or development, including the disposal of effluent, sustainable land management and land use compatibility.
- Agricultural issues and the impacts from non-agricultural uses which includes whether the use or development will support and enhance agricultural production, permanently remove land from agricultural production, the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

- Environmental issues related to impacts on the natural physical features and resources of the area including water quality, flora and fauna and surrounding environment, the need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways.
- Design and siting issues related to avoiding any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land, minimise adverse visual and landscape impacts and traffic management issues.

It is clear that the proposed use does not have the capacity to directly contribute to the agricultural use of the land, since it proposes a fundamentally different land use. A significant focus in this assessment was therefore whether the proposal is consistent with, or would not detract from, the agricultural use of the subject land and surrounds.

The proposal will utilise existing buildings (in a support role, not to host any functions), garden and bring temporary marquees on site. The site exceeds 700 hectares and is currently used for agricultural purposes which will continue. The proposed use will not take away productive land from the farming zone but will allow for additional income stream and makes use of the historical setting.

The lack of any buildings and works maintains the integrity of the HO significance of the site.

The operators of the function centre reside on the property and will manage the site. The nearest dwelling under different ownership is approximately 600m to the north.

The application was internally referred to Council Works and Environmental health departments, who had no objection to the application, subject to conditions. These conditions have been included with the recommended conditions.

The proposal is generally supported by planning policies pertaining to tourism and economic development.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the application was given in accordance with Section 52 of the Planning and Environment Act 1987. Notice was provided by registered mail to all adjoining and neighbouring owners (23 properties in total) and a sign was placed onsite.

As a result of the public notice one (1) objections were received.

The objector raised concerns regarding Noise and the impact this would have on their amenity.

No consultation meeting was held due to the current hold on public gatherings as a result of COVID-19. This includes no unnecessary meetings held by Council.

Objectors concerns

Noise

The application was referred to council's Environmental health department (EHD) for comment. In the initial response the EHD requested further information

- *As discussed in the 'Noise Impact Assessment' Report provided, engage a suitably qualified professional to develop a noise management plan.*

As a minimum the noise management plan should clearly outline the controls required to comply with the recommendations of the Acoustic Report and the EPA SEPP N-2 Noise Policy.

The plan should also detail a procedure for responding to complaints and include an after-hours number for residents to call if immediate response is required.

The further information was submitted and re-referred to EHD who considered the information with the application and had no objection to the granting of the permit providing the following conditions are included :

- The permit holder must comply with the EPA State Emergency Protection Policy No. N2 (Control of music noise from public premises);
- The permit holder must comply with the Noise Impact Assessment completed by Enfield Acoustics Pty Ltd submitted as part of this planning permit application;
- The permit holder must comply the Woolbrook Farm Noise Management Plan submitted as part of this planning permit application;

- The use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods, or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

It is considered that with the inclusion of such conditions the use will be able to operate with minimal amenity impact on the residential land to the north of the site.

PUBLIC TRANSPARENCY

As an objection has been submitted for this application, the application is being forwarded to Council for a decision, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal; if the decision of Council is considered unfounded, costs may be awarded against Council. This outcome may impact Council's professional indemnity and reputational risk to Council.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputational risk to Council.

COMMUNICATION

For all options proposed for this application, the outcome will be communicated to all parties in writing

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the proposed development achieves a high compliance against the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Refusal to Grant a Planning Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application achieves a high compliance to the provisions of the Golden Plains Shire Planning Scheme.

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the provisions of the Farming Zone and the decisions guidelines of the Planning Scheme (Clause 65). The proposed use has been located within close proximity to the existing dwelling taking advantage of the established landscaping. The operators reside at the property. The proposed use will have minimal impact on the surrounding area. Conditions will be included which will restrict the hours of operation, number of functions and parking to be carried out on site. It is recommended that a Notice of Decision to grant a planning permit be issued.

Proposed conditions for P20061 - The use of the land for a Place of assembly (Function Centre)**Proposed Conditions:**

1. The use as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

General

2. Prior to the use commencing, a s Site Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the operational model will be endorsed and will then form part of the permit.
 - a) Arrangements for the orderly arrival, and departure of guests.
 - b) All noise and amenity measures to be undertaken to manage amenity impacts from the use.
 - c) The number of staff which must be present during any function.
 - d) Security arrangements.
 - e) Arrangements for parking and bus transportation of guests.
 - f) Arrangements for the approval and engagement of suppliers, and transportation of goods and materials to and from the land.
 - g) Arrangements for the collection of recycling and general waste.
 - h) Details of emergency management procedures.
 - i) The management practices for waste collection and disposal including details of storage, regularity and collection times;
 - j) Collection of waste by a private contractor.
 - k) The location of rubbish bins and skips;
 - l) The management practices for the collection and disposal of bottles;
 - m) The management practices for the periodic cleaning of the land and,
 - n) Hours and days of collection.

Once approved, the use must operate in accordance with the Site Management Plan (SMP) to the satisfaction of the Responsible Authority.

Function centre

3. The use (Place of Assembly), unless with the written consent of the responsible authority, may only operate between the following hours:
 - o Thursday: 12pm – 11pm
 - o Friday: 12pm – 1am
 - o Saturday: 12pm – 1am
 - o Sunday: 12pm – 10pm
 - o Day preceding Public Holiday: 12pm – 1am

4. No more than 30 functions may occur in any calendar year, with no more than 20 functions to finish after 8pm.
5. A maximum number of 300 people may attend a function.
6. All guests of the Place of Assembly use, who are not accommodated (bed and breakfast) on the land overnight, must leave the land within 30 minutes of the conclusion of any function.
7. Functions and parking may only occur within the areas identified on the endorsed plans.
8. At all times when a function is held, there must be present on the land a person aged 18 years or over who is responsible for ensuring that the activities on the premises and the conduct a person's attending the land do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.

Environmental Health

9. The permit holder must comply with the EPA State Emergency Protection Policy No. N2 (Control of music noise from public premises);
10. The permit holder must comply with the Noise Impact Assessment completed by Enfield Acoustics Pty Ltd submitted as part of this planning permit application;
11. The permit holder must comply the Woolbrook Farm Noise Management Plan submitted and endorsed as part of this planning permit application;
12. The use permitted by this permit must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods, or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Works Department

13. Before the commencement of the use (Place of Assembly) the existing vehicle crossing to 704 Teesdale-Inverleigh Road must be sealed conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 265.

Expiry

14. This permit will expire if one of the following circumstances applies:
 - a) The use is not started within two years of the date of issue.

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

Notes

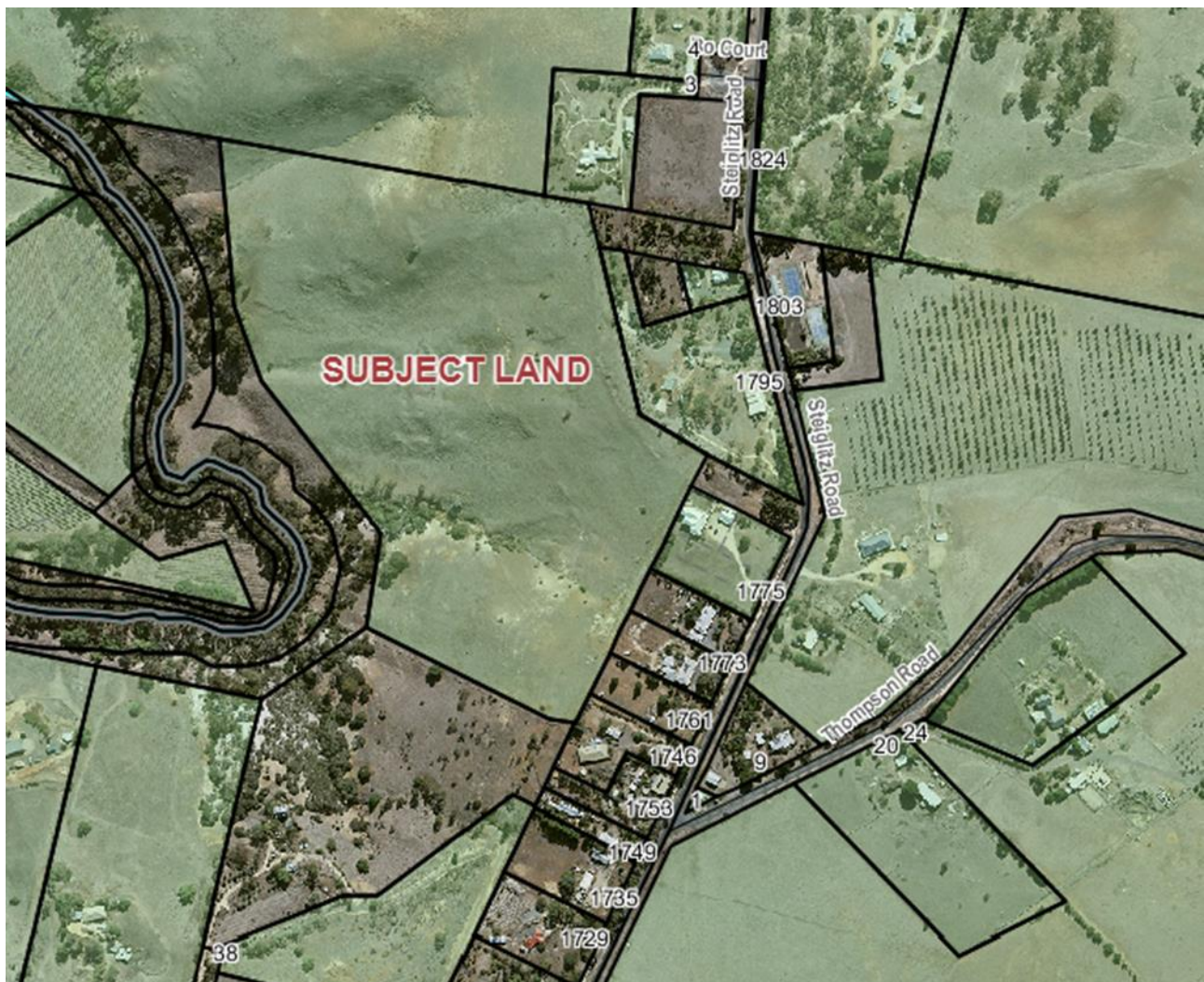
Works on Road Reserves Permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.

7.6 P20-116 1803 STEIGLITZ ROAD, MAUDE (DWELLING)**File Number:** P20-116**Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Recommended conditions [↓](#) **RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a dwelling at 1803 Steiglitz Road, Maude subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the use and development of a dwelling and associated works at 1803 Steiglitz Road, Maude. The application has been referred to the Council Meeting for determination because there are objections to the application. The report provides a background to the application and a summary of the relevant planning considerations. The Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

Site map

BACKGROUND

Site description

The subject land is situated at 1803 Steiglitz Road, Maude and is formally described as Land in Plan of Consolidation 368644. The land is located in the Moorabool Valley on the western side of the Maude township. The total area of the land is 13.03 hectares. Access to the land is via an unmade government road off Steiglitz Road. The land adjoins the Maude Recreation Reserve ('Bunjil Lookout') and Maude township to the east and is bounded by the Moorabool River to the west. The surrounding area is used for a mixture of residential purposes, small-scale agricultural activities and community purposes.

Permit history

The following previous planning applications relate to the subject land:

- Planning permit P06-064 for a dwelling and shed was issued by Council on 2 May 2006. This permit was not acted on and has since lapsed.
- Planning application P17-251 for a dwelling and shed was refused by Council on 28 June 2018 due to safety risks associated with the proposed vehicle access to the land from Steiglitz Road.
- A subsequent planning application (P18-266) was made to address the access issues by proposing access at a new location to the north of the Maude Recreation Reserve. This application was for access only and did not seek permission for a dwelling. Planning permit P18-266 was issued by Council on 11 September 2019.

The proposal

The application proposes the use and development of the land for a dwelling and associated works. The dwelling is proposed to be located in the north-east corner of the land at the top of the slope of the Moorabool River valley. The dwelling has setbacks of 7.5m from the northern boundary, 52m from the eastern boundary and approximately 105m from Bunjil Lookout and 280m from the Moorabool River.

The proposal dwelling is a large four-bedroom dwelling over two levels that are graduated with the contours of the land. The "Upper Level" contains an undercover parking area, large kitchen, four bedrooms, laundry and a primary living area that opens to an outdoor terrace. The "Lower Level" will be utilised as a children's retreat and entertainment area and also contains a large undercover parking and vehicle storage area. The proposal includes associated works consisting of a site cut for the dwelling and driveways. Access to the land from Steiglitz Road is via a short section of unmade government road which has separate approval under Planning Permit P18-066.

Permit triggers:

- Clause 35.08-1 (RAZ2) A permit is required to use land for a dwelling (Section 2 use).
- Clause 35.08-4 (RAZ2) A permit is required for buildings and works associated with a Section 2 use.
- Clause 42.01-2 (ESO3) A permit is required to construct a building or construct or carry out works.

CONSULTATION

Notice of the application was given in accordance with Section 52(1)(a) and (d) of the *Planning and Environment Act 1987* ('the Act'). Notice was sent by mail to 13 adjoining and neighbouring owners and occupiers and the application material was placed on Council's website.

As a result of the public notice six (6) objections were received. A copy of the objections has been provided to the Councillors under separate cover. The main ground of objection relates to the visual impact of the development on views from Bunjil Lookout. Other concerns have been raised

that the proposal is not consistent with the zoning of the land and regarding environmental impacts, access, noise and loss of privacy. It is noted that three objectors have stated that they have no concerns with the proposed location of the dwelling.

A consultation meeting was not held for this application due to current COVID-19 health restrictions.

ASSESSMENT

The application was lodged on 5 May 2020. There are no referral authorities specified in the planning scheme for an application of this type. Further information requests were made on 1 June and 27 October and the requested information was received on 24 June and 13 November respectively.

Golden Plains Planning Scheme

Municipal Planning Strategy

Clause 02.02 Vision

Council's vision is to sustainably manage land use and development within the Shire, including:

- Residential development will predominantly be contained within townships.
- The natural environment will be protected and enhanced.
- The local economy will grow, particularly in township development and rural based and farming.

Clause 02.04 Strategic Framework Plans

The Golden Plains Strategic Framework Plan sets out the key land use planning directions for the Shire. The subject land is shown within the 'Moorabool Valley Tourism Area' on the Framework Plan. The planning scheme does not contain a Town Structure Plan for the Maude township.

Planning Policy Framework (SPPF)

Clause 12.03-1S River corridors, waterways, lakes and wetlands

The objective of this clause is:

- To protect and enhance river corridors, waterways, lakes and wetlands.

Strategies include:

- Protect the environmental, cultural and landscape values of all water bodies and wetlands.
- Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways.

Clause 12.05-2S Landscapes

Objective:

- To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Strategies include:

- Ensure development does not detract from the natural qualities of significant landscape areas.
- Ensure important natural features are protected and enhanced.

Clause 14.01-1S Protection of agricultural land

Objective:

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

Strategies include:

- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Limit new housing development in rural areas by:
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.

Clause 17.04-1L Tourism

It is a strategy to direct the development of tourism accommodation in the Moorabool Valley to the Rural Activity Zone Schedule 1 (RAZ1).

Rural Land Use Strategy

The Golden Plains Rural Land Use Strategy (2008) is a reference document to the planning scheme and is designed to guide future land use and development and the application of rural zones across the Shire's rural areas. The strategy identifies the subject land within the Moorabool Valley area which is identified as an area containing small scale agricultural activities with the potential for tourism and other complementary activities. The rural strategy recommended that the Moorabool Valley be zoned Rural Activity Zone with a 40ha minimum subdivision area in order to achieve a mix of rural uses that reflects the current land use and development and that is compatible with, among other things, the area's dominant landscape features in particular the enclosed river valleys and escarpments.

Zone and overlay provisions

Clause 35.08 Rural Activity Zone – Schedule 2

The subject land is in a Rural Activity Zone – Schedule 2 (RAZ2). The purpose of the RAZ is, among other things, to provide for the use of land for agriculture; to provide for other development, in appropriate locations, which is compatible with agriculture and the environmental and landscape characteristics of the area; and to ensure that development does not adversely affect surrounding land uses. A dwelling is a Section 2 – permit required use under the provisions of the RAZ.

Before deciding on an application in the RAZ, Council must consider the decision guidelines contained in Clause 35.08-5 including the following design and siting issues:

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

Schedule 2 of the RAZ applies to the Moorabool Valley and seeks to achieve a planned mix of small agricultural holdings used for horticulture, rural industries, tourism and recreation facilities

that are compatible with, among other things, the area's dominant landscape features in particular the enclosed river valleys.

Clause 42.01 Environmental Significance Overlay – Schedule 3

The Environmental Significance Overlay – Schedule 3 (ESO3) seeks to protect the environmental attributes of the Moorabool Valley and other areas of environmental significance. The objectives of the ESO3 are to protect the conservation values of the above areas including geological formations and landscape values. A permit is required to develop land for a dwelling under the provisions of the ESO3. There are no referral authorities specified in the ESO3.

The decision guidelines of the ESO3 require Council to consider the following matters:

- the preservation of the natural environment including natural environmental processes, any important landscape or conservation characteristics of the area;
- the need to protect the general environs of any natural vegetation or objects or features from development which would detract from their setting.
- the necessity of undertaking landscaping works and retaining vegetation in the vicinity of natural features, watercourses, roads, property boundaries, buildings and natural habitats.
- the need to control the siting, shape and height of any buildings or extensions and the extent to which the materials, colours and external finishes of buildings conform in appearance and character with adjacent buildings and with the character and appearance of the area generally.

General provisions

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

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

DISCUSSION

Planning scheme

The application is considered to satisfy the State and local policies for Agriculture and the Rural Activity Zone which seek to protect productive agricultural land by ensuring that new development does not impact primary production on adjacent land and is compatible with existing uses on surrounding land. The proposal will not result in the loss of productive agricultural land because the land has limited capacity for agricultural production due to the steep slope. The proposed dwelling is also not considered to have any impact on adjoining agricultural activities because surrounding properties are predominately used for residential purposes.

The Rural Activity Zone – Schedule 2 (RAZ2) together with the Environmental Significance Overlay – Schedule 3 (ESO3) both identify the need to protect the dominant landscape features and natural beauty of the Moorabool Valley. In particular the ESO3 seeks to ensure that development does not detract from the landscape through the use of landscaping along boundaries and in the vicinity of buildings and by controlling materials, colours and external finishes of buildings so that they conform to the character and appearance of the area. These matters can be addressed by way of permit conditions requiring the establishment of landscaping in the vicinity of the proposed buildings and requiring that the external materials of the buildings be coloured or painted so that they are muted and non-reflective to ensure there is no visual impact on the landscape and amenity of the area.

Objections

Visual impact. The main ground of objection relates to the visual impact of the development, particularly on views from Bunjil Lookout. While the lookout affords an expansive panorama of the Moorabool Valley it is not a view of a pristine natural or agricultural landscape as there are many other dwellings and buildings that are visible both in the near and far distance. The proposed dwelling has been purposely sited and designed to ensure that it does not unreasonably dominate or interrupt the views from the lookout or surrounding properties. The graduated design of the dwelling in two levels follows the contours of the land. When viewed from the lookout the dwelling is positioned to the side of the main panorama and occupies only a small section of the total view plane. The dwelling also sits well below the horizon line and does not impede the upstream view of the valley or of the opposing western escarpment.

It should be noted that the public lookout takes benefit from private land (the subject land) in order to obtain its uninterrupted views of the valley. The applicant has quite rightly pointed out that the presence of the lookout should not restrict the reasonable development of the land. The landowner can, without requiring planning permission, plant trees along the boundary, erect a fence or construct an unenclosed agricultural building that would have a greater impact on views from the lookout than the proposed dwelling.

It is recommended that if a permit is issued that conditions be included in the permit requiring that the external materials and finishes of the building be muted tones and colours that are in keeping with the appearance of the area and that low-level landscaping is established on the south-eastern (lookout) side of the dwelling in order for the development to blend in with landscape.

Other concerns. The objectors raised other concerns in regard to environmental impacts, access, noise and loss of privacy. The proposed development is not considered to have any environmental impacts because the site of the dwelling does not contain any native vegetation or habitat for native wildlife. As discussed, the surrounding area is not a pristine natural environment and has been modified for residential and agricultural use. Concerns were raised in relation to access to the site which is via an unmade government road to Steiglitz Road. While a permit was required (and granted) to create access to Steiglitz Road (a road in a Road Zone, Category 1) planning permission is not required to construct a road within a government road reserve. A permit was granted for the proposed access to Steiglitz Road because the access location met safety requirements. Noise from the proposed dwelling is not expected to cause any greater noise impacts than those from the many neighbouring dwellings, the public recreation reserve and traffic on Steiglitz Road. The proposed dwelling will also not result in the loss of privacy as the proposed dwelling has adequate separation and there are no direct views to existing dwellings.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the planning application has been undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*, by way of letters to adjoining and adjacent landowners.

PUBLIC TRANSPARENCY

As objections have been received for this application, the application is being forwarded to Council for a decision in line with delegation, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.

- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal; if the decision of Council is considered unfounded, costs may be awarded against Council. This outcome may impact Council's professional indemnity and reputational risk to Council.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputational risk to Council.

COMMUNICATION

For all options proposed for this application, the outcome will be communicated to all parties in writing.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Issue a Notice of Decision to Grant a Planning Permit

This option is recommended by officers as the proposed development achieves a high compliance against the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Refusal to Grant a Planning Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application achieves a high compliance to the provisions of the Golden Plains Shire Planning Scheme.

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Rural Activity Zone – Schedule 2, Environmental Significance Overlay – Schedule 3 and the decision guidelines of the Planning Scheme (Clause 65). The proposal will not remove land from productive agricultural use and will have no impact on adjoining agricultural activities. The siting and design of the dwelling together with permit conditions controlling the external materials of the building and requiring landscaping will ensure that the development has no visual impact on the landscape of the area and does not cause material detriment to any person.

P20-116 1803 STEIGLITZ ROAD, MAUDE (DWELLING)**RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT****Amended plans**

- 1 Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) details of all external materials and finishes of the dwelling and garage, including the roofing, all of which must be coloured so that they are muted and non-reflective in order to blend with the environment and preserve the landscape and visual amenity of the area.
 - b) details of the proposed driveways and car parking areas, including full dimensions of works and surface treatments.

Landscape plan

- 2 Before the development starts, a detailed landscaping plan prepared by a suitably qualified and/or experienced person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plan must show the following:
 - a) the planting of trees and shrubs on the southern and eastern sides of the proposed dwelling. The landscaping must be of a low height to screen the dwelling from view from the nearby public lookout but without obstructing views of the surrounding landscape;
 - b) a planting schedule of all proposed trees and/or shrubs, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant, site preparation and establishment (watering) regime;
 - c) all species selected must be indigenous to the local area.

Layout not altered

- 3 The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscaping required before use starts

- 4 Before the use starts, the site must be landscaped in accordance with the endorsed landscape plan/s to the satisfaction of the Responsible Authority.

External materials

- 5 All external materials to be used in the construction of the dwelling and garage must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area.

Access and utilities

- 6 Access to the land must be provided to the dwelling via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.

- 7 The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the Responsible Authority.
- 8 The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.
- 9 The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970* to the satisfaction of the Responsible Authority.

Erosion control

- 10 Soil erosion control measures must be employed throughout the construction stage of the development (in accordance with Construction Techniques for Sediment Pollution Control, EPA 1991) to the satisfaction of the Responsible Authority.
- 11 All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

General amenity

- 12 The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of vermin
 - e) discharge of drainage.

Expiry

- 13 This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of issue.
 - b) The use is not started and the development is not completed within four years of the date of issue.

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

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

7.7 P19-273 54 NATIVE HUT DRIVE, TEESDALE (FOUR LOT SUBDIVISION & CREATION OF CARRIAGEWAY EASEMENTS)**File Number:** P19-273**Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Draft Conditions  **RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a four-lot subdivision and the creation of carriageway easements at 54 Native Hut Drive, Teesdale, subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a four-lot subdivision and the creation of carriageway easements at 54 Native Hut Drive, Teesdale. The application has been referred to the Council Meeting for determination because there is one objection to the application. The report provides a background to the application and a summary of the relevant planning considerations. The Councillors have been provided with a full copy of the application and objection for consideration prior to making a decision.

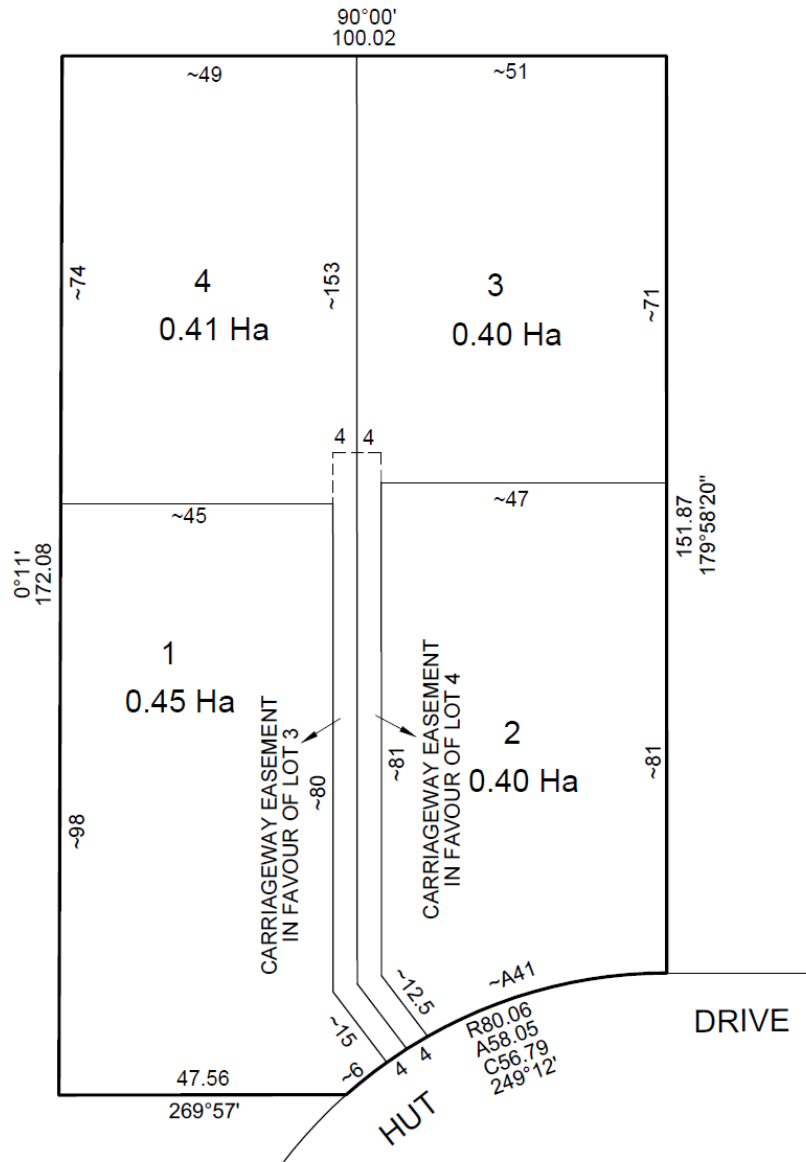
BACKGROUND**Site description**

The subject land is situated at 54 Native Hut Drive, Teesdale and is formally known as Lot 70 on Plan of Subdivision 143014. The site is located in a low density residential area of the Teesdale township. The site contains an existing dwelling and shed and has a total area of 1.653ha. The land is flat and mostly cleared except for planted vegetation. The site has access from Native Hut Drive which is a sealed road managed by Council. There are no restrictive covenants applying to the land.

Proposal

The application proposes to develop the land for a four-lot subdivision. The proposed lot one, which will contain the existing dwelling and outbuilding, will measure 0.45 hectares in area, whilst Lot 2 and 3 will be 0.40 hectares and Lot 4 provides an area of 0.41 hectares. Access to all lots will be from Native Hut Drive, with access to Lots 3 and 4 at the rear facilitated by carriageway easements.

Plan of proposed subdivision



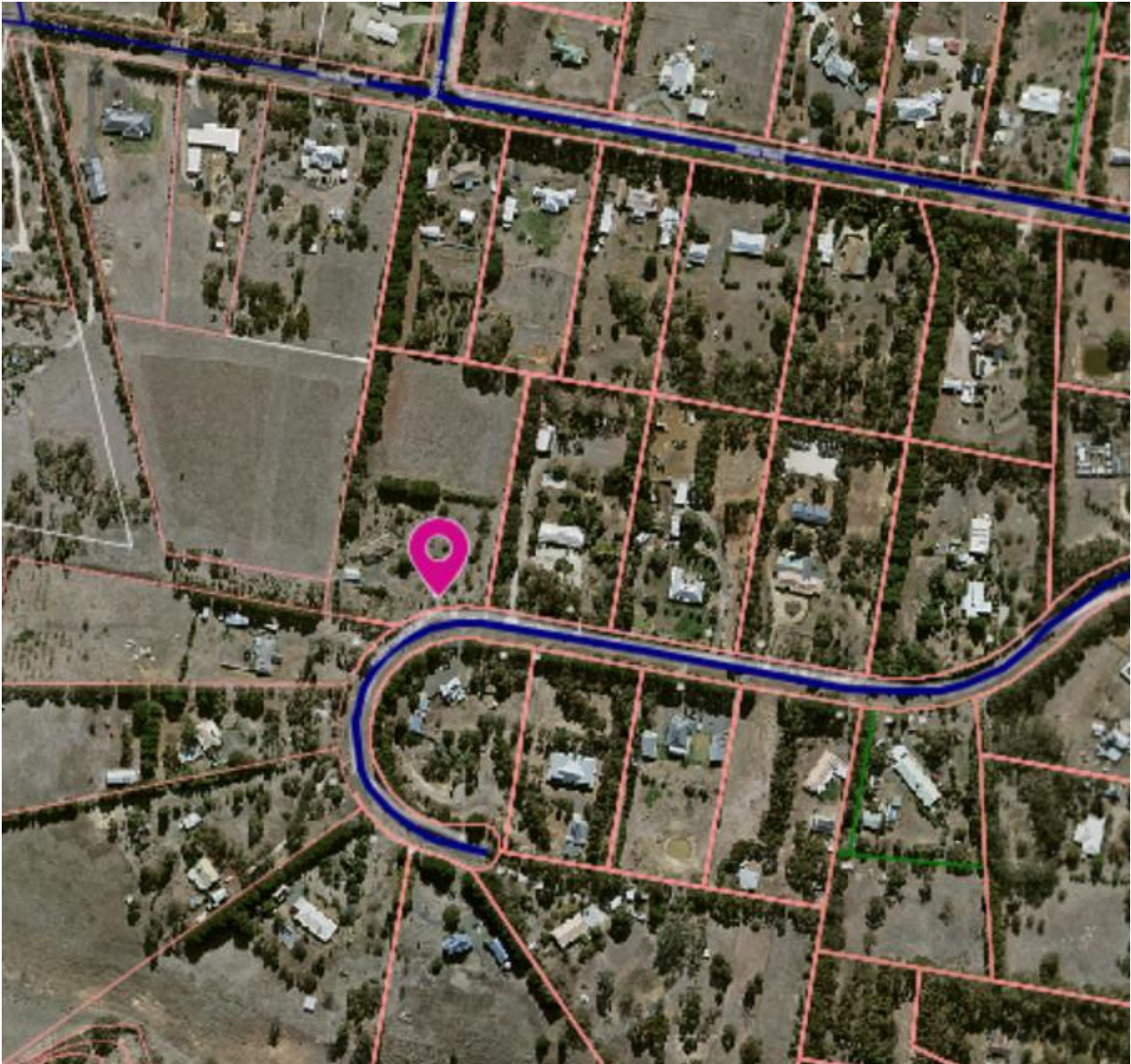
Consultation

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act* 1987. Notice was provided by mail to 10 adjoining and neighbouring owners and occupiers.

As a result of the public notice, 1 objection was received. A copy of the objection has been provided to the Councillors under separate cover. The objectors have raised concerns regarding the impact of the proposed subdivision on the character of the area, vehicle access and vehicle speed, water flows and waste collection within Native Hut Drive.

A consultation meeting was not held for this application due to COVID-19 health restrictions.

Site Map



ASSESSMENT

The application was lodged on 5 September 2019. The application was referred under Section 55 of the Act to Barwon Water and Powercor in accordance with Clause 66.01 of the planning scheme. The application was also internally referred to Council's Works and Environmental Health departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

PLANNING SCHEME

Planning Policy Framework (PPF)

Clause 11.02 Managing Growth

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

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

- Service limitations and the costs of providing infrastructure.

Clause 15.01 Urban Environment

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

Clause 16.01 Residential Development

The objective of the policy for the location of residential development (Clause 16.01-2S) is to locate new housing in designated locations that offer good access to jobs, services and transport. The policy seeks to increase the proportion of new housing in designated locations within established urban areas, ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

Local Planning Policy Framework (LPPF)

Clause 02.03 Municipal Planning Strategy – Strategic Directions

The Strategic Directions for Settlement (LPP Clause 02.03-1) encourages the consolidation of townships, including directing residential development to within township boundaries. The Strategic Directions for Residential Development (LPP Clause 02.03-6) applies to Low Density Residential Zones and discourages subdivision of land in the Low Density Residential Zone that does not maintain or complement the established character and does not meet the requirements of the Domestic Wastewater Management Plan (DWMP).

Clause 02.04 Strategic Framework Plans

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The Teesdale Structure Plan contained in Clause 02.04 shows the subject land within existing township area of Teesdale. The structure plan does not make any specific references to the subject land or contain any policies of particular relevance to the application.

Clause 11.01-1L Settlement

This policy seeks to direct population growth to urban areas provided with water, sewerage and social infrastructure.

Clause 15.01-6L Low Density Residential Subdivision Policy

This policy applies to subdivisions in the Low Density Residential Zone and encourages subdivision that respects the lot configuration and character elements of the surrounding area. The policy seeks to maintain an open and spacious character through:

- Design that provides for generous areas of open space and landscaping including along accessways.
- Retention of existing vegetation.
- Avoiding creation of lots with battle-axe access.
- The provision of wide driveways with areas available for landscaping.

The policy requires Council to consider (as relevant) whether the subdivision requires the provision of infrastructure, including drainage and roads.

Zone and overlay provisions

Clause 32.03 Low Density Residential Zone (LDRZ)

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

under the provisions of the LDRZ. The LDRZ sets a minimum lot size of 0.4 hectares. The decision guidelines of the LDRZ require Council to consider, as appropriate:

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements related to subdivision.

General provisions

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

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

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

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

CULTURAL HERITAGE IMPLICATIONS

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

DISCUSSION

Planning scheme

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including State and Local planning policies, the Low Density Residential Zone, Design & Development Overlay Schedule 5, and Clause 65 of the Victoria Planning Provisions. The Low Density Residential Zone and local policy for Low Density Residential Development (Clause 22.09) supports subdivision of land down to 0.4 hectares where lots are of sufficient size to contain on site effluent disposal and the open and spacious character of low density residential areas is maintained.

The Land Capability Assessment submitted with the application demonstrates that the proposed lots are capable of on-site effluent disposal and Council's Environmental Health department has advised that the proposal complies with Council's Domestic Wastewater Management Plan. The proposed subdivision design will maintain the character of the area by providing open space and opportunities for landscaping, retaining existing vegetation, avoiding battle-axe access through the use of a shared common property driveway and creating lots of sufficient size to provide setbacks in accordance with the DDO5.

Objectors' concerns

Neighbourhood character. The objectors are concerned that the proposed subdivision will have an adverse effect on the character of the area because the proposed lot sizes are smaller than those in the surrounding area and result in an increase in the density of development. As discussed the planning scheme encourages infill development in townships where there is existing infrastructure and services and supports subdivision down to 0.4 hectares in Low Density Residential areas where lots are capable of accommodating on-site effluent disposal and maintain the character of the area.

While the proposed lot sizes are smaller than those in the surrounding area the proposed subdivision has been designed to maintain the character of the surrounding area. The proposed subdivision design will ensure there is no adverse effect on the character of the area by providing open space and retaining existing native vegetation, avoiding battle-axe access through the use of a shared driveway and creating lots of sufficient size to provide setbacks in accordance with the DDO5.

Vehicle access. The objector has raised concerns in relation to the vehicle access arrangements. Lot 1 will be serviced with a new crossover to Native Hut Drive, whilst Lot 2 will be utilising the existing crossover which currently services the existing dwelling. Lots 3 and 4 will be utilising a shared carriageway access arrangement. Overall, two additional crossovers are required to service this proposal. As the proposal has been referred to Council's Works Department for comment and they have raised no concerns in relation to the access arrangement, officers are of the opinion that the access as proposed is safe. Concerns have also been raised in relation to vehicle speed and the possibility of not being able to see vehicles entering / exiting the property. As the speed adopted in residential areas is 50km and whilst individual may not abide by the required speed limit, this is not a planning matter and is a police matter. Should vehicles be speeding, residents are encouraged to contact the police to ensure enforcement of the signed speed limit.

Waste collection. The objectors have raised concerns in relation to egress around Native Hut Drive during waste collection times, due to the width of the road and the inability to pass waste collection vehicles. Given that the process of collecting bins is rather a short delay, an additional few minutes to accommodate waste collection is not considered to impact upon the amenity of Native Hut Drive.

Water flows. The objectors have raised concerns in relation to intermittent drops in mains water pressure, which reduces water flow or no water flow at all. The application has been referred to the water authority for comment, being Barwon Water, and the authority has not objected to the proposal subject to conditions. Should objectors experience intermittent disruption to their water supply, then contact should be made to Barwon Water to investigate, as this may be due to failing infrastructure which Barwon Water would be able to address.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

(Consideration of Service Performance Principles under s.106 of LGA 2020)	
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the planning application has been undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*, by way of letters to adjoining and adjacent landowners.

PUBLIC TRANSPARENCY

As an objection has been submitted for this application, the application is being forwarded to Council for a decision, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

- Objector may lodge an Application for Review at the Victorian Civil & Administrative Tribunal.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal; if the decision of Council is considered unfounded, costs may be awarded against Council. This outcome may impact Council's professional indemnity and reputation.
- Applicant lodging an Application for Review at the Victorian Civil & Administrative Tribunal, and due to the unnecessary delay, apply for costs against Council. This outcome may impact Council's professional indemnity insurance and reputation.

COMMUNICATION

For all options proposed for this application, the outcome will be communicated to all parties in writing.

HUMAN RIGHTS CHARTER

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

OPTIONS**Option 1 – Issue a Notice of Decision to Grant a Planning Permit**

This option is recommended by officers as the proposed development achieves a high compliance against the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Refusal to Grant a Planning Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application achieves a high compliance to the provisions of the Golden Plains Shire Planning Scheme.

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, particularly the Local Policy for Low Density Residential Subdivision (Clause 15.01-6L), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to maintain the character of the area and the proposed lots are considered to be capable of on-site effluent disposal. Permit conditions requiring the provision of associated infrastructure will ensure that the issue of a permit does not cause material detriment to any person.

Proposed Conditions: 54 Native Hut Drive, Teesdale**Endorsed Plans**

1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan.

Telecommunications

2. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.
3. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act* 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public open space contribution

4. Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must pay to Council a sum equivalent to 5% of the site value of all the land in the subdivision in lieu of public open space in accordance with Section 18 of the *Subdivision Act* 1988. The applicant or owner must pay on demand to Council, the Council's reasonable costs and expenses to provide valuation for payment in lieu of open space.

Development Contribution

5. Before the issue of a statement of compliance under the *Subdivision Act* 1988, a Development Contribution of \$4500 (\$1500 for each new lot) must be paid to the Responsible Authority.

Environmental Health

6. Before the certification of the plan of subdivision under the *Subdivision Act* 1988, a restriction must be placed on the plan of subdivision that provides for the following:
 - a) Any dwelling on lots 2, 3 and 4 must not exceed 4 habitable bedrooms. Habitable bedrooms include any room that may be closed off with a door, such as a study, library or sunroom that could be used for the purposes of a bedroom.
 - b) This requirement is at the owner's expense and must not be varied except with the written consent of the Responsible Authority.

7. Before the issue of a statement of compliance under the *Subdivision Act 1988*, the existing septic tank system must be altered/decommissioned/replaced so that it treats and disposes effluent to a minimum of secondary level in accordance with the latest version of the 'EPA Code of Practice – Onsite Wastewater Management' and Council requirements.
8. All waste water must be treated and retained within the lots in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

Works Department

9. Before the certification of the plan of subdivision under the *Subdivision Act 1988* the permit holder must provide details that the proposed drive entry locations on Native Hut Drive satisfy sight distance requirements as described in Austroads Publication "Guide to Traffic Engineering Practice Part 5- Intersections at Grade"
10. Before the certification of the plan of subdivision under the *Subdivision Act 1988* and before any construction works associated with the development or subdivision start, detailed construction plans, drainage computations and specifications to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Construction plans shall be to Golden Plains Shire standards and specifications as detailed in current Infrastructure Design Manual (IDM).
11. Before the issue of a statement of compliance under the *Subdivision Act 1988* the permit holder must:
 - a) Construct a new vehicle crossover to Lots 1 and 2 by provision of a crushed rock drive entry, reinforced concrete pipe culvert and mountable end walls conforming to the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of Responsible Authority.
 - b) Construct a new shared vehicle crossover to Lots 3 and 4 by provision of a sealed drive entry, reinforced concrete pipe culvert and mountable end walls conforming to the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of Responsible Authority.
 - c) Construct shared driveway to Lots 3 and 4 with a minimum 5.5m wide crushed rock pavement, 3.5m wide seal and drained in accordance with Golden Plains Shire Council requirements as contained in the Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority. The driveway must extend for the entire length of the shared accessway to Lots 3 and 4.
 - d) Provide open earth drains so that each lot in the subdivision has a discharge point. Works are to include open drains constructed along the entire length of western boundary of Lot 3 and Lot 2 and along the entire length of southern boundary of Lot 4 and shallow perimeter drains constructed along the southern boundary of Lot 1 and Lot 3 discharging neatly to the existing open drain at Native Hut Drive. Works shall also include regrading and deepening of existing open drain at Native Hut Drive fronting the site where required. Works must be in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority. Open drains where required must be

contained within a minimum 5 metre wide drainage easement which must be set aside on the Plan of Subdivision for this purpose.

- e) Fill the existing dam on Lot 1 in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual and AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments to the satisfaction of the Responsible Authority. At completion of works a report is to be provided from NATA approved laboratory confirming that works have been constructed in accordance with approved plans and specifications.
- f) Relocate the existing Telstra pit so that it is clear of the shared crossover to Lot 3 and Lot 4. Works must be in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority.
- g) Modify services to the existing buildings on Lot 1 so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:
 - All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.

Barwon Water

- 12. The plan of subdivision must be referred to Barwon Water in accordance with the *Subdivision Act* 1988 and any subsequent amendments to the plan provided to Barwon Water.
- 13. The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply to the proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L016942.
- 14. The provision and installation of a potable water supply to the development.
- 15. Additional potable water connections are to be provided to service the proposed development. A dimensioned plan showing location of all new connections relative to the allotment boundaries is to be submitted, where a meter is not being fitted. Note that tappings and service lines are not to be located under existing or proposed driveways. IMPORTANT NOTE — if the existing potable water main is a cracked asbestos water pipe, Barwon Water will undertake the tapping of this pipeline, including excavation and spoil removal. Barwon Water requires your plumber to provide 5 clear working days notice for this work. Under no circumstances shall anyone excavate within the vicinity of this pipeline.
- 16. Barwon Water's records indicate that an existing potable water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private potable water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.
- 17. An existing Barwon Water potable water asset is to be abandoned as part of development works. Further details will be provided in the relevant servicing requirements and costing.

18. The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

Powercor

19. This letter shall be supplied to the applicant in its entirety.
20. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
21. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
22. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Expiry

23. This permit will expire if:
- a) The plan of subdivision is not certified within two years of the date of this permit; or
 - b) The registration of the subdivision is not completed within five years of the date of certification.
- 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.

Note: Pursuant to section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 6 of the Subdivision (Permit and Certification Fees) Regulations 2000, the prescribed maximum fee for checking engineering plans will be 0.75 percent of the estimated cost of constructing the works proposed on the engineering plan. Such a fee must be paid to the responsible authority prior to the issue of a statement of compliance.

Note: Pursuant to section 17(2)(b) of the Subdivision Act 1988 and Clause 5 of the Subdivision (Permit and Certification Fees) Regulations 2000, the prescribed maximum fee for supervision of work will be up to 2.5 per cent of the cost of

constructing those works, which are subject to supervision. Such a fee must be paid to the responsible authority prior to the issue of a statement of compliance.

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

Note: *Prior to certification the responsible authority will require a plan showing the location of all existing and proposed vehicle crossings. The plan is required to show setback distances of existing and proposed crossovers from the closest property boundary to the satisfaction of the responsible authority. The plan is required to satisfy Regulation 29 of the Subdivision (Procedures) Regulations 2011, allowing the allocation of street numbers.*





Powercor note:

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

7.8 AMENDMENT C91GPLA - GENERAL AMENDMENT

File Number:**Author:** Laura Hardiman, Strategic Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development

- Attachments:**
1. **Proposed Mapping Changes - Zones & Overlays (under separate cover)** 
 2. **Proposed Ordinance Changes (under separate cover)** 
 3. **Clause 02.04 - Amended Structure Plans (under separate cover)** 
 4. **Proposed ESO2 Mapping - Bannockburn & Teesdale (under separate cover)** 

RECOMMENDATION

That Council authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme to correct a number of mapping and ordinance errors, anomalies and inefficiencies.

EXECUTIVE SUMMARY

This report seeks authorisation to prepare and exhibit an amendment to the Golden Plains Planning Scheme in order to correct a number of mapping and ordinance errors, anomalies and inefficiencies.

BACKGROUND

The Amendment proposes a total of thirty (30) changes to the Planning Scheme Maps, as well as thirteen (13) changes to ordinance within the Golden Plains Planning Scheme.

Routine Amendments are an important mechanism to ensure that zones and overlays are correctly applied throughout the Shire and are consistent with the Victorian Planning Provisions. The last dedicated anomalies Amendment was undertaken in 2013, known as Amendment C58. Since this time, planning staff have compiled a list of anomalies and areas for improvement in the Golden Plains Planning Scheme which have been identified over the last seven years as they became apparent.

Whilst this Amendment seeks to correct a number of anomalies in the Golden Plains Planning Scheme, it is referred to as a General Amendment as it also seeks to edit the contents of Planning Scheme Ordinance and therefore cannot be considered policy neutral. It is consequently required to be exhibited in accordance with Section 19 of the *Planning and Environment Act 1987*.

DISCUSSION

The following changes to the Golden Plains Planning Scheme have been proposed as part of the Amendment:

Environmental Significance Overlay Schedule 2 – Clause 42.01 (ESO2)

The ESO2 seeks to protect watercourses throughout Golden Plains Shire. The current mapping for the ESO2 has been identified as needing improvement in areas of Bannockburn & Teesdale. In some instances the mapping does not follow the watercourse it seeks to protect, and is up to one kilometre wide. The assessment required for a planning permit in these locations under the current ESO2 is unnecessary given the significant setbacks between the proposed development and the watercourse, and adds an administrative burden on officers as well as inconveniencing applicants.

Part of Bannockburn is covered by the ESO2 which seeks to protect Bruce's Creek and its environs. The application of the overlay does not cover the Bruce's Creek watercourse in its entirety, in some instances it is over 200 metres from the watercourse itself. Additional permits would also be required to construct a building or construct or carry out works for any buildings

ancillary to the dwelling, such as a shed, with very limited exemptions from these provisions provided under Clause 62.02 – Buildings & Works.

Preliminary consultation with the Department of Environment Land Water and Planning (DELWP) as well as the Corangamite Catchment Management Authority (CCMA) determined that a review of the mapping for the ESO2 overlay is appropriate, given it is not currently acting in alignment with the objectives of the Clause. Mapping was then referred in draft form to the CCMA and DELWP, who have reviewed the draft mapping and have no objections to their inclusion in the proposed Amendment.

The proposed changes to the ESO2 maps can be viewed at Attachment 4.

Zoning anomalies

A number of properties throughout the Shire are currently within two different zones, an error requiring correction. The application of zones should follow property boundaries to ensure clarity and consistency around the planning provisions applying to any given parcel. Officers reviewed each instance where it was evident that two zones were applied to a single property and determined the most appropriate zone to be applied across the whole property. The full list of proposed Zoning changes is provided at Attachment 1.

Other Overlay anomalies

A number of overlay anomalies have been recognised throughout the Shire. Several applications of the Development Plan Overlay throughout Inverleigh and Bannockburn are now considered redundant due to the completion of development, and are therefore proposed for removal. Additionally, several instances where the Design and Development Overlay Schedule 5 should be applied to Low Density Residential Zoned land but is currently absent have been recognised in the proposed Amendment. A full list of proposed overlay changes has been provided at Attachment 1.

Ordinance changes

The DDO2 applies to the Enfield Estates Sewerage District declared for the Woodlands and Forest Glades wastewater collection system. The objective of the overlay seeks to recognise the limited capacity of the system, and to provide for residential development in accordance with its capacity. Currently a planning permit is required for all buildings on land subject to the DDO2, regardless of whether or not it requires connection to the Woodlands and Forest Glades wastewater collection system.

The proposed Amendment seeks to delete this schedule, as it does not function correctly and triggers permits unnecessarily. Instead a new Schedule 2 to the Low Density Residential Zone is proposed. The new schedule will prohibit further subdivision and also prohibit a second dwelling due to the limited capacity of the wastewater collection system. The Schedule was drafted in consultation with Central Highlands Water, who highlighted the need to prohibit further subdivision and had no objection to the inclusion of the draft ordinance as proposed.

As previously discussed, a number of Development Plan Overlays require deletion, and consequently their corresponding Clauses are also proposed for deletion as part of the Amendment.

Minor corrections are also proposed for Clause 43.01 – Schedule to the Heritage Overlay. It is proposed that tree controls be included in HO97 – Inverleigh Heritage Precinct at 6 High Street to align with what is noted in the Statement of Significance. It is also proposed that HO8 be amended to correctly address the location of this overlay as 24 Riverview Road, Inverleigh.

A table of the suggested ordinance changes and draft ordinance is provided at Attachment 2.

Updates to Structure Plan Maps – Clause 02.04

Through the Planning Policy Framework Translation, it was identified that a number of maps which appear in Clause 02.04 – Strategic Framework Plans would require updating to ensure consistency with the Ministerial Direction - Form & Content. Particular maps were recognised by the consultants who assisted with the translation, and a sunset Clause was applied. As a result the maps are required to be updated within a three year period. The updates which form part of this

amendment are policy neutral, meaning that the content of the maps remains unchanged from their original versions, however have been redesigned for consistency and clarity. The following Structure Plans are proposed to be updated:

- Ross Creek
- Scarsdale
- Linton
- Batesford

The Golden Plains Strategic Framework Plan at Clause 02.04 has also been edited to correct the location of Shelford and Teesdale.

The proposed updated Structure Plans are provided at Attachment 3.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020) Consultation

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

GOVERNANCE PRINCIPLES

It is considered that the proposed Amendment upholds the governance principles in s.9 of the *Local Government Act 2020*, as it ensures the optimal performance and improved function of the Golden Plains Planning Scheme. The changes proposed through Amendment C91gpla will ensure that planning provisions are consistently and correctly applied throughout Golden Plains Shire, resulting in improved outcomes for the community.

POLICY/RELEVANT LAW

Amendment C91gpla is proposed to proceed in accordance with the provisions of the *Planning and Environment Act 1987*. The next steps in the Amendment process are shown below, with the current stage circled in red.



ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Amendment will have overall benefits on the environs of Golden Plains Shire, particularly through the corrections of the application of the Environmental Significance Overlay Schedule 2 mapping. As previously discussed, by amending this mapping, the Bruce’s Creek river environs will be protected by the provisions of this overlay.

In addition to these mapping changes, a number of Zoning changes will ensure better protection of the natural environs, including the rezoning of the north-western portion of the Inverleigh Flora Reserve from Farming Zone to Public Conservation Recreation Zone.

COMMUNITY ENGAGEMENT

Initial consultation for the proposed Amendment has been undertaken with the CCMA in relation to the Environmental Significance Overlay. Pre-authorisation meetings were also held with The Department of Environment, Land, Water and Planning.

Correspondence was sent to all private landholders who will be impacted by the zoning changes to inform them of the process Council seeks to undertake and what it means for their land specifically. Responses to the correspondence were a consideration when choosing to include properties in the Amendment.

The proposed Amendment will be exhibited in alignment with the requirements of Section 19 of the *Planning and Environment Act, 1987*. Those affected by the Amendment will have further opportunity to make submissions through this process.

RISK ASSESSMENT

COMMUNICATION

As outlined earlier in this report, further communication regarding this Amendment will be undertaken during the exhibition period, in alignment with the Planning & Environment Act, 1987.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Authorise the preparation of Amendment C91gpla to the Golden Plains Planning Scheme

This option is recommended by officers as routine corrective Amendments such as C91gpla are an important responsibility of Council to ensure that the Planning Scheme is operating efficiently and accurately.

Option 2 – Abandon the preparation of Amendment C91gpla

This option is not recommended by officers as it will mean that many anomalies and inefficiencies remain in the Planning Scheme, resulting in negative impacts on the Shire.

Option 3 – Authorise the preparation of Amendment C91gpla with changes

This option is not recommended by officers as all elements included within this Amendment have been comprehensively considered by Council officers, the Department of Environment, Land, Water & Planning, Central Highlands Water and the Corangamite Catchment Management Authority. All proposed elements of the Amendment are included to ensure the improved operation of the Golden Plains Planning Scheme, and changing the contents of the Amendment is therefore not a recommended course of action.

CONFLICT OF INTEREST

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

CONCLUSION

The authorisation to prepare and exhibit the proposed Amendment will enable Council officers to ensure a number of errors in the Golden Plains Planning Scheme are corrected. Amending the Planning scheme to correct inaccuracies provides greater clarity to residents as to how and why planning provisions are applied to their properties and eases the administrative burden on planning staff by reducing the amount of planning permit triggers in instances where they are not appropriate. Routine corrections to anomalies and inefficiencies is considered a necessary process to ensure effective operation of the Golden Plains Planning Scheme.

7.9 GOLDEN PLAINS SHIRE COMMUNITY VISION 2040

File Number:**Author:** Derek Scott, Corporate Strategic Planner**Authoriser:** Lisa Letic, Director Community Services**Attachments:**

1. Golden Plains Shire Community Vision 2040 (under separate cover)
2. Public Submissions - Draft Golden Plains Shire Community Vision 2040 (under separate cover)

RECOMMENDATION

That Council:

1. Adopt the Golden Plains Shire Community Vision 2040.
2. Begin preparation of the Council Plan 2021-2025 based on the themes identified within the Golden Plains Community Vision 2040.

EXECUTIVE SUMMARY

The *Local Government Act 2020* (Section 88) requires that a Council must maintain a Community Vision that is developed with its municipality for a period of at least the next 10 financial years. The Community Vision is required to be adopted by 31 October 2021.

The Golden Plains Shire Community Vision 2040 has been developed in partnership with a dedicated Community Reference Group and has been informed by extensive community engagement.

The Draft Golden Plains Shire Community Vision 2040 was presented to Council in August 2020. At this time, Council received the Draft Community Vision and recommended it be presented to the new Council for adoption following the election period.

Since that time, the Draft Community Vision has been made available to the public for further viewing and comment with three written submissions received.

The submissions have been considered and the Golden Plains Shire Community Vision 2040 is now presented for adoption which will provide the strategic direction and framework for development of the Council Plan 2021-2025.

BACKGROUND

Development of a long-term Community Vision (for the first time) in Golden Plains commenced in July 2019 with endorsement of a project plan. It was recognised as critical that the Vision needed to engage broadly with the community to capture and represent the diverse hopes and dreams of all Golden Plains residents.

A key component of developing the Vision was the formation of a dedicated Community Reference Group via an open Expression of Interest process. The group comprises of 8 residents from different areas across the Shire in addition to Council staff (3) and Councillor Helena Kirby.

Since early 2020, the following key project stages and dates have been undertaken by Council and the Community Reference Group for the development of the Community Vision:

- February to 30 March 2020: Phase One Community Engagement undertaken via an open survey, promotion and attendance at community events - COMPLETED
- April 2020: Feedback from 534 community members collated, summarised and reported to Council and the community - COMPLETED
- May/June 2020: Development of a Community Vision 2040 concept document including Themes and Vision Statements - COMPLETED

- June/July 2020: Phase Two Community Engagement undertaken via specialist stakeholder consultation on the Community Vision 2040 concept document – COMPLETED
- July/August 2020: Consideration of 33 responses on the Community Vision 2040 concept. Refinement and documenting of the Draft Community Vision 2040 – COMPLETED
- 25 August 2020: Draft Golden Plains Community Vision 2040 provided to Council - COMPLETED
- 27 August 2020: Draft Golden Plains Community Vision 2040 made available for public viewing and comment - COMPLETED
- 16 November 2020: Public comments on the Draft Golden Plains Community Vision 2040 close - COMPLETED
- December 2020: Three submissions received and considered. Final Golden Plains Shire Community Vision 2040 presented to Council for adoption - IN PROGRESS.

DISCUSSION

The Golden Plains Shire Community Vision 2040 is a plan that captures the hopes and aspirations of the whole community, and ensures we are planning for a bright future for all.

Under the *Local Government Act 2020*, a community vision must:

- be developed in consultation with the municipal community; and
- give effect to the community engagement principles; and
- describe the municipal community's aspirations for the future of the municipality.

Despite the restrictions and challenges imposed by COVID-19 during 2020, the Golden Plains Shire Community Vision 2040 has been informed by extensive community engagement and consultation with people who live, work or visit Golden Plains Shire. This included initial broad community engagement with 534 community members (over 2.3% of the Shire population) and a further 33 stakeholders providing input as part of further specialised engagement on a Vision concept document.

The Community Reference Group and Council officers have discussed and workshopped the engagement information over a number of stages to deliver a document that encapsulates the hopes and aspirations of the Golden Plains community for the next 20 years.

The Golden Plains Shire Community Vision 2040 (Attachment 1) is presented across the 4 Themes of Community, Liveability, Sustainability and Prosperity. These Themes are accompanied by Community Priorities as follows:

COMMUNITY	LIVEABILITY	SUSTAINABILITY	PROSPERITY
<ul style="list-style-type: none"> • Proud • Safe • Inclusive • Connected • Engaged • Resilient • Supported • Contributing. 	<ul style="list-style-type: none"> • Health and Wellbeing • Rural and Urban Living • Country Feel • Active and Passive Recreation • Services, Facilities and Activities • Connected Transport. 	<ul style="list-style-type: none"> • Environmental Stewardship • Value and Preserve – Biodiversity, Nature, Cultural Heritage • Responsible Attitudes and Behaviours • Clean and Green Future. 	<ul style="list-style-type: none"> • Learning, Education, Training • Shopping, Goods and Services • Employment Opportunities and Pathways • Supporting Local Producers, Agriculture and Business • Advocacy and Partnerships.

Underneath each of the Themes and Community Priorities is a series of aspirational Vision Statements that directly expand on identified priority areas from the community engagement. These statements were presented in the Draft Community Vision 2040 document alongside direct quotes from community members.

The Draft Golden Plains Shire Community Vision 2040 was received by Council 25 August 2020. At this time, Council thanked the Community Vision 2040 Reference Group members for their outstanding contribution to the Vision project and acknowledged the 567 community members and stakeholders that had participated in either the open or focused engagement activities.

Council also endorsed the recommendation to refer the Draft Golden Plains Shire Community Vision to the new Council for adoption following the Council election period in September and October 2020.

Public Exhibition and Submissions

The Draft Golden Plains Shire Community Vision was made available for public viewing and comment from 27 August to 16 November 2020 and was advertised via online communications, social media promotion and a feature article in local print media. Residents were invited to make written submissions via email or mail.

A total of three submissions were received during this period from residents across the Shire and are briefly summarised as follows:

- Bannockburn resident – this submission called for the definition of more specific actions for delivery and measurable outcomes for monitoring/review to be presented in the Community Vision 2040 document.
- Barunah Park resident – this submission spoke of the importance and contribution of agriculture and farming in the Golden Plains Shire and opportunities to better represent this in the Community Vision. Specific references to rates, pest management, water and road infrastructure were also raised in this submission.
- Bannockburn resident – this submission addressed the inclusion of a KPI system for measuring progress on meeting the aspirations of the community and a 2-3 year independent community review to be conducted to review progress.

Following consideration of the submissions, minor changes to the final Community Vision 2040 have been made. Under the Theme Prosperity, the word ‘agriculture’ has been added (to the Community Priorities and Vision Statements) alongside local producers and businesses to strengthen acknowledgement of the significant contribution and importance of the Golden Plains farming community.

The two submissions from Bannockburn residents both requested the inclusion of measures or KPIs as part of the Community Vision 2040 document. The identification of appropriate indicators will be undertaken as a key part of the development of the Council Plan 2021-2025 and will provide Council with metrics to measure progress against the Themes and aspirations outlined in the Community Vision.

Other elements of the submissions identified specific areas for Council actions or deliverables. These have been noted with no further changes proposed for the Community Vision 2040. Detail on actions and initiatives will be considered for exploring and developing as part of the Council Plan 2021-2025. Full details of the three public submissions and how they have been considered/addressed is provided in Attachment 2.

Whilst this feedback has resulted in only minor changes to what is now presented in the final Golden Plains Shire Community Vision 2040 (Attachment 1), the submissions have provided positive contributions that will be further considered in the development of the Council Plan 2021-2025.

Alignment of Other Plans and Next Steps

It should be noted that through the various stages of the Vision process, including submissions on the Draft Vision, responses have at times focused on individual issues, projects or operational items. Whilst this information and all engagement responses have been captured and considered, the Community Vision 2040 is a high level, long-term aspirational plan and specific deliverables for Council and other stakeholders would be further considered in the development of the Council Plan, Community Plans, Strategies, and annual operational actions/activities.

The Council Plan 2021-2025 is Council's response to addressing the hopes and aspirations outlined in the Community Vision. The Council Plan will align with and expand on the framework presented in the Golden Plains Community Vision 2040 including the Themes, Community Priorities and Vision Statements that have been developed. This is consistent with Section 89 of the *Local Government Act 2020* which requires that the preparation of the Council Plan (and other strategic plans as part of the Integrated Strategic Planning and Reporting Framework) must address the Community Vision.

Following adoption of the Community Vision 2040, Council will continue to implement the project plan for development of the Council Plan 2021-2025 as endorsed by Council at the November 2020 Council Meeting.

This includes planning and preparation for community engagement on the Council Plan 2021-2025 which will commence on 18 January 2021 (as highlighted in the project plan/schedule below). This engagement will focus on capturing the community's priority actions for Council over the four-year period 2021-2025 in alignment with the Themes of the Golden Plains Shire Community Vision 2040.

**Development of Council Plan 2021-2025
Project Plan Stages**

Task	Duration	Start Date	Due Date
1. Consider Previous Processes, Best Practice Guidance, Sector Workshops	6 months	24/04/2020	24/10/2020
2. Project Plan provided for SMT Review and feedback	1 day	21/09/2020	21/09/2020
3. Councillor election platforms monitored	6 weeks	21/09/2020	30/10/2020
4. Develop process, guidance, templates, preparation etc.	9 weeks	21/09/2020	16/11/2020
5. Councillor Induction - preparation, present/inform etc.	6 weeks	26/10/2020	03/12/2020
6. Review Previous Engagement / Data Summary	4 weeks	2/11/2020	29/11/2020
7. Council Plan Internal Priorities Developed	4 weeks	16/11/2020	11/12/2020
8. Community Engagement Planning	2 weeks	30/11/2020	14/12/2020
9. Councillor Input – feedback, discussions, survey	6 weeks	03/12/2020	16/01/2021
10. Community Engagement conducted – C-Plan, MPHWP, Budget	5 weeks	18/01/2021	19/02/2020
11. Internal Workshops	2 weeks	01/02/2021	12/02/2020
12. Draft Council Plan Development and Writing	14 weeks	25/01/2021	05/04/2021
13. Engagement Summary and Councillor Workshop/s	2 weeks	01/03/2021	12/03/2021
14. Draft Council Plan Presented to SMT and Council	3 weeks	05/04/2021	27/04/2021
15. Draft Council Plan provided for public viewing/submission	28 days	28/04/2021	26/05/2021
16. Consideration of submissions Council Plan / Budget - Special Meeting	2 weeks	26/05/2021	08/06/2021
17. Council Plan 2021-2025 updated for adoption	2 weeks	14/06/2021	25/06/2021
18. Submit Council Plan to Minister for Local Government	3 days	28/06/2021	30/06/2021

Note: a number of stages listed are completed or in progress.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes

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

GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community. The Community Vision process has ensured appropriate engagement was undertaken on the development, and documenting of the community's aspirations for the next 20 years.

POLICY/RELEVANT LAW

Section 88 of the *Local Government Act 2020* requires that Council must adopt the first community Vision on or before 31 October 2021.

Adoption of the Community Vision 2040 will enable the embedding of the community's future aspirations for addressing in the development of the Council Plan and other strategic documents, which is also a requirement of the Act.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Theme of Sustainability is provided in the Community Vision 2040 to specifically address the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

COMMUNITY ENGAGEMENT

The community engagement principles listed under s.56 of the *Local Government Act 2020*, were followed in the development of the Community Vision.

The public exhibition of the Draft Community Vision was completed on 16 November 2020 with a total of three (3) written responses received. These submissions have been reviewed and addressed in the presentation of this report.

PUBLIC TRANSPARENCY

Transparency of decision making, actions and information is provided through deliberative engagement with the community as is required for key Council strategic activities including the Community Vision, Council Plan and other strategic documents.

STRATEGIES/PLANS

Section 9 of the *Local Government Act 2020* is to ensure the municipal community is engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under section 89 of the Act, which are required to be applied in developing the Community Vision, Council Plan, and other strategic plans.

FINANCIAL MANAGEMENT

The financial management principles under s.101 of the *Local Government Act 2020* provide that revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans.

This includes the Community Vision and the management/resourcing of other strategic plans that address the Community Vision (e.g. the four-year Council Plan and Budget).

RISK ASSESSMENT

The risks identified with the adoption of a Community Vision 2040 is that the community does not substantively support the final document, the Community Vision does not meet legislative requirements, or the Community Vision becomes too onerous/resource intensive for Council to align with.

For this reason, an extensive engagement process led by a Community Reference Group was undertaken to ensure community support. This was facilitated by Council officers to ensure that legislative requirements could be met and to provide the framework for future Council alignment including in the development of the Council Plan.

COMMUNICATION

Following presentation to Council, the Draft Golden Plains Shire Community Vision 2040 was made available for public viewing and comment from 27 August to 16 November 2020. Online communications, social media promotion and a feature in print media was undertaken to promote and advertise the Draft Vision. Following adoption, further communications will include Council's intent to develop and align the Council Plan 2021-2025 to the Community Vision.

HUMAN RIGHTS CHARTER

The Golden Plains Shire Community Vision has been reviewed against, and complies with, the *Charter of Human Rights and Responsibilities Act 2006*. In particular, the Community Vision aligns with, and provides for, a person's right to have the opportunity, without discrimination, to participate in the conduct of public affairs (Section 18) and freedom of expression (Section 15).

OPTIONS

Option 1 – Adopt the Golden Plains Shire Community Vision 2040

This option is recommended by officers as the Community Vision represents the future aspirations of the Golden Plains Shire community and has been informed by extensive community engagement. The final document gives effect to all the requirements under the *Local Government Act 2020* including the need for a Community Vision to be adopted by 31 October 2020. The Golden Plains Shire Community Vision 2040 will provide the framework for the development of the Council Plan 2021-2025.

Option 2 – Do not adopt the Golden Plains Shire Community Vision 2040

This option is not recommended by officers as the Community Vision has been developed by the community for the community. This option would make it difficult for Council to meet the requirements and timeframes under the *Local Government Act 2020* including the need for both a Community Vision and Council Plan to be adopted by 31 October 2020.

Option 3 – Defer adoption of the Golden Plains Shire Community Vision 2040 and engage in further consultation

This option is not recommended by officers as the Community Vision process has included extensive community engagement processes and was developed with the guidance of the Community Reference Group. Further consultation will delay the adoption of the Community Vision and impact on Council's ability to develop and align the Council Plan 2021/2025 with the Community Vision.

CONFLICT OF INTEREST

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

CONCLUSION

The Golden Plains Shire Community Vision 2040 has been planned and developed over the previous eighteen months and reflects the community's aspirations and priorities for the next twenty years.

Following extensive community engagement and workshopping by the Community Reference Group, the Draft Community Vision 2040 was received by Council in August 2020. The Draft Vision was made available for public viewing and comment until 16 November 2020. Three community members provided written submissions on the Draft Community Vision which have been considered and addressed in this report.

The Golden Plains Shire Community Vision 2040 is recommended for adoption by Council. The Vision meets the legislative requirements of the *Local Government Act 2020* and importantly, provides the direction and framework for future Council planning and decision making including for the development of the Council Plan 2021-2025.

7.10 DRAFT ACTIVE AGEING & INCLUSION PLAN 2020-2024

File Number:**Author:** Leanne Green, Manager Active Ageing and Inclusion**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Draft Active Ageing and Inclusion Plan 2020-2024 (under separate cover) 

RECOMMENDATION

That Council endorse the Draft Active Ageing and Inclusion Plan 2020-2024 (Attachment 1) for community engagement and feedback.

EXECUTIVE SUMMARY

The Disability Act 2006 (Section 38) requires all Government organisations to have a Disability Action Plan (or similar).

A Disability Action Plan identifies actions to remove physical, civic and attitudinal barriers for people with a disability. It is also designed to increase employment opportunities and influence community attitudes.

The Active Ageing & Inclusion Plan provides the framework for Council to address current and future needs of older residents and people with disability and will assist to improve awareness of ageing, disablement and associated issues.

BACKGROUND

The information contained in the Active Ageing & Inclusion Plan 2020-2024 (AAIP) builds on the work undertaken previously in the 'Access and Inclusion Plan 2016 - 2019' and the 'Ageing Well in Golden Plains Shire Strategy and Action Plan 2012 - 2016' by adding new actions, retaining relevant ongoing actions and responsibilities in an integrated and strategic manner.

Golden Plains Shire Council recognises that our community will continue to change into the future as the population grows, community aspirations evolve, and the prevalence of chronic health conditions increase with the ageing population. These changes will have a range of impacts on the services and facilities it provides for people with a disability and older residents.

The aged care and health sectors are currently experiencing unprecedented changes. The Royal Commission into Aged Care Quality and Safety was established on 8 October 2018. The Interim Report was delivered on 31 October 2019 and lays the foundations for fundamental reform and redesign of Australia's aged care system.

In the Interim Report Commissioners have identified "Ageing in Place" (supporting people living within their residence as long as they are able as they age) as the way forward for aged care. The report recognises care at home being the preferred place for people to receive their care. Commissioners have acknowledged that the evidence is, people who are actively engaged in their community life will live longer, use fewer health care services and have a better quality of life.

Golden Plains Shire Council has developed the Draft Active Ageing and Inclusion Plan 2020-2024 to identify the steps Council will take to support 'Ageing in Place' and the inclusion of people with a disability.

A key component in the development of the AAIP was consultation and engagement with the Golden Plains' community, as well as Council staff, to assist in identifying access barriers, issues, opportunities and potential priorities for access and inclusion. A barrier during the community engagement process was the lack of feedback received from the targeted consultations, as a result this Plan also draws on additional information from other community engagement processes in relevant Plans, which has assisted to inform the actions within this Plan.

The specific consultation feedback and data received from this process is provided in the Community Engagement Process section of the plan.

DISCUSSION

Golden Plains Shire Council has developed a new Active Ageing and Inclusion Plan (AAIP). This Plan provides the framework to continue to support people with disabilities and other access challenges to engage with Council and access all areas of the organisation's operations.

The Active Ageing & Inclusion Plan 2020-2024 has been developed following the review of the Council's existing Access and Inclusion Plan 2016-2019 and Ageing Well in Golden Plains Shire Strategy and Action Plan 2012-2016.

The Plan's goal is to improve the overall quality of life for people living, working and visiting the Shire, by removing barriers which directly or indirectly discriminate against aged people, and people living with a disability.

To help achieve this, the Plan addresses existing areas where access barriers and opportunities exist, and the actions required to remove barriers or realise opportunities. The Plan provides timelines for actions, identifies departmental responsibilities, and outlines how communication, monitoring, review and evaluation will occur.

It is envisaged the plan will continue to guide Council into the future as it identifies the needs of older residents and people with a disability, and assist Council to improve awareness of ageing, disablement and associated issues within the Shire, placing us in a better position to respond.

The AAIP continues to assist Council to:

- Build a stronger, more vibrant community through increased participation in community life for aged residents and people with a disability;
- Demonstrate Council's leadership in the areas of access, inclusion and equality;
- Ensure facilities and services provided by Council are accessible, equitable and inclusive;
- Demonstrate Council's commitment to diversity and culture;
- Improve outcomes across Council's various roles of construction, planning, regulation and the provision of programs and services;
- Value the rich social and economic contributions people with a disability and older people make to families and communities; and
- Support independence, well-being and quality of life for all people as they age.

The Draft AAIP aligns with the following Council Plans, Strategies and Policies:

The Municipal Public Health and Wellbeing Plan:

1. Promoting healthy and connected communities
 2. Enhancing local economies
 3. Managing natural and built environments
 4. Delivering good governance and leadership
- Municipal Early Years Plan
 - Paths and Trails Strategy
 - Recreation Strategy
 - Community Development Strategy

- Play Space Strategy 2019 – 2029.
- Community Engagement Strategy and Action Plan
- Events, Marketing and Communications Strategy
- Environment Strategy
- Municipal Fire Management Plan
- Youth Development Strategy.

In the development of the AAIP's actions, a key element of the process was to consider a broad range of views, experiences, challenges, issues and opportunities in relation to access and inclusion in the Golden Plains community, particularly related to elements within Council's mandate. The Plan identifies four priority areas for access and inclusion in order to meet objectives and goals over the next four years:

1. **Our Social Environment**
The actions in this section cover topics such as accessible events, community grants, consultations, social supports and diversity.
2. **Our Support Environment**
These actions are predominantly about our ongoing aged and disability services, transport and safety and continuing to strive to achieve best practice whilst considering the impacts of policy and funding changes in the sector.
3. **Our Built and Natural Environments**
These actions are based on typical infrastructure access and inclusion issues in regard to 'Universal Design' principles. Continuing to improve accessible parking provision, improving the quality of accessible toilets and playgrounds and recreation especially for children with a disability.
4. **Our Leadership**
These actions are based on operational processes. They provide actions in the areas of employment, communication with the community and identify the many advocacy roles Council will undertake with external stakeholders.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes

Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the Local Government Act 2020, the development of the Active Ageing & Inclusion Plan 2020 will specifically:

- Ensure priority is given to achieving the best outcomes for the municipal community, including future generations;
- Engage the municipal community in strategic planning and strategic decision making;
- Pursue innovation and continuous improvement.

POLICY/RELEVANT LAW

The Plan ensures Council's compliance with following legislative requirements:

- The Aged Care Quality Standards 2019, to provide Commonwealth subsidised aged care services;
- The Charter of Aged Care Rights outlines what consumers, their families, carers and representatives can expect from an aged care service and includes information about responsibilities as an aged care consumer;
- The Disability Discrimination Act 1992 determines it is a legal requirement for Local Government to provide equal access to employment, public buildings, goods, services and facilities.
- Section 38 of the Disability Act 2006 makes it mandatory for all Government organisations to have a Disability Action Plan (or similar).

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Good governance to ensure economic, social and environmental sustainability will be applied when assessing accessible infrastructure and recreation facilities for elderly people and people with a disability.

COMMUNITY ENGAGEMENT

Community Engagement for the development of the Draft Active Ageing & Inclusion Plan will be undertaken in accordance with the community engagement principles and provide deliberative engagement practices as defined in Council's Draft Community Engagement Policy.

PUBLIC TRANSPARENCY

The development and delivery of the Active Ageing & Inclusion Plan will provide public transparency in decision making, actions and information that is accessible to members of the community.

STRATEGIES/PLANS

In undertaking development of the Active Ageing & Inclusion Plan 2020-2024, Council will give effect to the Strategic Planning principles under Section 89 of the Act which have been factored into the project plan and schedule. These include:

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;
- (b) strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

FINANCIAL MANAGEMENT

Whilst there are no immediate financial considerations associated with this report, planning for the implementation of the action contained in the Active Ageing & Inclusion Plan will be referred to relevant operational and capital works budgets for consideration.

SERVICE PERFORMANCE

The Active Ageing & Inclusion Services area delivers an entry-level tier of support in an increasingly responsive, integrated and consumer-centred support service system. It is designed to provide a relatively small amount of care and support to a large number of frail older people and/ or people with disability to support them to remain living at home and in their communities.

Services are provided through an inclusive approach and based on priority of access ensuring all consumers have equitable access to services. Services can be delivered on a short-term, episodic or ongoing basis and have a strong focus on activities that support independence and social connectedness and provide more choice to consumers.

A wellness and reablement approach is applied across all service outcomes with the aim of promoting greater independence and autonomy. It is based on the premise that even with frailty, chronic illness or disability most people have the desire and capacity to make gains in their physical, social and emotional wellbeing and to live autonomously and as independently as possible.

RISK ASSESSMENT

The Disability Discrimination Act 1992 makes it a legal requirement for local government to provide equal access to employment, public buildings, goods, services and facilities. The Victoria Disability Act 2006 (Section 38) requires all public sector bodies to have a Disability Action Plan. The associated risk is if the Active Ageing & Inclusion Plan is not recommended for community engagement and subsequent adoption, Golden Plains Shire Council are in breach of legislation.

COMMUNICATION

The Draft Plan will be placed on public exhibition for a six-week period from 16 December 2020 through to 31 January 2021.

Community Consultations will be undertaken to advertise the Draft and available for public feedback. After the closure of the review period, all comments will be considered, and any changes/updates will be applied to the Policy. Communication with residents that provide written submissions will be provided by Council to inform individuals of their feedback.

Community Consultation proposed schedule:

- Bannockburn: Monday 18 January, 10.30am-12pm
- Meredith: Monday 18 January, 1.30pm-3.00pm

- Dereel: Wednesday 20 January, 10.30-12pm
- Smythesdale: Wednesday, 1.30pm-3.00pm

Venues to be confirmed subject to COVID19 restrictions.

31 January 2021: Public Exhibition ends

February/March 2021: Final Plan adopted by Council

HUMAN RIGHTS CHARTER

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

The Active Ageing and Inclusion Plan aligns with and underpins the Charter to ensure a person's right to live a life without discrimination, with respect, recognition and equal opportunities. Specific Rights relating to this plan are:

- 8 Recognition and equality before the law
- 10 Protection from torture and cruel, inhuman or degrading treatment
- 12 Freedom of movement
- 13 Privacy and reputation
- 18 Taking part in public life

OPTIONS

Option 1 – Endorse the Draft Policy for public exhibition and feedback

This option is recommended by officers as the Draft Active Ageing and Inclusion Plan 2020-2024 provides a holistic mechanism for seeking feedback from the municipal community and give effect to the community engagement principles under the Act. This will also enable adoption of the final Active Ageing and Inclusion Plan 2020-2024.

Option 2 – Immediate adoption of the Draft Policy

This option is not recommended by officers as the Active Ageing and Inclusion Plan is required to be developed in consultation with the municipal community to give effect to the community engagement principles under the Act.

Option 3 – Defer public exhibition until January

This option is not recommended by officers as there would be insufficient time to appropriately engage the community, consider feedback, update the draft and have it adopted by Council prior to February 2021.

CONFLICT OF INTEREST

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

CONCLUSION

The Victoria Disability Act 2006 (Section 38) requires all Government organisations to have a Disability Action Plan (or similar). The new Active Ageing & Inclusion Plan 2020-2024 ensures continued compliance with the Act and provides the framework for Council to address current and future needs of older residents and people with disability.

The Plan will act as a catalyst to improve our awareness of ageing, disablement and all associated issues, and assist Council to provide an inclusive and accessible community for older residents and people with a disability, and a workplace that is inclusive and accessible for staff and volunteers.

7.11 PROPERTY MANAGEMENT FRAMEWORK 2020

File Number:

Author: Jacquilyn Douglas, Governance and Legal Services Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. Golden Plains Shire Council Property Management Framework (under separate cover) 
2. Council Owned Property Register (under separate cover) 
3. Appendix (under separate cover) 

RECOMMENDATION

That Council adopt the proposed Property Management Framework as at 15 December 2020 as presented in Attachment 1.

EXECUTIVE SUMMARY

The Property Management Framework (Framework) (Attachment 1) has been developed to provide Golden Plains Shire Council with a guide to managing, leasing, issuing licenses, acquiring, and disposing of property under the Council's ownership, care and control.

The framework will take into account Council's statutory obligations and the desire to promote the wellbeing of all people in the community, through support of recreational and community groups and the provision of high quality and accessible facilities.

The framework is being presented to Council for final consideration and adoption.

BACKGROUND

The Framework was presented to Councillors at the June 2020 Councillor Briefing. At that Councillor Briefing, two key Councillor questions were raised of which are answered below.

1. How was the property data sourced, for the Council owned property register?
 - The property data included the register was obtained through Council systems managed by the IT, Rates and Property Departments.
 - The data was sourced directly from Councils Property database (Synergy Soft).
 - The data was then cross referenced through Councils mapping system (SSA) and the Asset Valuation Report (2016). This data assisted in identification of the current property use and value. The data in the Framework will be updated against the Asset Valuation Report (2020) once available.
 - An updated Council Owned Property Register is provided (Attachment 1).
 - DELWP has now provided property information from their databases, for crown land, which will be incorporated into Councils register.
2. What is the difference between a Lease and a Licence?
 - Council's Property Use Agreements Policy includes a number of property related definitions, includes:
 - Lease – A Lease is a right granted by the owner of the property (Landlord) to another person (Tenant) to have exclusive possession of that property, or part thereof, for a fixed duration in return for rental payment. Council will grant a Lease where the premises will be occupied exclusively by the one user.

- Licence – A Licence permits a person (Licensee) to occupy property (or part thereof) under particular conditions. The main feature that distinguishes a Licence

Following the June 2020 Councillor Briefing, management identified an opportunity to present the Framework to the Audit and Risk Committee, prior to bringing it back to a Council for consideration. The Audit and Risk Committee play a key role in ensuring reasonable assurance with respect to governance processes and in reviewing and providing advice on related processes, policies and procedures. For this reason, presentation of the Framework to the Committee ensured effectiveness, appropriateness, ratification and support Council prior to final consideration and adoption. The Framework was presented to the Committee at its last meeting, held on the 8 September 2020 and given support to be brought back to Council for final consideration and adoption.

DISCUSSION

The intent of the Property Management Framework is to:

- define the classifications for Council owned and managed property;
- establish the categories and associated principles under which Council owned and managed property may be used and occupied;
- promote equitable, effective and sustainable management practices for the use and occupation of Council owned and managed property;
- strategically manage the property portfolio for the long term, in the best interest of the community whilst meeting service level requirements;
- provide Councillors and Council Officers with a framework to guide decisions and actions regarding the management of Council properties, to maximise community benefit and support financial sustainability;
- provide a consistent and transparent process to enable the evaluation of all Council properties according to their usage, suitability and physical characteristics;
- formalise assessment and evaluation principles ensuring due consideration of social, cultural, economic, environmental and risk implications;
- ensure properties are 'fit for purpose' to deliver services and benefits to the community;
- enable new and ongoing partnerships with community organisations to maximise the community benefit arising from facility use; and
- ensure best practice and compliance with legislative requirements and consistency with existing strategy, process and policy positions.

Council's current social housing project is a prime example of when the property framework will benefit Council, it will assist officers in quickly and efficiently identifying suitable parcels of land that may be able to be utilised for projects such as this one, the property framework allows officers to streamline the process by having all relevant data located in the one place.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications	Yes

(Consideration of the Governance Principles under s.9 of LGA 2020)	
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

The overarching Governance Principles have been taken into consideration when completing this framework and completing this report.

The development and implementation of the framework will promote that;

- Priority is to be given to achieving the best outcomes for the municipal community;
- Innovation and continuous improvement is to be pursued; and
- The ongoing financial viability is to be ensured.

POLICY/RELEVANT LAW

This framework complies with the related policies and procedures being the;

- Asset Management Policy;
- Asset Disposal Policy
- Property Use Agreement Policy;
- Sale or Exchange of Council Land Policy; and
- The relevant legislation, as listed on page 6 of the attached framework.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The framework takes into consideration, that any property classification will be reviewed, by formal assessment and evaluation principles ensuring due consideration of social, cultural, economic, environmental and risk implications

PUBLIC TRANSPARENCY

The property framework would be made available to the public if requested, and will be referenced when making property related decisions.

FINANCIAL MANAGEMENT

The framework will assist Council in managing its property more efficiently, and is predicted to have a positive impact on Councils finances.

SERVICE PERFORMANCE

This framework will assist Council in improving the use and management of Council owned properties, this will improve Councils ability to meet the community's needs by;

- promoting the use of community facilities, by community groups;
- identifying new revenue streams that are not reliant on rates;
- Identifying land for future use, acquisition or disposal; and
- Better financial awareness and management of property.

RISK ASSESSMENT

COMMUNICATION

The Property Management Framework will be communicated through to all relevant staff by email, the framework will also be uploaded to Councils intranet.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Council adopt the Property Management Framework in its present form.

This option is recommended by officers as all recommended changes by the Senior Management team, Audit and Risk Committee and the previous Council have been incorporated and support from the Audit and Risk Committee has been given.

Option 2 – Council defer the adoption of the Property Management Framework.

This option is not recommended by officers as this would delay the implementation of the framework and the formation of the Property Realisation Group. This may have negative impacts on the operation of Council.

Option 3 – Council require further information.

This option is not recommended by officers as the framework has been reviewed by Councils Senior Management team, Audit and Risk Committee and the previous Council and delaying the adoption further may have negative impacts on the operation of Council.

CONFLICT OF INTEREST

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

CONCLUSION

The Property Management Framework is presented to Council for consideration and adoption.




7.12 INVERLEIGH PLAY SPACE NAMING

File Number:

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. Map of Area to be Named (under separate cover) 
2. Letter from Registrar of Geographic Names - 23.03.20 (under separate cover) 
3. Letter from Registrar of Geographic Names - 27.07.20 (under separate cover) 

RECOMMENDATION

That Council:

1. Acknowledge the letters received from the Registrar of Geographic Names rejecting the Council endorsed name "Inverleigh River Park".
2. Endorse the following names, "Leigh River Park", "Inverleigh Community Park", "Inverleigh Play Park" and "Worworing Yaramlok" for public consultation using the voting method as suggested by the Office of Geographic Names in their letters dated 23 March and 27 July 2020.

EXECUTIVE SUMMARY

In late 2018 the Inverleigh community were successful in obtaining grant funding through Pick My Project to provide a new multi age play space for the Inverleigh community.

To assist with easy location and marketing of the feature, the community requested to formally name the space "Inverleigh River Park".

Council followed the procedures for feature naming in the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016* to proceed with the community request however the Registrar for Geographic Names rejected the name for non-compliance with the naming rules and has now suggested a public vote on four alternative names.

BACKGROUND

At the Council Meeting on 26 November 2019, following community consultation Council resolved to name the parcel of land proposed for the new Inverleigh Play Space (see attachment 1) "Inverleigh River Park" and proceed with official gazettal of the name.

The application to name the parcel of land 'Inverleigh River Park' was sent to Geographic Names via the Vicmap Editing Service (VES) on 31 January 2020.

An official response from the Registrar of Geographic Names was received on 23 March 2020 declining the proposal (see Attachment 2). The reasons outlined in the letter for declining the proposal are as follows:

- The name contains two feature type descriptions in the name, "river and park".
- The name incorrectly refers to Inverleigh River in the name, when the waterway adjoining the park is named Leigh Creek.
- The proposed name does not fully meet Principle C Linking the name to place, in the Naming Rules and has the potential to cause confusion.

Following the rejection of the proposal Council officers worked with and supported the Inverleigh Community to action an appeal against the Geographic Names Registrar's decision. It was

determined that lodging an appeal would assist in maintaining a positive relationship with the Inverleigh Community and show continued support for their initially proposed name.

This appeal was rejected and the Registrar's original decision was reaffirmed in their letter dated 27 July 2020 (see attachment 3).

DISCUSSION

As the Registrar of Geographic Names determination on the "Inverleigh River Park" name stands, Council is required to further consult with the community on a new name for the space.

As per the recommendations in both the Registrar's letters, the best way to consult and expedite the naming process is to put the alternate, compliant name suggestions to a vote. Communication to the community will clearly state that the name with the most votes at the conclusion of the consultation period will be forwarded to the Geographic Names office for gazettal.

The names suggested by the Registrar of Geographic Names for vote include:

- Leigh Park – this was further revised to Leigh River Park in the second Registrar letter
- Inverleigh Community Park
- Inverleigh Play Park; and
- Yaramlok Park – through consultation with the Wadawurrung Language Officer it was suggested that Worroing Yaramlok would be a more appropriate name and this will be the fourth name included in the vote. The name translates to bank of the morning river.

The Inverleigh Community Play Space Steering Committee have been contacted and made aware of the Registrar's proposed way forward.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020)

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

Communication	Yes/No
Human Rights Charter	No

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the proposal to put the Inverleigh Play Space name to a public vote will specifically:

- Assist in achieving the best outcomes for the municipal community.
- Ensure transparency of Council decisions, actions and information.

POLICY/RELEVANT LAW

The information detailed in this report has been provided under guidance of the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016*.

COMMUNITY ENGAGEMENT

Council undertook community consultation on the proposed name “Inverleigh River Park” between September and October 2019 which resulted in one submission with alternative names. The alternatives provided were assessed in line with the naming rules and a report was provided to Council on 26 November 2019.

If adopted by Council, the community vote under the new proposal will commence on Wednesday 16 December 2020 and close on Friday 29 January 2021. Council will promote the engagement as listed in the Communication section of this report.

The Inverleigh Community Play Space Steering Committee will also assist in promoting the vote within the Inverleigh community. A physical poster advertising the community vote will be created to be displayed on the local community noticeboard and distributed to other sites in the town for potential display.

PUBLIC TRANSPARENCY

During the naming process Council has ensured that all decisions made have been transparent and available to the community. Information provided to the community has been understandable and accessible via a number of platforms including print and online.

RISK ASSESSMENT

Geographic Names Victoria (GNV) in their response dated 27 July 2020 have advised that consultation was undertaken with the Emergency Services Telecommunications Authority and Ambulance Victoria on public safety considerations. Given both these services support GNV’s views the public safety risk to Council is minimised by following the GNV advice.

COMMUNICATION

A community vote under the new proposal will be advertised as a public notice for a minimum of 30 days on Council’s website and in the Golden Plains Times. These advertisements will be further supported by a media release distributed to local media, a news story in the Golden Plains Times, posts on Council’s social media, and a Have Your Say page on Council’s website.

It is noted that the Leigh News community newsletter does not publish a January issue, however all communication will be supplied for the Leigh News Facebook page, and the consultation will be promoted locally via marketing material.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – That Council support the recommendation as detailed

This option is recommended by officers as the recommendation supports the suggestion made by the Registrar of Geographic Names in their letter dated 23 March 2020.

Option 2 – That Council do not support the recommendation and request alternate names be consulted on

This option is not recommended by officers as public consultation has previously taken place within the community and no further suitable or compliant names were identified. Any further name suggestions would need to be investigated for compliance with the naming rules, further delaying an outcome for the Inverleigh community.

Option 3 – That Council request further information / background on the proposal

This option is not recommended by officers as all relevant information has been provided and Council can access previous reports taken to Council on 27 August 2019 and 26 November 2019.

Option 4 – That Council abandon the proposal to name the space

This option is not recommended by officers as not naming the space may cause confusion for emergency services when responding to an emergency in the area.

CONFLICT OF INTEREST

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

CONCLUSION

Considering the advice provided by the Registrar of Geographic Names it is recommended that Council proceed with a public vote to determine the name for the Inverleigh Play Space.

7.13 RISK MANAGEMENT FRAMEWORK

File Number:**Author:** Candice Robinson, Coordinator Governance & Risk**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Risk Management Framework (under separate cover) 
2. Risk Appetite Statements, Strategic & Organisational Risks and Risk Assessment Matrix (under separate cover) 

RECOMMENDATION

That Council adopt the Risk Management Framework (Attachment 1) including the Risk Appetite Statements, Strategic and Organisational Risks and Risk Assessment Matrix (Attachment 2).

EXECUTIVE SUMMARY

In January 2020 Council commenced a Risk Management Strategy Development Project and appointed an external consultant, Crowe, to deliver the project. The project scope included the review of Council's Risk Management Framework, development of Risk Appetite Statements, review of the Risk Assessment Matrix and review of the Strategic and Organisational Risks.

The Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks were endorsed by the Senior Management Team (SMT) at its 27 July 2020 meeting and the Audit and Risk Committee at its 8 September 2020 meeting. The framework is now provided to the Council for final consideration and adoption.

Following final adoption, the framework will be implemented across the organisation and embedded in work practices. This will be supported by the delivery of risk management learning and development.

BACKGROUND

An internal audit of the Golden Plains Shire Council Risk Management Framework was conducted during May 2019 against AS ISO 31000: 2018 Risk Management – Guidelines.

The audit identified some deficiencies in the effectiveness of risk management, and a number of improvement opportunities have been suggested.

In January 2020 Council requested quotations for a Risk Management Strategy Development Project (Project). Council later engaged external consultant, Crowe, to:

1. Review the Risk Management Framework;
2. Develop Risk Appetite Statements;
3. Review of the Risk Assessment Matrix; and
4. Review of the Strategic and Organisational Risks.

DISCUSSION

The project included a number of key activities, including:

- determination of how risk principles apply to day to day operation;
- revision of risk rating tables;
- development and revision of risk tools;
- determination of risk management maturity;
- determination of risk appetite statements; and
- review of the Risk Management Framework.

In the undertaking of the above activities, the following occurred:

- regular progress meetings between Crown and key personal;
- consultation with management;
- discussions with the Senior Management Team, Councillors and the Audit and Risk Committee; and
- establishment of a Project Working Group comprised of management representatives from key departments.

The Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks were endorsed by the Senior Management Team (SMT) at its 27 July 2020 meeting and the Audit and Risk Committee at its 8 September 2020 meeting. The framework is now provided to the Council for final consideration and adoption.

Following final adoption, the framework will be and implemented across the organisation and embedded in work practices. This will be supported by the delivery of risk management learning and development.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020) Consultation

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

GOVERNANCE PRINCIPLES

The Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks will support and guide the delivery of the overarching governance principles under s.9 of the Local Government Act 2020.

POLICY/RELEVANT LAW

ISO 31000: 2018 Risk Management – Guidelines

STRATEGIES/PLANS

The Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks will support and guide strategic planning and strategic decision making.

SERVICE PERFORMANCE

The Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks will support and guide the delivery of the service performance principles under s.106 of the Local Government Act 2020.

RISK ASSESSMENT

The Risk Management Framework requires the implementation and use of standardised risk tools including a Risk Assessment Matrix (Attachment 2).

COMMUNICATION

The Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks will be communicated to the organisation and other key bodies once adopted.

All staff will be required to undertake risk management learning and development.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Adopt the Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks

This option is recommended by officers as a Risk Management Framework is an important corporate document. The Risk Management Framework will also improve deficiencies in the effectiveness of risk management identified in the May 2019 Audit.

Option 2 – Do not adopt the Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks

This option is not recommended by officers as it will not provide the foundations required to implement appropriate risk management process and practices across the organisation and embed risk management in work practices.

Option 3 – Defer adoption of the Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks

This option is not recommended by officers as the framework is considered ready for adoption after completion of an extensive development and review process. The Framework has also been endorsed by the Senior Management Team and the Audit and Risk Committee.

CONFLICT OF INTEREST

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

CONCLUSION

Council commenced a Risk Management Strategy Development Project in January 2020. The project is now complete and the Risk Management Framework, Risk Appetite Statements, Risk Assessment Matrix and Strategic and Organisational Risks are provided to Council for the final consideration and adoption.

7.14 COUNCIL POLICY - TOWNSHIP MAINTENANCE**File Number:****Author:** Dale Smithyman, Natural Resources Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Council Policy - Township Maintenance (under separate cover) **RECOMMENDATION**

That Council adopts the updated Council Policy - Township Maintenance (2020).

EXECUTIVE SUMMARY

This report provides advice to Council regarding adopting an amended Council Policy - Township Maintenance that updates the existing policy to reflect changes in service delivery and to provide an improved level of service to the community.

This report seeks Council support to adopt the Council Policy - Township Maintenance.

BACKGROUND

Council policy regarding township maintenance requires regular review and update to reflect changes in Council's land portfolio, staffing arrangements, expansion of works due to increase in public open space from developer contributions, resident feedback and increasing community expectation of improved service levels.

Council first adopted a Township Maintenance policy in 1996, which identified the extent of roadsides and reserves within townships were to be maintained to an accepted standard. The Policy was reviewed and revised in 1998, 2001, 2004, 2009, 2010, 2014 and 2017.

The policy has reflected significant change in the extent and levels of service delivery (Figures 1 & 2) since its inception in 1996. Since that time, the policy has adopted three (3) service level standards in 2014 and an additional standard recognising long standing pre-summer fire prevention works in 2017.

The mapping of the extent of current township maintenance shows works that are on Council owned or managed land and land which is not under Councils direct management but has been traditionally maintained by Council on behalf of the community.

The policy structures township maintenance works through four (4) service level standards. Service level 1 addresses high maintenance areas (e.g. Shire Hall) with regular responsive works. Service level 2 addresses areas requiring a regular maintenance for amenity (e.g. Bannockburn main streetscape). Service level 3 addresses lower tier reserves and roadsides that require works to address road safety or amenity issues. Service level 4 addresses pre-summer fire prevention works to reduce grass fuel loads around townships and localities.

Council outdoor staff generally address all township maintenance works within service levels 1 and 2. Service level 3 is addressed through the annual use of contractors backed up by 'as required' works by Council outdoor staff. Annual fire prevention works; service level 4, are generally carried out by contractors.

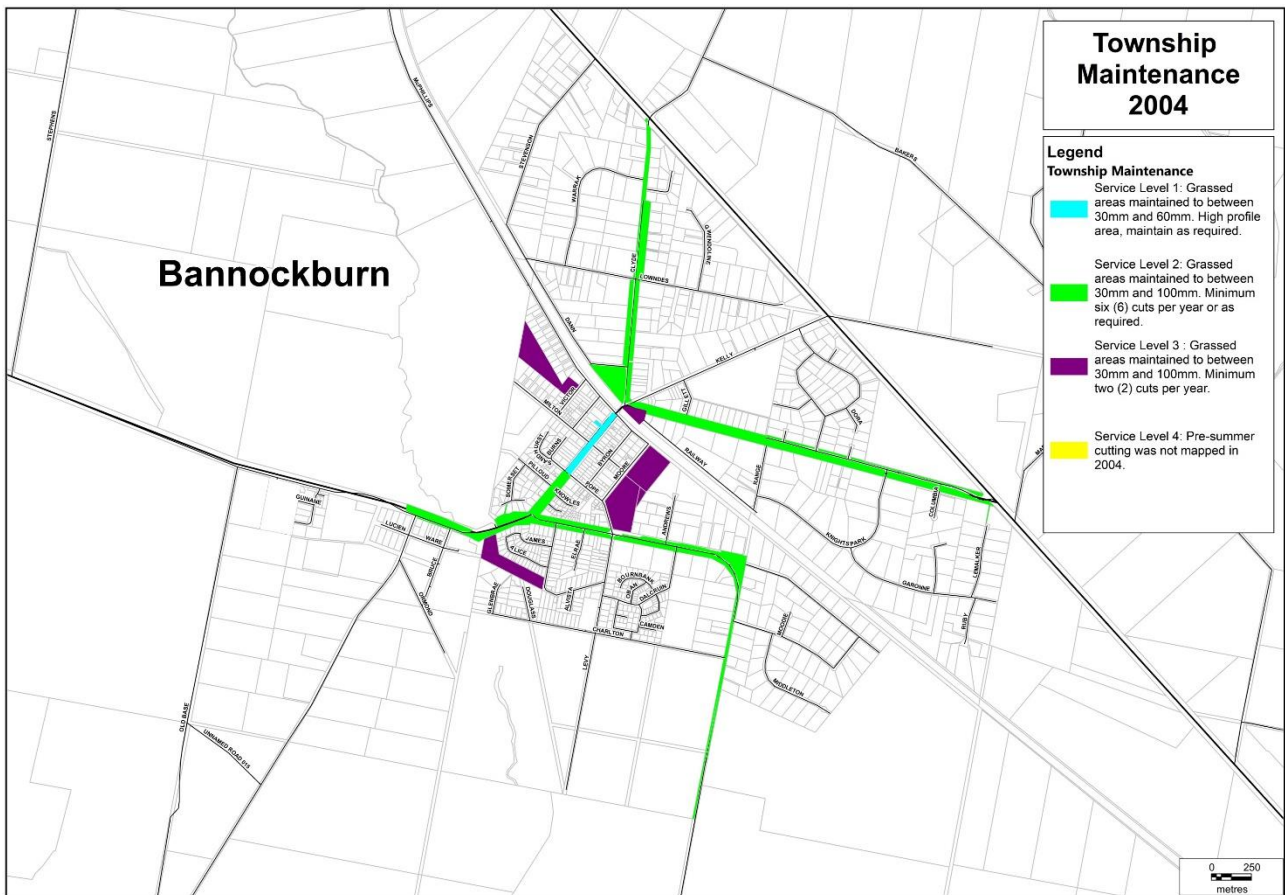


Figure 1: Bannockburn Township Maintenance 2004

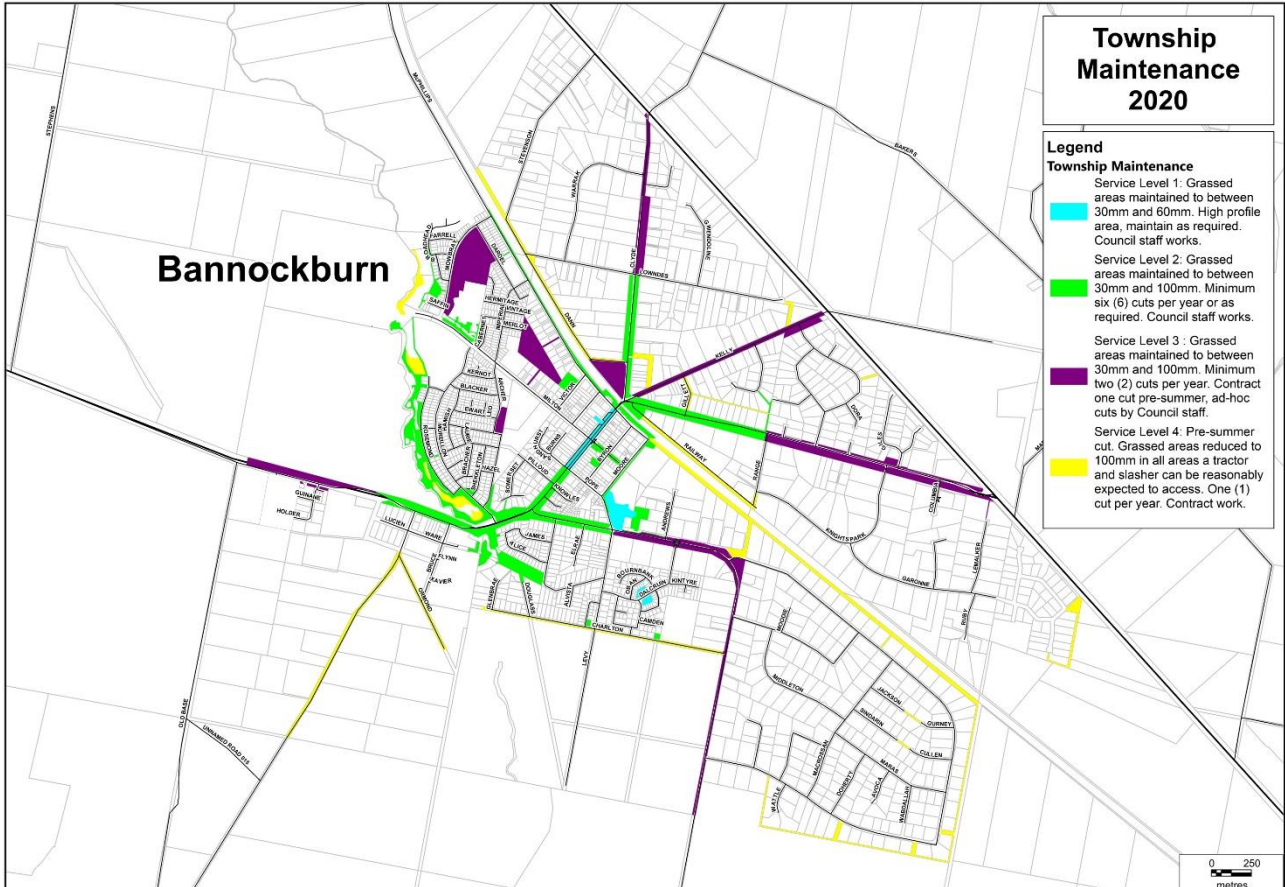


Figure 2: Bannockburn Township Maintenance 2020

DISCUSSION

This policy update is the result of review of the current policy and existing works and has been undertaken with the Works Department, Community Safety Team and the Environment and Sustainability Team.

The review identified the following changes to the current Council policy:

- Update of all service levels to include new and existing land that should now receive a higher service level due to township development, increased community use and higher community expectation to deliver improved amenity and safety.
- Update all service levels to accurately reflect current on ground works and address inaccuracies in the current policy mapping.

The review identified areas of Council land where changes in use required increased service delivery. For example, the Inverleigh River Park with its high profile location, high community expectation and with a new playground needs to be maintained at a higher standard across the whole park.

It also identified areas recently developed in Bannockburn where new areas of reserve interface along Bruces Creek require a high standard of reserve edge maintenance for amenity and fire protection.

The updated policy provides:

- Clarity regarding service delivery on Council managed land in township areas
- Improved mapping identifying Council managed land, contracted works, Council works and community expectation.
- Improved accountability for current budgets and future growth requirements.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020) Consultation

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes

Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	No
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

One of the overarching governance principals is continuous improvement. This Council Policy aims to provide for the best outcomes and improvement for the community given the limited resourcing available. The regular update process enables for continuous improvement to be achieved in service delivery and consideration of the financial sustainability of the policy.

POLICY/RELEVANT LAW

This Policy aids Council in complying with relevant aspects of the *CFA Act 1958*, *Road Safety Act 1986* and *Road Management Act 2004*.

COMMUNITY ENGAGEMENT

As this Policy reflects current operational facets of Councils work in maintaining township areas that is built upon previous iterations of the policy and adjustments relating to community feedback via Councils Customer Request Management System, it is considered that community engagement regarding the policy is not required.

This Council Policy has been updated by Council's Environment and Sustainability Team in consultation with the Works Department and Community Safety Team.

PUBLIC TRANSPARENCY

This Council Policy is publically available via Council's website and complies with Council's Public Transparency Policy.

STRATEGIES/PLANS

This Council Policy aligns across multiple Council Plan 2017-2021 Strategic Directions through its management of attractive and connected public open spaces; provision of good governance through clear policy and a reduction in fire risk to residents.

The policy addresses elements of a multiplicity of Council Strategies and Plans including; but not limited to, Councils Open Space Strategy and Municipal Fire Management Plan.

FINANCIAL MANAGEMENT

This Council policy reflects Council's current operational commitment to township maintenance. Figures 1 & 2 (above) clearly indicate that township maintenance within the shire has grown significantly over the last two decades. This is based on residential growth, community expectations, increasing township boundaries and business areas across the Shire and ongoing additional township beautification. On the other hand the Council resources in relation to outdoor township maintenance/mowing staff and equipment have either remained the same or reduced in number. This relationship between workload and resources is now stressed and will require Council at the next review of this policy in 12 months to make a decision to either increase resources or reduce service levels to the community.

SERVICE PERFORMANCE

This Council Policy reflects Councils efforts to provide a township maintenance service; within current financial and resource constraints, to the community that aims to meet the community expectation for a well maintained, attractive and safe environment. The policy guides the delivery of service standards that reflect differing use patterns, population and growth drivers and reasonable community expectations across the multiplicity of townships and localities across the municipality.

RISK ASSESSMENT

This Council Policy significantly reduces Councils risk exposure across a number of facets including the provision of safe and accessible open spaces and streetscapes and a reduction in fire hazard. Failure to implement this Council Policy will result in significantly increased risk exposure for Council.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – Council adopts the updated Council Policy – Township Maintenance

This option is recommended by officers as it will allow Council to continue to provide improved service delivery to the community.

Option 2 – Council does not adopt the updated Council Policy – Township Maintenance

This option is not recommended by officers as it will defer improvements to service delivery to the community.

Option 3 – Council defers the decision to adopt the updated Council Policy – Township Maintenance

This option is not recommended by officers as it will defer improvements to service delivery to the community.

CONFLICT OF INTEREST

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

CONCLUSION

The updated Council Policy - Township Maintenance will provide improved township maintenance service delivery across the municipality.

7.15 COVID -19 HARDSHIP POLICY AND CUSTOMER ASSISTANCE PROGRESS

File Number:

Author: Fiona Rae, Manager Finance

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. **Hardship Applications by Township (under separate cover)** 

RECOMMENDATION

That Council:

1. Note the customer assistance that has been provided via Councils COVID-19 Hardship Policy.
2. Note the other forms of assistance and support provided to residential and business customers that have been impacted by COVID-19.

EXECUTIVE SUMMARY

This report provides Council with background on both financial and non-financial assistance provided to customers experiencing financial difficulties as a result of COVID-19 impacts. This includes the Council adopted COVID-19 hardship policy which offers rebates for customers who meet specific criteria.

BACKGROUND

COVID-19 has had significant impacts on the Victorian economy and our local communities due to the extended period of government restrictions mandated for the State of Victoria. Council responded to these impacts by establishing a package of financial relief options for local residents and businesses which included waiving interest on rates, promoting customer payment plans and developing a COVID-19 financial hardship policy.

Golden Plains Shire Council have traditionally offered customer assistance in the form of a financial hardship policy that provided the ability to defer the payment of rates, waive interest on rates or enter a payment plan arrangement, however the customer is required to engage a financial counsellor to verify their hardship circumstances. The COVID-19 financial hardship policy recently developed relaxed the eligibility criteria removing the requirement of engaging a financial counsellor and offers a rebate where the criteria is met.

DISCUSSION

Customer Assistance

In response to the extended period of restrictions, and acknowledging customers have continued to experience financial hardship, Council set aside \$100k in the 2020/21 budget to fund customer assistance. Council officers reviewed the COVID-19 financial hardship policy and in addition to assistance offered for deferral of rates, waiving interest on outstanding rates and payment plans, included the following rebates for customers most in need of assistance:

- Waiving a maximum of \$500 off rates at principal place of residence to customers receiving Jobseeker as a result of the COVID-19 pandemic.
- Waiving a maximum of \$500 off rates on businesses receiving Jobkeeper payments as a result of the COVID-19 pandemic
- Waiving \$100 off rates on properties for customers who can demonstrate 30% or more reduction in income

Customers requesting a rebate are required to provide evidence of eligibility such as Centrelink Jobseeker or Jobkeeper registration or payments.

Community Activation and Social Isolation Initiative

Golden Plains Shire Council have received \$58,000 funding (\$33,000 received in 2019-20 and \$25,000 received in 2020-21) as part of the Victorian Government's Community Activation and Social Isolation (CASI) initiative, intended to help people who might be feeling lonely or have lost their regular networks during COVID-19 to build social connections and networks of support in their local communities.

The initiative is primarily about drawing on existing activities and support in the community that provide practical, emotional and social supports a person needs to feel more connected, healthy and well.

We have established a Local Support Network made up of representatives from services and community organisations/groups who act as an advisory committee to Council officers in our delivery of this project. Through this network we have identified areas of need and have successfully delivered the following projects at a total cost of \$9,407:

- Assistance to community groups in the North and South of the Shire providing emergency food relief, enabling the provision of further emergency food relief hampers and vouchers.
- Delivery of Mental Health First Aid Training to 37 participants across the Shire
- Deployed volunteers to assist partner organisations deliver services to the community
- Referral of community members to appropriate support services

Our Local Support Network includes representatives from Hesse Rural Health, Barwon Child Youth & Family, Schools, Community Coordinators, and internal Aged & Disability and Child & Family Services departments.

Identified future projects include:

- Facilitating improved community access to Telehealth Services across various locations within the Shire for those unable to access smart devices, reliable internet or a safe place for appointments.
- Up to \$35,000 towards a COVID Quick Response Grants Scheme for community groups to operate safely in the new COVID environment, or develop initiatives to engage, connect and assist community recovery post COVID lockdown.

Key Financial Data

Rate revenue is \$285k higher than budget due to customer growth higher than budgeted and increases in property values from supplementary valuations processed in the 2020/21 final quarter.

Income Description	2020/21 Annual Budget \$'000	Nov YTD Budget \$'000	Nov YTD Actual \$'000	Nov YTD Variance \$'000
Rate Revenue	\$17,876	\$17,876	\$18,121	\$245
Municipal Charge	\$3,302	\$3,302	\$3,342	\$40

A number of customers have taken up payment plans, moved to the new monthly payment option or applied for a rebate under the revised COVID-19 financial hardship policy.

Key Indicator	July 2020	Aug 2020	Sep 2020	Oct 2020	17 Nov 2020	Comments
Customer Payment Plans <i>original hardship policy</i>	96	82	78	72	72	Total at reporting date
Hardship Applications <i>COVID-19 hardship policy</i>	2	24	72	78	84 *	Cumulative total
Monthly Payment Options	0	87	293	294	295	Cumulative total
Waiving of interest	\$0	\$0	\$0	\$0	\$0	Interest charged end of Qtr (cumulative)

Key Indicator	July 2020	Aug 2020	Sep 2020	Oct 2020	17 Nov 2020	Comments
Rate rebates <i>per COVID-19 hardship policy</i>	\$0	\$16k	\$33k	\$35k	\$38k	Cumulative total
2020-21 \$100k budget remaining funds	\$100k	\$84k	\$67k	\$65k	\$62k	Balance at reporting date
Outstanding rates notices	1,908	11,285	10,872	10,413	10,413	Total at reporting date
Total debtors (<i>includes infringement debtors</i>)	\$1.93M	\$26.9M	\$23.7M	\$21.8M	\$21.8M	Total debtors at reporting date

* only 2 applications relate to businesses

Note – annual rates notices are issued in August each year, as reflected in the total debtor balance and number of rates notices outstanding.

Council Officers have recommended waiving the cost of environmental health related permits to provide further assistance to customers and businesses at an estimated cost of \$31,000. This additional cost can be applied to the \$100,000 budget set aside to fund customer assistance which has a YTD balance of \$62,000 available, and would subsequently reduce the balance to \$31,000.

As part of the Working for Victoria grant funding Council employed a Rates Hardship Officer to proactively contact customers in arrears to offer assistance by promoting the various payment options available and the COVID-19 hardship policy. Of the 1,000 assessments with long term arrears 604 have been contacted with 321 clearing all arrears. Key statistics are provided below.

Activity	Total
Assessments reviewed	604
Assessments with cleared arrears	321
Arrears balance cleared	\$350,977
Payment plans arranged	13
Payment plans discussed	10
Houses being sold	2
Follow up after initial contact	232

Costs associated with the COVID-19 pandemic include:

Description	2019-20	2020-21 YTD November
Waived interest on outstanding rates (reduction in income)	\$24,346	\$0
Rate rebates per COVID-19 financial hardship policy (\$100k budget)	\$0	\$33,034
COVID-19 risk operating costs (safety equipment, masks, wipes, gloves etc)	\$28,299	\$32,083
Funding for emergency meals	(\$6,541)	(\$12,007)
COVID-19 emergency meal expenses	<u>\$4,303</u>	<u>\$6,628</u>
Net cost/(profit) – <i>potential for surplus funds to be contributed towards more meals as pandemic continues</i>	(\$2,238)	(\$5,379)
Unspent grant funds carried forward		(\$33,000)
Funding for COVID-19 community activation and social isolation initiative	(\$33,000)	(\$25,000)
COVID-19 community activation and social isolation expenses	<u>\$0</u>	<u>\$9,407</u>
Net cost/(profit) – <i>balance of grant funds remaining</i>	(\$33,000)	(\$48,593)

Note: Financial information in above table includes commitments.

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

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

GOVERNANCE PRINCIPLES

This Hardship Report has been prepared in accordance with the *Local Government Act 1989*.

POLICY/RELEVANT LAW

Local Government Act 1989

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2014

Annual Budget

COMMUNITY ENGAGEMENT

A formal consultation process was not required.

STRATEGIES/PLANS

A COVID-19 hardship policy was developed in response to the impacts from the pandemic. Key financial data provided in this report is directly related to customer assistance provided by Council and COVID-19 impacts.

FINANCIAL MANAGEMENT

Providing assistance to customers will assist in the collection of rates and charges from customers. Council has set aside a budget of \$100k for rebates where customers meet the COVID-19 hardship criteria. This additional cost will provide support to a large number of customers who

need assistance which will enable customers to pay their rates bill, which results in higher cash inflows and a reduction in debtor balances.

RISK ASSESSMENT

The COVID-19 hardship rebate is only available to customers who meet the criteria. Council may still have a number of customers experiencing financial difficulties who do not meet the COVID-19 criteria, however other assistance previously available is still available to these customers, such as payment plans and the standard hardship policy.

COMMUNICATION

Assistance provided to rates customers is reported to SMT each month. This Council report has also be prepared to report the level of assistance provided to customers to provide some background and current statistics to the new Council.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Note the contents of the report

This option is recommended by officers as the purpose of this report is to provide background details and information on the level of assistance provided to customers and costs associated with COVID-19.

Option 2 – Note and adopt the contents of the report

This option is not recommended by officers as the report does not require adoption.

Option 3 – Do nothing

This option is not recommended by officers as Council should note the current status of the level of assistance provided to customers.

CONFLICT OF INTEREST

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

CONCLUSION

Regular updates will continue to be provided at monthly SMT meetings to monitor COVID-19 costs and the remaining budget for hardship assistance for customers.

7.16 ENVIRONMENTAL HEALTH REGISTRATION RENEWAL FEES**File Number:****Author:** Stuart Symes, Senior Environmental Health Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council note the waiving of fees for some businesses under the provisions *Public Health and Wellbeing Act 2008* and potential discounts for food businesses under the provisions of the *Food Act 1984* as described in this report.

EXECUTIVE SUMMARY

Due to COVID-19, Council has waived registration renewal fees for some businesses (those providing beauty therapy, tattoo and accommodation services) and provided food businesses with an opportunity to apply for a 50% hardship discount.

BACKGROUND

Beauty therapy, tattoo, accommodation and food businesses and community groups must register with Council (under the provisions of the *Public Health and Wellbeing Act 2008 and Food Act 1984*) on an annual basis (1 January – 31 December). This process includes paying a registration fee (on average around \$500). Registration includes at least one inspection by a Council officer to check that the business is operating safely and minimise associated risks to the public.

Due to COVID-19 restrictions, in 2020 all beauty therapy, tattoo and accommodation businesses have been unable to trade for the majority of the year. Likewise, in 2020 many food businesses have faced significant financial hardship (particularly those that rely on indoor dining). Conversely, officers are aware that some food businesses (such as supermarkets and take away outlets) have experienced an increase in trade.

DISCUSSION

Councils across the state have reviewed their registration renewal fees for 2021. Some have waived registration fees for all businesses and community groups, whilst others have adopted a hardship approach. It was decided that the option selected was the fairest and most transparent considered. This is because it only benefits those that were legitimately impacted by COVID-19 restrictions.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No

Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

Subject matter has been discussed with other Council's across the Barwon South West and Grampians Region. Approach taken is consistent with that taken by other local government authorities.

POLICY/RELEVANT LAW

Public Health and Wellbeing Act 2008 (s72) – Registration Fees.

Food Act 1984 (s41A) – Registration Fees.

Local Government Act (s142-1) – Power to waive payments which is delegated to Director Corporate Services.

PUBLIC TRANSPARENCY

Public transparency was key factor considered when making this decision. As beauty therapy, tattoo and accommodation premises were required to close for a lengthy period due to restrictions fees have been waived.

Because food businesses are different (many have experienced an increase in trade), a hardship policy has been applied, so only those that are legitimately impacted are compensated.

FINANCIAL MANAGEMENT

The forecast loss of income is approximately \$31K. Funds to balance out this deficit will be drawn from Council's \$100K COVID-19 Hardship Policy (which currently has approximately \$63K remaining).

STRATEGIES/PLANS

The proposed reduction in fees will add to the COVID-19 assistance already offered by Council.

SERVICE PERFORMANCE

The proposed reduction in fees will not impact Service Performance. Regulatory compliance checks and inspections as required by legislation will continue.

RISK ASSESSMENT

There is a risk that all registered food businesses will apply for a fee reduction. To mitigate this risk business operators will need to be able to demonstrate that they have been adversely impacted by COVID-19.

COMMUNICATION

Businesses and community groups have been advised through the registration renewal process (via email and post) in November.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – Note the changes proposed as outlined in this report

The proposed fee reductions have been implemented by staff to assist businesses impacted by COVID-19.

Option 2 – Reverse the decision to provide fee discounts / waivers.

This option is not recommended given the existing budget for COVID-19 support has capacity to offset the estimate loss in income.

Option 3 – Amend the fee discount rates.

This option is not recommended given the existing budget for COVID-19 support has capacity to offset the estimate loss in income.

CONFLICT OF INTEREST

No officer involved in the decision or reviewing applications of hardship has any conflicts of interest in regards to this matter.

CONCLUSION

That Council receives this report.

7.17 AUDIT & RISK COMMITTEE REPORT - 2 DECEMBER 2020**File Number:**

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. Audit and Risk Committee Meeting Minutes 02.12.20 (under separate cover) 

RECOMMENDATION

That Council note the minutes from the Audit & Risk Committee meeting held on 2 December 2020.

EXECUTIVE SUMMARY

This report is being submitted to Council to provide a summary of business considered at the 8 September 2020 meeting of the Audit & Risk Committee.

BACKGROUND

The Audit & Risk Committee (the Committee) is an independent advisory committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

DISCUSSION

Attendees at the Committee meeting were as follows:

Councillors:

Cr Helena Kirby (arrived 9.52am, departed 10.52am)
Cr Brett Cunningham

Independent Members:

Mr Andrew Pearce
Mr Joe Adamski
Mr Phil Delahunty (arrived at 9.42am)

Officers:

Eric Braslis (CEO)
Philippa O'Sullivan (Director Corporate Services)
Phil Josipovic (Director Infrastructure and Development)
Lisa Letic (Director Community Services)
Fiona Rae (Manager Finance)
Claire Tehan (Manager People and Culture)
Rebecca Failla (Manager Digital Transformation)
Annmaree Bowey (Coordinator Governance and Risk)
Candice Robinson (Coordinator Governance and Risk)
Andrew Leary (Coordinator OHS)
Jacquilyn Douglas (Governance and Legal Services Officer)
Emily Chapman (Governance and Corporate Services Administration Officer)

Guests:

Martin Thompson (Crowe)
Thivya Mahendran (Crowe)

Declaration of Conflict of Interest: Nil

The Committee considered the following matters at the meeting:

Audit Committee Action Items
 Outstanding Internal and External Audit Actions
 Publications of Interest
 GPCC Project Update
 Finance Quarter One Report
 Quarterly OHS Update Report – Quarter 1
 Business Impact Assessment – COVID 19
 MAV WorkCare FY 2016 – 2020 Summary (Workers Compensation)
 MAV WorkCare Scheme Licence update
 Risk Management and Insurance Quarter One Report
 Coronavirus (COVID-19) Risk Update
 Risk Owner Presentation – Financial Sustainability
 MAV Liability Mutual Insurance Scheme Structural Reform Update
 Internal Audit – Business Continuity
 Internal Audit – Customer Complaints Handling
 2019-20 Financial Statements and Performance Statement
 Landfill Rehabilitation Provision
 DHHS Concession Audit
 Governance Quarter One Report
 Local Government Act 2020 – Implementation Update
 Local Government Performance Reporting Indicators – Final Report 19/20

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

POLICY/RELEVANT LAW

To remain compliant with Section 53 of *Local Government Act 2020*, the Audit and Risk Committee has been established to assist Council in fulfilling its responsibilities relating to risk management, financial management and control and reporting.

RISK ASSESSMENT**HUMAN RIGHTS CHARTER**

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

OPTIONS**Option 1 – that Council receive the Audit & Risk Committee report from the meeting of 2 December 2020**

This option is recommended by officers as the report is to provide an overview of the items tabled at the Audit and Risk Committee Meeting. No decisions are required to be made.

Option 2 – that Council do not receive the Audit & Risk Committee report from the meeting of 2 December 2020

This option is not recommended by officers as the report is to provide an update only.

Option 3 – that Council require further information

This option is not recommended by officers as the full agenda and minutes from the meeting are accessible to Councillors.

CONFLICT OF INTEREST

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

CONCLUSION

The next meeting of the Committee is scheduled for Tuesday, 9 February 2021.

7.18 LOCAL GOVERNMENT PERFORMANCE REPORTING INDICATORS - FINAL REPORT 19/20

File Number:

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. LGPRF Final Report 19/20 (under separate cover) 
2. Know Your Council Performance Summary 19/20 (under separate cover) 

RECOMMENDATION

That Council:

1. Receive the report on the Local Government Performance Reporting Indicators (Attachment 1) for the period 01 July 2019 to 30 June 2020.
 2. Note the Know Your Council Performance Summary Report 19/20 (Attachment 2).
-

EXECUTIVE SUMMARY

Council is required under the Local Government Act 2020 and Local Government (Planning and Reporting) Regulations 2020 to report on its performance in accordance with the Local Government Performance Reporting Framework (LGPRF).

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and included in the Golden Plains Shire Council Annual Report.

The final progress report for the period 01 July 2019 to 30 June 2020 is provided for the Council's information (Attachment 1).

BACKGROUND

The Local Government Performance Reporting Framework (LGPRF) is a key initiative developed by Local Government Victoria (LGV) within the Department of Environment, Land, Water and Planning (DELWP) to improve the transparency and accountability of Council performance.

The LGPRF requires Councils across Victoria to measure and report on performance in a consistent way. The mandatory performance reporting became a requirement for local government from the 2014-15 local government annual budgeting and reporting cycle onwards.

The framework is made up of 66 measures and a governance and management checklist of 24 items which together build a comprehensive picture of Council performance.

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and also included in the Golden Plains Shire Council Annual Report.

The performance data for each financial year is additionally made publicly available. The 'Know Your Council' website www.knowyourcouncil.vic.gov.au provides an opportunity for the community to access performance data for each Council and compare that data against similar Councils.

DISCUSSION

The final report at end of Quarter 4 covering the period 1 July 2019 - 30 June 2020 is provided (Attachment 1) for Council's information.

The data captured in the report shows Council's performance over the 2019/20 year against the LGPRF indicators.

Data is measured against last year's performance with the aim of maintaining all areas that were tracking well and improving those that weren't.

Of the 55 indicators reported, 23 of these showed positive change against the 18/19 result and another 23 items were below the previous year results. The remaining 9 items do not have any data to compare as they either replace a previous indicator or the way to calculate the result has changed.

Key areas of change to note are as follows:

- SP1 – Time taken to decide planning applications has increased from 68 days to 80 days. This is largely due to an increase in complexity and volume of applications in the 19/20 period.
- G1 – Council decisions made at meetings closed to the public has increased from 0.92% in 18/19 to 5.31% in 19/20. As noted in the quarter 2 report this is due to the review of the Bannockburn Children's Service Long Day Care provision and includes other decisions around the Australia Day awards, CEO review, strategic land acquisition and appointment of Audit and Risk Committee Member.
- Many of the Financial Performance indicators have changed which is mostly contributed to budgeted loans of \$9.5m being taken up in the 19/20 period.
- C1 - Expenses per head of population has increased from last year due to the operating expenditure in 2019-20 including a one off item of \$1.0m relating to the write-off of a portion of the Ballarat–Skipton Rail Trail. An extensive review of the asset register data was completed as part of the implementation of the Assetic asset management system, which identified that Council owned 66% of the rail trail however was recorded as 100% ownership, resulting in the asset value decreased accordingly.
- R1 – Sealed local road requests has increased by 80% from 18/19.
- Waste collection indicators also shows significant changes between 18/19 and 19/20 due to the suspension of recycling services between July to mid-December.

The final report data for 2019/20 was also uploaded to the Know Your Council Website which allows Council to track their progress against similar and all Councils in Victoria for the same period. These comparative results are shown in Attachment 2 – Know Your Council Report 19.20.

A new reporting period has now commenced for 20/21 with the first progress report due to Council in February 2021.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes

2020)	
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	No
Communication	Yes
Human Rights Charter	No

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the quarterly reporting of the LGPRF Indicators will specifically:

- Contribute to innovation and continuous improvement
- Ensure transparency of Council decisions, actions and information.

POLICY/RELEVANT LAW

Reporting on the LGPRF indicators ensures compliance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

PUBLIC TRANSPARENCY

Council's performance against LGPRF measures will be presented to a public Council meeting six-monthly and reported in the Golden Plains Shire Council Annual Report.

SERVICE PERFORMANCE

Reporting on the LGPRF Indicators provides valuable insights on the delivery of service performance principles under s.106 of the *Local Government Act 2020*.

COMMUNICATION

Council's performance against LGPRF measures will be presented to a public Council meeting six-monthly and reported in the Golden Plains Shire Council Annual Report.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council receive and note the quarterly report in its present form.

This option is recommended by officers as all indicator results for the 19/20 period appears in the report and has been reviewed by the Senior Management Team for accuracy.

Option 2 – That Council do not receive and note the quarterly report.

This option is not recommended by officers as the report is to provide an update on progress only.

Option 3 – That Council require further information.

This option is not recommended by officers as all LGPRF Indicators have been reported on and published to the Know Your Council Website. Further information or changes may be implemented in future reports.

CONFLICT OF INTEREST

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

CONCLUSION

This report provides information on Council's performance in relation to the LGPRF strategic indicators contained in the Local Government (Performance Reporting) Framework 2014 which provide a transparent reporting mechanism to the community in relation to Council's performance.

7.19 GPSC-RFT-03 - GEGGIES RD BRIDGE, ROKEWOOD**File Number:****Author:** Thomas Lindberg, Contract and Procurement Specialist**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract for the Geggies Road Bridge, Rokewood to Begbies Contracting for the contract for the sum (incl. contingency) of \$390,857.70 (exclusive of GST).
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council

EXECUTIVE SUMMARY

Golden Plains Shire Council wish to replace Geggies Road Bridge, Rokewood and as a result Council is seeking to appoint a suitably qualified and experienced contractor to construct the Geggies Road Bridge replacement. The proposed bridge will replace 2.5-ton load limited single lane bridge with a two-lane concrete bridge, and associated road works, designed for SM1600 loading with 100 years of design life. Councillors have been provided a copy of the confidential tender evaluation documentation under separate cover.

BACKGROUND

Council is seeking to appoint a suitably qualified and experienced contractor to construct the Geggies Road Bridge replacement. The proposed bridge will replace 2.5-ton load limited single lane bridge with a two-lane concrete bridge, and associated road works, designed for SM1600 loading with 100 years of design life

DISCUSSION

The tender was released to market on 3 October 2020 and was open for 26 days. Six (6) supplier responses were received and compliance checked. Occupational Health and Safety (OHS) team reviewed only the compliant submissions and provided a final report. After the evaluation panel had reviewed and scored each compliant tender, a consensus evaluation meeting was held on 20th November 2020. Begbies Contracting was acknowledged as the preferred supplier based on consensus scores measured by *capacity*, *capability*, *price* and *local content*.

Tender Evaluation Panel Report has been previously provided to Councillors.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No

Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	No

POLICY/RELEVANT LAW

Tender GPSC-RFT-02-2020- Slate Quarry Road Bridge, Meredith complies with *GPSC May 2020 Procurement Policy* and the *Local Government Act 189 and 2020*.

HUMAN RIGHTS CHARTER

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

COMMUNICATION

Tender Evaluation Panel Report has been previously provided to Councillors.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Approve Tender Evaluation Report – GPSC-RFT-03-2020- Geggies Road Bridge, Rokewood.

This option is recommended by Council officers through the Tender evaluation and selection process which recommends the Begbies Contracting as the preferred supplier for GPSC-RFT-03-2020 - Geggies Road Bridge, Rokewood.

Option 2 – Not accept the tender recommendation and select another tender for GPSC-RFT-03-2020- Geggies Road Bridge, Rokewood.

This option is not recommended by Council officers as the procurement process that has been used to assess the preferred tender is extensive and considers key criteria to achieve best value for money and delivery outcome for Council.

Option 3 – Re-tender GPSC-RFT-03-2020- Geggies Road Bridge, Rokewood.

This option is not recommended by Council officers as this will result in delaying the timing of when this project can be delivered for our community and as the procurement process used to evaluate the tenders is extensive and considers key criteria to award the preferred tenderer, the results of the tender is unlikely to change.

CONFLICT OF INTEREST

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

CONCLUSION

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender GPSC-RFT-03-2020 - Geggies Road Bridge, Rokewood as outlined in this report to ensure compliance with:

1. *relevant provisions of the Local Government Act 1989 (Vic); and*
2. *Council's Procurement Policy requirements*

In conclusion, Begbies Contracting met the Council's tender requirements and are best placed to provide the required Geggies Road Bridge, Rokewood for Council.

7.20 GPSC-RFT-02 - SLATE QUARRY ROAD BRIDGE, MEREDITH**File Number:****Author:** Thomas Lindberg, Contract and Procurement Specialist**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract for the Slate Quarry Road Bridge, Meredith to Bitu-Mill (Civil) Pty Ltd for the contract for the sum (incl. contingency) of \$1,843,070.75 (exclusive of GST).
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council

EXECUTIVE SUMMARY

Golden Plains Shire Council wish to replace Slate Quarry Road Bridge over the crossing of Moorabool River in Meredith and is seeking to appoint a suitably qualified and experienced contractor to construct the Slate Quarry Road Bridge replacement over the crossing of Moorabool River in Meredith. The purpose of the proposed replacement of Slate Quarry Road Bridge is to allow safer access to heavier vehicles across the Moorabool River. Councillors have been provided a copy of the confidential tender evaluation documentation under separate cover.

BACKGROUND

Council is seeking to appoint a suitably qualified and experienced contractor to construct the Slate Quarry Road Bridge replacement over the crossing of Moorabool River in Meredith. The purpose of the proposed replacement of Slate Quarry Road Bridge is to allow safer access to heavier vehicles across the Moorabool River. The replacement of the bridge will eliminate long detour for heavy vehicles and significantly reduce the maintenance burden on the Council and it is expected that the new bridge will achieve a 100-year design life.

The proposal is to demolish the existing 44.6m x 4.7m old single lane 15 tonne load limited bridge with a new two-lane concrete bridge, and associated road works, designed for SM1600 loading on the existing bridge alignment.

DISCUSSION

The tender was released to market 3rd October 2020 and was open for 26 days. Four (4) supplier responses were reviewed and compliance checked. OHS team reviewed the submissions and provided a final report. After the evaluation panel had reviewed and scored each tender, a consensus evaluation meeting was held on 20th November 2020. Bitu-Mill (Civil) Pty Ltd was acknowledged as the preferred supplier based on consensus scores measured by *capacity, capability, price and local content*.

Tender Evaluation Panel Report has been previously provided to Councillors.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No

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

POLICY/RELEVANT LAW

Tender GPSC-RFT-02 – Slate Quarry Road Bridge, Meredith complies with *GPSC May 2020 Procurement Policy* and the *Local Government Act 189 and 2020*.

COMMUNICATION

Tender Evaluation Panel Report has been previously provided to Councillors.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Approve Tender Evaluation Report – GPSC-RFT-02-2020 - Slate Quarry Road Bridge, Meredith.

This option is recommended by Council officers through the Tender evaluation and selection process which recommends the Bitu-Mill (Civil) Pty Ltd as the preferred supplier for GPSC-RFT-02-2020 - Slate Quarry Road Bridge, Meredith.

Option 2 – Not accept the tender recommendation and select another tender for GPSC-RFT-02-2020 - Slate Quarry Road Bridge, Meredith.

This option is not recommended by Council officers as the procurement process that has been used to assess the preferred tender is extensive and considers key criteria to achieve best value for money and delivery outcome for Council.

Option 3 – Retender GPSC-RFT-02-2020 - Slate Quarry Road Bridge, Meredith.

This option is not recommended by Council officers as this will result in delaying the timing of when this project can be delivered for our community and as the procurement process used to evaluate the tenders is extensive and considers key criteria to award the preferred tenderer, the results of the tender is unlikely to change.

CONFLICT OF INTEREST

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

CONCLUSION

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender GPSC-RFT-02-2020 - Slate Quarry Road Bridge, Meredith as outlined in this report to ensure compliance with:

1. *relevant provisions of the Local Government Act 1989 (Vic); and*
2. *Council's Procurement Policy requirements*

In conclusion, Bitu-Mill (Civil) Pty Ltd met the Council's tender requirements and are best placed to provide the required Slate Quarry Road Bridge, Meredith works for Council.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION

File Number: 2020-1

Attachments: 1. **Notice of Motion**  

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council be held on 15 December 2020, I intend to move the following motion:-

MOTION

That Council consider adoption of a Flag Policy at a future Council Meeting no later than March 2021.

RATIONALE

Council does not current have a current policy on flag flying. The previous Council Policy 4.11 Display of Australian National Flag was revoked revoked by Council at the 25 June 2019 Ordinary Council Meeting for reasoning that *“Policy not required. Council is required by the Australian Government and Department of the Prime Minister and Cabinet to fly the Australian National Flag. Council must abide by the Australian National Flag Protocol and any direction given by the Australian Government to fly the flag at half-mast.”* This only refers to the Australian flag and there is no mention of any indigenous flags. I personally believe the decision-making process should be based on a broader policy that is incumberant upon all aspects of Australian flags.

I commend this Notice of Motion to Council.



NOTICE OF MOTION

This form lodges a notice of intention to move a Notice of Motion in accordance with Section 25 of the Governance Rules.

'A Notice of Motion must be:

- In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;*
- Be signed by the Councillor intending to move the motion;*
- Be lodged with the Chief Executive Officer by 5pm 7 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.'*

I, Councillor ...Owen Sharkey..... give notice of my intention to move at the Ordinary Meeting of Council to be held on15..... / ...12..... /2020..... that:

Wording of proposed motion:

That Council consider adoption of a Flag Policy at a future Council Meeting no later than March 2021.

Reasoning for proposed motion:

Council does not current have a current policy on flag flying. The previous Council Policy 4.11 Display of Australian National Flag was revoked revoked by Council at the 25 June 2019 Ordinary Council Meeting for reasoning that "Policy not required. Council is required by the Australian Government and Department of the Prime Minister and Cabinet to fly the Australian National Flag. Council must abide by the Australian National Flag Protocol and any direction given by the Australian Government to fly the flag at half-mast." This only refers to the Australian flag and there is no mention of any indigenous flags. I personally believe the decision-making process should be based on a broader policy that is incumberant upon all aspects of Australian flags.

I commend this Notice of Motion to Council.

COUNCILLOR SIGNATURE

(This section to be completed and signed by Chief Executive Officer)

This notice was received by the Chief Executive Officer at am/pm on 8/12/2020

CEO SIGNATURE

NOM NUMBER: 2020-1.....



9 PETITIONS

9.1 PETITION TO PREVENT THE BUILDING OF THE PROPOSED ARBOUR IN MILTON STREET, BANNOCKBURN

File Number:

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments: 1. Petition  

RECOMMENDATION

That Council, in accordance with its Governance Rules –

1. Receives the petition requesting Council prevent the building of the proposed arbour in Milton Street, Bannockburn.
2. Requires a report on the petition be presented to the 19 January 2021 Council Meeting.

EXECUTIVE SUMMARY

The purpose of this report is to receive and note the petition requesting that Council prevent the building of the proposed arbour in Milton Street, Bannockburn.

Council received the petition on 27 November 2020. The petition consists of 11 signatures.

BACKGROUND

In accordance with Council's *Governance Rules* and the associated *Public Participation in Council Meetings Policy* (Policy), no motion other than a motion to receive the petition may be made on this petition until the next Meeting of Council. Therefore, a report in relation to the matters raised in the petition will be prepared by the Director Community Services for Council's consideration at the 19 January 2021 Council Meeting.

In accordance with the Governance Rules and Policy, Council will notify in writing the first person who signed the petition of Council's decision.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No

Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	No
Human Rights Charter	Yes

POLICY/RELEVANT LAW

Governance Rules

Public Participation in Council Meetings Policy

COMMUNICATION

The Director of Infrastructure and Development will notify in writing the first person who signed the petition of Council's decision.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 - Receive the petition requesting Council prevent the building of the proposed arbour in Milton Street, Bannockburn and require a report on the petition be presented to the 19 January 2021 Council Meeting.

This option is recommended by officers as it is in accordance with our In accordance with Council's *Governance Rules* and the associated *Public Participation in Council Meetings Policy* (Policy).

Option 2 – To not receive the petition requesting Council prevent the building of the proposed arbour in Milton Street, Bannockburn.

This option is not recommended by officers as this would contravene the *Governance Rules* and the associated *Public Participation in Council Meetings Policy* (Policy).

Option 3 – To not require a report on the petition be presented to the 19 January 2021 Council Meeting.

This option is not recommended by officers as this would contravene the *Governance Rules* and the associated *Public Participation in Council Meetings Policy* (Policy).

CONFLICT OF INTEREST

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

Planning Department
Golden Plains Shire
enquiries@gplains.vic.gov.au

Re: Milton Street Ironbark Arbour

Dear Madam/Sir

We have received a notice from [REDACTED] about a proposed Arbour for Milton Street, at approximately opposite 32 Milton Street, Bannockburn. [REDACTED] has spoken to a number of residents who will be affected by this proposal.

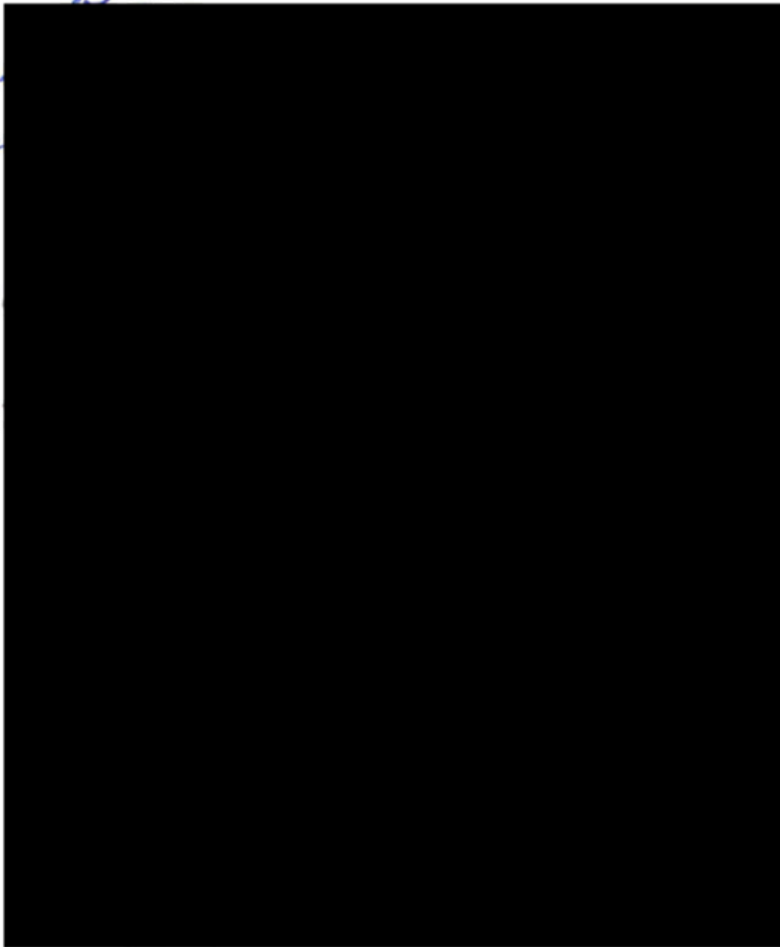
We vehemently object to the structure being constructed on such an unsuitable site, Milton Street is a busy thoroughfare and is a high risk area for a potential accident. The Wabdallah Reserve also attracts youth to the area, particularly on warm summer nights. The arbour would be a gathering place that may increase the menacing behaviour already impacting residents.

Milton Street has now become a main thoroughfare servicing the new estate, the school, sporting complex and childcare facilities; the traffic increases during school drop off and pick up times. The speed limits are rarely observed. This potential site would have a very narrow buffer from the proposed arbour and the road. Encouraging parents to use the arbour as a resting/sheltering place can be hazardous in an area limited in space and close to constant traffic. As we know we can be distracted especially in a group and it would only take a moment for a child to wander onto the road particularly if they are focused on something other than the traffic. It would impose a risk that could have tragic consequences.

We already have night time congregations who use the area as a social gathering spot and leave their rubbish to litter our street. The noise is menacing, especially during the summer nights when most would have their windows open. The proposed site would not be patrolled to avoid such behaviour and would increase unwanted loitering, disturbing the residents and impacting their mental health. Sleep and safety are paramount to an individual's health.

The verge of Wabdallah is not suited to use as a gathering/ resting place, there are far more suitable areas where the proposed arbour could be enjoyed and provide safety to its users. The area along Bruce's Creek, would offer a larger area where traffic would not pose a risk to its users and it is a green belt is enjoyed where the story of the Wadawurrung people and the connection to the land would be more appropriate than on a main thoroughfare with traffic only meters away. The land near Bannockburn Railway Station, along Clyde Road, Geelong Road near the grape vines and we would suggest there are other places which would provide a safe and pleasant environment to appreciate the arbour.

Therefore we the undersigned to wish to vehemently object to the proposed Milton Street Ironbark Arbour and oppose the building of the structure in Milton Street:





Bannockburn Community Plan Projects 2018-2020

Bannockburn Community Plan 2018 to 2020: making Bannockburn an even better place to live.

The Bannockburn Community Planning Group is one of several in Golden Plains Shire. We work with the Shire to improve living conditions for ratepayers. There are several areas of focus according to the interests of the members and needs within the community.

Milton Street Ironbark Arbour

The BCPG is seeking your opinions on a timber Shade/shelter structure approximately opposite No 32 Milton Street. The Ironbark timber has been sustainably harvested and milled in the Bannockburn Reserve

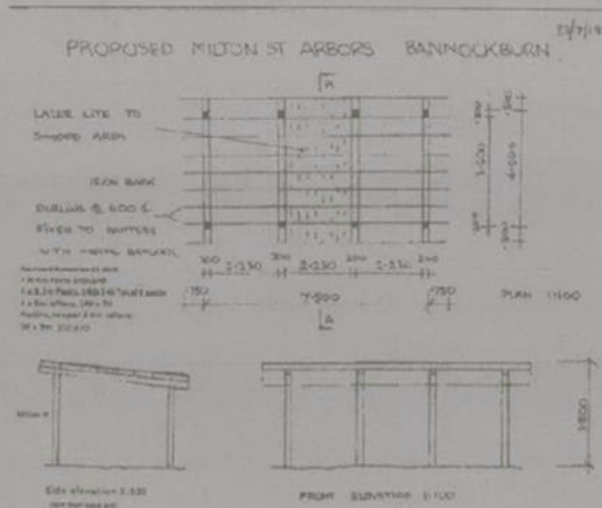
We have obtained the necessary approvals from Golden Plains Shire, Parks Victoria and Barwon Water and now wish to get your views before we gain funding and start construction.

It will be softened by native plants and provide a place for pedestrians along Milton St to meet, rest and shelter from sun, wind or rain and to appreciate the flora and fauna of the adjacent Wabdallah Reserve.

We are working with the staff and students of Bannockburn P-12 College. They will help to construct the seating and make artworks portraying the local plants and animals

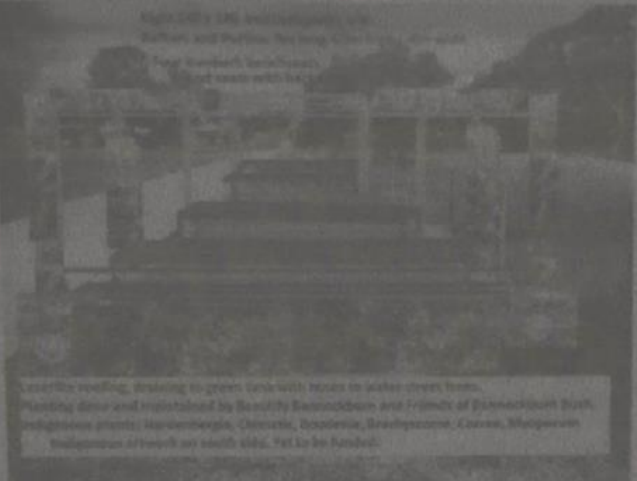
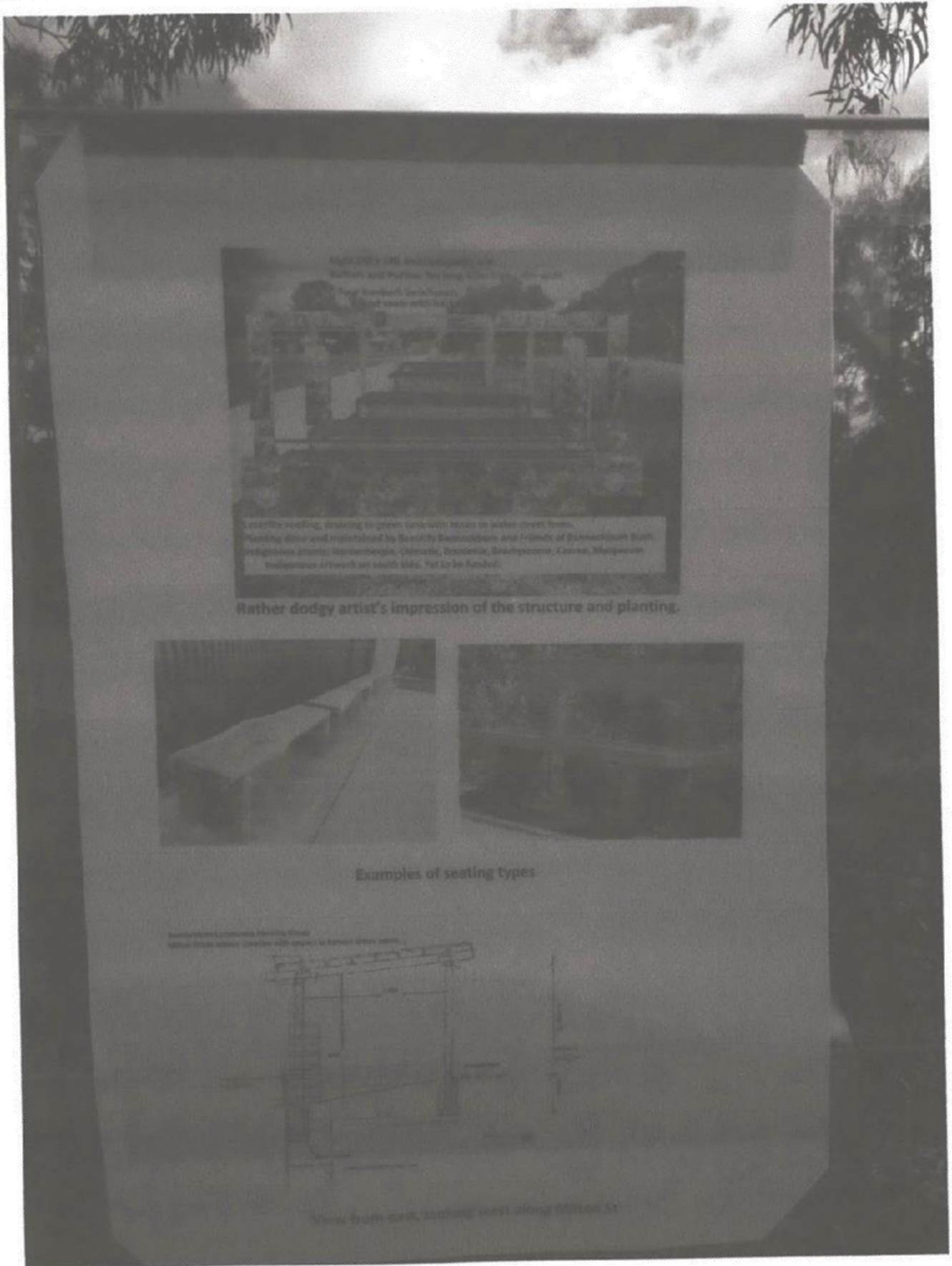
We have also arranged with indigenous artist BJ O'Toole to create an artwork to display inside. It will reflect the close links the Wadawurrung people have with this land.

For more information about this community project please contact us:



11/10/2020

IMG20201105154736.jpg



Rather dodgy artist's impression of the structure and planting.



Examples of seating types



View from east, looking west along Milton St

Please note:

Another family would like to sign
but at present family member
very ill. Their signatures will be
forwarded when I receive them.

Thank you.

Wed 25/11
Hi Danny & Toni
Called in to say that
the council has approved
our grant to build the
Ironbark arbour.
Also spoken with local
police & they will support
you if there are issues
with drinks from the
pub.
Regards [REDACTED]

10 CONFIDENTIAL REPORTS FOR DECISION**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66 of the Local Government Act 2020:

10.1 Golden Plains Shire Council Community Awards 2021

This matter is considered to be confidential under Section 3(1) - 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 confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
