



AGENDA

Council Meeting

6.00pm Monday 21 September 2020

VENUE:
Virtual Meeting

NEXT COUNCIL MEETING
6.00pm Tuesday 24 November 2020

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 Meeting held on Tuesday 25 August 2020 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION

7.1 ASSEMBLY OF COUNCILLORS

File Number: 02-03-004

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments: 1. **Assembly of Councillors 03.09.30**
2. **Assembly of Councillors 15.09.20**

RECOMMENDATION

That Council notes the Assembly of Councillors Record from 26 August 2020 to 20 September 2020 as attached.

EXECUTIVE SUMMARY

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 26 August 2020 to 20 September 2020.

BACKGROUND

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

DISCUSSION

The record must include:

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

CONSULTATION

A formal consultation process is not required.

CONFLICT OF INTEREST

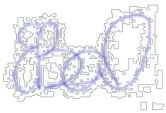
In Accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

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



Assembly of Councillors Record

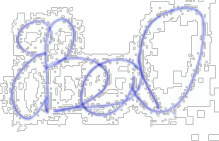
Date of meeting:	Thursday 3 September 2020
Time:	6.00pm
Purpose of meeting:	CEO Performance Review
Councillors present:	Cr Owen Sharkey, Mayor Cr Helena Kirby Cr Joanne Gilbert Cr Nathan Hansford Cr Les Rowe Cr Des Phelan Cr David Evans
Apologies:	Nil
Council staff present:	Eric Braslis, Chief Executive Officer
Other people present:	Nil
Conflict of Interest Disclosures (<i>Councillors</i>)	Nil
Conflict of Interest Disclosures (<i>Officers</i>)	Nil
Matters discussed:	CEO Performance Review
Completed by:	Eric Braslis, Chief Executive Officer 



Assembly of Councillors Record Virtual Meeting

Date of meeting:	Tuesday 15 September 2020
Time:	9.00am
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Owen Sharkey, Mayor Cr Helena Kirby Cr Joanne Gilbert Cr Nathan Hansford Cr Les Rowe Cr David Evans
Apologies:	Cr Des Phelan
Council staff present:	Eric Braslis, Chief Executive Officer Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Candice Robinson, Coordinator Governance and Risk David Collins, Coordinator Environment and Sustainability Sarah Fisher, Coordinator Statutory Planning Laura Wilks, Coordinator Strategic Planning Laura Hardiman, Strategic Planner Alicia Te Wierik, Senior Strategic Planner Sandra Tomic, Town Planner Shannon Fielder, Community Partnerships Officer Helena Charles, Senior Economic Development Officer
Other people present:	Scott Rankin of RCG Consulting
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p>Presentations</p> <ul style="list-style-type: none"> - Barwon River Parklands Project - Community Planning Program - 2019/20 Update and Program Review <p>Reports</p> <ul style="list-style-type: none"> - P20-076 1805 Rokewood-Sheffield Road, Rokewood (The use and development of the land for a Service Station) - Amendment C87gpla (Inverleigh Structure Plan) - Receipt of Panel Report and Adoption of Amendment - Amendment C93gpla - Revised Land Subject to Inundation Overlay - Batesford - Authorised Street Tree Guide - Review of Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Governance Rules - Consideration of Review - Finance Quarter Four Report - In-Principle Performance Statement and In-Principle Financial Statements for the year ended 30 June 2020 - Audit & Risk Committee Report - 8 September 2020 - Outgoing Mayoral and End of Council Term Speeches - Recognition of Retiring Councillors <p>Updates</p> <ul style="list-style-type: none"> - Governance Quarter Four Report - Statutory Obligations and Compliance Schedule 2019/20 and 2020/21



	<p>- Rokewood Recreation Reserve Masterplan update</p> <p>SMT Only CEO Only Councillor Only</p> <p>Confidential - Chief Executive Officer Performance Review</p>
<p>Completed by:</p>	<p>Eric Braslis, Chief Executive Officer</p> 

7.2 DELEGATES REPORT - 25 AUGUST 2020 TO 20 SEPTEMBER 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 – 25 August 2020 to 20 September 2020.

Cr Owen Sharkey

28 August	G21 Board virtual meeting
30 August	Bannockburn Soccer Club presentation
3 September	CEO Performance Review meeting
4 September	CHCV Mayor's/CEO's virtual meeting
8 September	Golden Plains Shire Council Audit & Risk Committee virtual meeting
8 September	Council Meeting
9 September	Virtual meeting with Mohamed Elrafihi from The Hon. Ben Carroll MP's office
10 September	Goldfields World Heritage Bid virtual meeting
11 September	2020 MAV Representatives virtual forum
15 September	Councillor Briefing virtual meeting
18 September	G21 Board virtual meeting

Cr David Evans

3 September	CEO Performance Review meeting
4 September	Rural and Peri Urban Advisory Committee virtual meeting
8 September	Council Meeting
15 September	Councillor Briefing virtual meeting

Cr Les Rowe

3 September	CEO Performance Review meeting
8 September	Golden Plains Shire Council Audit & Risk Committee virtual meeting
8 September	Council Meeting
15 September	Councillor Briefing virtual meeting

Cr Helena Kirby

26 August	G21 Arts, Heritage & Culture Pillar virtual meeting
26 August	Rokewood Recreation Reserve virtual meeting
3 September	CEO Performance Review meeting
8 September	Council Meeting
10 September	Goldfields World Heritage Bid virtual meeting
15 September	Councillor Briefing virtual meeting

Cr Nathan Hansford

3 September	CEO Performance Review meeting
4 September	MAV Board virtual meeting
8 September	Council Meeting
10 September	Goldfields World Heritage Bid virtual meeting
14 September	MAV Workcare Board virtual meeting
15 September	Councillor Briefing virtual meeting

Cr Des Phelan

3 September	CEO Performance Review meeting
8 September	Council Meeting

Cr Joanne Gilbert

3 September	CEO Performance Review meeting
8 September	Council Meeting
15 September	Councillor Briefing virtual meeting

7.3 P20-076 1805 ROKEWOOD-SHELFORD ROAD, ROKEWOOD (THE USE AND DEVELOPMENT OF THE LAND FOR A SERVICE STATION)

File Number:**Author:** Sandra Tomic, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Draft Conditions
2. Permit Application (under separate cover)

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the Use and development of the land for a service station, creation of access to a Road Zone Category 1 and business identification sign subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the use and development of the land for a service station, access to a road zone category 1 and signage at 1805 Rokewood-Shelford Road, Rokewood. The application has been referred to a 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, Councillors have been provided with a full copy of the application, objections and submissions of support for consideration prior to making a decision.

BACKGROUND**Site description**

The subject site is located approximately 9.8km east of Rokewood on the corner of Rokewood-Shelford Road and Bells Road. The proposal is located on the southern side of Rokewood-Shelford Road. The site is an unusual shape, consisting of three lots with the following areas: Lot 1 – 140.4ha, Lot 2 – 204.3ha & Lot 3 – 210.5ha, giving a total area of 555.2ha.

The site currently contains a dwelling and outbuildings, located in the northwest corner of the property, and an area that also contains some scattered trees and shrubs. The remainder of the site is an open paddock, devoid of any other features. There are two existing access points along Rokewood-Shelford Road which is a sealed VicRoads road.

The subject site is zoned Farming Zone (FZ) and abuts a Road Zone Category 1 (Rokewood-Shelford Road). The site is not subject to any overlays, restrictive covenants or Section 173 agreements.

Adjacent and nearby land along Rokewood-Shelford Road and Bells Road consists predominantly of large farming allotments apart from two smaller lots, one along Bells Road (known as 30 Bells Road) which consists of dwelling and outbuildings with a total area of 21ha and one along Rokewood-Shelford Road (known as 1727 Rokewood-Shelford Road) which contains a dwelling and outbuildings with a total area of 3.34ha.

Site context map



Subject site**The proposal**

The proposal is for the use and development of the land for a Service Station (Refuelling Facility). A Service Station is defined as per clause 73.03 of the Golden Plains Planning Scheme as:

Land used to sell motor vehicle fuel from bowsers, and lubricants.

It may include the:

- a) selling of motor vehicle accessories or parts;*
- b) selling of food, drinks and other convenience goods;*
- c) hiring of trailers; d) servicing or washing of motor vehicles; and*
- e) installing of motor vehicle accessories or parts.*

The application proposes the following features:-

Service Station

The use has been described by the permit applicant as a Service Station (Refuelling Facility).

The installation is proposed to be located at the front of the site, approximately 60m from the Rokewood-Shelford Road.

The proposed hours and days of operation are 7 days – 24 hours.

Buildings and works

Installation of an above ground 79.5kl split fuel tank and associated equipment. The split tank incorporates two components being 72kl of diesel and 7.5kl of Ad Blue.

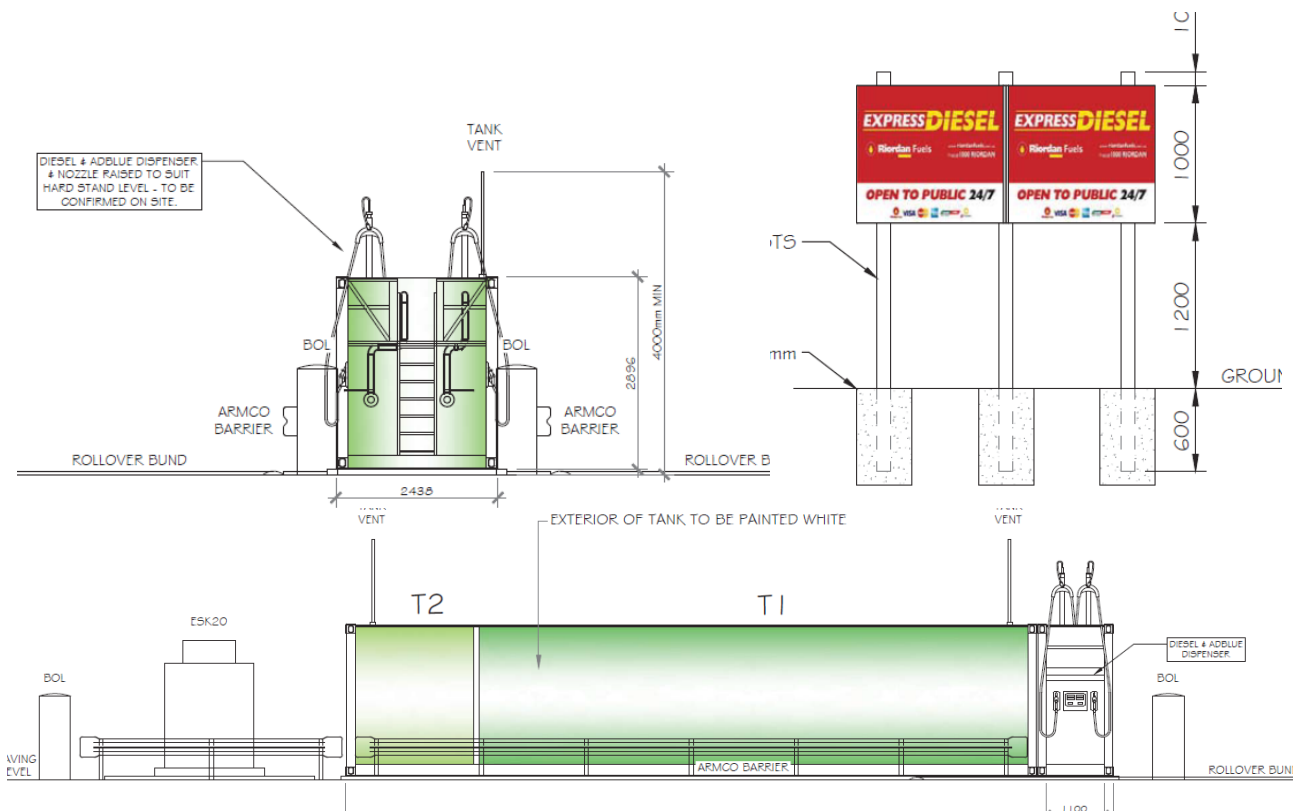
The proposed works include:-

- Installation of above ground split compartments tank with an inbuilt dispenser (as described above);
- Installation of concrete pads for refuelling areas which will incorporate rollover bunds, drainage and treatment unit;
- Installation of impact protection for tank such as Armco guardrails and bollards; and
- Widening the existing crossover and internal roadway.

The existing buildings on site will be retained.

Sign

- Two signage panels 1 x 1.5m are proposed to be located near the entrance.
- The panels will be attached to a steel pole and be 1.5m above the ground level.



POLICY CONTEXT

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. Notice was provided by mail to six (6) adjoining owners and/or occupiers. Notice was also carried out by placing a sign on the site.

As a result of the public notice, 2 objection was received, with 1 letter of support. A copy of the objections and the letter of support have been provided to the Councillors under separate cover.

The objectors' concerns relate to inconsistencies with the planning provisions, detrimental impact on amenity from noise, lighting, traffic, future growth of the proposed use and that the application is misleading.

The letter of support was submitted from Golden Plains Wind Farm Management Pty Ltd, stating that a local service station would be beneficial for the onsite employees throughout the construction and operation of the Golden Plains Wind Farm, given that there is not another similar service station close by.

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.

ASSESSMENT

The application was lodged on 13 March 2020. The application was internally referred to Council's **Engineering Works** department on 7 April 2020.

Council's **Engineering Works** provided comments on 26 August 2020 stating they had no objection to the granting of a permit subject to the following conditions:-

Construction Management Plan

Before the development commences a Construction Management Plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction and post construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority. Any non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.

Stormwater Management Plan

Before the development starts, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater and must include:

- a) A construction site plan incorporating the stormwater management measures to be implemented during the construction phase of the development and details how stormwater is to be managed, including sediment controls, during both the land development phase and the future operation phase. The plan must have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
- b) Regular monitoring and maintenance measures;
- c) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques, where practicable, to reduce pollutant export and peak discharge from the site; and
- d) Any other matters of merit in relation to monitoring and maintenance measures associated with bunded areas;

The provisions and requirements of the endorsed Stormwater Management Plan must be implemented and thereafter complied with at all times. The Stormwater Management Plan may be amended only with the prior written consent of the Responsible Authority.

Stormwater Drainage

Before the development commences, detailed drainage plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The drainage plans must be in accordance with the approved Stormwater Management Plan. Once approved, the drainage plans will be endorsed and will then form part of the permit. The plans must be in accordance with Council's Infrastructure Design Manual (IDM) and provide:

- e) A nominated legal point of discharge. The entire development site must be drained to a legal point of discharge to the satisfaction of the Responsible Authority.
- f) Drainage analysis and design plans for minor (5 year) and major storm (100 year) events considering all contributing external and internal catchments areas detailing how the site is to be drained.
- g) The developer is required to treat flows from the site to eliminate contaminants entering the drainage system to the satisfaction of the Responsible Authority.
- h) Analysis and computations demonstrating storm water discharge quality from the development meets current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
- i) The developer must incorporate Water Sensitive Urban Design principles (WSUD) into the design, as a final treatment before discharging to a legal point of discharge. The design is to be certified by a suitably qualified and experienced engineer and provided to the satisfaction of the Responsible Authority

All works must be undertaken in accordance with the approved drainage plans to the satisfaction of the Responsible Authority.

Vehicle Access

Before the operation of the facility starts:

- a) The proposed crossover and associated drainage must be located and constructed to the satisfaction of the Responsible Authority in accordance with plans approved by the Responsible Authority.
- b) The sealed/constructed crossover is to extend a min of 5m into the property boundary and be constructed with a heavy duty flexible granular pavement with asphalt or spray sealed.
- c) Appropriate traffic signage must be installed within the vehicle access and operational area to support traffic movement to the satisfaction of the Responsible Authority.

Before the operation of the facility starts, the areas designated for internal access lanes as shown on the endorsed plans must be:

- a) Constructed with a crushed rock pavement, suitable to withstand heavy vehicle loading;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Drained;
- d) Clearly signed or marked to show the direction of traffic along access lanes and driveways and
- e) Maintained to the satisfaction of the Responsible Authority.

Bund Area

Before the development commences, updated plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority, detailing an increase to the hardstand/ bunded area. The plans must demonstrate that in the event that there is a tank/dispenser failure, the bunded area:

- a) Provides sufficient coverage of the full area that may receive flows from the dispenser(max hose and discharge reach)
- b) Provides sufficient storage volume (max tank volume) for any escape of fuel that occurs outside of the current rollover bund or self bunded tank zone.

Fencing

Before the operation of the facility starts, suitable fencing must be constructed on the rear and side boundaries of the designated refueling access & operational area, in accordance the Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority.

Clause 52.29-4 (Land adjacent to a road zone) requires an application to be referred to the Road Corporation under Section 55 of the Act.

The application was referred to the **Department of Transport (DOT)** on 7 April 2020. On the 7 May 2020 DoT requested further information from the permit applicant which included an estimated

number of vehicles and types and the forecast number of additional vehicles and types of vehicles expected to enter the site.

The permit applicant submitted the further information requested by the DoT on 26 May 2020. This information was re-referred to DoT, who provided a response 4 August 2020 stating that they do not object to the granting of a permit subject to the following conditions being included:-

1. Prior to commencement of the use, the access crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria and at no cost to the Head, Transport for Victoria.
(Note: The access shall be constructed generally in accordance with VicRoads Guideline Drawing No. GD4010, be treated with an all-weather seal or some other durable surface, and the pipe culvert shall have driveable end walls).
2. Prior to commencement of the use, truck warning signs shall be installed on the Rokewood-Shelford Road on both approaches to the site to the satisfaction of Head, Transport for Victoria.
3. Any barrier, gate or similar device controlling vehicular access to the site must be setback sufficiently inside the property boundary to allow vehicles to store clear of the roadway.
4. Signage must not be flashing, and the maximum luminance value of the signage must be set to a level that does not dazzle or distract drivers to the satisfaction of the Head, Transport for Victoria.

Golden Plains Planning Scheme Planning Policy Framework (PPF)

Clause 13.05-1S - Noise abatement

The objectives of the policy is 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

Zone and Overlay provisions

Clause 35.07 Farming Zone (FZ)

The site and surrounding land is located within the in the Farming Zone (FZ). The purpose of the FZ is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities.

The decision guidelines of the FZ require Council to consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.

- Whether the use or development will adversely affect soil quality or 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.

A permit is required for the use and development of a service station and signs (section 2 use). The decision guidelines of the FZ require Council to consider a number of matters, most appropriate to this application is:-

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

Particular Provisions

Clause 52.05 – Signs

A Planning permit is required for a sign. Clause 35.07-7 of the FZ states that this zone is in Category 4 (Sensitive areas). The purpose of this category is to provide for unobtrusive signs in areas requiring strong amenity control. The sign requirements are at Clause 52.05.

The initial information submitted included large signs. The permit applicant was made aware that the farming zone has a maximum limitation on signage which allows for a total display area to each premises of no more than 3m² for Business identification signage. Amended plans were submitted reducing the signs to comply with the area of 3sqm.

Clause 52.29 – Land adjacent to a Road Zone Category 1

The purpose of the clause is to ensure appropriate access to identified roads.

A permit is required to create or alter access from a Road Zone Category 1 (RDZ1). This section of Rokewood-Shelford Road is a RDZ1. The application was referred to the Department of Transport (DoT) as required with no objection to the application subject to conditions.

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 allocated 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 proposed use is a section 2 use in the Farming Zone. There are no relevant particular provisions for the use and development (excluding signs).

Whilst the proposed use is not agricultural in nature, it does have a direct link to agriculture by providing an opportunity for the agricultural sector to benefit from its convenience for the refuelling of trucks, machinery and vehicles used in and associated with the sector, both in the immediate area, and those that pass by.

In assessing this application, it was important to consider adjoining and nearby land uses, and whether the application responds to relevant policy, the purpose of the zone and decision guidelines. This includes ensuring the proposal would not detract from the potential agricultural use of the site, and the existing agricultural use on surrounding properties.

The service station is proposed to be located within a small portion of the land located in the north west corner with a modest sized footprint within close proximity to the road. Strategically locating the use and development near existing, albeit farming, infrastructure still allows for the balance of the site to be used for agricultural purposes.

Although it is acknowledged that this is an isolated commercial land use in this area, the proposed development is modest in footprint and designed to be a standalone, self-serve use that does not propose any of the allowable ancillary uses the definition of a service station permits, such as the hiring of trailers or sale of convenience foods. It is located on a Road Zone Category 1 which is a well utilised road providing transport connections to the local agricultural sector as well as a busy truck route for trucks coming from the west of the state with harvested timber, through to the Port of Geelong.

The permit applicant has provided some figures looking at comparative Riordan Fuels stations with the application to assist in understanding any amenity impact. Based on these figures, it is estimated (this site) would conduct sales of approximately 150,000L per month. This equates to approximately 7 truck movements per day, 7 days.

Given the location of the subject site abutting a road zone, the appropriate entry and internal vehicle movement design, the modest size of the area to be used for the service station and the ability for the subject site and surrounding farmland to continue to operate as usual, the use and development are considered to be acceptable in this location.

CONSULTATION

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. Notice was provided by mail to six (6) adjoining owners and occupiers. Notice was also carried out by placing a sign on the site.

As a result of the public notice, 2 objections were received, with 1 letters of support. A copy of the objections and a letter of support have been provided to the Councillors under separate cover.

The objectors concerns relate to detrimental impact on amenity from noise, lighting, and traffic. Concerns were also raised regarding the use of the land as a quarry, and that the application is misleading.

The letter of support was received from the Golden Plains Wind Farm Management Pty Ltd who states that a service station in this location would be beneficial to the community and employees of the facility, given that there is not another similar service nearby.

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

Quarry reference

The concerns raised by objectors related to the plans and information submitted stating the land is used for a quarry. The application is for the use and development of a service station. This is a refuelling facility only, with no other services that usually are associated with service stations (shop, food and drink facilities). On review of the application, Council made the permit applicant aware that the existing information submitted did refer to a quarry. No planning permits have been

issued for a quarry on the site. The permit applicant's reply stated that it is acknowledged that a portion of the subject site may potentially be used as a quarry.

The use for the land as a quarry does not form part of this application. A planning permit would be required for extractive industry in addition to a works approval if one was proposed at a later date. Any quarry application would be placed on public notification.

Lighting

Concerns were raised regarding lighting, given the site is proposed to operate 24/7.

Information submitted with the application provides that sensor lighting fitted to the tank will activate when drivers pull up and are angled and baffled to provide direct lighting for them within the vicinity of the tank for the safe use and operation of the system. The installation is proposed to be fitted with one 20 watt LED light to be erected on a standard 6m light pole. This light is designed to light the installation to ensure safe access to the refuelling areas between dusk and dawn.

The permit applicant has confirmed that the design and positioning of the lighting is for this purpose and will prevent any excessive glare/distraction to surrounding road users and neighbours. Conditions will be included on the permit relating to lighting.

Noise

Concerns have been raised regarding the traffic and noise. The site is located along a Road Zone, which already carries a volume of heavy vehicles (trucks) each day as well as standard vehicles. The service station is not the destination that a 'full line' service station might be where food and drinks can be purchased, equipment hired or even a large hard stand parking area to stop for a break. In addition, only diesel fuel will be sold on site, not petrol or gas making it a very specific type of service station that serves a limited number of vehicles on the road.

As mentioned, this road already takes a volume of traffic, including trucks, which are part of the agricultural landscape.

The permit applicant has also provided comments regarding the use and has confirmed that the tank is designed to incorporate the pump equipment within the confines of the front pump housing area. The noise associated with the refuelling system is deemed standard and in line with the noise of a dispenser at any standard service station.

Increased traffic

The application was referred to Council's Works department and Department of Transport in relation to access and the road network. Comments were provided that suggested a number of conditions be included if the application was to be approved. No upgrades to the road network have been required as it is deemed capable of supporting this use.

Future expansion of a quarry

A quarry (Extractive industry) is a separate land use and would require separate planning approval.

CULTURAL HERITAGE IMPLICATIONS

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

CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest in regards 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 buildings. The proposed use will have minimal impact on the surrounding area.

P20-076 - 1805 Rokewood-Shelford Road, Rokewood (The use and development of the land for a Service Station, creation of access to Road Zone Category 1 and Signage)

Endorsed Plans

1. The use and development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Landscape Plan

2. Prior to the commencement of the use and development, a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) Details of surface finishes of pathways and driveways;
 - c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) A planting strip on the outer eastern edge of the proposed, to provide screening on the facility.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

3. Before the use starts or by such later date with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority, including replacing any dead, diseased or damaged plants.

Construction Management Plan

3. Before the development commences a Construction Management Plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction and post construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
4. All development and works must be carried out in accordance with the Construction Management Plan, to the satisfaction of the Responsible Authority. Any non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.

Stormwater Management Plan

5. Before the development starts, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must ensure that stormwater and drainage discharge from the

development site meets current best practice performance objectives for stormwater and must include:

- a) A construction site plan incorporating the stormwater management measures to be implemented during the construction phase of the development and details how stormwater is to be managed, including sediment controls, during both the land development phase and the future operation phase. The plan must have regard to the Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).
 - b) Regular monitoring and maintenance measures;
 - c) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques, where practicable, to reduce pollutant export and peak discharge from the site; and
 - d) Any other matters of merit in relation to monitoring and maintenance measures associated with bunded areas;
6. The provisions and requirements of the endorsed Stormwater Management Plan must be implemented and thereafter complied with at all times. The Stormwater Management Plan may be amended only with the prior written consent of the Responsible Authority.

Stormwater Drainage

7. Before the development commences, detailed drainage plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The drainage plans must be in accordance with the approved Stormwater Management Plan. Once approved, the drainage plans will be endorsed and will then form part of the permit. The plans must be in accordance with Council's Infrastructure Design Manual (IDM) and provide:
- a) A nominated legal point of discharge. The entire development site must be drained to a legal point of discharge to the satisfaction of the Responsible Authority.
 - b) Drainage analysis and design plans for minor (5 year) and major storm (100 year) events considering all contributing external and internal catchments areas detailing how the site is to be drained.
 - c) The developer is required to treat flows from the site to eliminate contaminants entering the drainage system to the satisfaction of the Responsible Authority.
 - d) Analysis and computations demonstrating storm water discharge quality from the development meets current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
 - f) The developer must incorporate Water Sensitive Urban Design principles (WSUD) into the design, as a final treatment before discharging to a legal point of discharge. The design is to be certified by a suitably qualified and experienced engineer and provided to the satisfaction of the Responsible Authority

All works must be undertaken in accordance with the approved drainage plans to the satisfaction of the Responsible Authority.

Vehicle Access

8. Before the operation of the facility starts:
- a) The sealed/constructed crossover is to extend a min of 5m into the property boundary and be constructed with a heavy duty flexible granular pavement with asphalt or spray sealed.

- b) Appropriate traffic signage must be installed within the vehicle access and operational area to support traffic movement to the satisfaction of the Responsible Authority.
9. Before the operation of the facility starts, the areas designated for internal access lanes as shown on the endorsed plans must be:
- a) Constructed with a crushed rock pavement, suitable to withstand heavy vehicle loading;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Drained;
 - d) Clearly signed or marked to show the direction of traffic along access lanes and driveways (these signs must be no more than 3sqm in total area) and
 - e) Maintained to the satisfaction of the Responsible Authority.

Bund Area

10. Before the development commences, updated plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority, detailing an increase to the hardstand/ bunded area. The plans must demonstrate that in the event that there is a tank/ dispenser failure, the bunded area:
- a) Provides sufficient coverage of the full area that may receive flows from the dispenser(max hose and discharge reach)
 - b) Provides sufficient storage volume (max tank volume) for any escape of fuel that occurs outside of the current rollover bund or self bunded tank zone.

Fencing

11. Before the operation of the facility starts, suitable fencing must be constructed on the rear and side boundaries of the designated refueling access & operational area, in accordance the Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority.

Lighting

12. Censored security lighting must be provided prior to the commencement of the use to the satisfaction of the Responsible Authority.
13. Lighting must not cause light spill on to the adjoining land to the satisfaction of the Responsible Authority.

General Amenity

14. The amenity of the area must not be detrimentally affected by the use or development 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, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
- to the satisfaction of the Responsible Authority
15. The development must be satisfactorily maintained to the satisfaction of the Responsible Authority.

16. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the site or area.

Department of Transport

17. Prior to commencement of the use, the access crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria and at no cost to the Head, Transport for Victoria.

(Note: The access shall be constructed generally in accordance with VicRoads Guideline Drawing No. GD4010, be treated with an all-weather seal or some other durable surface, and the pipe culvert shall have driveable endwalls).

18. Prior to commencement of the use, truck warning signs shall be installed on the Rokewood-Shelford Road on both approaches to the site to the satisfaction of Head, Transport for Victoria.
19. Any barrier, gate or similar device controlling vehicular access to the site must be setback sufficiently inside the property boundary to allow vehicles to store clear of the roadway.
20. Signage must not be flashing, and the maximum luminance value of the signage must be set to a level that does not dazzle or distract drivers to the satisfaction of the Head, Transport for Victoria.

Expiry

21. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The use is not started within four years of the date of this permit.

The Responsible Authority may extend the period in which to start the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which to complete the development if a request is made in writing before the permit expires or within 12 months afterwards and the development was lawfully started before the permit expired.

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.

7.4 AMENDMENT C87GPLA (INVERLEIGH STRUCTURE PLAN) - RECEIPT OF PANEL REPORT AND ADOPTION OF AMENDMENT

File Number:

Author: Alicia Te Wierik, Senior Town Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments:

1. Inverleigh Structure Plan & Framework Plan (Post Panel Changes) (under separate cover)
2. Amendment Documents (under separate cover)
3. Golden Plains G87gpla Panel Report (under separate cover)

RECOMMENDATION

That Council:

1. Receive the Panel Report for Amendment C87gpla noting the recommendations contained within.
2. Amend and adopt the Inverleigh Structure Plan 2019 as shown in Attachment 1, in accordance with the recommendations of the Panel as follows:
 - Abandon the exhibited changes to Clause 21.07-5 (Inverleigh).
 - Amend Clause 11.03-6L consistent with Council's final version of the Clause (with the exception of the 'Bushfire management strategies').
 - Amend the Schedule to Clause 72.08 (Background documents) to include reference to the 'Inverleigh Structure Plan Review (Golden Plains Shire, 2019)' and delete reference to the 'Inverleigh Structure Plan Review (Connell Wagner, 2005)' consistent with Council's final version of the Clause.
3. Adopt Amendment C87gpla as shown in Attachment 2, in accordance with the recommendations of the Panel Report.
4. Request the Minister for Planning to approve Amendment C87gpla in accordance with Section 31(1) of the *Planning and Environment Act 1987*.

EXECUTIVE SUMMARY

Amendment C87gpla replaces the Inverleigh Structure Plan Review 2005 with the Inverleigh Structure Plan 2019 in the Golden Plains Planning Scheme.

This report invites Councillors to consider the recommendations from a Panel Report dated 28 August 2020, prepared in relation to Amendment C87gpla. A resolution is required before the Amendment can be sent to the Minister for Planning for Approval.

BACKGROUND

Specifically the amendment seeks to implement the key elements of the Inverleigh Structure Plan 2019 (ISP) by:

- Amending local policy objectives and strategies for Inverleigh to align with the ISP to guide the residential development of existing and future Low Density Residential Zone (LDRZ) areas and a 'Future Investigation Area'.
- Amending the LDRZ Schedule to delete reference to minimum lot size restrictions for Inverleigh allowing, subject to a permit, a minimum lot size of 0.4 hectares consistent with the rest of the Municipality.
- Changing Planning Scheme maps to replace references to 'Low Density Residential Zone' with 'Low Density Residential Zone Schedule 1'.

The key steps in the Amendment process are summarised below.



The amendment was supported by the Domestic Wastewater Management Plan 2015, Development Feasibility Study Package by Mesh 2017, the Inverleigh Flood Study 2018, a Strategic Bushfire Risk Assessment and .id Consulting Pty Ltd population forecasting.

Amendment C87gpla was exhibited in accordance with the requirements of Section 19 of the Planning and Environment Act 1987. Ninety two (92) submissions were received. Twelve submitters presented to a Panel Hearing held on 13th, 14th, 15th, 16th and 20th of July 2020.

In response to submissions, Council proposed a range of changes to the exhibited local policy provisions. Amendment C90gpla, being the translation of Clauses 21 (Municipal Strategic Statement) and 22 (Local Planning Policies) of the planning Scheme into the new Planning Policy Framework (PPF), came into effect before the commencement of the Hearing resulting in additional post exhibition changes.

The Panel Report provided at Attachment 3 was received by Council on 28th August 2020.

POLICY CONTEXT

Amendment C87gpla (Inverleigh Structure Plan) will sit within the Golden Plains Planning Scheme and provide the strategic planning policy for considering future rezoning and development proposals in Inverleigh for the next 15-20 years.

DISCUSSION

The Panel concluded “that the ISP has been prepared in an appropriate robust manner, involving community engagement and informed by key background documents. It contains key directions and strategies common to Structure Plans to manage the future growth of the town in a manner consistent with the Plan’s vision and identified constraints while maintaining the town’s settlement boundary. It is appropriate to be identified in the Planning Scheme as a Background document and will assist in the future consideration of rezoning and development proposals and planning of future infrastructure delivery.

The Panel concludes that the changes proposed to Clause 11.03-6L (including changes to the Framework Plan) are broadly consistent with the version exhibited with the Amendment and are consistent with the PPF and strategically justified however could be enhanced to address key localised issues regarding bushfire.

The Panel considers the changes to the LDRZ schedule (defaulting to a minimum lot size of 0.4 hectares) are consistent with the PPF and strategically justified and will provide for a consistency in how the zone is applied across the municipality”.

While the Panel considers that the Amendment is generally consistent with Clause 13.02 (Bushfire), it is not satisfied that it has demonstrated the ability to provide safe access and egress for the western portion of potential Growth Area 3, or appropriately reconciled other fire and environmental considerations. It therefore considers this area should be identified as a ‘Further Investigation Area’ in the ISP and Inverleigh Framework Plan.

The Panel has also recommended that Council pursue further advice on the appropriate bushfire strategy content for Clause 11.03-6L from DELWP and the CFA before finalising the amendment.

The Panel also considers that the ISP and Clause 11.03-6L would benefit from greater direction relating to the planning and treatment of the biolink (including its relocation adjacent to Teesdale-Inverleigh Road), its key interfaces and the management of land between the escarpment and the Leigh River. These are matters that should also inform the further investigation of the western extent of potential Growth Area 3.

The Panel did not support amending the Development Plan Overlay Schedule 9 (DPO9) which would bring lot sizes along a portion of Hopes Plains Road on the town’s eastern rural edge into alignment with the proposed minimum lot sizes of the ISP. One of the Panels reasons for not supporting this change is because it was not formally exhibited and has resulted from a single submission. The Panel recommends that these changes be progressed through a separate planning scheme amendment.

Based on the reasons set out in the Panel Report, the Panel recommends that Golden Plains Planning Scheme Amendment C87gpla be adopted as exhibited subject to the following:

1. Abandon the exhibited changes to Clause 21.7-5 (Inverleigh)
2. Amend Clause 02.03-1 under the heading 'Inverleigh' to add the following sentence consistent with Council's final version in Appendix D1:

"The Inverleigh Flora Reserve is a grassy woodland. Its purpose is the conservation of indigenous plants and animals. It poses a modest fire risk to land adjoining the Bush Interface".
3. Amend Clause 11.03-6L consistent with Council's version in Appendix D2 (with the exception of the 'Bushfire management strategies' which should be replaced consistent with Recommendation 5 to:
 - a) Under the heading "Settlement and residential development strategies' add the word 'moderate' before the words 'residential growth'.
 - b) Under the heading "Economic development and tourism strategies' delete the words 'adjacent to the township boundary' relating to the impacts of development on agricultural land.
 - c) Under the heading 'Open space and natural environment strategies' include the words 'Inverleigh Flora Reserve'.
 - d) Rename the 'Inverleigh Structure Plan' the 'Inverleigh Framework Plan' and insert the amended Inverleigh Framework Plan.
4. Amend Council's version of Clause 11.03-6L in Appendix D2 to:
 - a) Replace the Objective with a new Objective:

"To encourage residential, commercial and tourism growth in Inverleigh while recognising its rural setting and protecting the natural landscape in and around the town"
 - b) Designate the western portion of Potential Growth Area 3, currently in the Farming Zone, as a 'Future Investigation Area' in the Inverleigh Framework Plan.
5. Following consultation with the Department of Environment, Land, Water and Planning add an additional direction in Clause 11.03-6L under "Open space and natural environment strategies' to outline the purpose and approach to biolink(s), green links and streamside reserves prior to adoption of the Amendment.
6. Following further expert advice and the guidance of Department of Environment, Land, Water and Planning and the Country Fire Authority amend Clause 11.03-6L to provide greater clarification of the localised bushfire management challenges for Inverleigh and appropriate high level policy responses prior to adoption of the Amendment.
7. Amend the Schedule to Clause 72.08 (Background documents) to include reference to the 'Inverleigh Structure Plan Review (Golden Plains Shire, 2019)' and delete reference to the Inverleigh Structure Plan Review (Connell Wagner, 2005)' consistent with Council's final version in Appendix D4.
8. Amend the Inverleigh Structure Plan 2019 to:
 - a) Identify the western portion of Potential Growth Area 3 as a 'Further Investigation Area' and subject to the further consideration of:
 - Multiple access and egress arrangements, including an access and egress point that does not require interface with the Inverleigh Flora Reserve.

- Bushfire impacts on the purpose and function of the biolink, streamside areas and open space linkages.
 - The appropriate land use and zone for land between the escarpment and Leigh River.
 - Analysis and guidance for the proposed biolink, green links and streamside rehabilitation.
- b) Identify a process for the planning of the biolink treatment and location, including connections with the Leigh River and Inverleigh Flora Reserve and interfaces with adjoining land, roads and the Leigh River floodplain and future open space areas.
- c) Provide additional direction around the management of interfaces with the rural edge of the township and with rivers and escarpments.

In response to the Panel's recommendations 1, 2, 3, 4 and 7, Council officers have abandoned Clause 21.7-5 (which was pre PPF - Amendment C90gpla); amended Clauses 02.03-1 and 11.03-6L and Schedule 72.08. The Inverleigh Structure Plan has also been amended consistent with the Panel's recommendation No. 8.

Specifically, Potential Growth Area 3 is identified as a 'Further Investigation Area' and is subject to further consideration of the matters outlined in recommendation 8(a). These can be found in Section 7 (Implementation) of the Inverleigh Structure Plan.

Content has been included within Section 5.6 (Natural Environment and Open Space) and Section 6 (Vision and Principles) of the Inverleigh Structure Plan outlining a process for the planning of a biolink, as per the Panel's recommendation 8(b).

In response to Recommendation 8(c), additional direction around the management of interfaces with the rural edge of the township and with rivers and escarpments is provided in Section 6 (Vision and Principles) and Section 7 (Implementation) of the Inverleigh Structure Plan.

In response to Recommendations 5 and 6, suggested wording has been drafted by DELWP in consultation with the CFA.

The recommended wording comprises 5 strategy additions to Clause 11.3-6L Inverleigh. The five strategy additions are in relation to bio-links and bushfire planning. A few minor edits to the draft clause have also been included by DELWP to improve alignment with form and content provisions.

The five additional strategies are:

- Create opportunities for new bio-links and open space consistent with the Inverleigh Framework Plan that do not increase bushfire risk.
- Provide an appropriately designed setback between development and the Inverleigh Flora and Fauna Reserve, Inverleigh Golf Course and new bio-links.
- Minimise bushfire risk by staging the development of land adjacent to the built up areas first.
- Ensure access and egress to Inverleigh is sufficient for emergency vehicles and supports
- Ensure development adjacent to the Inverleigh Flora and Fauna Reserve and any bio-link is designed to withstand all forms of bushfire attack.

All the recommended changes are supported by Council officers. The changes have been made to the relevant documents. The final documents are provided in Attachments.

CONSULTATION

Any further consultation with regard to Amendment C87gpla is not required. An update of the Amendment status will be provided on the Council website and in the Leigh News.

CONFLICT OF INTEREST

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

CONCLUSION

Council has received the Panel Report for Amendment C87gpla which recommends the Golden Plains Planning Scheme Amendment C87gpla be adopted by Council subject to recommendations which have been supported by Council officers.

7.5 AMENDMENT C93GPLA - REVISED LAND SUBJECT TO INUNDATION OVERLAY - BATESFORD

File Number:

Author: Laura Hardiman, Strategic Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments:

1. Explanatory Report (under separate cover)
2. Proposed LSIO Amendment Maps (under separate cover)

RECOMMENDATION

That Council resolves to request the Minister for Planning to prepare, adopt and approve Amendment C93gpla without notice under section 20(4) of the *Planning and Environment Act 1987*.

EXECUTIVE SUMMARY

The Amendment has been made at the request of the Ramsey Property Group who seek to amend the Golden Plains Planning Scheme to reduce the extent of the LSIO for an area of land adjacent to the Moorabool River, and a nearby tributary in Batesford (Riverstone Estate). Recent earthworks onsite have altered the floodplain, rendering the current extent of the LSIO as outdated.

The preparation of the Amendment has been undertaken in consultation with the Corangamite Catchment Management Authority (CCMA) who support the proposed amendment. The Amendment is proposed to follow a fast track process in accordance with section 20(4) of the *Planning and Environment Act 1987*. Section 20(4) of the Act enables the Minister for Planning to amend a planning scheme with exemption from notice requirements.

The Amendment seeks to amend the LSIO mapping in a particular area and will not make any changes to the ordinance. The formal planning scheme maps are currently being prepared by DELWP. It is anticipated they will be available to include as an attachment prior to the September Council meeting.

BACKGROUND

In September 2007 Ramsey Property Group (RPG) applied for the rezoning of the Riverstone Estate. Part of the development site was within a Land Subject to Inundation Overlay (LSIO) and the rezoning contemplated filling of part of the development site to facilitate LDRZ residential lots within this area, specifically Stages 13 and 14.

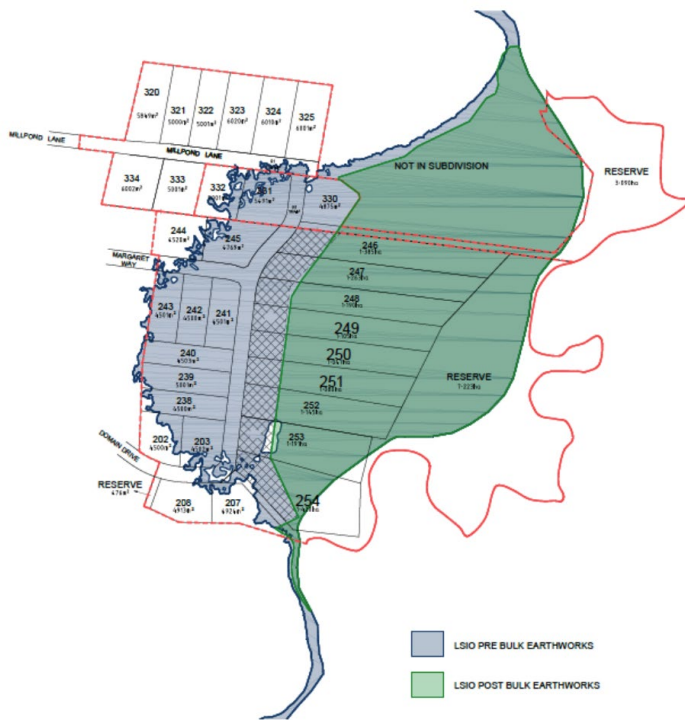


Figure 1: Current & Proposed LSIO, Domain Drive, Batesford.

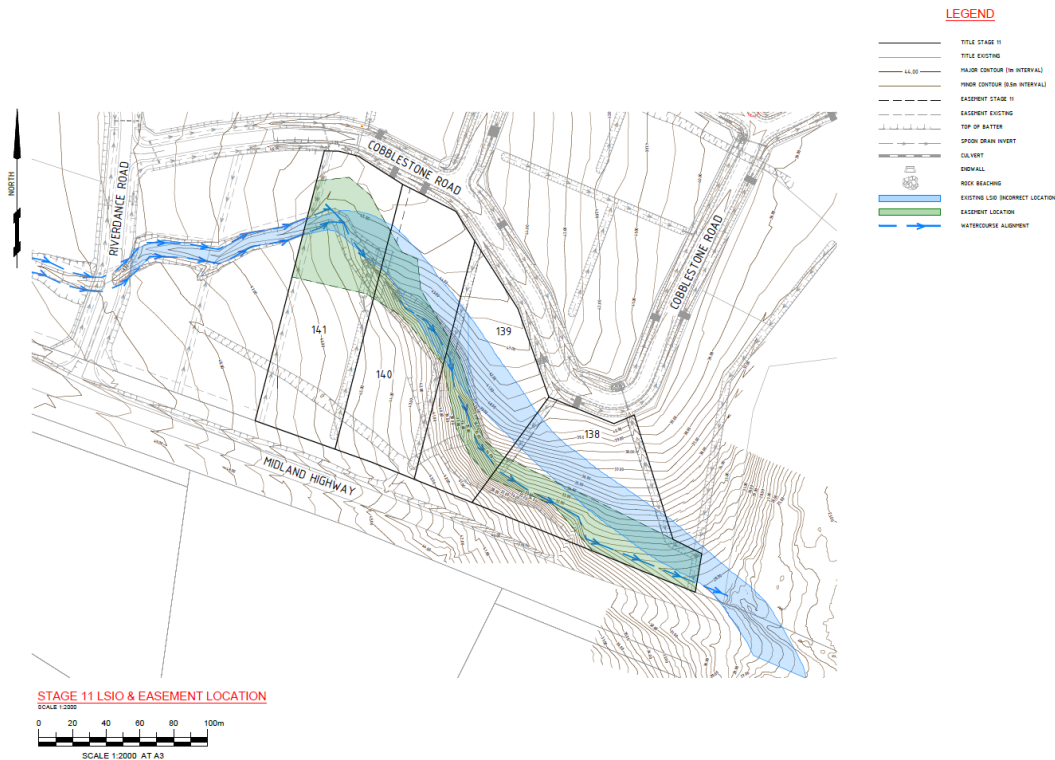


Figure 2: Current & Proposed LSIO, Cobblestone Road, Batesford.

To support the rezoning application, BMT WBM prepared a Preliminary Flooding Impact Assessment (July 2007) in consultation and agreement with Council and CCMA. The rezoning application was exhibited and the land was rezoned with a Development Plan Overlay (DPO). The DPO outlined further Flood Impact Assessment required as part of the DPO documentation to finalise the exact location, extent and depths of the cut and fill needed to reclaim the land. The work required in the DPO contemplated the amendment to the LSIO mapping. This work was

undertaken and the DPO was endorsed on 22nd December 2009, which showed the extent of the flood plain.

Further versions of the DPO have been approved over time as detailed engineering and design has been undertaken. It was always contemplated that the LSIO mapping would need to be amended once the works were completed.

From rezoning and up until the present day, the CCMA has been consulted and remains supportive of this work and the proposed Amendment.

Furthermore, there is a tributary crossing four lots within stage 11 in which the LSIO mapping incorrectly locates the tributary (Figure 2). Therefore, this anomaly should be amended concurrently with the amendment to map the LSIO extent in Stages 13 & 14.

Current Status

On 22nd April 2016, Council, CCMA, TGM and RPG met to discuss the mechanism and timing of moving the LSIO. The following sequencing was proposed:

- Planning permit be applied for and issued for the earthworks component [P16-274A] - complete
- Planning permit be applied for and issued for the subdivision and civil works component [P18-133] –complete
- Works in Waterways permit be applied for and issued by CCMA [CCMA-W-2019-00416] – complete
- Civil Earthworks and Construction Drawings to be prepared and approved by both Council and CCMA –complete
- LSIO Amendment -to be undertaken

Construction of Stages 13 and 14 has commenced, with the cut and fill works being undertaken in accordance with the Planning Permit [P16-274A] issued by Council and the Works in Waterways Permit [CCMA-W-2019-00416] issued by CCMA.

Completion of these works occurred at the end of June, with As Constructed documents submitted for approval to Councils engineering department in early July.

We are now at the stage of the process where an amendment is required to realign the LSIO following the works.

POLICY CONTEXT

As previously mentioned, the Amendment will not result in any changes to planning scheme ordinance.

A 20(4) Amendment, as discussed, follows a different process than the typical planning scheme amendment. The process is highlighted in figure 3.



Figure 3: Next steps for proposed Planning Scheme Amendment under Section 20 (4) of the Planning & Environment Act 1987.

DISCUSSION

The fast track procedure involves using the provisions of section 20(4) of the Act for removing redundant provisions.

Based on the above history and the requirements in the Practice Note for an amendment to the planning scheme it is the opinion of Council officers that the Amendment should be considered as a 20(4) Amendment. In relation to the criteria set out in the Practice Note (PN29), the following assessment has been made:

- The site issues have been reasonably considered and the views of affected parties, specifically the land owner affected, Golden Plains Shire Council, City of Greater Geelong (located on the eastern side of the Moorabool River) and the Corangamite Catchment Management Authority have been considered and resolved.
- The current LSIO overlay in the location of Stage 13 & 14 is now a redundant planning requirement provision and evidence has been provided that the site is no longer subject to flooding.

- The current LSIO overlay in the location of Stage 11 showing the tributary, was incorrectly mapped previously and the anomaly should be corrected as it is an error.

It is for these reasons that it is considered appropriate that the proposed Amendment be considered under the provisions of section 20(4) of the *Planning and Environment Act 1987*.

CONSULTATION

Initial consultation for the proposed Amendment has been undertaken with the Department of Environment, Land, Water and Planning, as well as the Corangamite Catchment Management Authority in relation to the proposed LSIO Amendment and its preparation as a 20(4) Amendment. The Corangamite Catchment Management Authority have confirmed their support for the proposed Amendment.

CONFLICT OF INTEREST

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

CONCLUSION

The mapping as it currently exists on the eastern edge of the Riverstone Estate in Batesford is inaccurate, and an update is required to ensure accurate representation of the Moorabool River floodplain. Whilst a 20(4) amendment will not allow for further engagement with agencies, CCMA are supportive of the Amendment and are aware they will not be able to provide further comment. It is recommended that the Council authorise the preparation of a 20(4) Amendment to the Golden Plains Planning Scheme to amend the LSIO mapping as detailed in this report.

7.6 AUTHORISED STREET TREE GUIDE

File Number:

Author: David Collins, Coordinator Environment & Sustainability

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: 1. Golden Plains Shire Approved Street Tree Guide (under separate cover)

RECOMMENDATION

That Council note the development of the Approved Street Tree Guide.

EXECUTIVE SUMMARY

The Approved Street Tree Guide has been developed to aid Council staff, residents and developers in selecting suitable street trees. Species included in the guide provide a range of options to suit locations and conditions across Golden Plains Shire.

BACKGROUND

Street trees are a highly valued asset in Golden Plains Shire providing significant economic, social, environmental, ecological and aesthetic benefits to our communities. Mature street trees are a dominant feature in the tree lined avenues, streets, parks and reserves of the municipality.

Currently there is no guide for Council or developers to recommend appropriate trees. Consequently, every time street trees are required, the decision for what species is appropriate may be made by different people. This risks the planting of less appropriate species leading to costly outcomes such as increased maintenance or early replacement.

POLICY CONTEXT

The Approved Street Tree Guide has been developed with consideration of Golden Plains Shire Tree Management Policy and the Golden Plains Shire Environment Strategy 2019-2027.

DISCUSSION

The Approved Street Tree Guide has been developed to show different types of trees, in a range of sizes and forms that will likely be successful in various conditions across the two bioregions of the Golden Plains Shire – plains and hills. Landscape Plans that select species from this guide will require less scrutiny, ultimately resulting in a reduced workload for staff involved in assessing development proposals. There are a number of species of street trees currently in place within the Shire that are not included in this guide. In any given location, there may be hundreds of suitable species and this guide cannot list them all. Other species can be suggested and will be considered on a case by case basis.

CONSULTATION

Internal consultation conducted with the Works Department and the Statutory Planning Team

CONFLICT OF INTEREST

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

CONCLUSION

This guide will be used by a number of different teams within Council. It will also be made publicly available via the Council website so that residents and developers can easily access the information. The adoption and use of this guide will help ensure suitable street trees are planted within Golden Plains Shire.

7.7 GOLDEN PLAINS SHIRE COUNCIL 2019-20 ANNUAL REPORT - PART 1

File Number:**Author:** Susan Talpey, Coordinator Communications, Engagement and Advocacy**Authoriser:** Eric Braslis, CEO**Attachments:** 1. Annual Report 2019-20 (under separate cover)**RECOMMENDATION**

That Council:

1. Endorse the Golden Plains Shire Council 2019-20 Annual Report - Part 1.
2. Note that the final version of the Golden Plains Shire Council 2019-20 Annual Report, accompanied by the audited Financial Statements, will be presented to the November Council meeting for adoption.

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1989* (the LGA), Council must prepare and adopt an Annual Report every financial year. The majority of reporting requirements for the 2019-20 year have been completed and the Annual Report – Part 1 is presented to the Golden Plains Shire Council of 2019-20 for endorsement.

BACKGROUND

In accordance with the LGA, Council must adopt its Annual Report at a public meeting and submit its Annual Report to the Minister for Local Government by 30 September in the following financial year. However, due to the COVID-19 pandemic, the submission period for 2019-20 Annual Reports for all councils in Victoria has been extended to 30 November 2020.

Council's 2019-20 Financial Statements are yet to be completed and audited. This content will be added to the endorsed 2019-20 Annual Report-Part 1 and presented to Council for adoption in November 2020. The adopted 2019-20 Annual Report will then be submitted to the Minister for Local Government by 30 November 2020.

POLICY CONTEXT

Council Plan 2017-2021
Strategic Resource Plan
Annual Budget 2019-20

DISCUSSION

Golden Plains Shire is a large rural municipality of 2,705 square kilometres with a socio-economically diverse population of 23,722 people living in 56 communities. The substantial population growth in the Shire of 2.6% in 2019-20 saw Golden Plains retain its position as the fifth fastest growing regional LGA in Victoria (by percentage growth rate).

The 2019-20 Annual Report-Part 1 shares the story of Council's major highlights and achievements from 1 July 2019 to 30 June 2020 including:

- Significant funding investment from State and Federal Governments.
- Advocacy success through Council's strategic partnerships including Council's acceptance into the Victorian Government's Growing Suburbs Fund and the progression of the Renewable Organics Network regional waste-to-energy facility.
- Strategic management of growth in the Shire including the Bannockburn Growth Plan.

- Record investment in capital projects, roads infrastructure and community assets.
- Continued renewable energy investment with the progression of the Berrybank and Golden Plains Wind Farm projects.

Major capital works completed by Council in 2019-20 include: Bannockburn Heart – Stage One, Golden Plains Civic Centre, Bannockburn Recreation Precinct Second Soccer Pitch, Victoria Park Sport Oval Lighting Upgrade, Teesdale Turtle Bend Reserve Upgrade, Rokewood Recreation Reserve Lighting Upgrade, Smythesdale Courthouse Upgrade and Haddon Recreation Centre Floor. In 2019-20, funding grants were also secured for future capital works projects including the Three Trails Project, Federal Black Sport Program funding for works on Shelford-Mt Mercer Road and Russells Bridge Road, and Local Roads and Community Infrastructure funding that will support the delivery of several community projects in 2020-2021.

In 2019-20, Council's completed major road projects including upgrades of Teesdale-Lethbridge Road, Tall Tree Road in Lethbridge, Pitfield-Cressy Road, Linton-Mannibadar Road, Maude-She Oaks Road, Coopers Bridge in Meredith, Franklin Bridge in Napoleons, Barwon Park Road Bridge in Inverleigh and Wall Street Bridge in Teesdale.

In the 2019-20 Annual Report-Part 1, Council's performance for 2019-20 has been reported against each strategic objective of the 2017-2021 Council Plan. Both the 'Report of Operations' and 'Performance Statement' have been prepared based on the 'Better Practice Guide' developed by the Department of Environment, Land, Water and Planning (DELWP).

CONSULTATION

As this agenda item is part of a legislative compliance process, a formal consultation process is not required. In November 2020, as required by the LGA, public notice that the Annual Report is available on Council's website and at Council's customer service centres will be published. Communication on the Annual Report's consideration for adoption at the November 2020 Council Meeting will also be published.

CONFLICT OF INTEREST

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

CONCLUSION

The Golden Plains Shire Council 2019-20 Annual Report-Part 1 is an accurate and detailed report of the operations and services of Council in the past financial year, as well as a strategic account of the Council's achievements and challenges in 2019-20. It is recommended that Council endorse this report, and in November 2020, the full Golden Plains Shire Council 2019-20 Annual Report will be presented for adoption.

7.8 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

File Number:

Author: Jacquilyn Douglas, Governance and Legal Services Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) (under separate cover)

RECOMMENDATION

That Council in the exercise of the powers conferred by s313 of the *Local Government Act 2020* and the legislation referred to in the attached Instrument of Appointment and Authorisation ('the instrument'), resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Councils Governance Rules of 2020, Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 28 July 2020 is revoked.

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) appoints the majority of authorised officers under Council's delegation to the CEO. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument) was last reviewed and adopted by Council in July 2020.

A review of that instrument has now been completed and specifically updated to reflect the successful recruitment and appointment of a new Statutory Town Planner.

It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

BACKGROUND

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislated requirements.

A review of the instrument has been undertaken specifically taking into account legislative changes required under the new *Local Government Act 2020*.

POLICY CONTEXT

Local Government Act 2020

The Planning and Environment Act 1987

DISCUSSION

Council subscribes to the Maddocks Lawyers delegations and authorisations service. This service assists Council in managing its delegations and authorisations. The service includes the provision of templates and regular updates as required taking into account any legislative changes required.

Maddocks Lawyers have issued an amended instrument of appointment and authorisation under the *Planning and Environment Act 1987* reflective of changes required under the new *Local Government Act 2020*.

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The proposed changes to the instrument are detailed below:

- Updated list of authorised officers following recent staff changes;

One (1) change to the appointed and authorised officers, the listed officers remains the same as per the last instrument adopted by Council on 28 July 2020, with the addition of one newly appointed Statutory Town Planner.

CONSULTATION

Changes to authorisations are communicated internally.

CONFLICT OF INTEREST

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

CONCLUSION

A review of Council's Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* has been undertaken. The review covered consideration and inclusion of legislative changes required under the new *Local Government Act 2020*. The reviewed instrument of authorisation is presented for Council's consideration and adoption.

7.9 GOVERNANCE RULES - CONSIDERATION OF REVIEW

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

1. Governance Rules (under separate cover)
2. Public Participation in Council Meetings Policy (under separate cover)
3. Election Period Policy (under separate cover)

RECOMMENDATION

That Council:

1. Note the Council Resolution of 25 August 2020 that required a report back to the 21 September 2020 Council Meeting to consider a further review of the Governance Rules.
 2. Do not proceed with a review of the Governance Rules at this time.
-

EXECUTIVE SUMMARY

At its 25 August 2020 Council Meeting Council adopted the Governance Rules (including Public Participation in Council Meetings Policy and Election Period Policy). As part of that resolution, Council required a report back to the 21 September 2020 Council Meeting to consider a further review of the Governance Rules.

Following the extensive review process undertaken prior to adoption of the Governance Rules in August 2020, it is not considered by officers that any changes to the Governance Rules are required and therefore, it is recommended that Council do not proceed with a review at this time.

In accordance with the Local Government Act 2020 (the Act), a formal process is required to review the Governance Rules, including review of the documents, development of a new draft version, Council resolution to commence public consultation, undertake public consultation, review and consideration of any public submissions received, development of final version and final adoption by Council.

If Council does however, decide to undertake an early review of the Governance Rules then this should be deferred until February 2021. Due to the upcoming Council Election Period and as in accordance with Councils Election Period Policy, from the 22 September 2020 to 24 October 2020 (Election Period) public consultation is limited to only where necessary to facilitate the day to day business of Council and should not commence on any contentious or politically sensitive matter. This impacts a review of the Governance Rules given public consultation is required under the Act. Deferral until February 2020 would also allow the new Council to first complete meeting procedure training and hold at least two Council Meetings to familiarise themselves with the Governance Rules before undertaking a review, noting that historically Council has not held a Council Meeting in January.

BACKGROUND

Council adopted its Governance Rules (including Public Participation in Council Meetings Policy and Election Period Policy) at its 25 August 2020 Council Meeting. Council resolved:

'That Council:

1. *Adopt the Governance Rules, including the Public Participation in Council Meetings Policy and Election Period Policy.*
2. *Adopt the Public Transparency Policy.*

3. *Note the Governance Rules and abovementioned polices will come into effect on Wednesday, 26 August 2020.*
4. *Bring a report back to the 21 September 2020 Council Meeting to consider a further review of the Governance Rules.'*

POLICY CONTEXT

Local Government Act 2020

DISCUSSION

In accordance with the Local Government Act 2020, a formal process is required to review the Governance Rules including:

- Step 1: Review of the documents;
- Step 2: Development of a new draft version;
- Step 3: Council resolution to commence public consultation (cannot be undertaken until after the Election Period);
- Step 4: Undertake public consultation (cannot be undertaken until after the Election Period);
- Step 5: Review and consideration of any public submissions received;
- Step 6: Development of final version; and
- Step 7: Final adoption by Council.

Prior to adoption of the Governance Rules in August 2020, a comprehensive review process was undertaken including:

- Review of the previous Local Law No.1 of 2019 – Council Meeting Procedures & Common Seal;
- Development of the Draft Governance Rules;
- Review of the Draft Governance Rules against the Local Government Victoria (LGV) Governance Rules Template;
- Discussion with Councillors at Councillor Briefing 21 July 2020;
- Council Resolution on 28 July 2020 to commence public consultation;
- Public Consultation from 29 July 2020 to 12 August 2020;
- Consideration of the 3 public submissions received;
- Development of the Final Governance Rules;
- Discussion with Councillors at Councillor Briefing 18 August 2020;
- Meeting between officers and Cr David Evans on 19 August 2020 to further discuss the final version and submissions received; and
- Council Resolution on 25 August 2020 to adopt the Final Governance Rules however, additional requirement of Council to consider a further review at 21 September 2020 Council Meeting.

Following the extensive review process undertaken prior to adoption off the Governance Rules in August 2020, it is not considered by officers that any changes to the Governance Rules are required and therefore, it is recommended that Council do not proceed with a review at this time.

If Council does however, decide to undertake an early review of the Governance Rules then this should be deferred until February 2021. Due to the upcoming Council Election Period and as in accordance with Councils Election Period Policy, from the 22 September 2020 to 24 October 2020 (Election Period) public consultation is limited to only where necessary to facilitate the day to day

business of Council and should not commence on any contentious or politically sensitive matter. This impacts a review of the Governance Rules given public consultation is required. Deferral until February 2020 would also allow the new Council to first complete meeting procedure training and hold at least two Council Meetings to familiarise themselves with the Governance Rules prior to being asked to complete Steps 1 – 7 (above), noting that historically Council has not held a Council Meeting in January.

Governance Rules

The Governance Rules were adopted on the 25 August 2020 in order to achieve compliance with Stage 2 implementation of the Local Government Act 2020, due by 1 September 2020.

The Governance Rules repealed the Local Law No.1 of 2019 – Council Meeting Procedures & Common Seal.

Under the Local Government Act 2020, the Governance Rules must include:

- (a) the conduct of Council meetings;
- (b) the conduct of meetings of delegated committees;
- (c) the form and availability of meeting records;
- (d) the election of the Mayor and the Deputy Mayor;
- (da) the appointment of an Acting Mayor;
- (e) an election period policy in accordance with section 69;
- (f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
- (i) any other matters prescribed by the regulations.

The Governance Rules also include a revised version of the meeting procedures sections drawn from Golden Plains Shire Council Local Law No. 1 of 2019 (repealed in August 2020). This ensured that meeting procedures and practices previously in place remained except where adjustment required to comply with the new legislation.

The Governance Rules are designed to be clear, instructive and provide transparency to the decision making processes of Council.

The Governance Rules were adopted by Council in August 2020 and provided at Attachment 1.

In early June, Local Government Victoria (LGV) provided councils with a template Governance Rules. These rules were reviewed and utilised to assist in developing the Governance Rules.

Prior to Council adoption in August 2020, the Governance Rules were reviewed by officers and forwarded to an external lawyer for further review and suggested changes incorporated.

Following the previous public exhibition period minor changes were recommended by officers and later adopted by Council.

Public Participation in Council Meetings Policy

The Governance Rules include the Public Participation in Council Meetings Policy.

The Public Participation in Council Meetings Policy was adopted by Council in August 2020 and is provided at Attachment 2.

Prior to Council adoption in August 2020, the policy was reviewed by officers and forwarded to an external lawyer for further review and suggested changes incorporated.

Following the previous public exhibition period minor changes were recommended by officers and later adopted by Council.

Election Period Policy

The Governance Rules include the Election Period Policy as now required under section 60 of the new Act.

The Election Period Policy was adopted by Council in August 2020 and is provided at Attachment 3.

Prior to Council adoption in August 2020, the policy was reviewed by officers and forwarded to an external lawyer for further review and suggested changes incorporated.

Following the previous public exhibition period minor changes were recommended by officers and later adopted by Council.

Summary of Previous Public Exhibition and Previous Submissions (August 2020)

In accordance with requirements under the Local Government Act 2020, the documents were previously placed on public exhibition prior to adoption for a period of two weeks, from Wednesday, 29 July 2020 to Wednesday, 12 August 2020.

A public notice inviting submissions was placed on Council's website and social media pages. Submissions were invited via email, hardcopy mail or through Council's Have Your Say webpage.

Three public submissions were received.

The issues raised in the submissions were considered in detail by officers and minor changes included in the final version of the documents.

The submissions were provided in full to Councillors at the 18 August 2020 Councillor Briefing.

A summary of submissions, officer response and summary of changes made were also provided to Councillors at 18 August 2020 Councillor Briefing and the 25 August 2020 Council Meeting.

Following the Councillor Briefing, officers meet with Cr David Evans on the 19 August 2020 to further discuss the submissions and changes made. Following that meeting, the following changes were additionally made:

- Governance Rules
Section 7 – Definitions – Gallery – amended definition of gallery to account for people viewing the meeting virtually.
- Public Participation in Council Meetings Policy
Clause 9.9.3 – clause rewritten to include the positive at the front.

A Meeting of Council was not required to hear submitters as no submitters indicated that they wished to present their submission in person to Council.

CONSULTATION

Senior staff and Councillors were consulted in the previous review of the documents.

Community engagement was conducted, allowing the community to review and make a submissions on the documents prior to their final presentation to Council for adoption.

Following Council adoption of the documents in August 2020, a copy was made available on Council's website.

CONFLICT OF INTEREST

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

CONCLUSION

The Governance Rules (including Public Participation in Council Meetings Policy and Election Period Policy) were adopted by Council at its 25 August 2020 Council Meeting. As part of that resolution, Council required a report back to the 21 September 2020 Council Meeting to consider a further review of the Governance Rules.

7.10 FINANCE QUARTER FOUR REPORT

File Number:**Author:** Fiona Rae, Manager Finance**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Financial Dashboard (under separate cover)
2. Quarter Four Financial Reports (under separate cover)
3. Capital Report (under separate cover)

RECOMMENDATION

That Council note the Quarterly Finance Report for the 12 months ended 30 June 2020.

EXECUTIVE SUMMARY

As at 30 June 2020, the Income Statement reports total operating revenue of \$45.4m and total operating expenditure of \$40.7m, which results in a year to date surplus of \$4.7m. This is \$2.2m favourable compared to the original budget, and \$0.5m favourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure of \$21.4m, which is \$2.7m above the original budget, and \$7.3m below the revised budget.

The Finance Report for quarter four was presented to the Audit and Risk Committee at the 8 September 2020 meeting to note.

BACKGROUND

The content of this report assists Council to gain assurance in relation to financial management of Council's operations and to meet its responsibilities under its Charter. Section 138 of the *Local Government Act 1989* requires a statement, comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date, to be presented to Council at least every three (3) months.

Council has completed twelve (12) months of the 2019-20 financial year. The attached budget report has been prepared on an operating basis and includes a comparison of actual results for the period to 30 June 2020 to the annual budget adopted by Council for the following financial statements:

- Income Statement
- Balance Sheet
- Statement of Cash Flows
- Statement of Capital Works
- Corporate Summary
- Key Strategic Area Report
- Operational and Capital Grants

POLICY CONTENT

Local Government Act 1989

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2014

Strategic Resource Plan

Annual Budget

DISCUSSION

Budget Report

The operating result for the period is reporting a surplus of \$4.7m compared to the original budgeted surplus of \$2.4m and revised budgeted surplus of \$4.2m. This favourable variance of \$0.5m against the revised budget surplus is primarily due to:

- Grants:
 - \$2.7m grants included in revised budget for projects carried forward from 2018-19
 - Excludes \$1.7m grants budgeted in 2019-20 but received in 2018-19
 - \$0.7m grants not received (I\$500k Inverleigh Sporting Complex, \$138k Teesdale Turtle Bend Upgrade)
 - \$425k grants deferred due to new accounting standard requirements (\$112k capital grants, \$313k operating grants)
- \$204k lower fees and charges revenue than budgeted largely due to lower Bannockburn Children Services childcare fees and animal registration fees lower than anticipated partially offset by an increase in planning and building user fees,
- Contract and materials costs \$1.1m lower than revised budget with some programs been impacted by COVID-19 delays and will be rolled forward to 2020-21,
- Employee costs \$1.8m lower than revised budget due to a number of employee vacancies during the year and reduction in BCSC staff costs. This saving is partially offset by increased costs for materials and contracts relating to short term contractors backfilling vacancies,
- \$1.0m write-off of portion of Ballart-Skipton rail trail outside Shire boundaries historically recorded incorrectly in asset register.

The 'Adjusted Underlying Result' removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other capital contributions to fund capital expenditure from the operating result. This formula is prescribed within the *Local Government (Planning and Reporting) Regulations 2014*. At 30 June 2020 the Adjusted Underlying Result is a deficit of \$0.2m, compared to a revised budget deficit of \$2.6m. This is predominantly due to the \$1.5m operating statement variances, \$1.8m unfavourable variance in capital grants, and the \$1.0m write-off of a portion of the rail trail asset.

Total expenditure in the Statement of Capital Works is \$21.4m, \$2.7m above the original budget of \$18.7m, and \$7.3m below the revised budget of \$28.7m. \$6.5m has been identified to roll forward to 2020-21 with a number of projects impacted by COVID-19 delays.

The results reported for the 2019-20 year are subject to audit which is not finalised due to impacts of COVID-19 which has caused delays in the audit process. As the audit is not finalised there may be changes to the financial statements. Any material changes will be reported to Council and approved by the Audit and Risk Committee.

COVID-19 Costs

The Novel coronavirus (COVID-19) is a current health issue affecting many countries across the world, including Australia. COVID-19 impacts have resulted in delays in a number of projects and programs and additional costs. 2019-20 costs associated with the COVID-19 pandemic include:

- \$24k Waived interest on rates
- \$28k COVID-19 operating costs (risk)

- \$4k COVID-19 emergency meal expenses (funding of \$6.5k received to fund emergency meals in relation to COVID-19 that have cost \$4.3k with potential for the surplus funds to be contributed towards more meals as the pandemic continues)

Capital Projects

Actual versus Budget

The capital program has delivered 114% of the original budget and 75% of the revised budget. Higher capital spend is primarily due to works completed on projects totalling \$6.9M rolled forward from 2018-19 into 2019-20 for projects not complete (refer attached capital projects report). Significant capital projects and amounts rolled forward included:

- Golden Plains Community & Civic Centre \$4.4m
- Bannockburn Heart construction \$1.8m
- Wall Bridge Renewal \$0.5m
- Bridge rehabilitation – Coopers Bridge \$0.5m
- Golden Lake Road Bridge \$0.56m (dollars subsequently reallocated to other projects as resolved by Council)

Delivery of Projects

A number of projects have been completed during the quarter within the allocated budget, as outlined below:

Project	Project Budget \$	Project Cost \$	\$ Variance	% Variance	Comments
Bannockburn Soccer Pitch	483,855	479,406	4,449 <i>Favourable</i>	0.9% <i>Favourable</i>	
Bannockburn Vic Park Oval Lighting Upgrade	575,000	514,694	60,306 <i>Favourable</i>	10.5% <i>Favourable</i>	Majority funded by grant
Inverleigh Netball Court	450,000	448,621	1,379 <i>Favourable</i>	0.3% <i>Favourable</i>	
Linton-Mannibadar Road Upgrade	1,400,000	1,546,017	146,017 <i>Unfavourable</i>	10.4% <i>Unfavourable</i>	Fully funded by roads grants
Cressy-Pitfield Road Upgrade	1,200,000	914,319	285,681 <i>Favourable</i>	23.8% <i>Favourable</i>	Fully funded by roads grants

Any overall savings made with these projects will be automatically transferred to consolidated revenue with the opportunity to assist funding the 2020-21 capital program.

The following projects are on target for completion in 2020-21.

- Golden Plains Community & Civic Centre
- Turtle Bend Walkbridge Upgrade
- Bannockburn Bowls Upgrade
- Rokewood Reserve Lighting
- Lethbridge Lighting & Irrigation Install
- Blackspot road safety improvement projects
- Reserve Road, Rokewood Bridge upgrade
- Shelford – Meredith Road, Meredith upgrade

- Linton Cricket Nets Upgrade
- Three Trails project (Rokewood, Corindhap & Dereel)
- Gravel Road Re-sheeting program
- Maude Recreation reserve water supply project

Contracts approved under delegation

As part of continuous improvement and reporting in relation to procurement activities, contracts that have been awarded between the values of \$200,000 and \$400,000 will be reported. Contracts awarded between these values during the quarter are listed in the table below.

Contracts Awarded – Contract Value Between \$200,000 - \$400,000			
Project	Approved by	Awarded to	Contract Value \$
Oval Mowing Maintenance	CEO	Turf Care and Hire Pty Ltd	290,730
Asset Management System	CEO	Assetic Australia Pty Ltd	337,230

Council officers are pro-active with earlier planning of projects and allocation of budgets than traditional processes, however as funding has not been confirmed for a number of project they were required to be placed on hold. The following project was advertised during the quarter:

- RFT-11-2020 – Detailed Design of 37 Lot Development – Lomandra Drive Teesdale (previously known as Bakers Lane).

The table below outlines tenders awarded during the quarter.

Project	Approved by	Awarded to	Contract Value \$
Panel of Suppliers – Plumbing Maintenance Services	Council	Plumbing Logistics Pty Ltd, Complete Plumbing & Construction Concepts, Total Plumbing Solutions, Paul Norton Plumbing	550,000

In addition, if there have been any contract variations to contracts valued over \$200,000 greater than 10% but less than 15% they will be reported to provide transparency in relation to variances. There were no contract variations of this nature during the quarter.

CONSULTATION

A formal consultation process was not required.

CONFLICT OF INTEREST

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

CONCLUSION

The content included in this agenda and the attached documents are consistent with the adopted Budget and Strategic Resource Plan after taking to account the movements described above. Officers will continue to monitor variances over the remainder of the year, to ensure Council's operating sustainability is maintained.

7.11 IN-PRINCIPLE PERFORMANCE STATEMENT AND IN-PRINCIPLE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

File Number:

Author: Fiona Rae, Manager Finance

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. In-Principle Financial Statements (under separate cover)
2. In-Principle Performance Statement (under separate cover)
3. Interim Management Letter (under separate cover)

RECOMMENDATION

That Council note:

1. The Audit and Risk Committee having delegated power to act, and in accordance with Section 132 of the Local Government Act (1989), approved in principle the Performance Statement and Financial Statements, and submit the statements to the auditor for reporting on the audit.
2. That due to External Audit's positive outcomes in the Management letter, the Audit and Risk Committee recommended the 2019/20 financial statements to be certified.
3. As authorised by Council, the Mayor and Cr Rowe, as Council representatives of the Audit and Risk Committee, certified the Performance Statement and Financial Statements.
4. The attached 2019/20 financial and performance statements, and
5. The delay with the external audit process as advised by the Victorian Auditor-General's Office (VAGO) due to COVID-19.

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the Audit and Risk Committee approved in principle the Performance Statement and Financial Statements as attached, and two Councillors certified these statements in accordance with Section 132 of the Local Government Act (1989).

Due to the tight timeline in approving the 'in principle' Performance Statement and 'in principle' Financial Statements following completion of the audit, it is necessary to delegate authority to the Audit and Risk Committee to approve the Statements and to authorise the two Councillor representatives of the Committee to certify them. Council delegated this approval at the 28 July 2020 Council meeting.

Two issues are impacting the Performance Statement and Financial Statements this year:

- Anticipated delay in the audit process due to COVID-19 impacts – the Victorian Auditor General's Office (VAGO) have advised their sign-off will be later than normal; and
- Council election resulting in no Council meeting in October.

Timing for the signed Report and Audit Certificate to be with the Minister has been extended this year due to impacts from COVID-19 causing delays in the audit process, with the timeline extended from 30 September to 30 November 2020.

The Performance Statement and Financial Statements can be approved 'in principle', being approval of the statements subject to VAGO clearance and no material changes to the accounts are presented, which is consistent with the approach adopted in prior years and also by other Councils. Any material changes require approval from the Audit and Risk Committee.

BACKGROUND

Section 131 of the LGA requires Council to prepare an Annual Report containing:

- Report of Operations of the Council;
- Audited Performance Statement;
- Audited Financial Statements;
- Auditor's report on the performance statement prepared under section 132;
- Auditor's report on the financial statements under Part 3 of the Audit Act 1994; and
- Any other matter required by the regulations.

Section 132 to 134 of the LGA provides the following:

- The Annual Report must be submitted to the Minister by 30 September each year (extended to 30 November this year due to COVID-19);
- Council must pass a resolution giving its approval in principle to the performance statement and financial statements;
- Council must authorise two Councillors to certify the performance statement and financial statements in their final form, after any changes have been made following the audit; and
- Council must hold a publically advertised meeting to discuss the Annual Report as soon as practicable after it has been sent to the Minister.

POLICY CONTEXT

Local Government Act 1989

Local Government (Planning and Reporting) Regulations 2014

Audit Act 1994

DISCUSSION

The Victorian Auditor-General's Office (VAGO) have advised that the timing of financial audits has been impacted by COVID-19 with delays being experienced in remote auditing, due to a number of processes taking longer to complete in a remote working environment. VAGO have increased their resources to manage the year-end workload however have advised that they will not be able to meet all desired timeframes.

VAGO have not provided dates for their review and signoff of the financial audit, other than advising that they will be reviewing entities that are not material in September once the material entity audits are complete. VAGO have also extended their reporting to Parliament to 30 November 2020.

The following timetable outlines the process to achieve the requirements of The Act.

DESCRIPTION OF TASK	DUE DATE
Council to delegate approval of In Principle Statements to the Audit and Risk Committee and authorise two Councillors to sign annual statements.	Complete
Accounts available for audit	Complete
Completion of audit	Complete
Distribution of completed financial statements to Auditor-General	Complete
First review by Audit and Risk Committee with Auditor-General's agent (McLaren Hunt)	08/09/2020
Committee resolution to adopt the In Principle Statements (under delegation)	08/09/2020
September Council Meeting to note In Principle Statements	21/09/2020
Audit Opinion issued by Auditor-General – delayed due to COVID-19	09/10/2020
Advertise Annual Report and Council meeting to consider the report	14/11/2020

Annual report posted to Minister – delayed due to COVID-19	20/11/2020
Council meeting to note Annual Report financial statements and auditor's report – delayed due to COVID-19 and Council Election	24/11/2020
Annual Report tabled in Parliament – delayed due to COVID-19	30/11/2020

Before resolving to approve the 'in-principle' Performance Statement and Financial Statements, the Audit and Risk Committee considered the Interim Management Letter as attached and verbal updated provided by Chris Kol, partner McLaren Hunt (our external auditors).

The Interim Management Letter provided identified the COVID-19 pandemic as a significant event impacting the audit process and timing of completion of the audit. A summary of audit findings identifies the following unresolved items:

- Procurement card operating procedure is due for review. This procedure has since been reviewed and updated.
- Bank signatories of resigned staff to be notified and removed. Staff had system access removed on resignation preventing access with notification now provided to the bank.
- More secure procedure for the payroll bank file. A review of all payroll procedures is in process which will include more secure storage and control of payroll bank files.
- Develop payroll policy. A review of payroll policies is currently in progress which will detail key processes and control requirements.
- Signature register. A register of specimen signatures will be created to enhance the payroll verification processes.
- Landfill Provisions. Landfill restoration costs have been assessed and incorporated into the 2020-21 budget and Strategic Resource Plan. An increase in the annual garbage charge was included in the 2020-21 budget however due to impacts on customers from COVID-19 the decision was made to defer the increase in charge to commence from 2021-22.
- Long Outstanding Rates Debtors. Council has continued to pursue long outstanding rates debtors with a number of customers now paid in full, making lump sum payments or regular payments. COVID-19 has resulted in a number of customers experiencing financial hardship resulting in the development of a COVID-19 hardship policy. A revised COVID-19 hardship policy includes waiving a portion of rates for customers providing evidence of being impacted by COVID-19 with a budget allocated to fund the waivers.

It should also be noted the interim management letter includes a number of 2019 audit findings that have since been resolved including the purchase order authorisation 'contracts' account. This issue was identified in 2019 when the CEO's delegation had not yet been approved by Council to increase to \$400,000.

Some improvements to policies and processes have been implemented, with some minor issues identified to be actioned in 2020-21.

CONSULTATION

A formal consultation process was not required.

CONFLICT OF INTEREST

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

CONCLUSION

Having considered both the 'in-principle' Closing Report and Financial Management Letter the Committee was satisfied that both the Financial and Performance Statements are presented fairly. As stated in the Closing Report:

“Based on our audit, we expect to conclude that the financial report is presented fairly. We also expect to conclude that the performance statement is presented fairly. We consequently expect to issue an unmodified audit opinion.”

As the Audit and Risk Committee has approved and certified the in-principle Financial and Performance Statements, an unmodified audit opinion will be issued for each. The Annual Report will then be formally prepared and submitted to the Minister for Local Government before 30 November 2020. Council will consider the Annual Report and Auditor's Report when completed.

7.12 AUDIT & RISK COMMITTEE REPORT - 8 SEPTEMBER 2020**File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. **Audit and Risk Committee Unconfirmed Minutes - 08 September 2020 (under separate cover)****RECOMMENDATION**

That Council receive the Audit & Risk Committee report from the meeting of 8 September 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.

POLICY CONTEXT

To remain compliant with Section 139 of Local Government Act 1989, 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.

DISCUSSION

Attendees at the Committee meeting were as follows:

Councillors:

Cr Owen Sharkey
Cr Les Rowe

Independent Members:

Andrew Pearce
Joe Adamski
Phil Delahunty

Officers:

Eric Braslis (CEO)
Philippa O'Sullivan (Director Corporate Services)
Phil Josipovic (Director Infrastructure and Development)
Lisa Letic (Director Community Services)
Claire Tehan (Manager People and Culture)
Fiona Rae (Manager Finance)
David Greaves (Manager Works)
Rebecca Failla (Manager Digital Transformation)
Candice Robinson (Coordinator Governance and Risk)
Andrew O'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)
Gabrielle Castree (Crowe)
Chris Kol (McLaren Hunt)

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
Bannockburn Heart Stage 1 – Post Completion audit documents
GPCC Project Update
Bannockburn Children Services Long Day Care – Progress Update
Finance Quarter Four Report
Infrastructure Valuation
OHS Quarter Four Report
Business Continuity Plan – update in COVID 19
Risk Management and Insurance Quarter Four Report
Draft Risk Management Framework
Risk Owner Presentation – Safe Communities
Governance Quarter Four Report
Insurance Renewals Report for 2020/21
Internal Audit 3 Year Strategic Internal Audit Plan
In-Principle Performance Statement and In-Principle Financial Statements for the year ended 30 June 2020
Victorian Protective Data Security Plan (VPDSP)
New Local Government Act 2020 – Implementation Update
Property Management Framework 2020
Statutory Obligations and Compliance Schedule 2019/20
Updated Audit and Risk Committee Charter
Annual Work Plan 2020/21 – Audit and Risk Committee
Self-Assessment – Audit and Risk Committee

CONSULTATION

Nil

CONFLICT OF INTEREST

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

CONCLUSION

The next meeting of the Committee is scheduled for Tuesday, 10 November 2020.

7.13 RESERVE ROAD ROKEWOOD BRIDGE REPLACEMENT - TENDER GPSC-RFT-05-2020**File Number:****Author:** David Greaves, Manager Works**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Confidential Evaluation Report - Confidential
2. Confidential OHS review - Confidential
3. Confidential Pricing information - Confidential

RECOMMENDATION

That Council:

1. Resolves to award Tender GPSC-RFT-05-2020 to construct the Reserve Road Bridge Replacement, Rokewood to Begbies Contracting for the sum of \$393,583.86 (*exclusive of GST*).
2. Note that the earthworks associated with road approaches up to and including the abutments, are to be carried out by Council's in house works team, as separable works additional to the contract sum.
3. Note that any unspent funds from the approved Local Roads and Community Infrastructure grant for this project, will be reallocated to the Meredith – Shelford Road widening project, as per Council resolution of 28 July 2020.

EXECUTIVE SUMMARY

Golden Plains Shire Council wishes to engage suitably qualified and experienced contractors for the Reserve Road Bridge replacement. This replacement is fully funded via an Australian Government Grant under the Local Roads & Community Infrastructure program (LRCI).

BACKGROUND

The bridge site is located 0.8km west of Wurrook Road over the crossing of Kuruc A Ruc Creek, Rokewood. The new bridge will replace the old single lane Timber Bridge with a two lane concrete bridge designed for unrestricted loading. The road will remain closed for traffic during the execution of construction works of the bridge. The purpose of the proposed replacement of Reserve Road Bridge is to allow access to heavier and oversize farm machinery and vehicles across the Creek. The replacement of the bridge will significantly reduce the maintenance burden on Council and it is expected that the new bridge will achieve a 100 year design life. The replacement of this bridge was identified in Councils 10 year replacement program.

This project is fully funded via the Federal Government Local Roads and Community Infrastructure Program (LRCI) funding for 2020/21. The LRCI program aims to assist community led recovery from COVID-19 by supporting local jobs, firms and procurement. Funding is conditional on all approved projects being completed by 30 June 2021.

DISCUSSION

The Tender was advertised from 8 August 2020 to 9 September 2020 through Council's EProcure portal as well as the Geelong Advertiser, Ballarat Courier and Golden Plains Times. At the close of the tender period, eight (8) tenders were received. Refer to confidential attachment – Evaluation Panel Report_GPSC-RFT-05-2020-2020 for details of the tender evaluation.

CONFLICT OF INTEREST

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

CONCLUSION

The Evaluation Panel has conducted a comprehensive assessment of the submissions which were received in response to Council's request for tender GPSC-RFT-05-2020- Reserve Road Bridge Replacement-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*

For the reasons outlined in the Evaluation Summary, Council officers recommend awarding the contract to supply Reserve Road Bridge Replacement-Rokewood to *Begbies Contracting*.

7.14 OUTGOING MAYORAL AND END OF COUNCIL TERM SPEECHES

File Number:

Author: Eric Braslis, CEO

Authoriser: Eric Braslis, CEO

Attachments: Nil

RECOMMENDATION

That Council note the outgoing Mayoral speech from Cr Owen Sharkey, Mayor 2019 – 2020 and the speeches of Councillors on their 4 year Council term.

EXECUTIVE SUMMARY

The 2019 – 2020 Mayor to provide an overview of his term of Mayor, along with all Councillors reflecting on their 4 year Council term.

7.15 RECOGNITION OF RETIRING COUNCILLORS

File Number:

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments: Nil

RECOMMENDATION

That Council recognise and acknowledge the commitment and achievements of retiring Councillors Phelan and Evans for their term on Council.

EXECUTIVE SUMMARY

To acknowledge the service to the community of retiring Councillors, Phelan and Evans, and allow each Councillor a few minutes to publically reflect on their time in public office.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

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 Chief Executive Officer Performance Review

This matter is considered to be confidential under - 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 .
