



AGENDA

Council Meeting

6.00pm Tuesday 23 March 2021

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

NEXT COUNCIL MEETING
6.00pm Tuesday 27 April 2021

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

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

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

BEHAVING WITH INTEGRITY

We Councillors will:

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

MAKING COMPETENT DECISIONS

We Councillors will:

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

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1 OPENING DECLARATION

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

2 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledge the traditional Wadawurrung owners of the land where we meet today. Council pays its respects to Wadawurrung Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

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

That the minutes of the Council Meeting held on Tuesday 23 February 2021 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION**7.1 DELEGATES REPORT - 23 FEBRUARY 2021 TO 22 MARCH 2021****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 – 23 February 2021 to 22 March 2021.

	Cr Kirby	Cr Cunningham	Cr Gamble	Cr Getsom	Cr Rowe	Cr Sharkey	Cr Whitfield
Council Meeting	✓	✓	✓	✓	✓	✓	✓
Councillor Briefing	✓	✓	✓	✓	✓	✓	✓
Strategic Councillor Briefing	✓	✓	✓	✓	✓	✓	✓
Portfolios	✓	✓	✓	✓	✓	✓	✓

Cr Helena Kirby

- 24 February Meeting with Department of Transport
- 26 February G21 Board Meeting
- 26 February Meeting with Stuart Grimley MP
- 1 March G21 Sport & Recreation Pillar meeting
- 5 March CHCV Mayor & CEO meeting
- 5 March PUGRC Mayor and CEO meeting
- 5 March Meeting with The Hon. Gayle Tierney MP
- 5 March International Women's Day luncheon
- 12 March International Women's Day breakfast
- 15 March Victorian Local Government Grants Commission meeting
- 18 March Open House - Community Engagement on the Digital Hub at The Well
- 19 March Meeting with The Hon. Jaala Pulford MP

Cr Brett Cunningham

- 25 February G21 Economic Development Pillar meeting
- 1 March G21 Sport & Recreation Pillar meeting
- 3 March MAV Discrimination, Bullying and Harassment training

Cr Gavin Gamble

26 February Grampians Central West Waste & Resource Recovery Group Local Government Forum Induction Meeting

Cr Ian Getsom

25 February Timber Towns Victoria General Meeting
11 March Presentation of Certificate of Appreciation

Cr Les Rowe

Cr Owen Sharkey

5 March PUGRC Mayor and CEO meeting

Cr Clayton Whitfield

26 February Grampians Central West Waste & Resource Recovery Group Local Government Forum Induction Meeting
18 March Open House - Community Engagement on the Digital Hub at The Well

7.2 MEETING RECORD

File Number:

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments: 1. Meeting Record 16.03.21  

RECOMMENDATION

That Council receive and note the Meeting Records from 24 February 2021 to 23 March 2021 as attached.

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

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

DISCUSSION

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

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

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

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

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

POLICY/RELEVANT LAW

Local Government Act 2020

Governance Rules

PUBLIC TRANSPARENCY

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council receive and note the Meeting Record from 24 February 2021 to 23 March 2021 as attached.

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

Option 2 – That Council do not receive and note the Meeting Record from 24 February 2021 to 23 March 2021 as attached.

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

Option 3 – That Council require further information.

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

CONFLICT OF INTEREST

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

CONCLUSION


That Council notes the meeting record.



Meeting Notice

Date of meeting:	Tuesday 16 March 2021
Time:	9.00am
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Helena Kirby, Mayor Cr Ian Getsom, Deputy Mayor Cr Brett Cunningham Cr Gavin Gamble Cr Les Rowe Cr Owen Sharkey Cr Clayton Whitfield
Apologies:	Nil
Council staff present:	Eric Braslis, Chief Executive Officer Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Annmaree Bowey, Corporate Governance Coordinator Geoff Alexander, Strategic Planner Matt Sims, Coordinator Community Safety & Municipal Fire Prevention Officer Jennie Schoof, Community Partnerships Officer Peter O'Brien – Town Planning Officer Sandra Tomic – Town Planning Officer Sarah Fisher – Coordinator Statutory Planning Laura Wilks – Coordinator Strategic Planning Fiona Rae – Manager Finance Marine Desa – Resource Recovery and Waste Officer Ben Jordan - Manager Community and Council Planning Leanne Wilson – Manager Development and Regulatory Services Jacqui Doyle – Team Leader Social Support Derek Scott, Corporate Strategic Planner
Other people present:	Miranda Donald, Garibaldi Volunteer Community Coordinators Tracey Slatter, Barwon Water Managing Director Shaun Cumming, Infrastructure & Technology General Manager Seamus Butcher, Strategy, Systems and Environment General Manager
Conflict of Interest Disclosures (Councillors)	Cr Clayton Whitfield - Inverleigh Play Space Naming - Report for Decision Cr Owen Sharkey - P20121 CA 19 Donaldson Road, Lethbridge (9 lot subdivision)
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p>Presentation</p> <p>Garibaldi 2021 - 2024 Community Plan Barwon Water Presentation Waste and Resource Recovery Strategy Community Transport Project 2021-22 Draft Budget Update</p> <p>Reports</p> <p>P20140 28 Bell Court, Teesdale (Use and development of land for domestic animal husbandry (keeping of 5 dogs)) P20121 CA 19 Donaldson Road, Lethbridge (9 lot subdivision) Amendment C92gpla Teesdale Structure Plan - Post Exhibition Community Planning Program Action Plan 2021 - 2024 Reflect Reconciliation Action Plan 2021 Inverleigh Play Space Naming - Report for Decision</p>



	<p>Flag Policy Funding opportunities - Growing Suburbs Fund 2020-2021 - Round 2 Sport and Recreation Funding Opportunities - 2021 Local Sports Infrastructure Fund Surplus Council Land in Bannockburn Proposed Naming of Un-named Road, Lethbridge COVID -19 Hardship Policy and Customer Assistance Progress Statutory Planning Advertising Policy and Procedure Berrybank Windfarm Rating Agreement Review of Instrument Delegation - Council to Staff Bannockburn Shire Hall - Bannockburn Surgery Lease Agreement Delegates Report - 23 February 2021 to 22 March 2021</p> <p>Updates Suggested amendment for Golden Plains Shire Local Law No. 2 General Public Amenity following Strategic Planning Workshop. Heinzs Road Cambrian Hill - Update of Community Consultation Happy Valley Reservoir Failure Red Rock Australasia SMT Only CEO Only Councillor Only</p> <p>Confidential Report G21 Strategic Review</p>
<p>Completed by:</p>	<p>Eric Braslis, Chief Executive Officer</p> 

7.3 P20140 28 BELL COURT, TEESDALE (USE AND DEVELOPMENT OF LAND FOR DOMESTIC ANIMAL HUSBANDRY (KEEPING OF 5 DOGS))

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

That Council resolve to issue a Notice of Decision to Grant a Planning Permit for the use of the land for a domestic animal husbandry at 28 Bell Court, Teesdale subject to the recommended conditions.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the use and development for domestic animal husbandry (keeping of 5 Dogs).

The application has been referred to a Council meeting for determination because there are two (2) objections to the application, which relate to amenity impact and noise. This report provides a background to the application and a summary of the relevant planning considerations. Councillors have been provided with a full copy of the application, and objections for consideration prior to making a decision.

A recommendation has been made to issue a Notice of Decision to Grant a Planning Permit to allow for the use and development of the land for a domestic animal husbandry. Whilst two (2) objections to the application were received, the proposal is consistent with relevant planning policy, and officers recommend that the application be approved, subject to appropriate conditions.

BACKGROUND**Site description**

The subject site has an area of 1.08ha, currently containing an existing dwelling and outbuilding. The site is located on the south side of Bell Court at the end of the court. The dwelling is setback approximately 35m from the front boundary and approximately 24m from the western and eastern boundaries. The site is well screened with existing landscaping throughout the site and particularly along boundaries. Access is provided via an existing crossover from Bell Court, a sealed Council road.

The site is located within the Low Density Residential Zone (LDRZ) and Design and Development Overlay Schedule 5 (DDO5) applies to the land. Land surrounding the site is also zoned LDRZ and subject to the DDO5. Adjoining lots are developed with dwellings and outbuildings. The lot to the rear is a large undeveloped lot currently used for agricultural purposes but is zoned LDRZ.

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

- Clause 32.03-1 Use of the land for Domestic animal husbandry as more than 2 animals are proposed to be kept (the condition applicable for this use states that there must be no more than 5 animals); and
- Clause 32.03-4 A permit is required to construct or carry out works associated with a section 2 use.

Domestic animal husbandry is defined as per clause 73.03 of the Golden Plains Planning Scheme as: *Land used to keep, breed, board, or train domestic animals.*

Subject site**Proposal**

The proposal is for the use and development of the land for domestic animal husbandry.

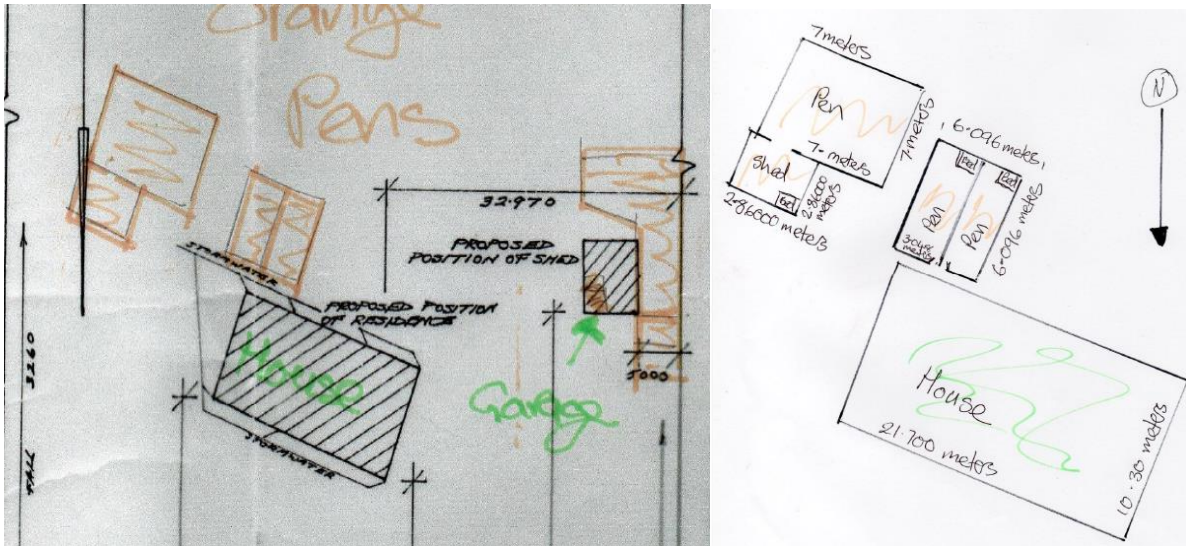
The site is proposed to be used in the following manner:

- Keeping of 5 dogs (German Shepherds);
- The dogs are kept indoors and outdoors (2 older females sleep inside at night and 3 others in the pens in the shed at night);
- The outdoor area is secure with fencing within close proximity to the dwelling;
- Occasional litters;
- Litters are raised completely indoors (until 4 weeks) then located within the puppy pens after 4 weeks, during this time they are allowed out to exercise;
- Pups will go to new homes at around 8 weeks; and
- Dogs will use the entire enclosed area which is fenced around the dwelling with area of approximately 3035sqm. In addition to this area the owner takes the dogs around the property to exercise daily.

There are no building and works proposed, this is a retrospective planning permit application. There are existing outdoor enclosures which include fences and shedding.

The permit applicant (owner of the property) is a member of the German Shepherd Dog Club of Victoria since 1989 and was a qualified obedience instructor for 10 years.

Proposed use of the land (lay out of Domestic animal husbandry areas)



Existing areas used for Domestic animal husbandry



ASSESSMENT

The application was submitted to Council on 27 May 2020 and a preliminary assessment was undertaken. The application was not referred to any internal or external authorities/departments.

Golden Plains Planning Scheme

Planning Policy Framework (PPF)

Clause 13.05-1S - Noise abatement, the objective is to assist the control of noise effects on sensitive land uses. The strategy is to ensure 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 objective is to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Zone and overlay provisions

Low Density Residential Zone (LDRZ)

The site is located in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low density residential development on lots which in the absence of reticulated sewerage, can treat and retain all wastewater. Clause 32.03-1 – Domestic Animal Husbandry section 1 No permit required on condition that it must be no more than 2 animals. The proposal does not meet the condition therefore the use is section 2 – Planning permit required

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design and Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements related to use. As no building and works are proposed as part of this application that triggers the need for a planning permit under this overlay, therefore no response is provided

General provisions

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

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

DISCUSSION

The use and development of the land for domestic animal husbandry for five (5) dogs is retrospective. Council records indicate that there have been no previous complaints in relation to this activity at the subject land. The application was advertised and received two (2) objections; from two different households. Objections are addressed later in the report.

The number of dogs being greater than two (2) triggers a planning permit under LDRZ, with five (5) dogs being the maximum number allowed within this zone. There are no decision guidelines under the zone which relate to use of the land. The purpose of the zone relates to the implementation of relevant policy and low-density development on lots, which can treat and retain wastewater. This use and development will rely on the existing domestic wastewater set up which services the site and will not require any alteration. General conditions have been recommended in relation to amenity and waste.

The supporting development (fenced yard areas) around the dwelling is within close proximity to the dwelling to the west and both objectors have raised concerns about the dogs entering or being very close to their properties and being intimidating at close proximity. Consequently, a condition has been recommended which requires a solid 1.8m fence to be constructed along the entire length of the pens on the western side of the existing enclosure area. The eastern boundary fence to the pen already exists and is well setback (30 metres) from the dwelling located at 36 Bell Court.

The proposed use is considered appropriate within the context of the site and its ability to accommodate the use subject to additional measures by way of solid fencing to ensure the dogs are always contained if outside for exercise and to address disruption to neighbours when they are outside.

The LDRZ triggers a planning permit (section 2 use) for more than 2 dogs, the maximum number of dogs for the use as stated within the table of LDRZ states must be no more than 5 animals (Dogs). There is no potential for the proposal to expand. The recommendation also includes a condition relating to the number of litters per year, any change to this in the future would require an amendment which would be required to be advertised to adjoining properties. The conditions recommended will ensure that the proposed use will have minimal effect on the amenity of the area and complies with orderly planning of the area.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice was provided by mail to all adjoining and neighbouring owners. A sign was placed onsite, and the application information was placed on Councils website.

As a result of the public notice two (2) objections were received from adjoining neighbours.

The main concerns raised by objectors relates to noise, impact on the amenity of the area and general issues around dog breeding such as more dogs than the market might demand and 'puppy farm' breeding practices.

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.

Noise

The main concern raised by objectors related to noise (barking of dogs). In the case of a retrospective application such as this, the impact on amenity can already been known because the use is operating.

The applicant has also submitted that for the most part, there is generally someone at home, though has logically admitted that the dogs, like any dog on private property, will bark from time to time. Specific conditions have been recommended in relation to noise abatement.

The planning application is for the five dogs to be used for breeding, which requires a permit under the LDRZ.

A condition has been included that if council was to receive complaints about noise that an acoustic report would be required.

Amenity of the area

The property owner was made aware by Council (Local laws) that the breeding of dogs required a planning permit for the keeping of 5 Dogs. The owner lodged an application as soon as Council made them aware that a (planning) permit was required for the use. The issuing of a planning permit would allow the use to (lawfully) operate on site, subject to conditions aimed at ensuring that the use operates with minimal impact to the neighbourhood. Recommended conditions address

matters including number of dogs (and puppies) on site at any one time and general amenity, including noise and waste. Conditions such as this allow Council to take enforcement action if conditions are not being met or there are complaints.

A condition has been included that requires a solid fence to be constructed along the existing pen on the western side, due to concerns from neighbours regarding the existing circumstances. Neighbours have raised concerns regarding dogs getting out of the property, condition have been included pertaining to fencing and containment of dogs.

PUBLIC TRANSPARENCY

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

STRATEGIES/PLANS

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

RISK ASSESSMENT

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

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

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

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

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

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

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

CONFLICT OF INTEREST

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

CONCLUSION

A recommendation has been made to issue a Notice of Decision to Grant a Planning Permit to allow for the use and development of the land for a domestic animal husbandry. Whilst two objections to the application were received, the proposal is consistent with relevant planning policy, and officers recommend that the application be approved, subject to appropriate conditions.

Plans required

- 1 Within 2 months of the permit being issued, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the advertised plans. The plans must be drawn to scale and with dimensions, but modified to show:
 - a. Site plan showing location of the existing building (dwelling and dog keeping areas), all to be shown on one plan
 - b. Site plan to show fences outlining the dog exercise yard and pens.
 - c. Site plan showing setbacks to title boundaries.
 - d. Details of existing fence(s) and pens to include the external material and height.
 - e. A new solid fence along the western boundary to the pens area that is currently abutting the property at 26 Bell court. This fence is to be constructed to 1.8m height, along the entire length of the pen and must be at the cost of the permit holder.
2. Within 2 months of the date of this permit a plan for the management and treatment or disposal of all dog waste, including faeces, must be submitted to and approved by the responsible authority. When approved, the dog waste management plan will be endorsed and will then form part of the permit.

Layout not altered

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

Number of dogs

- 4 No more than 5 dogs over the age of 3 months may be kept on the land at any one time.
- 5 Maximum of 4 litters per year.

Registration

- 6 All dogs over the age of three (3) months must be registered with the responsible authority each year.

Noise and air quality

- 7 If the responsible authority receives a complaint and deems that the use is causing unreasonable noise impacts on the amenity of the area, a report from a suitably qualified acoustic engineer must be provided which outlines the measures required to be undertaken to prevent the escape of unreasonable noise and provide measures both in operation, and building design, of the Dog Breeding operation which meets the standards of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1, to the satisfaction of the responsible authority.
- 8 The acoustic report referred to must be submitted to and approved by the responsible authority. Once approved, the report will form part of the permit. The measures identified in the report must be implemented within 3 months of the approval date of the report.
- 9 Offensive odours must not be discharged beyond the boundaries of the premises.
- 10 Appropriate ventilation must be provided in all dog keeping facilities, with appropriate noise abatement measures, to the satisfaction of the responsible authority.

Waste/effluent

- 11 The kennels, pens and outdoor yards must be kept in a clean, tidy and sanitary condition at all times to the satisfaction of the responsible authority.
- 12 All waste water must be treated and disposed of within the boundaries of the land and must not drain into an adjoining property, road, watercourse or drain to the satisfaction of the responsible authority.
- 13 All dog waste, including faeces must be regularly collected and disposed of to the satisfaction of the responsible authority.
- 14 Waste disposal must not occur by way of incineration.

Fencing and containment of dogs

- 15 The fencing and gates must have the capacity to be closed at all times to limit access and prevent escape of dogs.
- 16 The permit holder must ensure that no dogs escape beyond the property boundaries at any time while being kept on the property.
- 17 The permit holder (or a designated nominee) must be available to ensure that the dogs are under control at all times, and to ensure that the conditions of this permit are fully complied with. If the owner is absent from the site at any time, measures must be taken to ensure that all dogs are suitably contained.
- 18 Within 4 months of the permit being issued, the developer must construct a 1.8-metre-high solid fence along the western boundary to the existing pen area of the subject site which abuts 26 Bell Court. Such fencing must be constructed to the satisfaction of the Responsible Authority.
- 19 The full cost of the acoustic fence must be at the expense of the developer.

Expiry

- 20 This permit will expire if one of the following circumstances applies:
 - a) The development and use are 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.The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (or twelve months after the permit expires for a request to extend the time to complete the development).

7.4 P20121 19 DONALDSON ROAD, LETHBRIDGE (9 LOT SUBDIVISION)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Recommended conditions  **RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a nine lot subdivision at 19 Donaldson Road, Lethbridge subject to the recommended conditions.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a nine (9) lot subdivision at Crown Allotment 19 Donaldson Road, Lethbridge. The application has been referred to the Council Meeting for determination because there is one objection to the application from a neighbouring landowner who has concerns regarding drainage. The report provides a background to the application and a summary of the relevant planning considerations. The Councillors have been provided with a full copy of the application and objection for consideration prior to making a decision.

BACKGROUND**Site description**

The subject land is formally known as Crown Allotment 19 Parish of Wabdallah and is situated at Donaldson Road, Lethbridge. The site is located in a low density residential area on the eastern boundary of the Lethbridge township. The site is vacant and has a total area of approximately 4 hectares. The land is flat and mostly cleared except for planted vegetation. The site is bounded by Donaldson Road to the north which provides sealed road access, Dillon Road to the east which is a gravel all-weather road and private land to the south and west. There are no restrictive covenants applying to the land.

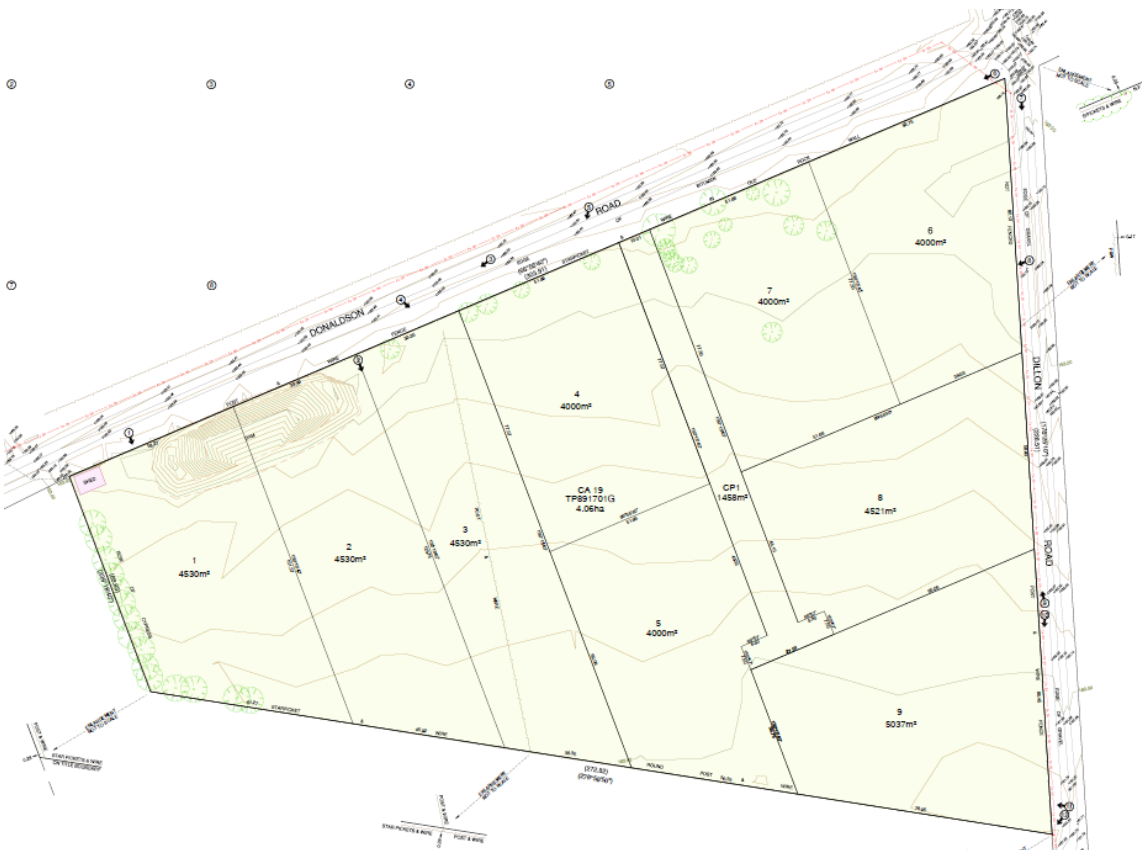
Proposal

The application proposes the development of the land for a nine (9) lot subdivision. The proposed lot sizes consist of four lots of 4000m², four lots of approximately 4500m² and one lot of approximately 5000m². Six of the nine lots have frontage and access to Donaldson Road with access to three lots at the rear facilitated by a common property driveway.

Site map



Proposed subdivision plan



Consultation

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act* 1987. Notice was provided by mail to 11 adjoining and neighbouring owners and occupiers and a sign placed on site.

As a result of the public notice, 1 objection was received. A copy of the objection has been provided to the Councillors under separate cover. The objector raised concerns regarding the drainage plans for the subdivision.

Attempts were made by both Council officers and the applicant to resolve the objectors concerns by having discussions with the objector and providing additional information, however the objection was not withdrawn.

ASSESSMENT

The application was lodged on 5 May 2020. The application was referred under Section 55 of the Act to Barwon Water and Powercor in accordance with Clause 66.01 of the planning scheme. The application was also internally referred to Council's Works and Environmental Health departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

PLANNING SCHEME

Municipal Planning Strategy

Clause 02.03 Strategic Directions

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

Clause 02.04 Strategic Framework Plans

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The Lethbridge Structure Plan aims to provide for additional residential land to accommodate future population growth in a managed and sustainable manner that respects the town character of Lethbridge. The subject land was identified in the Structure Plan for future residential development and was re-zoned to Low Density Residential Zone. The Structure Plan also seeks to provide a strong town boundary to ensure an appropriate buffer between residential and farming activities, such as strong landscape planting and sufficient spacing between farming and residential land.

Planning Policy Framework (PPF)

Clause 11.01-1L Settlement

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

Clause 11.02 Managing Growth

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

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

Clause 15.01-6L Low Density Residential Subdivision Policy

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

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

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

Clause 15.01 Urban Environment

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

Clause 16.01 Residential Development

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

Zone and overlay provisions

Clause 32.03 Low Density Residential Zone (LDRZ)

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

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

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

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

General provisions

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

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.

- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

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

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

CULTURAL HERITAGE IMPLICATIONS

The subject land is not in an Area of Cultural Sensitivity therefore the proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007*.

DISCUSSION

Planning scheme

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including the Municipal Planning Strategy and Planning Policy Framework, the Low Density Residential Zone, Design & Development Overlay Schedule 5, and Clause 65 of the Victoria Planning Provisions.

The proposed subdivision satisfies the Municipal Planning Strategy including the Lethbridge Structure Plan (Clause 02.04) because it provides additional residential land and maintains town character by creating lots similar in size to existing lots in the township. The existing road reserve on the eastern boundary together with permit conditions requiring additional landscaping will provide an adequate buffer to adjoining farming activities.

The Low Density Residential Zone and local policy for Low Density Residential Subdivision (Clause 15.01-6L) supports subdivision of land down to 0.4 hectares where lots are of sufficient size to contain on site effluent disposal and the open and spacious character of low density residential areas is maintained.

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

Objectors' concerns

The objectors' concerns relate to the proposed drainage design for the subdivision. The objector is concerned that drainage works in Dillon Road will impact on the ability to develop his land. It should be noted that the objector does not have any development rights or a permit to develop his land nor has an application been made to develop the land. Furthermore, the objectors' land is in a Rural Activity Zone and outside the township boundary therefore an application to develop the land may not be supported by Council.

The applicant has submitted detailed plans and information for the treatment and discharge of drainage from the subdivision. Council's Works Engineers have reviewed the plans and are satisfied that the plans provide an acceptable drainage solution and that adjoining properties will not be impacted by drainage from the subdivision.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

PUBLIC TRANSPARENCY

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

STRATEGIES/PLANS

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

RISK ASSESSMENT

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

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

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

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

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

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

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, particularly the Lethbridge Structure Plan (Clause 02.04) and the Low Density Residential Subdivision policy (Clause 15.01-6L), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to maintain the character of the area and the proposed lots are considered to be capable of on-site effluent disposal. Permit conditions requiring the provision of associated infrastructure will ensure that the issue of a permit does not cause material detriment to any person.

PLANNING APPLICATION P20121 FOR A 9 LOT SUBDIVISION AT CA 19 DONALDSON ROAD, LETHBRIDGE**RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT****Amended plans**

- 1 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show the proposed stormwater detention basin contained within a drainage reserve.

Layout not altered

- 2 The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Landscaping

- 3 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a landscape plan prepared by a suitably qualified person and 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 be drawn to scale with dimensions and three copies must be provided. The plan must show the following:
 - a) Two rows of trees and shrubs along the eastern (Dillon Road) boundary to provide a landscaped buffer to adjoining farmland.
 - b) Street trees and/or appropriate landscaping along Donaldson Road and the proposed common property driveway in accordance with the Golden Plains Shire Council Approved Street Tree Planting Guide 2019.
 - c) Appropriate landscaping within the drainage reserve.
 - d) Existing trees to be retained where possible.
 - e) All species selected must be indigenous to the local area.
- 4 Before the statement of compliance is issued under the *Subdivision Act 1988*, landscaping and street tree works as shown on approved plans must be carried out and completed to the satisfaction of the responsible authority, unless otherwise approved in writing by the Responsible Authority.

Public open space contribution

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

Telecommunications

- 7 The owner of the land must enter into an agreement with:

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

General

- 9 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 10 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 11 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Expiry

- 12 This permit will expire if:
- a) The plan of subdivision is not certified within two years of the date of this permit; or
 - b) The registration of the subdivision is not completed within five years of the date of certification.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Golden Plains Shire Environmental Health department

- 13 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a restriction must be placed on the plan of subdivision that provides for the following:
- a) Any dwelling on lots 4, 5, 6 and 7 does not exceed 4 habitable bedrooms. Habitable bedrooms include any room that may be closed off with a door, such as a study, library or sunroom that could be used for the purposes of a bedroom.
 - b) This requirement is at the owner's expense and must not be varied except with the written consent of the Responsible Authority.

- 14 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a restriction must be placed on the plan of subdivision that provides for the following:
 - a) Effluent disposal envelopes (650m² in size) on the formal plan of subdivision for proposed lots 1 and 2 demonstrating setbacks in metres from proposed boundaries in accordance with Land Capability Assessment Report number 16352G-LCA completed by St Quentin Consulting Pty Ltd, dated July 2020 (revised).
 - b) This requirement is at the owner's expense and must not be varied except with the written consent of the Responsible Authority.
- 15 Before the issue of a statement of compliance under the *Subdivision Act 1988*, the existing dam on lots 1 and 2 is to be backfilled with appropriate material, and the surface brought to ground level.
- 16 All waste water must be treated and retained within the lot/s in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

Golden Plains Shire Works department

- 17 Before any construction works start, an Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must include, but is not limited to:
 - a) An outline how issues such as runoff, mud on roads, dust generation, erosion and sediment control will be managed, on site, during the construction and post construction phase.
 - b) Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - c) Management measures are to be in accordance with EPA guidelines for Environment Management, 'Doing It Right On Subdivisions' Publication 960, September 2004.All works must be undertaken in accordance with the approved EMP to the satisfaction of the Responsible Authority.
- 18 All works must be undertaken in a manner that minimises soil erosion. Soil erosion control measures must be employed through the construction and post construction phase of the development and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the Responsible Authority.
- 19 Before the certification of the plan of subdivision under the *Subdivision Act 1988* and before any construction works associated with the development or subdivision starts, detailed construction plans and specifications to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The construction plans must accord with Council's standards and specifications in the Infrastructure Design Manual (IDM).
- 20 Before the certification of the plan of subdivision under the *Subdivision Act 1988* and before any construction works associated with the development or subdivision starts, detailed drainage plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The drainage plans must generally 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) full 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.

- b) full drainage analysis considering all contributing external and internal catchment areas and detailing how peak flow rates from the development will be restricted to the lesser of:
 - i. 20% AEP pre-development rate, or;
 - ii. the capacity of the open drain in Dillon Road, or;
 - iii. pre-development levels,
 - c) 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.
 - d) Provide a Risk Assessment of the basin in accordance with principles of AS/NZS 31000
- All works must be undertaken in accordance with the approved drainage plans to the satisfaction of the Responsible Authority.
- 21 Before the certification of the plan of subdivision under the *Subdivision Act* 1988 and before any construction works associated with the subdivision starts, an arborists report must be provided for any proposed works located within the Tree Protection Zone (TPZ) of any trees on adjoining properties where the TPZ of the trees encroach on the subject land, demonstrating that existing vegetation will be protected as per AS4970-2009 Protection of trees on development sites and generally in accordance with Golden Plains Shire standards and specifications as detailed in current Infrastructure Design Manual (IDM) - section 24.4.4 of IDM V5.3.
- 22 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the following drainage works must be carried out and completed to the satisfaction of the Responsible Authority:
- a) Piped underground drainage or open earth drainage discharging to the nominated Legal Point of Discharge (LPOD);
 - b) Provide to each lot within the subdivision, a discharge point.
 - c) Provide drainage retardation to limit peak flow rates to pre-development levels or flow rates as agreed with the Responsible Authority.
 - d) Provide stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
- 23 Before the issue of a statement of compliance under the *Subdivision Act* 1988, a separate vehicle crossing to each lot must be provided or the existing vehicle crossing/s upgraded to the satisfaction of the Responsible Authority as follows:
- a) Crushed rock drive entry;
 - b) Reinforced concrete pipe culvert; and
 - c) Mountable end walls.
 - d) Vehicle crossing/s must be in accordance with the Infrastructure Design Manual (IDM) standard drawing SD 255.
- 24 Before the issue of a statement of compliance under the *Subdivision Act* 1988, construct shared driveway to Lots 5, 8 & 9 with a minimum 5.5m wide crushed rock pavement, 3.5m wide seal and drained in accordance with Golden Plains Shire Council requirements as contained in the Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority. The driveway must extend for the entire length of the shared accessway to Lots 5, 8 & 9.
- 25 Before the issue of a statement of compliance under the *Subdivision Act* 1988, a 1.5m wide concrete footpath must be provided along the Donaldson Road property frontage in accordance with the requirements of Council's Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority.

- 26 Before the issue of a statement of compliance under the *Subdivision Act 1988*, all approved road works, drainage and other civil works must be constructed and completed to the satisfaction of the Responsible Authority.
- 27 Before the issue of a statement of compliance under the *Subdivision Act 1988*, the drainage reserve shown on the endorsed plans must include all relevant safety measures detailed within the basin risk assessment, and cleared of all rubbish, noxious weeds, debris and spoil to the satisfaction of the Responsible Authority.
- 28 Before the issue of a statement of compliance under the *Subdivision Act 1988*, drainage 'As Constructed' plans must be provided to Responsible Authority.
- 29 A twelve (12) months Defects Liability Period will apply to all assets to be vested in Council.
- 30 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a maintenance bond of 5% of the cost of works must be lodged with Council for the term of the Defects Liability Period.
- 31 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a Supervision Fee must be paid to the responsible authority pursuant to Section 17(2)(b) of the Act and Clause 8 of the *Subdivision (Permit and Certification Fees) Regulations 1989*. The prescribed maximum fee for supervision of work is 2.5 per cent of the cost of constructing those works, which are subject to supervision.
- 32 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a Checking Engineering Plans Fee must be paid to the responsible authority pursuant to Section 43(2)(a)(iv) of the Act and Clause 9 of the *Subdivision (Permit and Certification Fees) Regulations 1989*. The prescribed maximum fee for checking engineering plans is 0.75 percent of the estimated cost of constructing the works proposed on the engineering plan.

Note: A works within road reserve permit must be obtained from the Responsible Authority prior to the carrying out of any works within existing road reserves.

Note: Works Department will not consent to the issue of Statement of Compliance until such time as the applicant contact provides satisfactory evidence of compliance with the above conditions.

Barwon Water

- 33 The plan of subdivision must be referred to Barwon Water in accordance with the *Subdivision Act 1988* and any subsequent amendments to the plan provided to Barwon Water.
- 34 The creation of a limited Owners Corporation to encumber Lots 5, 8 and 9 within the subdivision for the purpose of the common water supply service.
- 35 The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L017604.

- 36 The provision and installation of a potable water supply to the development.
- 37 Reticulated potable water mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.
- 38 Individual potable water supply meters are required for each lot or building as part of water connection works.
- 39 The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

POWERCOR CONDITIONS

- 40 The plan of subdivision submitted for certification under the *Subdivision Act* 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- 41 The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- 42 The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
- 43 The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes:
- Existing easements may need to be amended to meet the Distributor's requirements
 - Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/ In Favour Of
	Power Line		Section 88 – Electricity	Powercor Australia Ltd

			Industry Act 2000	
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Note: *It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:*
<https://customer.portal.powercor.com.au/mysupply/CIWQuickCalculator>

7.5 AMENDMENT C92GPLA TEESDALE STRUCTURE PLAN - POST EXHIBITION

File Number:**Author:** Geoff Alexander, Strategic Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**
1. Teesdale Structure Plan (under separate cover) 
2. Amendment C92gpla Documentation (under separate cover) 

RECOMMENDATION

That Council:

1. Authorise officers to make changes to the Teesdale Structure Plan (TSP) and Amendment C92gpla in accordance with officer recommendations identified in table 1 of this report.
 2. Refer all submissions to an independent Planning Panel pursuant to section 23(1)(b) of the Planning and Environment Act.
 3. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to submissions outlined in this report.
-

EXECUTIVE SUMMARY

This report is to inform Councillors of the results of exhibition of the Teesdale Structure Plan and Amendment C92gpla (to implement the TSP) which occurred between November 26, 2020 and January 25, 2021.

This report recommends minor changes to Amendment C92gpla and the TSP in response to submissions. It is important to note however that officers do not recommended any changes in response to the majority of objections. It is therefore necessary for Council to request the Minister for Planning to appoint an independent planning panel to impartially consider the position of all parties and resolve the outstanding objections.

Councillors have been provided with a full copy of the submissions for consideration prior to making a decision.

BACKGROUND

In April 2020 Council adopted the TSP and authorised Council officers to prepare and exhibit a Planning Scheme Amendment to implement the Structure Plan within the Golden Plains Planning Scheme.

The TSP (Attachment 1 to this report) provides a planning framework for Teesdale to manage future residential and commercial growth.

The key elements of the structure plan are:

- Formalisation of a growth area to the north east of the town.
- Pre-conditions for the rezoning of the growth area.
- Support for commercial development in the centre of town.
- Support for infill subdivision.
- A number of planning and infrastructure projects for the improvement of the town.
- Replaces the 1997 Teesdale Structure Plan.

Amendment C92gpla

Amendment C92gpla to implement the TSP was prepared shortly after the April 2020 meeting, however public exhibition was delayed for approximately six months due to a State Government initiated change to the form/content of the Golden Plains Planning Scheme and associated IT issues.

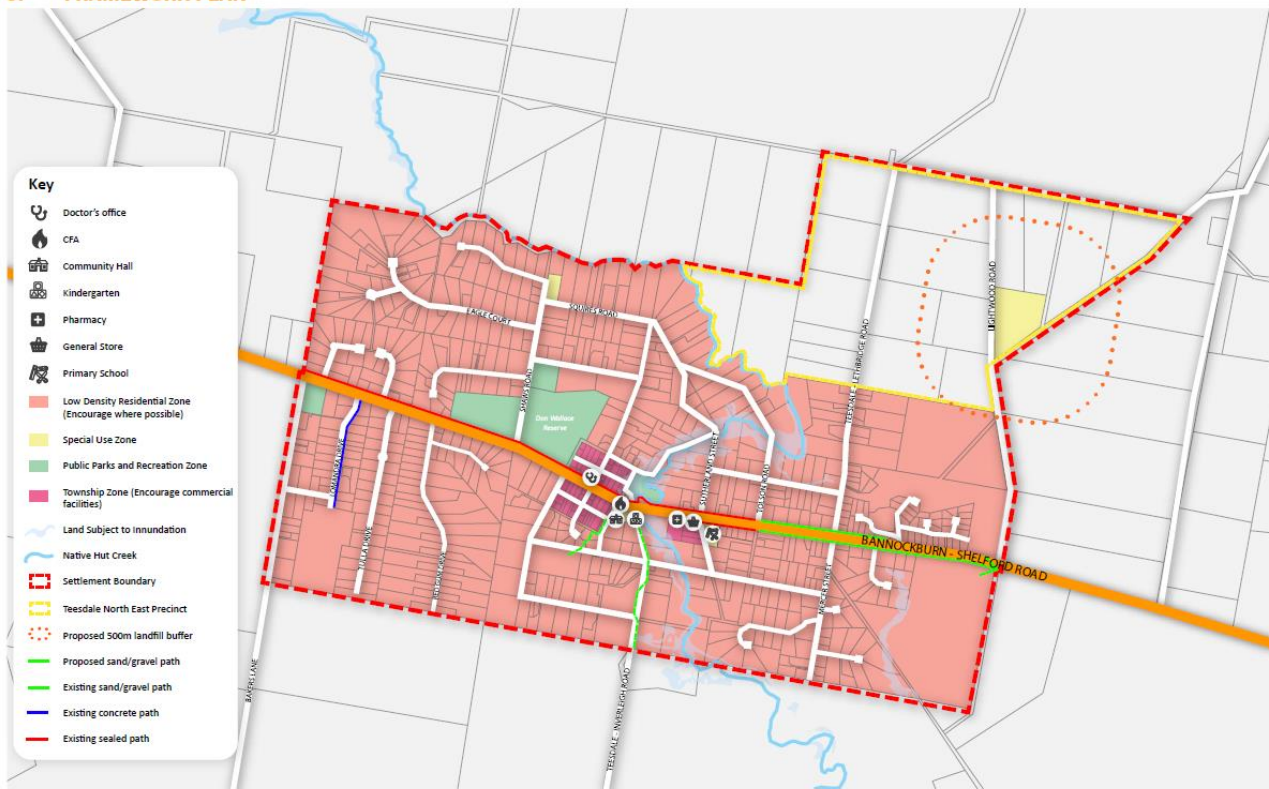
Amendment C92gpla includes key policy clauses based on the TSP and inserts the new Teesdale Strategic Framework Plan into the Planning Scheme in place of content from the 1997 Structure Plan. Specifically the amendment includes:

- Removing the existing Teesdale Structure Plan map at Clause 02.04
- Inserting a new Clause 11.03-6L (Teesdale) which includes a 2020 Teesdale Structure Plan map and relevant key directions
- Modifying Clause 02.03-1 to include a new section on Teesdale
- Including the Teesdale Structure Plan in the list of background documents at Clause 72.08

The Teesdale Strategic Framework Plan is shown at figure 1 below. The north east growth precinct is depicted as being within the yellow dotted line.

Figure 1 – Teesdale Strategic Framework Plan

8. FRAMEWORK PLAN



The Amendment documentation is provided at Attachment 2.

Exhibition

Exhibition for both C92gpla and the TSP took place between November 26, 2020 and January 25, 2021.

The exhibition process comprised of:

- Letters to all land owners and occupiers in Teesdale.

- Letters to relevant agencies and prescribed ministers.
- Newspaper notice in the Geelong Advertiser and the Golden Plains Times.
- Government Gazette Notice.
- Poster at the Teesdale General Store.
- A dedicated Have Your Say Page and updates to the Strategic Planning Page on Councils website.
- After hours online drop in session.
- Officers available to discuss the amendment (any time) and two dedicated after hours phone times.

A total of 23 submissions were received including 14 from community members, 6 from agencies and 4 from companies with a development interest in the vicinity of Teesdale (including one who is also a community member).

Of these submissions 2 are supportive, 7 are neutral and 14 are considered objections. Some of the objections are supportive of elements of the Structure Plan/Amendment C92gpla.

DISCUSSION

There were a number of common themes identified throughout the submissions received, as discussed below. This is a summary of the most common issues and does not represent all of the issues raised.

Key issues raised by community members

- Most residents were supportive of sensitively designed infill to manage Teesdale's growth, however some believed it would erode town character.
- Most residents were against the development of the North East Growth Precinct (with one in favour).
- Most residents were against the expansion of the Teesdale settlement boundary.
- Some residents raised concerns about the quality/quantity of existing infrastructure in Teesdale, especially paths and the walkways on the main road.
- Some residents raised a concern about the significance of native grasses within the North East Growth Precinct.

Officer Response

The TSP recognised that there is already extensive potential for infill development in Teesdale but goes as far as to encourage it. This is because Teesdale is geographically vast for its population size and infill in this context carries a number of advantages: reduction of urban sprawl, protection of agricultural land, more efficient use of existing infrastructure and potentially a better justification for maintaining/establishing new infrastructure. Not all infill is a good design, however even battle axe lots (which are expected) are a reasonable option with sufficient landscaping.

The North East Growth Precinct is recommended to be supported because it is a long standing position of Council. This is discussed in developer submissions. The precinct is already within the settlement boundary and the Structure Plan does not propose to expand the settlement boundary.

It is agreed that some of the infrastructure in Teesdale, such as footpaths and drains could be enhanced or better maintained. By increasing the density of the population through infill it will be more economically viable to enhance this infrastructure over the long term. Currently, based on the low density nature of the town the cost of upgrading/maintaining infrastructure for residents over a particular area is high.

Key issues raised by Developers

Four submissions advocated for expanding the existing settlement boundary of Teesdale (or taking steps towards it) which would provide additional land for greenfield development. The submissions related to land outside the settlement boundary on the East, South and West of the town. This was partly on the basis that growth within Teesdale has been rapid over the past three years, as well as the notion that the land supply within the TSP 2020 will not last for 15 years. Submissions also advocated for particular land to be developed on the basis of the characteristics of the specific land. Submissions provided criticisms of the inclusion of the North East Growth Precinct – largely on the basis of constraints in the area, and in some cases infill development, largely on the basis of neighbourhood character change and also lack of infrastructure. One developer submission was also strongly supportive of the North East Growth Precinct.

Officer Response

Firstly it should be noted that leaving the settlement boundary intact is supported by existing local policy pre-dating the Structure Plan process.

Clause 11.01-1L (Settlement) of the Golden Plains Planning Scheme provides a policy statement to “Direct population growth to urban areas provided with water, sewerage and social infrastructure.” [Teesdale is unsewered]

Clause 02.03-1 (Settlement) of the Golden Plains Planning Scheme states:

Small Towns

Golden Plains Shire consists of numerous small townships and settlements, including Teesdale, Haddon, Lethbridge, Linton, Meredith, Ross Creek and Scarsdale. Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town.

Settlement planning for the Shire’s small towns will:

- Contain growth within existing settlement boundaries.
- Limit the rezoning of land to form new residential land.
- Facilitate infill development as shown on each township map at Clause 02.04.”

A further significant issue with the idea of extending the settlement boundary is that doing so is inconsistent with the G21 regional growth plan which has been examined in detail as a result of reviewing submissions.

The existing settlement boundary of Teesdale is mapped on page 27 of the G21 regional growth plan. The same map is also included in Clause 11.01-1R (Settlement- Geelong G21) of the Golden Plains Planning Scheme. Hypothetically if Council expanded the settlement boundary of Teesdale in a local policy it would conflict with the settlement boundary map for Teesdale shown in Clause 11.01-1R. This is unable to be resolved in a local amendment because Clause 11.01-1R is regional policy that Council cannot unilaterally change. If it was to be changed in a local amendment, the only option would be to have inconsistent settlement boundaries at different places in the planning scheme.

Page 51 of the G21 Regional Growth Plan provides clarification that the settlement boundary of Teesdale is not intended to be altered.

“Townships such as Lethbridge, Batesford, Shelford, Teesdale and Inverleigh provide rural living/lifestyle options with quality small town characteristics for the municipality and the Geelong

region. Growth of these towns is to be limited to existing settlement boundaries with potential uptake of rural living land within sewerred towns”

Figure 5 within the G21 Regional Growth Plan does not describe Teesdale as having either a “district town” role or a role above this. Within figure 5 district town role is described as a population between 2000 and 10,000 people.

Council is expected by DELWP/the Minister to be consistent with regional policy and it is the Minister who is ultimately responsible for the approval of planning scheme amendments.

Focusing additional land supply in sewerred areas in nearby Bannockburn as opposed to Teesdale also carries significant advantages for Council and the community, including:

- According to economic modelling prepared by Hill PDA for the Northern Settlement Strategy it is significantly more cost effective for Council to maintain the infrastructure associated with conventional density lots than low density lots. If the Hill PDA figures are correct then focusing growth on conventional density allotments (in sewerred areas) is one way that Council can achieve significantly enhanced financial sustainability.

The below chart taken from the Hill PDA study provides indicative infrastructure maintenance costs for the hypothetical scenario of a new area which accommodates 840 dwellings and 2000 new residents. The graph suggests that if such a growth area were to be delivered with greenfield 1000sqm lots it would be \$1.35 million cheaper for Council to maintain the associated infrastructure over just a one year period than the equivalent number of dwellings/population on greenfield 4000sqm lots.

Table 4 – Indicative Maintenance Costs for Each Development Scenario

Maintenance Costs	Roads, Footpaths, Drainage	Guide Posts	Street Lights	Public Open Space	Recycling and Landfill	Total (First Year)	Total (Summed over 30 Years, shown as Present Value)
SCENARIO 1: 8ha RLZ	\$3.96m	\$0m	\$0m	\$0m	\$1.96m	\$5.92m	\$103.09m
SCENARIO 2: 2ha RLZ	\$2.01m	\$0m	\$0m	\$0m	\$0.99m	\$3.00m	\$52.31m
SCENARIO 3: Infill 1,000sqm	\$0.53m	\$0m	\$0.01m	\$0.29m	\$0.25m	\$1.09m	\$18.97m
SCENARIO 4: Infill 2,000sqm	\$0.70m	\$0m	\$0.02m	\$0.53m	\$0.33m	\$1.58m	\$27.50m
SCENARIO 5: Infill 4,000sqm	\$0.93m	\$0m	\$0.03m	\$0.60m	\$0.47m	\$2.02m	\$35.21m
SCENARIO 6: Greenfield 1,000sqm	\$1.06m	\$0m	\$0.03m	\$0.29m	\$0.25m	\$1.63m	\$28.47m
SCENARIO 7: Greenfield 2,000sqm	\$1.40m	\$0m	\$0.04m	\$0.53m	\$0.33m	\$2.30m	\$40.00m
SCENARIO 8: Greenfield 4,000sqm	\$1.85m	\$0m	\$0.05m	\$0.60m	\$0.47m	\$2.98m	\$51.83m

Source: HillPDA

- Developing in sewerred areas consumes significantly less land to accommodate a given number of residents, resulting in the preservation of agricultural land. New residential lots in Bannockburn are often only around 600sqm in area, however new lots in Teesdale require at least 4000sqm of land to support a septic tank system as per Council’s Domestic Waste Water Management Plan. New residential areas are mostly located on former farms and land with some agricultural value.
- Residents in Bannockburn are closer to a higher number of jobs and services than Teesdale and therefore it is a relatively less car dependent location for new development, with some benefits for climate change.
- There are a number of problems to providing additional commercial development in Teesdale, which is notable for having relatively few commercial services for its population size – further entrenching car dependency. The central part of Teesdale (within the Township Zoned area) is

the only area that could accommodate any significant commercial development, and it is already built out for residential purposes. Residents have the ability to oppose commercial developments which is more likely due to the residential character of the area. The small size of lots in the area also means that it is challenging to provide sufficiently sized septic systems to accommodate commercial uses. Rezoning an area on the edge of town to a commercial zone was an option considered but not taken up by the structure plan as it would split the town centre, not ideal or necessary given proximity to Bannockburn.

- During consultation for the TSP background report 76% of residents who responded to a survey preferred Teesdale to remain unsewered (a specific question was asked about this), and preferences for Teesdale to remain small and rural were the most common response to an open ended question.

Some submitters have expressed concern that the 15 year land supply requirement as stated in the Planning Scheme will not be met, however State Policy requires Council to provide a 15 year land supply for the entire municipality rather than individual towns. Bannockburn alone will provide a 15 year supply for the entire shire. Page 23 of the Bannockburn Growth Plan states that it will provide 6,192 lots for 18,267 people, slightly more than the 17,901 additional residents anticipated by ID Forecast for the entire Shire by 2041. There are also a number of growth opportunities in other towns, including Teesdale. Given the proximity of Teesdale to Bannockburn the nearby growth opportunities in Bannockburn are of particular relevance.

Some submissions also suggested that the North East Growth Precinct is not optimal for development relative to other areas for reasons such as native grasses, proximity to a former landfill and a relatively high cost of providing potable water. In response it must be underscored that this area is already within the Teesdale settlement boundary as identified in the 1997 Structure Plan, and to withdraw it now would be akin to pulling the rug from under landowners. The future development of this area is supported by the G21 Regional Growth Plan and the existing TSP. When Council provides planning direction it is a market signal, and sometimes land is bought and sold on the basis of such signals. Given this long standing existing commitment it is relevant to take into account fairness/certainty in the continuation of support for growth of this area.

Key issues raised by agencies

Agencies who provided a response were the Department of Education and Training, Barwon Water, the CFA, DELWP (environment branch), the EPA and the Wadawurrung Traditional Owners Aboriginal Corporation.

Barwon Water expressed support for the amendment/structure plan, while all other agencies neither supported nor objected to it.

While the CFA did not object, they provided a number of recommendations and suggestions which have not been taken up.

Officer Response

A high level bushfire risk assessment was commissioned for the Structure Plan however for the North East Growth Precinct the CFA sought more detail on two aspects of the study. One of those elements is considered to be addressed which is determining a safer place for future residents to travel to that is "BAL Low". The other element is a relative comparison of the fire hazard for different towns in Golden Plains. This is not considered beneficial in the context that the settlement planning for the North East Growth Area has already been done and the current structure plan merely provides clarifications to development requirements.

The CFA also requested that a range of bushfire mitigation measures be included in Amendment C92gpla. The key reason for not taking up the CFAs proposal to incorporate a range of bushfire mitigation measures is because it is not relevant to this stage of the planning process. Effectively the North East Growth Precinct would need to go through several additional stages before being shovel ready, including rezoning and the application of a Development Plan Overlay Schedule. Another, more detailed bushfire study will be required at the rezoning stage for the growth area

and this may change the understanding of the optimal bushfire mitigation measures. Furthermore where appropriate these measures can be included in a Development Plan Overlay Schedule for the land (prepared at the rezoning stage), which carries far more weight than a local policy in terms of requiring adherence to the requirements. Amendment C92gpla only proposes to amend local policy, so is not considered the best location for these matters.

Table 1 – Changes recommended on the basis of submissions	
Recommended Change	Reason
Remove the depiction of paths from the TSP Strategic Framework Plan.	<p>One submitter believed that a depiction of a future path near the main road was dangerous on the basis of 80km/h traffic and the primary school children who would use it.</p> <p>Council's recreation and youth area was of the view there was some validity to the submission and that the Paths and Trails Strategy would eventually be reviewed. Depiction of paths is not critical to the structure plan.</p>
Update the background report to recognise the importance of preserving agricultural land in decisions to rezone land.	Preserving agricultural land is an important goal of the planning system and is relevant in the Teesdale context (largely surrounded by farms).
Explicitly recognise a non-urban break between Bannockburn and Teesdale on the Teesdale Framework Plan.	This land has an important role separating the identify of Teesdale and Bannockburn that could be recognised through a formal non-urban break.
<p>On page 21 of the TSP under "Land may be excluded from any rezoning proposal for the following reasons:" propose to add in</p> <p>"The land is west of Teesdale-Lethbridge Road".</p>	<p>This refers to land within the North East Growth Precinct west of Teesdale-Lethbridge road.</p> <p>The land is mostly covered in rare native grasses with biological significance. These grasses may be prohibitively expensive to remove under Victoria's Native Vegetation Framework and the <i>EPBC Act 1999</i>.</p> <p>The Structure Plan currently reads as to require one rezoning amendment be lodged for the entire North East Growth Precinct. By allowing the land west of Teesdale-Lethbridge road to be split from the main Rezoning/Development Plan Overlay Schedule Amendment that follows the Structure Plan process, the land subject to the native grasses can be considered in more detail as a separate matter.</p>
Replace the wording "buffer" in relation to the landfill within the North East Growth Precinct with "Landfill Investigation Area" in both C92gpla and the TSP.	Currently there is a 500m "buffer" depicted in relation to the former Teesdale tip within the North East Growth Precinct. The word "buffer" typically means land that cannot be developed. However EPA guidelines merely specify that the land within 500m of a landfill has to be investigated in a particular way (typically requiring an environmental audit) and that the results of the investigation will determine which

	land within the 500m range can/cannot be developed.
Include a future action for a Teesdale Stormwater review in the future actions table in the TSP.	There are limited existing drainage assets in Teesdale, with significant amounts of infill expected (increases to impervious surfaces). Over time there will be more pressure on existing assets.
Add the town boundary to the legend in Amendment C92gpla	The town boundary is already in the legend within the structure plan, and it is an oversight not to include this in the legend for Amendment C92gpla.

Options

Section 22 of the *Planning and Environment Act 1987* (the Act) requires that Council consider all submissions to a planning scheme amendment.

Section 23 of the Act mandates that after considering a submission which requests a change to an amendment, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel; or
- (c) abandon the amendment or part of the amendment.

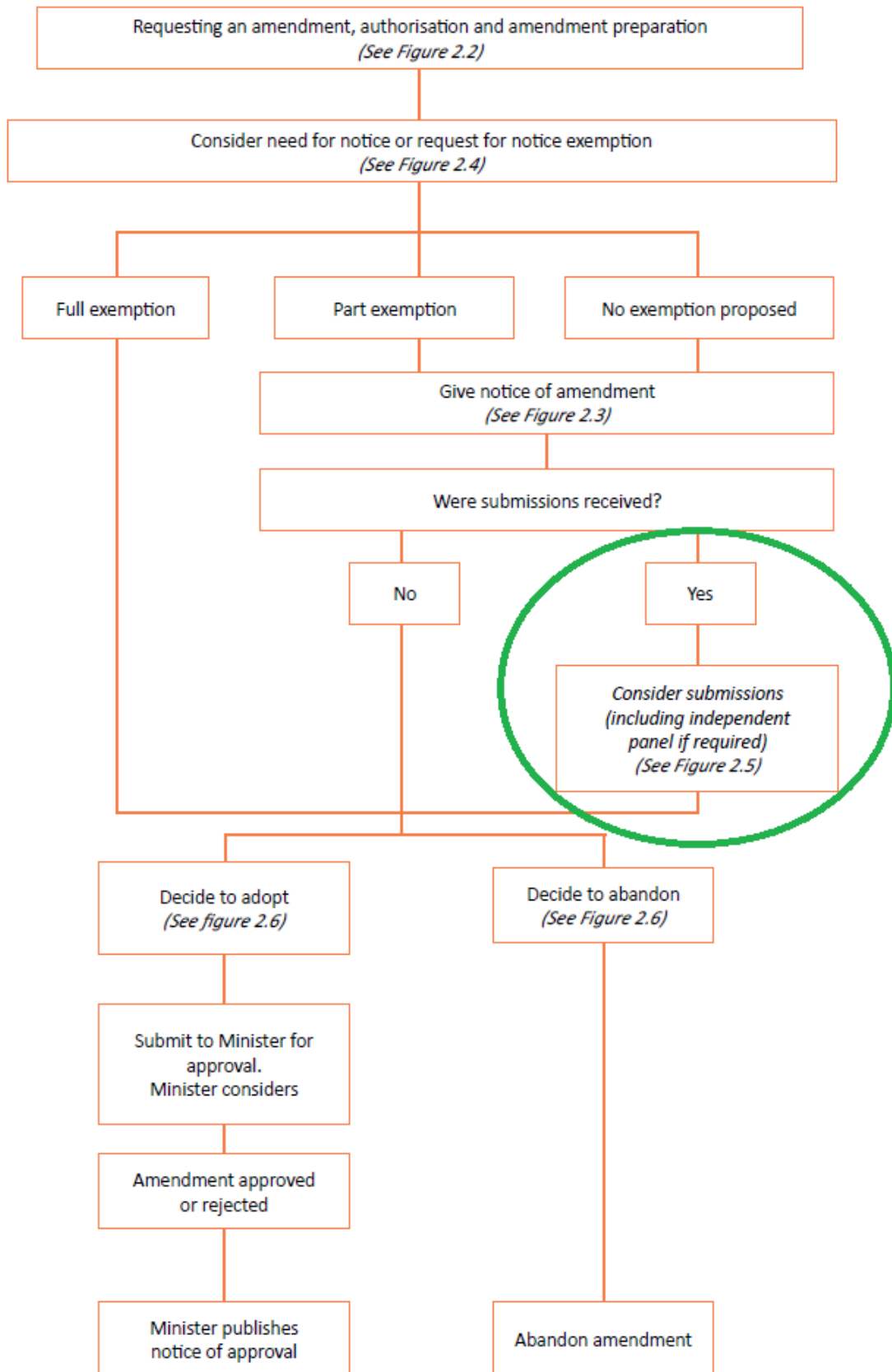
As some objections remain outstanding and officers believe the content of the objections will not benefit the amendment (other than changes specified in this report), this report will recommend that Council pursues option (b) and refers the submissions to a Panel.

Should Council resolve to request the appointment of a Panel, the Minister for Planning will appoint an independent Planning Panel to consider all submissions received. The Panel will be made up of independent person/s with skills considered by the Minister to be relevant to the amendment.

Stage in the Amendment Process

The Flow Charts below are from the DELWP guide “Using Victoria’s Planning System 2015” and depict where the amendment is at in terms of the amendment approval process (circled in green).

Following receipt of the Panel’s report Council would then be in a position to adopt the amendment or not. Should Council adopt the amendment, it could then refer the amendment to the Minister for Planning for approval.



REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The TSP and Amendment C92gpla have been developed with best outcomes for the community in mind.

It is congruent with direction from the G21 regional growth plan, which recognises the growth area now proposed to be formalised within C92gpla.

POLICY/RELEVANT LAW

Amendment C92gpla has been prepared and exhibited in accordance with the requirements of the *Planning and Environment Act 1987*.

Under Section 22 (1) of the *Planning and Environment Act 1987* Council is required to consider all submissions to an amendment that were lodged before the date set out in the notice.

Under Section 23 (1b) of the *Planning and Environment Act 1987* the Planning Authority can refer submissions to an independent panel, as recommended under this report.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The TSP and Amendment C92gpla promote beneficial sustainability implications because infill development is promoted, meaning more population growth can be accommodated within the existing part of the town as opposed to greenfield areas. This in turn means less farmland being taken up for residential purposes and less future infrastructure to be maintained.

COMMUNITY ENGAGEMENT

Community engagement activities have been described in this report. The actions meet and exceed the requirements of the *Planning and Environment Act 1987*.

PUBLIC TRANSPARENCY

Amendment C92gpla and the TSP have been prepared in a transparent manner as a result of engagement activities described within this report.

Additionally there was an extensive consultation program in 2019 following development of the TSP Background report and some matters were specifically influenced by the community.

STRATEGIES/PLANS

The TSP has been developed based on the findings of the Background report taking into account community views that were expressed during the background report exhibition process.

FINANCIAL MANAGEMENT

The continued processing of the amendment has been undertaken in-house by Council and therefore generated only limited costs to date.

Costs for the amendment progressing hereafter include the Panel hearing and expert evidence which will likely be required in relation to responding to the CFA. Council will be represented by Officers rather than a legal representative which is a significant cost saving.

COMMUNICATION

If the recommendation is implemented all submitters will be invited to attend a Planning Panel by Planning Panels Victoria.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 –The Recommendations of this report are accepted. The key recommendation being referral of Amendment C92gpla to an independent Planning Panel, as well as limited modifications to C92gpla and the TSP

This option is recommended by Council officers on the basis that officers cannot resolve the majority of submissions. A Planning Panel will impartially consider arguments from all parties and make a fair recommendation on how to proceed.

Option 2 – Abandon Amendment C92gpla

This option is not recommended by Council officers as the amendment/structure plan is considered to be based on sound investigation, information and engagement. Furthermore no submitter has requested that the amendment or structure plan be abandoned.

Option 3 – Modify Amendment C92gpla and or the TSP in a different way to that recommended by this report

This option is not recommended, however it would ultimately depend on the exact nature of the modifications and reasons for them.

CONFLICT OF INTEREST

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

CONCLUSION

The TSP, which seeks to consolidate the existing town structure of Teesdale and limit growth to the existing settlement boundary provides significantly improved strategic justification, clarity and direction compared to the 1997 TSP.

The exhibition of the TSP and Amendment C92gpla (to implement it) has been carried out resulting in 23 submissions including 14 objections. The submissions have been considered by Council officers who have recommended some changes as specified in table 1 of this report. The changes recommended do not greatly change the substance of Amendment C92gpla or the TSP, and officers do not recommend any change in response to the majority of submissions.

Based on the circumstances it is now considered appropriate to refer the unresolved submissions to a planning panel for resolution.

7.6 REFLECT RECONCILIATION ACTION PLAN 2021

File Number:**Author:** Kim Biggs, Arts and Culture Advisor**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Reconciliation Action Plan 2021 (under separate cover) **RECOMMENDATION**

That Council endorse the draft Reflect Reconciliation Action Plan 2021 as presented in Attachment 1, for review under the RAP Accreditation Process offered by Reconciliation Australia.

EXECUTIVE SUMMARY

The development of a Reconciliation Action Plan (RAP) provides Council an opportunity to strengthen relationships with the Traditional Owners and Custodians of Golden Plains as articulated in the Golden Plains 2040 Community Vision. The Reconciliation Action Plan program provides a framework for organisations to support the national reconciliation movement as well as to progress partnerships with Traditional Owners.

Reconciliation Australia recommends a stepped process for responding to reconciliation, commencing with the development of a Reflect RAP. Committing to the 'Reflect RAP' allows Council time to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, to set a vision for reconciliation and to explore our sphere of influence, before committing to more specific actions or initiatives. It is anticipated that our RAP will launch during Reconciliation Week in June 2021 and have a lifespan of approximately 18 months.

An internal working group comprising cross departmental representation was convened in October 2020 to commence development on the organisations inaugural Reconciliation Action Plan (RAP) under the framework provided by Reconciliation Australia and well resolved draft plan is now complete.

It is a requirement of the RAP Accreditation process that RAPs are lodged with Reconciliation Australia for feedback and quality assurance purposes and we seek Council support to move forward with this process.

BACKGROUND

The Reconciliation Action Plan (RAP) program provides a framework for organisations to support the national reconciliation movement. There are four types of RAP that an organisation can develop: 'Reflect, Innovate, Stretch, Elevate'. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey.

An internal working group have led the development of the organisations inaugural Reconciliation Action Plan (RAP) under the framework provided by Reconciliation Australia. Reconciliation Australia recommends a stepped process for responding to reconciliation, commencing with the development of a Reflect RAP. Committing to the 'Reflect RAP' allows Council time to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, to set a vision for reconciliation and to explore our sphere of influence, before committing to more specific actions or initiatives. It is anticipated that our RAP will launch during Reconciliation Week in June 2021 and have a lifespan of approximately 18 months.

DISCUSSION

As a result of internal consultation and the plan development process, the working group have developed the following draft vision which provides a foundation for future reconciliation activities-

Golden Plains Shire Council acknowledges our First Nations Peoples.

Our vision for Reconciliation is an organisation that supports learning generated from reflection and relationships.

This vision supports Council's recently adopted 2040 Community Vision statement under the theme of community- 'We want to value our Indigenous heritage and connect to traditional owners of the land'.

Since convening in October, the working group have:

- Adopted Terms of Reference for the working group which will be further revised once the inaugural plan is adopted
- Developed a draft Vision for Reconciliation
- Undertaken organisation wide internal consultation to establish base-line values and aspirations relating to reconciliation. The results of this consultation have been used to inform the plan's development and are available upon request.
- Undertaken a lead role in developing GPSC activities for NAIDOC Week
- Called for EOIs from Aboriginal Artists to provide artwork suitable for use as a hero image in the document.

We were fortunate to work with local Artist, Shu Brown of Nunga Creations who provided an evocative image in direct response to Golden Plains country and which has become a feature of the draft document.

Although there has been targeted consultation with Traditional Owner groups ongoing consultation and collaboration efforts are required to ensure a truly effective partnership in the review and delivery of the RAP. It should also be noted that some plan elements are still subject to approval from Traditional Owners prior to adoption of the final plan. This includes the artwork title and description as well as document forewords for which we have issued an invitation to contribute to the Wadawurrung and Eastern Maar Aboriginal Corporations.

The RAP Working Group has garnered broad representation across Council and the team have undertaken the RAP development with diligence, enthusiasm and commitment. As a result, a well resolved draft plan is now complete and ready for submission for review by Reconciliation Australia and other key stakeholders.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

GOVERNANCE PRINCIPLES

The plan follows a framework supplied by Reconciliation Australia and will require review by Reconciliation Australia prior to adoption.

COMMUNITY ENGAGEMENT

The plan provides a roadmap for Council to commence its reconciliation journey and is an internal document complementing the recently adopted Vision and Values. There has been targeted consultation with Traditional Owners groups, however the document is internally oriented. Following the adoption and implementation of this 'Respect RAP' Council may choose to commence a process of community engagement to inform the development of an 'Innovate RAP' which is the next step in the Reconciliation Australia model.

STRATEGIES/PLANS

The Reconciliation Action Plan relates to Council's internal planning framework and the community aspirations articulated in the Community Vision 2040 under the theme of community- 'We want to value our Indigenous heritage and connect to traditional owners of the land'.

HUMAN RIGHTS CHARTER

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

CONFLICT OF INTEREST

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

CONCLUSION

The Reflect Reconciliation Action Plan 2021 provides a roadmap for Council to commence its reconciliation journey and is an internal document complementing the recently adopted Vision and Values.

It is a requirement of the RAP Accreditation process that RAPs are lodged with Reconciliation Australia for feedback and quality assurance purposes and we seek Council support to move forward with this process.

7.7 INVERLEIGH PLAY SPACE NAMING - REPORT FOR DECISION**File Number:**

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: Nil

RECOMMENDATION

That Council:

1. Resolve to name the Inverleigh Play Space the name that received the highest amount of votes being 'Yerram Yaluk Bun'.
2. Inform the community of Council's decision, request to enter into a language agreement with Wadawurrung Traditional Owners Aboriginal Corporation and request the name be endorsed and gazetted by the Registrar at the Office of Geographic Names.

EXECUTIVE SUMMARY

At the Council meeting held on 23 February 2021, Council received the voting results of the public consultation for the preferred name for the Inverleigh Play Space which was held between 16 December 2020 and 29 January 2021. The four names considered as part of the vote were Leigh River Park, Inverleigh Community Park, Inverleigh Play Park and Yerram Yaluk Bun.

Voting was open to all residents of Golden Plains Shire and the extended community and stated that 'all votes will be counted and the name with the majority of votes will become the official name of the feature, subject to Council approval'.

A total of 115 valid votes were received with "Yerram Yaluk Bun" receiving the highest number of votes.

Voters were given the opportunity to present a submission and / or objection to Council at the February Council Meeting, however no formal submissions to speak were received and one objection was subsequently withdrawn prior to the Council meeting.

BACKGROUND

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

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

Council officers worked with and supported the Inverleigh Community to action an appeal against the Geographic Names Registrar's decision. This appeal was also rejected.

Council then conducted a vote to determine the most popular name of four compliant naming options. The results of this vote were received at the 23 February Council Meeting.

DISCUSSION

As a result of the voting poll held between 16 December 2020 and 29 January 2021 a total of 120 votes were received.

A summary of the votes received is as follows:

Proposed Name	Number of Votes
Yerram Yaluk Bun	35

Leigh River Park	34
Inverleigh Play Park	24
Inverleigh Community Park	22

A detailed table of all votes was provided to Councillors at the 23 February Council Meeting.

Due to the marginal difference in the top two results determined by the voting process, advice was sought from the Office of Geographic Names to confirm if the one vote margin was enough for Council to proceed with the name with the highest votes.

The advice provided to Council is as follows: 'The Registrar is of the opinion that Council should inform the community of the results of the vote and Council's decision that it intends to proceed with the name with the most votes but will allow for any final objections to the Council regarding process and or council's decision within 30 days.'

Objections must be made in accordance with the Naming rules for places in Victoria and at a minimum should explain:

- The person's or group's interest in the naming proposal and;
- The reasons for the name being inappropriate, unsuitable, unsupported, including how it does not comply with the naming rules.

Any objections received will be processed and considered against the above criteria by Council Officers. Following the assessment of objections, where a decision is made to continue with the name for endorsement, a letter of response will be provided to the objectors advising how they can appeal Council's decision with the Registrar of Geographic Names. An appeal to the Registrar of Geographic Names can only be made if the objector can demonstrate that either:

- The naming authority did not consider the objections during its deliberations; and/or
- The proposal does not reasonably conform to the principles and statutory requirements of the naming rules.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the recommendation for Council to endorse the name with the highest amount of votes will specifically:

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

POLICY/RELEVANT LAW

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

COMMUNITY ENGAGEMENT

The community vote commenced on Wednesday 16 December 2020 and closed on Friday 29 January 2021.

The vote was advertised as a public notice for a minimum of 30 days on Council's website and in the Golden Plains Times. These advertisements were further supported by a media release distributed to local media, a news story in the Golden Plains Times, posts on Council's social media, and a Have Your Say page on Council's website.

All communication was also supplied to the Leigh News Facebook page, and the consultation was promoted locally via marketing material.

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

Voters were also invited to speak in support of their vote at the 23 February Council Meeting however no formal submissions to speak were received.

PUBLIC TRANSPARENCY

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

RISK ASSESSMENT

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

COMMUNICATION

Updates are being provided to the community via Council's Have Your Say Page. Voting results were made public in the February Council Meeting Agenda and published as a web story shared on social media following the 23 February Council Meeting.

Further communication will be prepared and distributed for residents on how to lodge an objection.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council support the recommendation as detailed

This option is recommended by officers as the recommendation follows the advice received from the Office of Geographic Names.

Option 2 – That Council do not support the recommendation

This option is not recommended by officers as it would further delay the process of having the Inverleigh Play Space officially named.

Option 3 – That Council abandon the proposal to name the space

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

CONFLICT OF INTEREST

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

CONCLUSION

Following review of the voting results it is recommended that Council resolve to name the Inverleigh Play Space 'Yerram Yaluk Bun' and advise the community of the decision, allowing 30 days for any final objections.

If no objections are received, a language agreement with Wadawurrung Traditional Owners Aboriginal Corporation will be entered into and the name sent to the Registrar of Geographic Names for gazettal.

If objections are received, they will be assessed in accordance with the Naming rules for places in Victoria as described in the Discussion section of this report.

7.8 FLAG POLICY

File Number:**Author:** Lisa Letic, Director Community Services**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Flag Policy (under separate cover) **RECOMMENDATION**

That Council:

1. Adopt the Flag Policy as attached.
2. Refers the cost of the installation and lighting of a third flagpole at The Well, Smythesdale and the Golden Plains Civic Centre, Bannockburn to the 2021/22 Capital Works Budget.

EXECUTIVE SUMMARY

This report has been prepared in response to a Notice of Motion raised by Cr Sharkey at the 15 December 2020 Council meeting “That Council consider adoption of a Flag Policy at a future Council Meeting no later than March 2021”.

BACKGROUND

At the 15 December 2020 Council meeting Cr Sharkey raised a Notice of Motion seeking consideration of a new Flag Policy in recognition that no policy to guide Council’s decisions around the flying of the Australian or other flags existed and that the previous Council Policy 4.11 Display of Australian National Flag had been revoked by Council in June 2019 for reasoning that the “Policy not required.

Council is required by the Australian Government and Department of the Prime Minister and Cabinet to fly the Australian National Flag and must abide by the Australian National Flag Protocol and any direction given by the Australian Government to fly the flag at half-mast.” This only refers to the Australian flag and there is no mention of any indigenous flags.

DISCUSSION

The flying of the Australian National flag is a visual symbol of respect and acknowledgement. Every sovereign nation has its own national flag as the symbol of the country, and of the people. Many Government agencies and businesses choose to fly the Australian National flag as a visible symbol of respect. Flying the Aboriginal and Torres Strait Islander flags demonstrates Council’s recognition of First Nation peoples and demonstrates our respect and acknowledgement.

Council currently flies both the Australian National Flag and the Aboriginal Flag on flagpoles outside the Golden Plains Civic Centre in Bannockburn and The Well in Smythesdale. An indoor flag display is located in the Golden Plains Civic Centre and includes the display of the Torres Strait Islander Flag, the Australian National Flag and the Aboriginal Flag.

In 1995, both the Aboriginal and Torres Strait Islander flags were recognised as official flags of Australia under Commonwealth legislation

Aboriginal Flag - Permission is not required to fly the Australian Aboriginal flag, however, the Australian Aboriginal flag is protected by copyright and may only be reproduced in accordance with the provisions of the Copyright Act 1968 or with the permission from the owner of the copyright in the design of the flag.

Torres Strait Islander Flag - The flag was recognised by the Aboriginal and Torres Strait Islander Commission in June 1992 and given equal prominence with the Aboriginal flag. The copyright of the Torres Strait Islander flag is held by the Torres Strait Island Regional Council. The Torres Strait Islander Regional Council permits the reproduction of the Torres Strait Islander flag only under the

conditions that recognition is given to the original designer, and permission is received in writing from the Torres Strait Island Regional Council prior to its use.

When flying all three flags together, the Australian National Flag takes precedence over the other flags and should be flown from the central pole as this is the highest pole. The Aboriginal and Torres Strait Islander flags are equal in status and can be flown on either side of the national flag. There is no rule stating that the Aboriginal flag must be to the right of the Australian National Flag and the Torres Strait Islander flag on the left of the Australian National Flag or vice versa.

Currently due to each location identified in the policy only having two flagpoles Council only has capacity to fly the Australian National Flag and one of either the Aboriginal Flag or the Aboriginal and Torres Strait Islander Flag. In order for Council to fly all three flags simultaneously, an allocation of funds for the installation of a third flagpole and lighting at both The Well in Smythesdale and the Golden Plains Civic Centre in Bannockburn will be included in the draft 2021/22 Capital Works Budget.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

POLICY/RELEVANT LAW

In flying the Australian Flag, Council must adhere to the Australian Government, Department of Prime Minister and Cabinet Australian National Flag protocols <https://pmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>. These protocols relate to requirements to treat the Australian Flag with respect and dignity, the flying and handling of the flag and its disposal.

PUBLIC TRANSPARENCY

The Flag Policy will be publicly accessible and provide transparency in relation to the flying of the Australian or other flags at Council buildings.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – Adopt the Flag Policy

This option is recommended by officers as the proposed Policy has been developed in line with the Australian National Flag protocol, is achievable and no additional capital investment is required.

Option 2 – Endorse the Flag Policy for exhibition and seek community feedback

This option is not recommended by officers as the intent of the proposed policy is to address the intention to recognise the indigenous flag as per the notice of motion. If community feedback is warranted it is recommended that the scope be extended to address the use of other flags that may be of community interest and significance.

CONFLICT OF INTEREST

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

CONCLUSION

The Flag Policy has been developed following a Notice of Motion adopted on 15 December 2020.

7.9 FUNDING OPPORTUNITIES - GROWING SUBURBS FUND 2020-2021 - ROUND 2**File Number:****Author:** Dean Veenstra, Coordinator Recreation and Youth**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. **Ross Creek Play and Active Rec Upgrade - Site Masterplan and Concepts (under separate cover)** **RECOMMENDATION**

That Council:

1. Endorses the application made to the State Government Growing Suburbs Fund 2020-2021 – Round 2 for \$450,000 towards the upgrade of Ross Creek Play and Active Rec Upgrade.
2. Notes that \$100,000 has been included in the Draft 2021/22 Capital Works Budget as Councils contribution to this \$550,000 project.

EXECUTIVE SUMMARY

This report seeks Council endorsement of the application made under the Growing Suburbs Fund 2020-2021 Round 2 for the Ross Creek Play and Active Rec Upgrade which is seeking \$450,000 from this fund and requires a contribution of \$100,000 from Council which has been included in the draft 2021/22 Capital Works Budget.

BACKGROUND

In November 2020, the State Government announced that the 'Growing Suburbs Fund' (GSF), previously only available to Interface Council's (Wyndham, Hume, Melton, Casey etc.) was to be increased to \$75 million and extended to include both Interface and Peri Urban Councils. In the same year Golden Plain Shire Council became eligible, Council was successful in attracting funds to contribute the Golden Plains Youth Hub development.

Council endorsement of an application to the next round of Growing Suburbs Fund is requested to deliver on the Ross Creek Play and Active Rec Upgrade.

DISCUSSION

Council staff met with Growing Suburbs Fund representatives in early 2021 to discuss the funding guidelines and potential projects. It was determined that the Ross Creek Play and Active Rec Upgrade aligned closest with the funding guidelines, was the most progressed in terms of community engagement and design, the play space was a priority in the Play Space Strategy 2019-2029 and the required co-contribution had been included in Council's 2021/22 draft Capital Works Budget.

Growing Suburbs Fund grants are targeted towards high priority community infrastructure projects that contribute to:

- the social and economic recovery of communities and groups impacted by coronavirus (COVID-19)
- the needs of rapidly growing communities
- local employment creation in both the construction phase and the ongoing operation
- improved local economic conditions in interface and peri-urban communities
- improved capacity for councils to respond to changing community needs and demands
- the delivery of innovative models of integrated/shared community infrastructure.

Ross Creek - Play Space and Recreation Reserve

In 2019, Council endorsed a ten-year Play Space Strategy 2019-2029 to guide the future investment and development of play spaces across Golden Plains.

As part of the Strategy, an upgrade of the play space and social infrastructure at the Ross Creek Recreation Reserve was recommended. Additional works identified in Ross Creek Recreation Reserve Masterplan have also been provided in the scope of this project/funding application including an extension and upgrade of the walking/jogging trail and provision of fitness equipment.

This project will benefit community by:

- Improving play value for people of all ages including providing accessible play elements
- Providing improved social areas to encourage community connection
- Encouraging physical activity, exercise and fitness
- Addressing safety concerns at the site
- Addressing priorities within the Ross Creek Recreation Reserve Masterplan and Play Space Strategy.

Scope

The Ross Creek Play and Active Rec Upgrade (Site Masterplan and Play Concepts are provided as Attachment 1) will see:

- The removal of existing play infrastructure
- An extension of the existing play space site footprint
- Installation of new age diverse play elements
- An upgrade of the picnic shelter/BBQ area, seating, paths and social gathering space
- An extended and improved walking/jogging trail through the Recreation Reserve
- Fitness equipment/stations at points along the walking trail
- A car park upgrade to address parking issues and provide safer vehicle and pedestrian access
- Improved lighting and fencing, in and around the car park, play space and social infrastructure.

Relevant Council Planning

Elements of this project are identified in the Draft Ross Creek Recreation Reserve Masterplan and in the list of key development sites for “township” play spaces in the Play Space Strategy 2019-2029.

The project also supports the following actions in the Sport and Active Recreation Strategy 2020-2030:

- *Action 9: ‘promoting free and low-cost initiatives available in the community such as walking and cycling paths, playgrounds, parks, skate parks, outdoor fitness equipment, the splash park at Bannockburn Heart and various programs such as Active April, Park Run, come and try days’.*
- *Action 22: ‘implementing the recommendations contained within the Golden Plains Play Space Strategy (2019-2029)’*
- *Action 27: ‘assessing open spaces, parks and outdoor sports facilities to determine if any additional infrastructure is required to better activate these spaces and develop partnerships with community-based organisations, supported by a dedicated physical*

activity program budget, to activate spaces such as halls, pavilions and parks to create additional physical activity opportunities or greater usage'

- *Action 33: 'focusing on creating better quality facilities within a catchment or cluster of towns, rather than developing a suite of facilities in every small township'.*

This project will also contribute to the delivery Council's recently adopted Active Ageing and Inclusion Plan action 3.1.3 *Review playground accessibility and the provision of inclusive and intergenerational activities* as it will result in the introduction of new accessible play elements and universal design attributes to paths and seating.

Scale

The total cost for this upgrade will be a \$550,000. \$450,000 will be sought from the Growing Suburbs Fund, with \$100,000 being included as Council's contribution in the 2021/2022 draft Capital Works Budget.

Officer's Comments

This project was identified as a high priority upgrade in the Play Space Strategy and through Ross Creek Recreation Reserve Master planning consultation. With successful Federal funding being received for delivery of other play space listed in the Strategy, this grant opportunity will address a much-needed upgrade that will service Ross Creek/Smythes Creek and surrounding communities.

The Ross Creek/Smythes Creek townships are amongst the larger and quicker growing communities within Golden Plains Shire. With an estimated joint population of approximately 2620 people (2016 ABS Data) and an annual population increase of +1.25% across the Haddon-Smythesdale and District catchment (which includes Ross Creek and Smythes Creek). The forecast population for these communities will exceed 6758 people by 2041.

In order to continue providing fit for purpose and diverse community infrastructure that meets the needs of many and which encourage social connection and physical activity within this growing regional area, it's imperative Council invest in spaces and facilities that maximise opportunities for community participation and use. As such, the Ross Creek Play and Active Rec Upgrade has been identified by both Council and the community as a priority for the following reasons:

- It's located in the centre of the Ross Creek township, providing fantastic access and visibility to residents and visitors alike
- Its close proximity and accessibility to nearby townships
- The Recreation Reserve and play space adjoin the Woody Yaloak Primary School Ross Creek Campus (163 students) and are utilised by school staff, students and their families daily
- The current play infrastructure is nearing its functional end of life, offers low play value and is not suitable for people of all ages and abilities
- Extending the walking trail and providing fitness equipment will enhance the offerings at the reserve and encourage active recreation
- Improved parking, lighting, fencing and social infrastructure make the site more attractive and safe for all users/visitors
- The project compliments other current sporting and community infrastructure available at or near the reserve, including the oval, tennis courts, BBQ facilities and a community hall.
- Financial support under the Growing Suburbs Fund will allow Council to deliver this upgrade in one of the larger growth areas in Golden Plains Shire.

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

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

GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community and that innovation and continuous improvement is to be pursued. This grant application seeks to deliver safety and improved facilities that align with Council's Sport and Active Recreation Planning and community expectations.

COMMUNITY ENGAGEMENT

The community engagement principles listed under s.56 of the LGA 2020 have been followed through development of Council's Play Space Strategy 2019-2029, Sport and Active Recreation Strategy 2020-2030 and via extensive community engagement in the development of the Ross Creek Recreation Reserve Masterplan with further engagement occurring with stakeholders in scope refinement for this project.

PUBLIC TRANSPARENCY

One of the overarching governance principles in s.9 of the LGA 2020 is to ensure the transparency of decision making, actions and information. This is supported by the public transparency principles in s.58 of the Act. By seeking Council endorsement for this grant application, Council are adhering to these principles.

STRATEGIES/PLANS

One of the overarching governance principles in s.9 of the LGA 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under section 89 of the LGA 2020.

The community were involved in the development of the Play Space Strategy 2019-2029, Sport and Active Recreation Strategy 2020-2030 and the Ross Creek Recreation Reserve Masterplan.

FINANCIAL MANAGEMENT

Consideration has been given to the financial management principles under s.101 of the LGA 2020, as there is a budget implication by applying for this grant. If successful, there will be an income received, and Council's contribution must be included in the 2021/22 draft Capital Works Budget.

RISK ASSESSMENT

The play space in Ross Creek/Smythes Creek was communicated to the community as being the number 1 priority play space upgrade in the Shire. However, due to unexpected delays in the availability of anticipated grants programs (impacted by COVID), the Ross Creek play space had to be delayed until a suitable grant opportunity became available. Not applying for this project would further delay the project and not address growth and expectations in the Ross Creek/Smythes Creek community for upgraded infrastructure. This is both a risk in terms of Stakeholder management and community safety.

If the application for this grant is not endorsed by Council, it will not be approved by the funding body, and (under the criteria for the GSF) will make the application ineligible.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Endorse the application to the Growing Suburbs Fund for the Ross Creek Play and Active Rec Upgrade and note Council's contribution of \$100,000 has been included in the draft 2021/22 Capital Works Budget.

This option is recommended by officers as the project addresses actions within the Play Space Strategy 2019-2029, Sport and Active Recreation Strategy 2020-2030, Ross Creek Masterplan and will provide improved facilities that will lead to increased recreation, socialisation and safety outcomes.

Option 2 – Do not apply for the Growing Suburbs Fund grants

This option is not recommended by officers as not completing these works will postpone the project until later years when the price of delivery will increase and it is not guaranteed that the same funding stream/s will be available.

Option 3 – Defer application for future grant rounds.

This option is not recommended by officers as it will delay the delivery of needed infrastructure upgrades. Delaying the applications will see the price of project delivery increase, and it is not guaranteed that the same funding stream/s will be available.

CONFLICT OF INTEREST

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

CONCLUSION

Extensive community consultation has occurred in the development of Council's Play Space Strategy, Sport and Active Recreation Strategy and the Ross Creek Recreation Reserve Masterplan.

Therefore, it is recommended that Council Endorses the application made to the State Government Growing Suburbs Fund 2020-2021 – Round 2 for \$450,000 towards the Ross Creek Play and Active Rec Upgrade, and notes that \$100,000 has been included in the Draft 2021/22 Capital Works Budget as Council's contribution to this \$550,000 project.

7.10 FUNDING OPPORTUNITIES - 2021 LOCAL SPORTS INFRASTRUCTURE FUND

File Number:

Author: Dean Veenstra, Coordinator Recreation and Youth

Authoriser: Lisa Letic, Director Community Services

Attachments:

1. Leighdale Undercover Area Examples (under separate cover) 
2. Leighdale Equestrian Centre Site Masterplan (under separate cover) 

RECOMMENDATION

That Council endorses the following grant applications for the 2021 Sport and Recreation Victoria Local Sports Infrastructure Fund;

1. Leighdale Equestrian Centre Upgrade (Female Friendly Facilities category) – Total project cost of \$537,000 [\$358,000 SRV, \$169,000 GPS and \$10,000 Leighdale Equestrian Centre Committee of Management].
2. Bannockburn Victoria Park Ovals Safety Netting (Scoreboards and Fixed Equipment category) – Total project cost of \$50,000 [\$25,000 SRV, \$19,000 GPS and \$6,000 Bannockburn FNC].

EXECUTIVE SUMMARY

This report seeks endorsement of the funding applications to the 2021 Sport and Recreation Victoria (SRV) Local Sports Infrastructure Fund (LSIF).

BACKGROUND

The 2021 Local Sports Infrastructure Fund is a \$22million competitive Victorian Government funding program released on 8 February 2021 that funds the development of high-quality, shovel ready accessible community sport and active recreation infrastructure.

Strong, active and healthy communities need high-quality, accessible, well-designed and managed infrastructure to conduct sport and active recreation activities. Developing infrastructure that supports increased participation in disadvantaged communities and by under-represented groups, while driving local economic activity are priorities for the Victorian Government and this funding round.

The fund aims to achieve this by:

- Investing in community sport and active recreation infrastructure opportunities.
- Encouraging flexible, multi-use, shared and integrated services and facilities.
- Fostering inclusive, diverse, accessible and responsible development through universal design, environmental sustainability and strategically planned facilities.
- Encouraging collaboration with schools, service providers, facility managers and community organisations to delivery outcomes.
- Encouraging collaboration with state sporting associations and peak bodies to foster better decision making.

The LSIF will invest in proposals that can demonstrate commitment to the following outcomes:

- Develop new or maintain existing participation opportunities where there is a risk to participation opportunities or where there is a risk to participation decline. Improve diversity and inclusion by increasing participation by under-represented groups identified in *Active Victoria*.

- Develop local economic activity through the planning, building, maintenance, management and activation of new or redeveloped infrastructure.
- Improve physical and mental health and wellbeing in traditionally disadvantaged communities such as low socio-economic areas, growth areas, and communities experiencing long-term disadvantage.
- Support gender equity in participation, coaching, administration, officiating and volunteering.
- Facilitate the delivery of vital fixed equipment to support volunteers and enhance member experiences.

Applications for the program close on 22 March 2021 prior to the 23 March Council Meeting and therefore applications will be submitted subject to Council endorsement.

DISCUSSION

The 2021 Local Sports Infrastructure Fund funding streams that Council Officers have identified as priority programs to apply for grants under are:

Categories	Grants	No. Applications	Funding Ratios (SRV: GPS)	Purpose of Funding
Female Friendly Facilities	Up to \$500,000	Unlimited	2:1	Development of new and/or redevelopment of existing infrastructure that enables more women and girls to participate in sport and active recreation.
Scoreboards and Fixed Equipment	Up to \$25,000	Only 1 (Site bundling allowed)	1:1	Installation of new scoreboards and fixed equipment to support volunteer efforts, participants safety, participation or visitor experience.

Note: the LSIF program includes a number of other funding streams however it is not recommended that Council apply for these at this time due to insufficient project maturity or lack of financial capacity to meet the ratio contribution.

Funding Timelines

Applications open	Applications close	Application Assessment	Projects Announced	Funding agreements executed	Projects commence construction
8 February 2021	22 March 2021	April-May 2021	June 2021	June 2021	November 2021

FEMALE FRIENDLY FACILITIES

Leighdale Equestrian Centre Upgrade, Teesdale.

Officers have reviewed this project with representatives from Sport and Recreation Victoria (SRV) who support the upgrade of the Leighdale Equestrian Centre due to its high female participation and the recent completion of the Masterplan. While the Woody Yaloak Equestrian Centre remains Council's regional level Equestrian Centre, the Leighdale Equestrian Centre is recognised as part of a network of facilities within the region, providing a diverse range of quality equestrian opportunities for the local community and for people from across the region.

The equestrian centre is located on the outskirts of Teesdale on Council owned land and is managed by the Leighdale Equestrian Centre Incorporated Committee of Management. The centre is home to four local clubs, being the Leighdale Pony Club, Bannockburn Teesdale Riding Club, Geelong & District Carriage Riding Club and Inverleigh Riding Club, which collectively have approximately 140 members. The Centre is also utilised on a regular basis by over 90 registered casual riders. The Centre has the capacity to host a number of diverse events and competitions which attract competitors from the G21 region and beyond.

In order to cater for current growth, improve and increase scheduling opportunities and encourage new events and activities, the need to construct an, undercover arena with lighting was identified in the Leighdale Equestrian Centre Masterplan. Stakeholder interviews highlighted “there is an opportunity to install lighting to arenas to distribute use into off peak times.” As the sport of equestrian comprises of predominantly female participants, this project will provide increased programming opportunities and usability in all weather and for more programmable hours (with the lighting), both contributing to increased participation for females. The lighting will also improve user perceptions of safety at the Centre as participants can utilise the arena at night, and get to their vehicles safely with horses and equipment. Note, the pavilion has existing external lighting.

Female Participation in Equestrian

“The Australian Bureau of Statistics conducted a survey into Children’s Participation in Cultural and Leisure Activities in Australia (2012). The study showed that Equestrian activities are the 10th highest participation for girls 5 to 14 years old of all sports considered in the survey. The survey identified that there are 7.43 girls for every boy participating in equestrian.” Notably, “across all sports, boys participation exceeds girls in all of the top 10 sports other than equestrian and dancing.”

Equestrian activities offer an attractive option for participation for women, young people, families, older adults and people with a disability. It is imperative to recognise the importance of sport and recreation, including equestrian activities, in the health and wellbeing of individuals and communities.

Equestrian as a contributor to health and wellbeing and the economy

Equestrian Australia, in its 2020-2025 Strategic Plan, has identified the sport is one of the top contributors in terms of the country’s economy and a crucial contributor towards the health and wellbeing of the population. It provides an activity that supports lifelong participation opportunities for men and women, and a family friendly environment. It also identified that members of Equestrian Australia are committed to the sport, both for the love of the horse and for the healthy outdoors option it provides. Three quarters of members have been involved for over 10 years and participate at least four times a week. It also supports a significant volunteer contribution with an estimated 9,000 volunteers who contribute over 50,000 hours per week.

Scope

The Leighdale Equestrian Centre upgrade would see construction of a single undercover arena, approximately 60 x 22 metres and lit with LED lights to a minimum 150lux.

It will also include the installation of spectator seating and holding yards, whilst an upgrade of the arena surface will also be undertaken to meet governing body requirements.

Relevant Council Planning

This project is identified the Leighdale Equestrian Centre Masterplan and supports the following actions in the Sport and Active Recreation 2020-2030 Strategy:

Action 32: ‘Supporting clubs/committees to access additional resources (potentially through Council’s community grants program or other external grants) to support communities and organisations to deliver locally based activities and programs’

Action 33: ‘Focusing on creating better quality facilities within a catchment or cluster of towns, rather than developing a suite of facilities in every small township’

Scale

The total project cost for this upgrade will be \$537,000, with \$358,000 applied for through Sport and Recreation Victoria and a matched 2:1 co-contribution of \$179,000 required. It is proposed that Council contribute \$169,000 and the Leighdale Equestrian Centre Committee of Management contribute \$10,000. Council's contribution has been included in the draft Capital Budget for 2021/22.

Officer's Comments

The Leighdale Equestrian Centre is seeing growth and is one of Council's two dedicated equestrian centres within a network of facilities across the Shire and region. Whilst this centre is primarily a local level facility, it does attract participants from across and outside of the Shire. This project is supported by the community and will allow for increased participation opportunities for traditionally underrepresented groups, primarily female participation.

SCOREBOARDS AND FIXED EQUIPMENT

Bannockburn Football Safety Netting project

This grant stream is new and opportunistic. The priority project for this category is to install netting behind the southern goals at Bannockburn Victoria Park Recreation Reserve, on both Ovals 1 and 2. This project has been discussed with SRV and is supported for application as it will address safety, prevent footballs flying into the netball courts (Oval 1) or a vehicle compound (Oval 2), contributing to safer facilities for underrepresented groups, primarily female participation.

The community have identified the safety risk associated with the goals at the southern end of Oval 1, facing the netball courts. Whilst no serious injuries have been reported to date, evidence shows that footballs regularly fly into the netball courts, posing a safety risk to participants and spectators. The goals at the southern end of Oval 2 are in close proximity to a locked vehicle compound that is under construction. The netting on Oval 2 will provide for the safety of participants/volunteers, protection of property and the loss of balls into the locked vehicle compound. Netting is not a standard provision for recreation reserves in Golden Plains Shire, and is being considered through this funding stream to address safety.

Scope

The Bannockburn Football Safety Netting project will see the installation of two (10-meter-high, 25-metre wide) protector range netting bays behind the southern goals at Bannockburn Recreation Reserve Ovals 1 and 2. This will improve spectator and participant safety, prevent property damage and reduce the burden on volunteers (chasing or losing footballs).

Relevant Council Planning

This project addresses the following action from the Sport and Active Recreation Strategy 2020-2030:

Action 27: 'assessing open spaces, parks and outdoor sports facilities to determine if any additional infrastructure is required to better activate these spaces.'

This project also addresses a known safety risk, with 'Safety' being one of the 10 planning principles identified in the Sport and Active Recreation Strategy 2020-2030.

Scale

The cost for netting behind the two football goals has been quoted at \$50,000, with the proposed SRV funding to be matched by Council and Bannockburn Football Netball Club. The total project cost is \$50,000 [\$25,000 SRV, \$19,000 GPS and \$6,000]. Council's contribution has been included in the draft Capital Budget for 2021/22. Note, the Bannockburn Football Netball Club have been active in also directly applying for a Federal Government grant of \$20,000 to contribute to this project (the outcome of which is not yet determined at this time).

Officer's Comments

This project will address safety for community while football training and games are being conducted and reduce volunteer burden chasing footballs. It is supported by the community, but out of reach of community budgets to achieve on their own due to capital cost. The Bannockburn Football Netball Club have committed \$6,000 and made an application to Libby Coker MP for a

\$20,000 Federal Government grant towards this project, and officers will continue to seek information as to the timelines and success of this grant. If the Federal grant application is successful, Council's contribution may further reduce, however Council need to underwrite the \$19,000 at this time.

Future maintenance and replacement costs need to be considered and officers have sought advice from the companies quoting. It is anticipated that the life span of the nets are between 7 and 10 years, and maintenance on like facilities has been minimal. The most likely element to be replaced after this period of time is the netting, which is the cheapest component of the project.

Installing netting is not considered as a standard provision but has been identified by both Council and the community for this facility to contribute to participant and spectator safety due to the close proximity of the netball courts and vehicle compound.

Summary

The following projects are recommended for funding application in 2021/22.

Project	Total Project Cost	SRV Grant	Council Contribution	CoM/Club Contribution
Leighdale Equestrian Centre Upgrade	\$537,000	\$358,000	\$169,000	\$10,000
Bannockburn Football Safety Netting.	\$50,000	\$25,000	\$19,000	\$6,000
TOTAL SRV LSIF	\$587,000	\$383,000	\$188,000	\$16,000

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community and that innovation and continuous improvement is to be pursued. These grant applications seek to deliver safety and improved facilities that align with Council's Sport and Active Recreation Planning and community expectations.

COMMUNITY ENGAGEMENT

The community engagement principles listed under s.56 of the LGA 2020 have been followed through development of Council's Sport and Active Recreation Strategy 2020-2030, via extensive community engagement both face to face, via Council's Have your Say page and through public exhibition of the Strategy prior to Council adoption. Both users of the Leighdale Equestrian Centre and broader community were consulted in the development of the Leighdale Equestrian Centre Masterplan with further engagement occurring with users in refining the both of these projects.

PUBLIC TRANSPARENCY

One of the overarching governance principles in s.9 of the LGA 2020 is to ensure the transparency of decision making, actions and information. This is supported by the public transparency principles in s.58 of the Act. By seeking Council resolution for these grant applications, Council are adhering to these principles by ensuring that future allocations in the draft 2021/2022 budget are publicly made.

STRATEGIES/PLANS

One of the overarching governance principles in s.9 of the LGA 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under section 89 of the LGA 2020.

The community were involved in the development of the Sport and Active Recreation Strategy 2020-2030 and the Leighdale Equestrian Centre Masterplan.

FINANCIAL MANAGEMENT

Consideration has been given to the financial management principles under s.101 of the LGA 2020, as there is a budget implication by applying for these grants. If successful with these grants there will be an income received, and Council's contribution must be included in the draft 2021/22 Capital Budget.

RISK ASSESSMENT

By not applying for the Netting grant at Bannockburn Victoria Park, there is a continued community safety risk for netballers and spectators who may be hit with footballs. Communication

If the recommendation is approved, Council officers will submit the grant application by the due date of 22 March 2021. If successful, Council will work with SRV on potential funding announcements.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Endorse the application to Sport and Recreation Victoria's Local Sports Infrastructure Fund for the Leighdale Equestrian Centre Upgrade, and Bannockburn Victoria Park Ovals Safety Netting.

This option recommended by officers as the projects address actions within the Sport and Active Recreation Strategy and masterplans and will provide improved facilities leading to increased participation and safety outcomes.

Option 2 – Do not endorse the application for these grants.

This option is not recommended by officers as these are priority projects for the community and not completing these works will postpone the works until later years when the price of delivery will increase and the same funding streams may not be available. If Council was to take this option, the grants submitted would be withdrawn. Note, withdrawing an application does not look favourably for Council with the funding body.

Option 3 – Defer application for future grant rounds.

This option is not recommended by officers as it will delay the delivery of needed infrastructure upgrades and delaying the applications will see price of delivery increase. It is also not guaranteed that the same funding streams will be available in future.

CONFLICT OF INTEREST

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

CONCLUSION

Extensive community consultation has occurred in the development of Council's Sport and Active Recreation Strategy 2020-2030 and both the Leighdale Equestrian Centre and Bannockburn Victoria Park Recreation Reserve Masterplans. Therefore, it is recommended that Council applies for the following grants under the 2021 Sport and Recreation Victoria Local Sports Infrastructure Fund:

1. Leighdale Equestrian Centre Upgrade (Female Friendly Facilities category) – Total project cost of \$537,000 [\$358,000 SRV and \$169,000 GPS and \$10,000 from Leighdale Equestrian Centre Committee of Management].
2. Bannockburn Victoria Park Ovals Safety Netting (Scoreboards and Fixed Equipment category) – Total project cost of \$50,000 [\$25,000 SRV, \$19,000 GPS and \$6,000 Bannockburn FNC].

7.11 COVID -19 HARDSHIP POLICY AND CUSTOMER ASSISTANCE PROGRESS**File Number:****Author:** Fiona Rae, Manager Finance**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. **Hardship Applications by Township (under separate cover)** **RECOMMENDATION**

That Council note the update on assistance provided to our residents through the COVID-19 recovery plan during 2020/21.

EXECUTIVE SUMMARY

This report provides Council with an update on the assistance provided to customers experiencing financial difficulties as a result of COVID-19 impacts.

BACKGROUND

Council developed a package of financial relief options for local residents and businesses in response to the COVID-19 pandemic which included developing a COVID-19 financial hardship policy with relaxed criteria and offered a rebate where criteria is met.

DISCUSSION

Council has continued to provide assistance to customers following impacts from the lengthy period of government restrictions mandated for the State of Victoria.

The COVID-19 financial hardship policy was developed to provide additional financial support to customer most in need of assistance and incorporates relaxed eligibility criteria and the ability to offer the following rebates to customers:

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

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

Key Financial Data

Rate revenue is \$368k higher than budget due to customer growth higher than budgeted and increases in property values from supplementary valuations processed in the 2020/21 final quarter.

Income Description	2020/21 Annual Budget \$'000	Jan YTD Budget \$'000	Jan YTD Actual \$'000	Jan YTD Variance \$'000
Rate Revenue	\$17,876	\$17,876	\$18,192	\$316
Municipal Charge	\$3,302	\$3,302	\$3,354	\$52

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

Key Indicator	June 2020	July 2020	Aug 2020	Sep 2020	Jan 2021	Comments
Customer Payment Plans <i>original hardship policy</i>	165	96	82	68	71	Total at reporting date
Hardship Applications <i>COVID-19 hardship policy</i>	2	2	24	72	103 *	Cumulative total
Monthly Payment Options	0	0	87	293	293	Cumulative total
Waiving of interest	\$24k <i>19/20 total</i>	\$0	\$0	\$0	\$0	Interest charged end of Qtr (cumulative)
Rate rebates <i>per COVID-19 hardship policy</i>	\$0	\$0	\$16	\$33k	\$40k	Cumulative total
2020-21 \$100k budget remaining funds	N/A	\$100k	\$84k	\$66k	\$60k	Balance at reporting date
Outstanding rates notices	2,355	1,908	11,285	10,872	7,385	Total at reporting date
Total debtors (<i>includes infringement debtors</i>)	\$2.356 M	\$1.928 M	\$26.932 M	\$23.75 M	\$16.52 M	Total debtors at reporting date

* only 2 applications relate to businesses

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

Council Officers have recommended waiving the cost of environmental health related permits to provide further assistance to customers and businesses at an estimated cost of \$31,000. This additional cost can be applied to the \$100,000 budget set aside to fund customer assistance which has a YTD balance of \$60,000 available, and would subsequently reduce the balance to \$29,000.

As part of the Working for Victoria grant funding Council employed a Rates Hardship Officer to proactively contact customers in arrears to offer assistance by promoting the various payment options available and the COVID-19 hardship policy. Of the 1,000 assessments with long term arrears 914 have been contacted with 431 clearing all arrears. Key statistics are provided below.

Activity	Total
Assessments reviewed	914
Assessments with cleared arrears	431
Arrears balance cleared	\$440,467

Costs associated with the COVID-19 pandemic include:

Description	2019-20	2020-21 YTD January
Waived interest on outstanding rates (reduction in income)	\$24,346	\$0
Rate rebates per COVID-19 financial hardship policy (\$100k budget)	\$0	\$40,234
COVID-19 risk operating costs (safety equipment, masks, wipes, gloves etc)	\$28,299	\$29,905
Funding for emergency meals	(\$6,541)	(\$15,032)

COVID-19 emergency meal expenses	<u>\$4,303</u>	<u>\$6,628</u>
Net cost/(profit) – <i>potential for surplus funds to be contributed towards more meals as pandemic continues</i>	(\$2,238)	(\$8,404)
Unspent grant funds carried forward		(\$33,000)
Funding for COVID-19 community activation/social isolation initiative	(\$33,000)	(\$25,000)
Community activation/social isolation expenses	<u>\$0</u>	<u>\$9,407</u>
Net cost/(profit) – <i>balance of grant funds remaining</i>	(\$33,000)	(\$48,593)

Note: Financial information in above table excludes commitments.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

Local Government Act 1989

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2014

Annual Budget

COMMUNITY ENGAGEMENT

A formal consultation process was not required.

STRATEGIES/PLANS

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

FINANCIAL MANAGEMENT

Providing assistance to customers will assist in the collection of rates and charges from customers. Council has set aside a budget of \$100k for rebates where customers meet the COVID-19 hardship criteria. This additional cost will provide support to a large number of customers who need assistance which will enable customers to pay their rates bill, which results in higher cash inflows and a reduction in debtor balances.

RISK ASSESSMENT

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

COMMUNICATION

Assistance provided to rates customers is reported to SMT each month. A Council report was prepared in December 2020 to provide some background on the financial assistance offered to ratepayers and report the level of assistance provided to customers and statistics. This report provides an update on the level of assistance provided and current statistics.

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – Note the contents of the report

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

Option 2 – Note and adopt the contents of the report

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

Option 3 – Do nothing

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

CONFLICT OF INTEREST

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

CONCLUSION

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

7.12 SURPLUS COUNCIL LAND IN BANNOCKBURN

File Number:**Author:** Eric Braslis, CEO**Authoriser:** Eric Braslis, CEO**Attachments:** 1. **Concept Masterplan**  **RECOMMENDATION**

That Council;

1. Deem the land described as “surplus area” in the attachment to this report as surplus to Council’s needs.
2. Commence the preparation of a Planning Scheme Amendment for a combined rezoning (to General Residential Zone 1) and subdivision, in accordance with the requirements of Section 96A of the *Planning and Environment Act 1987*, including the modification to the local planning policy maps that identify the land for a residential purpose instead of a recreation purpose and the preparation of a Development Plan for the land in accordance with the requirements of the Development Plan Overlay Schedule 1.
3. Establish a dedicated Recreational Future Fund (Reserve) so that nett profits from the sale of the land or any residential development is set aside to enable future recreational improvements across the Shire.

EXECUTIVE SUMMARY

It is proposed to declare approximately 3.5 hectares of Council owned land in the northern part of the Bannockburn Recreation Precinct as surplus to Council’s needs and initiate a rezoning, subdivision and development plan process with a view to selling the land in the form of residential allotments, as well as potentially providing for affordable / social housing under the State Governments “Big Housing Build” program.

The land was previously identified as a potential site for an AFL football oval but is no longer the preferred location for the oval. Opportunities for dual ovals and netball courts have since been incorporated in the exhibited Bannockburn Growth Plan, acknowledging that the growth will warrant the establishment of a new Football/Netball Club.

BACKGROUND

The Bannockburn Recreation Precinct is a 13.2 hectare partially constructed multipurpose sports precinct in the north of Bannockburn situated at 132 Milton Street. The precinct is within the Public Parks and Recreation Zone and is affected by the Development Plan Overlay Schedule 1. The land is also partially affected by areas of Aboriginal Cultural Heritage Sensitivity and is recognised as a recreation precinct within Clause 11.03-6L of the Golden Plains Planning Scheme. It is understood that Council purchased the site from a developer in 2009. The existing zoning limits the use of the site to public recreation purposes only.

The site is currently the key area for growing recreation facilities within Bannockburn, however the Bannockburn Growth Plan and subsequent planning processes will provide new opportunities for this type of infrastructure south of the existing town. Financial commitments to future recreation infrastructure in Bannockburn south are anticipated to be included within a Development Contributions Plan (DCP) process that will follow the growth plan. The DCP is anticipated to include a detailed list of future community and development infrastructure to be delivered, who is paying for it (typically a combination of developer and Council funding), trigger points for delivery and where it will be located.

DISCUSSION

It is proposed to declare the land described as “Surplus Area” within figure 1 as surplus to Councils needs and to initiate a Planning Scheme Amendment, Development Plan and subdivision process in order to subdivide the land into residential allotments



Figure 1

The land described as “Surplus Area” in figure 1 is approximately 3.5 hectares in area. It is not required for community infrastructure purposes within the latest draft of the Recreation Precinct Masterplan.

A single football oval had previously been planned for the area that is now proposed to be deemed surplus. Council’s recreation and youth area have indicated that Bannockburn will eventually require two additional AFL football ovals because of population growth anticipated to occur as an outcome of the Bannockburn Growth Plan. There is no scope to construct two ovals within the recreation precinct itself as the area shown as “Surplus Area” is enough for one only, with the balance of the land planned to accommodate other recreation infrastructure.

Should the sale of the land occur in future it has the potential to finance the construction of facilities located on the balance of the Recreation Precinct as well as the provisions of sporting and recreational facilities across the Shire into the future. Recent announcements by the State Government will see the ‘Big Housing Build’ commit at least \$15m of affordable / social housing within Golden Plains Shire, which this site may be suitable to partially support. Council staff are currently participating in the preparation of an Affordable / Social Housing Plan for the municipality, facilitated by G21 – Geelong Region Alliance, which will identify surplus Council and State government land which could potentially be utilised.

In order to dispose of the subject land and ensure it can be used for residential purposes a rezoning and subdivision would be required, as the current zoning limits the land to public uses only. To allow for residential development the land would need to be rezoned from the Public Parks and Recreation Zone to a residential zoning. The General Residential Zone 1 (the zoning applied to most residential allotments in Bannockburn) is proposed.

The process for a combined rezoning and subdivision is prescribed under Section 96A of the *Planning and Environment Act 1987*. This process mirrors the Planning Scheme Amendment process meaning that both Council and the Minister for Planning would ultimately need to approve both the rezoning and the subdivision. As Council is both land owner and Planning Authority in this instance, the rezoning and subdivision would require Council to lodge an application to itself. In practical terms this is anticipated to mean that a consultancy would be contracted by one department within Council to prepare the application who would then submit it to a different department within Council for consideration.

The only Overlay affecting the land is the Development Plan Overlay Schedule 1 which also has implications for development. The Development Plan Overlay specifies that a Development Plan (which is akin to a high level subdivision masterplan) must be approved before a subdivision of the land can be approved, therefore a Development Plan would also need to be prepared and approved prior to the approval of any amendment to rezone and subdivide the land. As the rezoning and subdivision process typically takes over one year before approval can occur, all processes can run simultaneously so long as the legally permissible order of approval is followed. It is anticipated that the work of preparing a Development Plan could be included as part of a package of work for a consultancy to undertake.

In addition, an existing Planning Scheme map at Clause 11.03-6L (Bannockburn) describes the land as "Recreation Precinct". This would need to be changed to indicate the future use of the land for residential purposes.

Work necessary for rezoning and subdivision is anticipated to include:

- Development Plan.
- Plan of subdivision.
- Rezoning map.
- Planning Scheme policy map – to show the "Surplus Area" land as residential.
- Technical reports to support the application e.g Aboriginal Cultural Heritage Management Plan, Traffic Impact Assessment, Stormwater Management Plan.
- Standard application documents.

A subdivision may result in approximately 42 new lots if the site was developed at a rate of 12 lots per hectare, which is typical of newer development in the local context.

REPORTING AND COMPLIANCE STATEMENTS:

Local Government Act 2020 (LGA 2020) Consultation

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

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

GOVERNANCE PRINCIPLES LOCAL GOVERNMENT ACT 2020 (LGA 2020)

Declaring the land as surplus is a first step before planning processes can occur with a view to developing the land for a residential purpose. Should the land eventually be sold, the proceeds are proposed to be set aside into a dedicated Recreational Future Fund (Reserve), which would lead to an improved outcome for much of the community in the form of accelerated delivery of recreation infrastructure.

POLICY/RELEVANT LAW

This report proposes to initiate combined Planning Scheme Amendment and subdivision, which is a process prescribed under section 96A of the *Planning and Environment Act 1987* and the preparation of a Development Plan. This would be required to occur in accordance with the requirements of the Golden Plains Planning Scheme.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

There are no obvious environmental or sustainability implications beyond standard residential development. The site is clear of vegetation. A small part of the site is affected by Aboriginal Cultural Heritage Sensitivity mapping, which would be investigated as part of an Aboriginal Cultural Heritage Management Plan.

COMMUNITY ENGAGEMENT

Community engagement would be required for the combined Planning Scheme Amendment and subdivision process in accordance with the requirements of the *Planning and Environment Act 1987*. There are no statutory consultation requirements for Development Plans.

PUBLIC TRANSPARENCY

The decision to propose the land as a surplus and undertake processes that may lead to the eventual sale of the land has been made with a view to accelerating the development of needed sports infrastructure across the Shire.

STRATEGIES/PLANS

If the land was rezoned for residential purposes it would conflict with the Bannockburn Urban Design Framework within Clause 11.03-6L of the Golden Plains Planning Scheme, which depicts the land as "Recreation Precinct". The amendment package described in this report would include preparing a new map to change this designation to support residential development.

OPTIONSOption 1 – Develop the subject land for an AFL football oval

This option is not recommended by Council officers, as the preferable location for this infrastructure is anticipated to be in Bannockburn South.

Option 2 – Leave the land as is, serving a function as passive open space

This option is not recommended by officers given the extensive availability of passive open space along Bruce's Creek. Furthermore, though the recreation precinct to the south of the subject land is classified as active open space, it is also able to be used for passive open space purposes such as walking or bike riding.

Option 3 – Declare the land as surplus and initiate efforts to rezone/subdivide the land in accordance with this report

This option is recommended by Council officers and is necessary if the land is to be sold for residential purposes.

CONFLICT OF INTEREST

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

CONCLUSION

It is proposed to declare 3.5 hectares of Council owned land in the northern part of the Bannockburn Recreation Precinct as surplus to Council's needs and undertake planning processes that will allow the land to be developed for a residential purposes with a view to eventually selling the land.



Concept Masterplan

Bannockburn, Recreation Precinct

Date Issued: 04/12/2020 | Revision: E
 SMEC Project Reference: 3004374U.01 | Drawing: 01.01
 Drawn by: G. Nazareth | Checked by: L. Nickels



**DRAFT
 (FOR DISCUSSION PURPOSES ONLY)**

Urban Design
 Landscape Architecture
 Town Planning



Copyright SMEC© 2020. This plan is based on preliminary information only and may be subject to change as a result of detailed site investigations, confirmation by survey and formal Council/Authority.

7.13 COMMUNITY PLANNING PROGRAM ACTION PLAN 2021 - 2024**File Number:****Author:** Jennie Schoof, Community Partnerships Officer**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. **Community Planning Program Action Plan 2021-2024 (under separate cover)** **RECOMMENDATION**

That Council adopts the Draft Community Planning Program Action Plan 2021 – 2024 (Attachment 1).

EXECUTIVE SUMMARY

This report is to provide an overview on the Draft Community Planning Action Plan 2021 – 2024. The actions have been informed by and align with a review that was undertaken of the Community Planning Program (CPP) and its recommendations.

A CPP Review was undertaken during 2020 including community and internal engagement and a report on the outcome of the Review was delivered at the Councillor Briefing on 15 September 2020 and identified the strengths of the programs and provided high level recommendations outlining the future direction of the CPP.

A comprehensive approach to the development of the Draft Action Plan 2021 – 2024 (Attachment 1) has been undertaken to turn the themed recommendations from the CPP Review into reality, with a focus on program efficiency and effectiveness, while ensuring the CPP is delivered in an equitable manner and is responsive to the diverse needs of our communities.

The Action Plan outlines the actions, tasks, timelines, responsibilities, performance measures monitoring and evaluation that Council will undertake from 2021 to 2024 to ensure the CPP can delivering on its objectives.

BACKGROUND**Community Planning Program**

The Community Planning Program [CPP] was implemented in 2000, as a grass-roots approach to shaping the future of our communities. The program is one of Council's core community development undertakings, informed by the principles of empowerment, human rights, inclusion, social justice, self-determination, and collective action.

Community planning enables local residents to create a shared vision for their community. It supports communities to establish what people want to change or introduce into their community.

Local representatives, known as Community Coordinators, volunteer their time to coordinate the development and implementation of their local community plan with their community.

Council provides mentoring, support, advice, encouragement, information, training, and seed funding, along with an external professional facilitator to assist communities in the development of local community plans.

The program is delivered based on a strengths-based approach:

- Community planning is community owned and driven, uniting communities, encouraging community participation and collaboration in the development and implementation of their local community plan'.
- CPP recognises and celebrates the diversity and uniqueness of our communities.
- Encourages local ownership, sense of place, identity and shared responsibility.

Community Planning Review

During 2020, a review of the Community Planning Program was undertaken to inform the future direction for the community planning program. The review was an extensive process informed by community engagement and best practice. The review data collection methods:

- **Benchmarking:** Interviews were conducted with community development staff from Moorabool, Ballarat, Geelong, Buloke and Corangamite Councils to enable benchmarking against Golden Plains Shire [CPP].
- **Desktop Review:** Review of the CPP and review of data against council plans, policies, and procedures.
- **Surveys:** 87 survey responses were received from Community Coordinators.
- **Interviews:** 62 individual interviews were conducted, 45 with Community Coordinators and 17 with internal staff.
- **Focus groups:** 7 focus groups were conducted with a total of 43 participants from the Smythesdale, Barunah Park, Bannockburn, Dereel, Berringa, Staffordshire Reed, Maude, Steiglitz and She Oaks communities.

DISCUSSION

In undertaking the Community Planning Program Review, the strengths of program and value to community were strongly reinforced.

The Review also identified a number opportunities for improvement with recommendations under the following four key themes:

- **Alignment** – it has been recognised that there is significant opportunity to better align the Community Planning Program within Council's planning framework and with other Council activities/services. Community Planning can both inform and be informed by other work practices across Council.
- **Flexibility** – the current Program requires greater flexibility to recognise the unique strengths, challenges, size, remoteness and demographics of various communities. This includes in the engagement processes and participation/volunteering opportunities to develop and deliver community plans.
- **Council Support** – a longer term commitment and more consistency for communities in terms of Council support and facilitation is important to the branding, level of community trust/engagement and ultimate success of the CPP.
- **Capacity Building** – prior to commencing a Community Plan in individual communities, the Program can better recognise and capitalise on the existing strengths, networks and skills a community has through mapping and scoping. This prevents duplication of efforts but also enables the identification of any training and capacity building to be specifically tailored to the needs of that community.

Action Plan

The recommendations and themes of the Review have provided the basis for the Draft Action Plan. This included meetings with internal Council staff, the contracted Community Planning Facilitator, and with the CPP Community Coordinators during January and February 2021.

The Action Plan has been developed and refined to ensure the recommendations from the CPP Review are actionable, will increase the efficiency and ongoing effectiveness of the CPP while ensuring it is delivered in an equitable manner and is responsive to the diverse needs of the Golden Plains Shire communities.

A number of key activities/projects outlined for delivery in the Action Plan over the period 2021 - 2024 include:

- Development of a Council Volunteer Strategy.

- Aligning the CPP to the National Standards for Involving Volunteers.
- Development of volunteer modelling to address the change in volunteer participation.
- Implementation of three-monthly virtual Community Coordinator forums to assist with connectivity, capacity building and collaboration.
- Options for providing a regular feed of promotion/communications on the opportunities, initiatives and outcomes provided through the Community Planning Program.
- The implementation of further training and resources to support the CPP and volunteer Community Coordinators.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the Local Government Act 2020, the development of the CPP Action Plan 2021 – 2024 will specifically:

- Ensure priority is given to achieving the best outcomes for the CPP.
- Pursue innovation and continuous improvement.

COMMUNITY ENGAGEMENT

The program review and the action plan have provided an opportunity for community contribution on the future directions for the program. Consultation and engagement included:

- Benchmarking: Interviews were conducted with community development staff from Moorabool, Ballarat, Geelong, Buloke and Corangamite Councils to enable benchmarking

against Golden Plains Shire [CPP].

- Desktop Review: Review of the CPP and review of data against council plans, policies, and procedures.
- Surveys: 87 survey responses were received from Community Coordinators.
- Interviews: 62 individual interviews were conducted, 45 Community Coordinators and 17 with internal staff.
- Focus groups: 7 focus groups were conducted with a total of 43 participants from Smythesdale, Barunah Park, Bannockburn, Dereel, Berringa, Staffordshire Reed, Maude, Steiglitz and She Oaks communities

The actions of the CPP Draft Action Plan 2021 – 2024 have been developed to align with the CPP Review and its recommendations.

PUBLIC TRANSPARENCY

The development and delivery of the CPP Action Plan 2021 – 2024 will provide public transparency by ensuring decision making, actions and information is accessible to members of the community.

STRATEGIES/PLANS

In undertaking development of the CPP Action Plan 2021-2024, Council has given effect to the Strategic Planning principles under Section 89 of the Act.

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted to the CPP.
- (b) strategic planning must consider the resources needed for effective implementation of the CPP.

FINANCIAL MANAGEMENT

Whilst there are no immediate financial considerations associated with this report, the annual budget allocation for the program is as follows:

- a) \$60,000pa for a CPP facilitator.
- b) \$7,500 seed funding per community plan is provided for a 3-year period – there are 23 plans across 31 Golden Plains Shire communities.

SERVICE PERFORMANCE

CPP is delivered in an equitable manner and is responsive to the diverse needs of our communities. The CPP Review identified a number of areas for continuous improvement which have been translated for action into the CPP Draft Action Plan 2021 – 2024.

COMMUNICATION

A holistic approach for communication of the CPP Action Plan 2021 – 2024 will be provided to ensure a collaborative approach in the delivery of CPP Action Plan including:

- Externally with the CPP Community Coordinators and communities.
- Internally with Council staff and various teams.

HUMAN RIGHTS CHARTER

It is considered that the CPP Action Plan 2021 – 2024 does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

OPTIONS

Option 1 – Adopt Draft Community Planning Program Action Plan 2021-2024 as presented.

This option is recommended by officers as the Action Plan has been developed to expand and deliver on the recommendations identified in the CPP Review. The Action Plan will enable the implementation and monitoring of deliverables for the Community Planning Program for the next 3 years as outlined in Attachment 1.

Option 2 – Not adopt the Draft Community Planning Program Action Plan 2021-2024.

This option is not recommended by officers as the Action Plan reflects the recommendations from the adopted CPP Review that was undertaken and presented in 2020. The review was informed by extensive community and stakeholder engagement and the Action Plan provides deliverables to further strengthen the CPP.

Option 3 – Defer adoption of Draft Community Planning Program Action Plan 2021-2024.

This option is not recommended by officers as delays will likely have a negative effect on the CPP. A lack of continuity or time delays in the delivery of actions impacts on momentum and creates a risk that community members disengage from the Program.

CONFLICT OF INTEREST

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

CONCLUSION

Council's CPP was reviewed during 2020 with a report recommending future directions for the program presented to Council in September 2020.

Since that time, a draft CPP Action Plan has been developed to provide a number of actions for implementation that will build on and strengthen community planning across the Shire. The actions of the CPP Draft Action Plan 2021 – 2024 have been developed to align with the CPP Review and its recommendations.

7.14 BERRYBANK WINDFARM RATING AGREEMENT

File Number:**Author:** Fiona Rae, Manager Finance**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Draft Berrybank Windfarm Rating Agreement (under separate cover) 

RECOMMENDATION

That Council:

1. Endorse the draft Berrybank Wind Farm rating agreement with Berrybank Development Pty Ltd as provided in Attachment 1.
2. Authorises the Mayor and Chief Executive Officer to sign and seal the rating agreement when finalised.

EXECUTIVE SUMMARY

Construction of the Berrybank Wind Farm Stage 1 has been completed and is currently undergoing commissioning. For rating purposes, alternative energy generators are treated under State policy via specific rating agreements rather than the general rating provisions that apply to the majority of properties in the Shire. This report seeks endorsement of the proposed rating agreement for the Berrybank Wind Farm in accordance with the *Electricity Industry Act 2000*.

BACKGROUND

The Payment in Lieu of Rates (PiLoR) framework is a methodology set out in Section 94 of the *Electricity Industry Act 2000* to assist local councils and electricity generators in determining rating agreements. On 10 October 2018 the Victorian Government introduced a new methodology to the PiLoR framework for small scale and community owned generators.

The new methodology requires an estimate to be provided at the beginning of each rating period and that the estimate be reconciled with actual generation data in the calculation for the following period. We have been provided with a preliminary estimation of the generation by Berrybank Development Pty Ltd who manage the Berrybank Wind Farm. The rating agreement has been prepared based on the new methodology and this estimate.

DISCUSSION

Berrybank Wind Farm is located in South-West Victoria approximately 14 km east of Lismore and 80km west of Geelong and within the Victorian district known as the Western Plains, spanning the Corangamite and Golden Plains Shires. The Berrybank Wind Farm is an investment of \$284 million by Global Power Generation with 43 wind turbines planned in Stage 1 and up to 79 in Stage 2.

Construction began in April 2019 with Stage 1 completed on 17 March 2021. Of the 43 turbines in Stage 1, 24 are in the Golden Plains Shire, with a further 9 turbines to be constructed in Stage 2, with the remainder of turbines located in the Corangamite Shire.

Global Power Generation Australia is the Australian subsidiary of Global Power Generation, which was established to progress the portfolio of projects ensuring sustainable sources of energy, developing rural and regional communities, utilising renewable technologies and contributing to the reduction of green house gas emissions.

The PiLoR framework provides the following methodology for calculating annual rates payments for commercial renewable electricity generators:

- Variable charge of \$1,225 per megawatt (MW) generated

- Plus a fixed charge.

Based on the information provided by Berrybank Development Pty Ltd the estimated power generation in the Golden Plains Shire from the Berrybank Wind Farm when both stages are fully operational is 138.3 MW per year. The initial rating agreement will be set based on the following estimates:

- Stage 1 – 100.5 MW x \$1,225 = \$123,112 + fixed charge \$54,400 = \$177,512
- Stage 2 – 37.8 MW x \$1,225 = \$46,305
- Total – 138.3 MW x \$1,225 = \$169,417 + fixed charge \$54,400 = \$223,817

We are waiting for a connection date and updated estimate of MW hours which will be inserted into the agreement once known. This agreement will be reconciled with actual generation in the second rating period.

The initial term of the rating agreement is set at five years. Upon expiry of the initial term the agreement will automatically roll over on the same terms for a successive period of five years.

The expected commencement date of the contract is late May 2021, however dependant on the timing of connection to the grid. The agreement includes provision for Council to terminate the agreement on giving 30 days notice in writing to the Generation Company.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The draft rating agreement has been prepared in accordance with the *Electricity Industry Act 2000*.

POLICY/RELEVANT LAW

Electricity Industry Act 2000

Local Government Act 1989

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2014

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

This rating agreement supports environmental sustainability by working with Global Power Generation, which was established to progress the portfolio of projects ensuring sustainable sources of energy, developing rural and regional communities, utilising renewable technologies and contributing to the reduction of green house gas emissions.

STRATEGIES/PLANS

Renewable technologies and contributing to the reduction of green house gas emissions is a strategic principle supported by Golden Plains Shire which will be formalised with this rating agreement for the Berrybank Wind Farm.

FINANCIAL MANAGEMENT

This rating agreement will formalise the revenue collected from Berrybank Development Pty Ltd with an agreed payment in lieu of rates as specified in the agreement.

HUMAN RIGHTS CHARTER

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

OPTIONS**Option 1 – Note the draft agreement and authorise the Mayor and CEO to sign**

This option is recommended by officers as the draft agreement has been prepared using estimated power generation details which will be updated when the final power generation details are confirmed when the Berrybank Wind Farm is connected to the grid.

Option 2 – Note the contents of the report and defer authorising signing the agreement

This option is not recommended by officers as Council would need to review the rating agreement again with only minor details updated since this report was prepared.

CONFLICT OF INTEREST



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

CONCLUSION

The rating agreement will be finalised when a final power generation estimate is provided by Berrybank Development Pty Ltd, anticipated in late May when it is expected the wind farm will be connected to the grid. The Mayor and CEO will sign the rating agreement when finalised.

7.15 STATUTORY PLANNING ADVERTISING POLICY AND PROCEDURE

File Number:**Author:** Leanne Wilson, Manager Development and Regulatory Services**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Advertising Planning Applications Policy (under separate cover) 
2. Advertising Planning Applications Procedure (under separate cover) 

RECOMMENDATION

That Council approves the Advertising Planning Applications Policy and Procedure as attached.

EXECUTIVE SUMMARY

Section 52 of the Planning and Environment Act 1987 (Act) provides the legislative requirements for advertising planning applications.

This report, and attached policy and procedure is intended to implement a consistent approach to how the Statutory Planning department undertake public notice of planning applications when public notice is required.

BACKGROUND

At present, planning applications are advertised in accordance with the provisions of the Act, however there is no policy or procedure which sets out a consistent approach to the advertising of applications.

Currently, notice is undertaken by way of letters, sign on site (A3 size only) and newspaper.

This policy and procedure seek to implement a consistent approach to undertaking public notice, and by having an endorsed policy and procedure, provides certainty to the community in terms of engagement together with permit applicants and how their application will be advertised.

DISCUSSION

The attached procedure sets out how applications will be advertised in accordance with Section 52 of the Act through the use of:

- Letter notification to owners and occupiers;
- On site public notice; and
- Newspaper Public Notice.

In the past, undertaking public notice was completed by the permit applicant, however it is now proposed to be undertaken wholly by Council. Currently, Council undertake the letter mailout and newspaper notice (at an additional cost to the applicant) whilst the applicant places the sign on the site.

This new policy and procedure allow Council to undertake the public notice procedure, which creates efficiencies internally in managing the public notice period and ensures that the placement of signage on land is consistent together with compliance against the Act.

Current fees set by Council are to be reviewed and updated annually, the 2020/21 fee is \$10.00 per letter, \$255.00 per sign, \$51.00 per additional sign and recoupment of the cost for a notice in the newspaper plus \$51.00 administration fee.

This policy and procedure seeks to implement a sliding scale of advertising fees to reflect the notice requirements of each application and the work involved in undertaking the notice requirements on behalf of the permit applicant.

The proposed fee structure is:

- Advertising of an application by letters only (up to 20) to be set at \$50.00.
- Advertising of an application by letters (up to 20) and sign on site to be set at \$150.00.
- Advertising of an application by letters (up to 20), sign on site and newspaper to be set at \$200.00 plus the cost of the newspaper notice.
- For each additional letter over 20 letters, an additional cost of \$2.50 per letter is required.
- For each additional sign, an additional cost of \$100.00 is required.

To create further efficiencies in the processing of applications, at the time of lodgement of an application whereby officers create an invoice for the application fee, the fee applicable for Council to undertake the notice requirements will also be generated within the same correspondence.

For larger applications (for example a broiler farm), the invoice for payment will be sent out once officers have determined the extent of the letter notification.

Another key feature of this policy is the creation of different size of signs ranging from A2 to A0 to ensure that the landscape in which the sign will be placed will be visible, weather proof and attract the eye, as all signs will be made out of corflute (or similar hardy material) and yellow in colour.

It is also proposed, that Council engage a contractor through a tender process, who will erect, remove and clean signs, together with documentation their placement on the land and their removal from the land once the public notice period has ceased.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Human Rights Charter	Yes
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GOVERNANCE PRINCIPLES

The proposed policy and procedure follows Governance principles in ensuring specific outcomes for the community in the manner in which public notice is given, as well as continuous improvement internally in how public notice will be undertaken.

POLICY/RELEVANT LAW

The proposed policy and procedure seek to ensure that the requirements of Section 52 of the Act is implemented in a consistent manner. The proposed policy and procedure have been developed to be compliant with the Act together with the Privacy and Data Protection Act 2014.

COMMUNITY ENGAGEMENT

The proposed policy and procedure seeks to interpret legislation in a “plain English” manner to ensure that the community are aware of the method in undertaking public notice for planning applications and the determination of the extent of public notice.

PUBLIC TRANSPARENCY

The proposed policy and procedure ensures that Council officers are transparent in how public notice is undertaken for Statutory Planning applications. Currently, the department does not have any policy or procedure, only the legislative requirements contained within Section 52 of the Act. The creation of the policy and procedure provides further guidance on how to interpret and implement the requirements of the Act and ensure consistency.

FINANCIAL MANAGEMENT

The proposed policy and procedure is seeking to alter the fee schedule to ensure reasonable costs is associated with Council undertaking the entire public notice requirements, whilst ensuring recoupment of costs.

There will be an immediate impact to budget with the purchase of speciality signage to ensure compliance with Form 2 and Form 3 of the Planning and Environment (Regulations) 2015. However, these signs are reusable, and have a life span of a minimum of three years (based on prior usage). It is also anticipated that as the procedure is implemented, then the costs will be recouped over time.

SERVICE PERFORMANCE

The proposed policy and procedure are anticipated to streamline the public notice process internally in terms of determining properties to advertise to, placement of signage, and consistency, together with collection of fees for Council to undertake this task.

COMMUNICATION

The new policy and procedure for advertising statutory planning applications will be placed on Council’s website and emailed to Council’s regular applicants, including developers, planning consultants and land surveyors.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Approve the Advertising Planning Applications Policy and Procedure

This option is recommended by officers as the implementation of the policy and procedure will create consistency within the Statutory Planning Department in how advertising of planning applications will be undertaken.

Option 2 – Refuse to approve the Advertising Planning Applications Policy and Procedure

This option is not recommended by officers as this will result in the status quo.

CONFLICT OF INTEREST

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

CONCLUSION

The proposed policy and procedure seeks to ensure that Council undertake public notice consistently, and to ensure that the community and permit applicants are aware of the method of how public notice is undertaken. The decrease in fees for Council to wholly undertake the process are considered fair and reasonable and seeks to recoup expenditure spent by Council in undertaking the additional works.







7.16 PROPOSED NAMING OF UN-NAMED ROAD, LETHBRIDGE

File Number:

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. Map - Unnamed Road, Lethbridge (under separate cover) 
2. Images of the Obstruction (under separate cover) 
3. Email from Geographic Names re: Obstruction (under separate cover) 
4. Parish Plan (under separate cover) 
5. Map from GPSC Planning Committee Minutes (under separate cover) 
6. Page from GPSC Recycling and Waste Management Program (under separate cover) 

RECOMMENDATION

That Council:

1. Endorse naming the currently un-named section of road off Clarke's Road, Lethbridge, 'Capron Lane' in accordance with the *Naming Rules for places in Victoria – Statutory Requirements for naming roads, features and localities - 2016*.
2. Advertise its intention to name the road 'Capron Lane' and invite feedback from the community in accordance with Council's Community Engagement Policy.
3. Consider any submissions or objections received during the advertised period and if no objections are received, proceed with the gazettal process.

EXECUTIVE SUMMARY

Council received a request from a resident for a section of unmade road leading to their property and principle place of residence to be added to Council's road register for maintenance and grading purposes. The road is located off Clarkes Road in Lethbridge – see map in attachment 1.

The request meets the criteria required to add the road to the Road Register and was supported by the Director of Assets and Amenities (at the time) and the Roads and Drainage Engineer. To be included on the road register, the road must also be given a unique name.

Following consultation with the resident and receiving in-principle support from the Registrar of Geographic Names, it is proposed to name the road 'Capron Lane'.

BACKGROUND

The unnamed road is highlighted in red on the map in attachment 1. The road provides access to one property which is currently addressed to Clarkes Road, Lethbridge and it is not considered to be part of their driveway. According to VicNames – The Register of Geographic Names, the road has never been officially named.

On the map provided the unnamed section of road appears that it would be able to meet Easton Road, Lethbridge and be named the same. Following an inspection of the land between the two sections of road and subsequent advice received from the Office of Geographic Names, the unnamed section of road cannot be deemed a continuance of Easton Road. This is due to a permanent obstruction of grass, weeds and other natural obstructions between the two sections of road that would prevent emergency response vehicles from being able to access properties from either end of the road. See images of the obstruction in attachment 2 and advice received from Geographic Names Victoria in attachment 3.

For this reason, the section of road shown in red on the map requires a unique name.

DISCUSSION

Through consultation with the resident, two names were suggested. The first suggestion was 'Capron Lane', as the resident recalled seeing this name on an old utility bill when they purchased the property. The second name suggested was 'Graylea Lane', which is the name of the horse stud located at the property.

The Office of Geographic Names subsequently advised that the name 'Graylea' could not be considered as it does not meet the requirements of a commemorative name. The main reason for this is the stud has only been in operation for 23 years, only some of which was at the current location.

The name 'Capron Lane' was further investigated and sent to the Registrar of Geographic Names for In-Principle support based on the following:

- W. Capron was an original landowner in the area as shown on the parish plan. See attachment 4.
- The Capron family owned a large dairy farm in nearby Russells Bridge (Reference: The Stepping Stone – A History of the Shire of Bannockburn Page 83).
- There is evidence within Council documents to show that the section of road was previously named 'Capron Lane' but the name has not recently been in use or previously registered. See attachments 5 and 6.

The name 'Capron Lane' was also assessed against all 12 of the naming principles and the request for In-Principle support was endorsed by the Registrar of Geographic Names on the 28th January 2021.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the recommendation for Council to endorse naming the currently un-named section of road off Clarke's Road, Lethbridge, 'Capron Lane' will specifically:

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

POLICY/RELEVANT LAW

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

COMMUNITY ENGAGEMENT

Current engagement has been with the resident initiating the naming proposal to determine a preferred name to put out for consultation. If the proposed name is endorsed by Council, and in accordance with the Naming rules for places in Victoria, consultation within the immediate community will be undertaken for the minimum required period of 30 days.

PUBLIC TRANSPARENCY

Information on how the proposed name was determined has been provided in this report and is available for the community's information.

Any decisions made as part of this naming process will be made by resolution at a public Council Meeting. Council will ensure that all decisions made are transparent and reported to the community.

Information on decisions made will be provided to the community via a number of platforms including print and online.

COMMUNICATION

Consultation will be facilitated via a Have Your Say page on Council's website and advertised in the Golden Plains Times, on Council's website and social media channels. A concentrated engagement approach will also be actioned through flyers distributed to the Lethbridge General Store and a notice in the school newsletter.

Any decisions made at future Council Meetings or any updates received in regards to this naming request will continue to be communicated via the Have Your Say page, Council's website and Social Media.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council support the recommendation as detailed

This option is recommended by officers as the proposed name complies with the naming rules and has in-principle support from the Registrar of Geographic Names.

Option 2 – That Council request further information on the proposal

This option is not recommended by officers as all information as provided to the Office of Geographic Names has been included in the report and the name has in-principle support from the Registrar of Geographic Names.

Option 3 – That Council abandon the proposal to name the road

This option is not recommended by officers as abandoning the proposal would not allow the road to be added to Council's Road Register.

CONFLICT OF INTEREST

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

CONCLUSION

Given a unique name is required for the road to be added to Council's Road Register and the proposed name has in-principle support from the Registrar of Geographic names it is recommended that Council endorse the name 'Capron Lane' and invite feedback from the community.

7.17 BANNOCKBURN SHIRE HALL - BANNOCKBURN SURGERY LEASE AGREEMENT**File Number:**

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: Nil

RECOMMENDATION

That Council note the lease entered into with Bannockburn Surgery for the use of the Bannockburn Shire Hall at 12 High Street, Bannockburn to facilitate the delivery of COVID-19 Vaccinations within the Golden Plains Community.

EXECUTIVE SUMMARY

Following the close of the Expression of Interest (EOI) period for the lease of the Bannockburn Shire Hall which resulted in no formal EOI responses, Council was approached by the Bannockburn Surgery with a request for them to lease the premises as a location for the delivery of the COVID-19 vaccinations.

In accordance with Council's Property Management Framework and Property Use Agreements Policy, Council's Chief Executive Officer (CEO), has the power under S5 delegation to the CEO made by Council resolution on 28 July 2020, to enter into a short-term lease agreement from 16 March 2021 to 1 December 2021. The lease includes a peppercorn rental fee of \$11 and the Bannockburn Surgery will pay for all outgoings including the cost of furniture removal and storage for the period of the lease.

BACKGROUND

At the 24 March 2020 Council Meeting, Council resolved to authorise the Chief Executive Officer to call for Expressions of Interest for the lease of Bannockburn Shire Hall at 12 High Street, Bannockburn for a provision of commercial or retail service.

The initial EOI process commenced on 8 May 2020 and concluded on 22 June 2020, no responses were received and a 2nd EOI was undertaken between 1 December 2020 and 11 January 2021, this was further extended to 15 February 2021. At the completion of both EOI periods, several enquiries had been made but no formal EOI's were received.

DISCUSSION

Bannockburn Surgery have volunteered their services to be involved in the mass COVID-19 vaccination program for Stage 1b and beyond. As part of this, the Surgery is required to show infrastructure that can accommodate at least 20 vaccinations per hour without disrupting the current flows of the Bannockburn Surgery.

The Bannockburn Surgery Directors and Practice Manager believe it is their due diligence as medical/healthcare professionals to provide this service to our community of the Golden Plains Shire. They feel it would be remiss not to offer this service, particularly to those first eligible for the vaccine (aged over 70 years / Chronically diseased patients), and expect them to drive to either Barwon Health or Ballarat Health Services for this urgent vaccine.

When assessing the Bannockburn Surgery's request to utilise the Bannockburn Shire Hall to facilitate the COVID-19 vaccination program several factors were considered with the benefit to the community being the primary focus. Some key benefits include:

- Provides greater access to vaccination for vulnerable residents.
- Eliminates requirement for local residents to travel to Geelong or Ballarat for vaccination.

- May increase vaccination rates within the Shire.
- Provides a more comfortable environment for residents to receive the vaccine in all weather conditions as compared to a potential alternative being a marquee set up.

The short-term arrangements of this lease will also allow Council time to explore alternative uses for the Shire Hall once the vaccination program ends. Having the facility activated with a significant amount of foot traffic through the building may also see further interest and/or proposals generated for future long-term use.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, entering into a lease agreement with Bannockburn Surgery to deliver a critical health service will specifically assist in achieving the best outcomes for the municipal community, including future generations.

POLICY/RELEVANT LAW

Under Council's delegation to the CEO made by resolution on the 28th July 2021, the decision to enter into a lease agreement with Bannockburn Surgery has been made in accordance with Council's Property Management Framework and Property Use Agreements Policy.

PUBLIC TRANSPARENCY

In accordance with section 58 of the *Local Government Act 2020*, this report has been made publicly available as part of the Council Meeting Agenda.

COMMUNICATION

The Bannockburn Surgery will be responsible for communicating the vaccination service to the community however given the community interest in the future of the Shire Hall Council will prepare a news story to be shared across multiple media platforms.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council note the report and the lease with Bannockburn Surgery.

This option is recommended by officers as the report is for noting only.

CONFLICT OF INTEREST

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

CONCLUSION

The lease with Bannockburn Surgery for the delivery of COVID-19 vaccinations at the Shire Hall provides many benefits to the community as detailed in the report. It aligns well with Council's Vision 'Where people matter, communities are connected, and the future is bright', particularly through the vision of 'Excellence' where we aim to 'effectively respond to the changing needs of the community'.

Towards the end of the lease arrangement, Council will continue with an EOI process in hope of securing a commercial tenancy.

7.18 REVIEW OF INSTRUMENT DELEGATION - COUNCIL TO STAFF

File Number:**Author:** Jacquilyn Douglas, Governance and Legal Services Officer**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Instrument of Delegation - Council to Members of Council Staff (under separate cover) 

RECOMMENDATION

That Council, in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, Golden Plains Shire Council, resolves that:

1. There be delegation to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately once the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

EXECUTIVE SUMMARY

The legislation referred to in the attached Instruments of Delegation – Council to Members of Staff enables Council to delegate functions, duties and powers, other than specific exemptions, to Council staff.

A review of the instruments of delegation from Council to members of Council staff has been undertaken. The review included:

- legislative changes required under the new Local Government Act 2020;
- changes required under the instrument template issued by Maddocks Lawyers (January 2021);
- an internal review to ensure alignment with overall organisational requirements, structure and position responsibilities; and
- minor cosmetic changes.

The changes are summarised in detail within the report.

The updated instrument of delegation is presented for Council's adoption (Attachment 1).

BACKGROUND

Council can act in only one of two ways:

1. A decision by resolution of Council, and
2. Instrument of delegation to others to act on Council's behalf.

Delegation by Council of powers is formalised via written instruments of delegation. Delegation of powers is considered essential to enable day-to-day decisions to be made.

There are several reasons why delegations should be reviewed regularly, including:

- identifying decision-makers to ensure accountability and responsibility for decisions;
- ensuring Council set conditions, limitations and guidelines for decision-makers, including reporting requirements;
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

Delegations must be performed and executed in accordance with any guidelines or policies of Council and position roles and responsibilities. Members of Council staff whom have delegation are provide with the necessary training and supporting materials to assist them in understanding their roles as a delegated officer.

Council last reviewed and adopted Instrument of Delegation to Members of Council Staff at the 28th of July 2020 Council meeting.

DISCUSSION

Council subscribes to the Maddocks Lawyers Delegations and Authorisations Service. This service not only assists Council in managing its delegations and authorisations, but also assists members of staff to understand the scope of their powers and avoid any risk of acting outside their delegated authority. This service includes provision of instruments of delegation templates based on the best practice model along with regular updates taking into account any legislative changes to the various acts and regulations included in the delegations.

A review of delegations from Council to members of Council staff has recently been undertaken.

Summary of Changes – Instrument of Delegation from Council to members of Council staff:

- Legislative changes required under the new Local Government Act 2020;
- Changes required under the instrument template issued by Maddocks Lawyers (January 2021);
- An internal review to ensure alignment with overall organisational requirements, structure and position responsibilities; and
- Minor cosmetic changes.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

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

GOVERNANCE PRINCIPLES

The overarching Governance Principles have been taken into consideration when completing the January 2021 update of the Delegations attached to this report.

POLICY/RELEVANT LAW

The *Local Government Act 2020*; and

The legislation referred to in the attached Instruments of Delegation.

PUBLIC TRANSPARENCY

Council will make available for public inspection a register of delegations, including the dates on which the last reviews took place.

FINANCIAL MANAGEMENT

The delegations presented to Council, ensure only limited staff are delegated to make financial decisions, therefore ensure Council has provisions in place to mitigate risks of financial mismanagement, and risks associated with fraud.

RISK ASSESSMENT

- Delegates are required to ensure Legislative Compliance ; and
- Delegations mitigate risks associated with Fraud and Corruption.

COMMUNICATION

Council will make available for public inspection a register of delegations, including the dates on which the last reviews took place.

Changes to the delegations will be communicated internally.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council adopt the amended Instrument of Delegation

This option is recommended by officers as this will ensure compliance with legislation and provide a clear framework to ensure the members of Council staff are aware of and acting within their designated levels of authority.

Option 2 – That Council amend the report.

This option is not recommended by officers as the delegations have only been assigned to officers who require these to carry out their duties.

Option 3 – That Council defer the report.

This option is not recommended by officers as it will risk non-compliance with legislation and hinder Council staff who require delegations when acting within their position, and delay items for the community.

CONFLICT OF INTEREST

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

CONCLUSION

After a thorough review of Council's Instrument of Delegation to Members of Council Staff, it is now appropriate for Council to adopt the amended Instrument of Delegation. By carrying out a review of the instruments of delegation Council will ensure compliance with legislation and provide a clear framework to ensure the members of Council staff are aware of and acting within their designated levels of authority. It is further recommended that Council support the initiative to extend the officers powers of delegation under the Planning and Environment Act 1987 to improve efficiencies.

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 G21 Strategic Review

This matter is considered to be confidential under Section 3(1) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
