



GOLDEN PLAINS SHIRE

# AGENDA

## Council Meeting

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**6.00pm Tuesday 24 August 2021**

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

NEXT COUNCIL MEETING  
6.00pm Tuesday 28 September 2021

Copies of Golden Plains Shire Council's Agendas & Minutes  
Can be obtained online at [www.goldenplains.vic.gov.au](http://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**

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar people. We acknowledge them as the Traditional Owners and Custodians. Council pays its respects to Wadawurrung Elders past, present and emerging. Council also respects Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of the Golden Plains Shire.

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

That the minutes of the Council Meeting held on Tuesday 27 July 2021 as circulated, be confirmed.

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

**7 BUSINESS REPORTS FOR DECISION****7.1 DELEGATES REPORT - 27 JULY 2021 TO 23 AUGUST 2021****File Number:****Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Delegates Report – 27 July 2021 to 23 August 2021.

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

**Cr Helena Kirby**

30 July	G21 Board Meeting
31 July	Inverleigh Netball Court opening
4 August	MAV Regional meeting
12 August	The Digital Hub opening and Online Councillor Conversation
13 August	Meeting with Department of Transport
16 August	Berrybank Wind Farm Community Engagement Committee meeting
19 August	Active Ageing and Inclusion meeting and Meeting with Michaela Settle MP

**Cr Brett Cunningham****Cr Gavin Gamble**

10 August	G21 Transport Pillar meeting
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**Cr Ian Getsom**

10 August	G21 Transport Pillar meeting
19 August	Timber Towns Victoria meeting

**Cr Les Rowe**

11 August	G21 Education and Training Pillar meeting
19 August	Timber Towns Victoria meeting

**Cr Owen Sharkey**

4 August	MAV Regional meeting
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**Cr Clayton Whitfield**

2 August	G21 Planning & Services Pillar meeting
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**7.2 P20341 1115 SHELFORD-MT MERCER ROAD, SHELFORD (BROILER FARM)****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 P20341 for the use and development of the land for the purposes of a broiler farm and associated buildings and works at 1115 Shelford-Mt Mercer Road, Shelford subject to the conditions attached to this report.

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**EXECUTIVE SUMMARY**

This report relates to a planning permit application for a broiler farm at 1115 Shelford-Mt Mercer Road, Shelford. The report provides a background to the application and a summary of the relevant planning considerations.

The application has been referred to the Council Meeting for determination because there are 15 objections to the application, and given the number of submissions and media attention, officers are of the opinion that the application is considered significant to the municipality. The matters raised by objectors include odour, environmental impacts, traffic and roads, noise, visual impact, power and water supply, avian influenza and animal welfare. Councillors have been provided with a full copy of the application and objections for consideration before making a decision.

The issue of a Notice of Decision to Grant a Planning Permit is recommended, subject to the conditions attached to this report.

**BACKGROUND****Site description**

The subject land is situated at 1115 Shelford-Mt Mercer Road, Shelford and is formally known as Lot 1 on Plan of Subdivision 824764X. The land is not affected by any restrictive covenants. The site is located in a rural area approximately 12 kilometres north of the Shelford township.

The site has an area of 161.9 hectares and is currently used for agricultural activities such as grazing and cropping. The site is vacant and contains an existing farm shed. Access to the site is from Shelford-Mt Mercer Road which is a sealed road managed by Council.

Surrounding land is used for agricultural activities such as grazing and cropping. The Leigh River is located approximately 600m east of the subject land.

**Proposal**

The application proposes the use and development of the land for a broiler farm with a capacity of 400,000 birds. The proposal consists of eight chicken sheds and includes a machinery and staff amenities building, 12 feed silos, 4 LPG tanks, 8 water tanks, access road construction and a new dam. The external materials of the broiler sheds will consist of pale green colorbond walls and custom orb (zincalume) roof. Each shed will be 182m long and 22m wide with a height of 4.3m to the ridgeline.

Access to Shelford-Mt Mercer Road is via an existing vehicle crossing on the southern boundary of the land. A new internal access road will be constructed to the sheds. A number of trucks will be required to service the farm including for the delivery and collection of birds, litter delivery and removal and feed deliveries. It is anticipated that up to approximately 963 trucks per year will be required to service the farm. This equates to about 19 truck visits per week.

The property does not currently have access to three-phase power and reticulated water. The applicant intends to pay for the extension and connection of electricity to the site. Drinking water for the farm will be provided from runoff from the shed roofs and hardstand areas which be collected in water tanks and the proposed dam. If necessary, supplementary water will be obtained from a bore or pumping rights from the Leigh River, subject to the appropriate approvals.

Birds will be brought onto the site in batches approximately every 65 days and it is anticipated that 5.6 batches will be grown per year. The proposed production cycle involves a growing period of approximately 7- 8 weeks and approximately a 10 to 14 day period for shed clean up and turn around. The cycle begins with the delivery of fresh litter (bedding) and chickens. The mature chickens are usually removed at night to reduce stress on the birds and are removed progressively from 34 days to about 50 days. Once all the chickens are removed the sheds are cleaned out and prepared for the next batch. The used litter is removed from the sheds and taken off-site.

## Site Map



## CONSULTATION

Notice of the application was given to adjoining and neighbouring owners and occupiers in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act 1987*. Notice was given by mail to neighbouring owners and occupiers within 1km of the subject land, by placing a sign on the land and publishing notices in the Ballarat Courier and Geelong Advertiser newspapers. The advertising material was made available on Council's website.

As a result of the public notice, 15 objections were received and one petition. A copy of the objections and petition have been provided to the Councillors. The objector's concerns can be summarised as follows:

- **Odour.** The objectors are concerned that the amenity of the area will be adversely affected by odour emissions from the proposed broiler farm.
- **Environmental impacts.** Concerns have been raised that the proposed broiler farm will contaminate the Leigh River and result in impacts on native flora and fauna.

- **Traffic and roads.** The objectors believe that the local road network is inadequate for the increased truck traffic that will be generated by the proposed broiler farm and will result in road damage and maintenance issues.
- **Noise.** Concerns have been raised regarding noise impacts of the proposed broiler farm on the surrounding area.
- **Visual impact.** Objectors believe that the development is unsightly and will have an adverse impact on the appearance of the area.
- **Power and water supply.** Objectors are concerned that the proposed broiler farm does not have a reliable power and water supply.
- **Avian influenza and biosecurity.** Concerns have been raised regarding disease risk associated with Avian influenza.
- **Animal welfare.** Some objectors raised ethical concerns regarding the treatment of animals in intensive animal operations.
- **Other concerns** raised by the objectors included dust, vermin control, fire risk, waste management, cultural heritage impacts, compliance, and property devaluation.

A consultation meeting was held on 21 June 2021 with the objectors, applicant and Council officers. The meeting did not result in the resolution of any of the objections.

## ASSESSMENT

The application was lodged on 24 October 2020.

A broiler farm is defined in Clause 73.03 of the planning scheme as “land used to keep broiler chickens for the production of meat” and is included in the land use term ‘poultry farm’.

A planning permit is required under the following provisions:

- Farming Zone (FZ) - Clause 35.07-1. A Poultry farm (including Broiler farm) with more than 100 poultry is a ‘Section 2 - permit required’ use. An application for a Broiler farm must meet the requirements of Clause 53.09 of the planning scheme.
- Farming Zone (FZ) - Clause 35.07-4. A permit is required for a building or works associated with a use in Section 2 of Clause 35.07-1 (broiler farm).

There are no referral authorities specified in the planning scheme for an application of this type. Advice on the application was sought from the EPA and Corangamite Catchment Management Authority (CCMA) and the application was internally referred to Council’s Works and Environment 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

#### 02.01 Context

The Shire is characterised by agricultural land used predominantly for grazing and cropping as well as other activities including intensive animal industries and wind farms.

#### 02.02 Vision

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

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

## **02.03 Strategic directions**

### **02.03-4 Natural resource management**

#### **Agriculture**

Agricultural industries continue to be the major economic sector comprising more than 25 per cent of the employment in the Shire. The opportunities for agricultural diversity are limited by the Shire's climate, the availability of water and, in the northern portion of the Shire, fragmentation of land due to rural residential development.

There has been a growth of intensive agricultural activities within the Shire, particularly in the wine and specialist livestock industries. Other significant farm types are sheep and fat lambs for meat production, egg production, poultry, pastures, grasses and horticulture.

Council aims to support sustainable agriculture in the Shire by:

- Protecting the role of agricultural land as an economically valuable resource.
- Facilitating more intensive and diversified use of rural land for higher value products, including timber and agroforestry.
- Minimising the potential for conflict between sensitive uses and agricultural practices.

#### **Animal industries**

Many intensive animal production uses are in Golden Plains Shire and they represent an important local industry, with the potential for growth. The proper siting and design of this form of use and development is needed to ensure residential amenity and environmental quality is protected.

The Shire features a dedicated Food Precinct where significant infrastructure has been provided to service intensive animal industries.

Council seeks to:

- Support the development of intensive animal industries.
- Locate intensive animal production uses within the Food Precinct.
- Encourage quality design of intensive animal production developments so that they do not cause any unreasonable amenity impacts on surrounding residential land uses.
- Ensure that the use and development of land for intensive animal production does not detrimentally impact on the environment and minimises the downstream impacts on the water catchment.

### **Planning Policy Framework (PPF)**

#### **12.03-1S River corridors, waterways, lakes and wetlands**

##### **Objective**

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

Strategies include:

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

#### **12.03-1L Waterways and wetlands**

Strategies include:

- Protect the quality of waterways, including wetlands, from the impacts of development and subdivision by incorporating setbacks and water sensitive urban design.

**13.05-1S Noise abatement**

## Objective

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

## Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted 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.

**13.06-1S Air quality management**

## Objective

To assist the protection and improvement of air quality.

## Strategies include:

Ensure that land use planning contributes to improved air quality by ensuring, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

**13.07-1S Land use compatibility**

## Objective

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.

**14.01-2S Sustainable agricultural land use**

## Objective

To encourage sustainable agricultural land use.

## Strategies include:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

**14.01-2R Agricultural productivity - Geelong G21**

## Strategy

Support new opportunities in farming and fisheries.

**14.01-2L Animal industries**

## Policy application

This policy applies to applications for the use and development of land for intensive animal production that are not covered by a Code of Practice incorporated in the planning scheme.

(This policy does not apply to the application because the Victorian Code for Broiler Farms is an incorporated document of the planning scheme.)

#### **14.01-2L Sustainable agricultural land use**

Strategies include:

Facilitate more intensive and diversified use of rural land for higher value products that are compatible with surrounding farming practice.

#### **14.02-1S Catchment planning and management**

Objective

To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

Strategies include:

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

#### **17.01-1R Diversified economy - Geelong G21**

Strategies include:

Build on the region's competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.

#### **17.01-1L Diversified economy**

Strategy

Support value adding industries and service industries, particularly those that relate to agriculture, forestry and those that service locally grown products.

### **Zone and overlay provisions**

#### **Clause 35.07 Farming Zone (FZ)**

The site and surrounding land is in a Farming Zone (FZ). The primary purpose of the Farming Zone is to provide for the use of land for agriculture. A broiler farm is a "Section 2 (Permit required) Use" in the Farming Zone. Before deciding on an application, Council must consider the decision guidelines contained in the Farming Zone, which include the following matters:

- Whether the site is suitable for the development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the development will support and enhance agricultural production.

#### **Overlay provisions**

There are no overlays applying to the land.

## **Particular provisions**

### **Clause 53.09 Poultry Farm**

This clause applies to permit applications to use and development land for a poultry farm and seeks to facilitate the establishment of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment. An application for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

The decision guidelines contained of this clause require Council to consider:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.

## **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.

## **Incorporated documents**

### **Victorian Code for Broiler Farms 2009**

The Victorian Code for Broiler Farms 2009 (the Code) has been developed to provide clear environmental standards for the establishment of new broiler farms and assurance for the surrounding landholders who may be impacted by broiler farming activities. The Code provides a basis for the planning, design, assessment, approval, construction, operation and management of broiler farms.

The Code is an incorporated document of the planning scheme and compliance with the Code is mandatory for the establishment of all new broiler farms. The Code classifies broiler farms into different farm classes and specifies a minimum separation distance between the broiler sheds and existing or potential sensitive uses on neighbouring properties (i.e. neighbouring dwellings). The separation distance is calculated by using the formula contained in the Code.

The Code specifies six best practice elements of broiler farm siting, design and operation. All planning permit applications must be assessed against each element. The six best practice elements are:

- Element 1 – Location, siting and size
- Element 2 – Farm design, layout and construction
- Element 3 – Traffic, site access, on farm roads and parking
- Element 4 – Landscaping
- Element 5 – Waste management
- Element 6 – Farm operation and management (environmental management plan)

Each element contains objectives, standards and approved measures. All broiler farm permit applications are required to meet the objectives and standards of each element. Where the development proposal adopts all the approved measures for a standard, the application is deemed to comply with the standard.

### **Other relevant Government guidelines**

#### **Biosecurity Guidelines for Poultry Producers**

The Biosecurity Guidelines for Poultry Producers (Department of Environment and Primary Industries, 2008) provides guidelines for effective biosecurity procedures to limit the spread of infectious diseases and pests, both within a poultry farm and from one poultry farm to others. The guidelines recommend the application of biosecurity buffer distances between poultry farms but do not include buffer distance requirements to domestic poultry/bird keeping. The guidelines recommend a 1000m buffer distance for new poultry farms.

### **CULTURAL HERITAGE IMPLICATIONS**

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2018*.

### **DISCUSSION**

#### **Planning scheme**

The application is considered to satisfy the provisions of the Municipal Planning Strategy, Planning Policy Framework, Farming Zone, Clause 53.09 (Poultry farm) and Clause 65 of the Victoria Planning Provisions. The proposed use and development is supported by state and local agriculture policies which seek to facilitate the establishment of intensive animal industries in suitable locations. The proposal is compatible with surrounding use and development because the site is located within a sparsely populated rural area with substantial separation distances to townships and residential zones, neighbouring dwellings and watercourses.

#### **Compliance with the Broiler Code**

The application complies with the Victorian Code for Broiler Farms. The proposed broiler farm meets the criteria for a Class B broiler farm. A broiler farm is classified as a Class B farm where the capacity of the farm is less than or equal to 400,000 birds and where the development meets the minimum separation distance requirement, but this distance is not fully contained within the broiler farm boundary. The Code specifies a minimum separation distance for the proposed farm of 686 metres. The application meets the minimum separation distance requirements because the

nearest sensitive use is the neighbouring dwelling to the west which is 750 metres from the proposed broiler sheds.

The application is considered to comply with the farm design and operation elements of the Code. The elements set out in the Code are addressed as follows:

#### Element 1 – Location, siting and size.

This element contains standards that address the protection of amenity, waterways, and the visual quality of the landscape, biosecurity and the future use and development of neighbouring land. The Code specifies setback requirements from existing residential and rural living zones and future residential and rural living areas, boundary setbacks, setbacks for temporary litter stockpiles and litter spreading areas, setbacks from waterways, and setbacks from other existing poultry farms. The proposed broiler farm complies with each of these setback requirements.

The proposed farm provides adequate setbacks to waterways because the proposed sheds are located at least 1.3km from the Leigh River and 80m from the nearest watercourse. Approved measure E1 M2.1 & M2.2 requires that a natural vegetative buffer zone of at least 30m is maintained along waterways and a further clearance of 20m between the vegetative buffer and broiler sheds (total setback distance of 50m).

In regard to Standard E1 S3 which seeks to protect the visual quality of the landscape the visual impact of the buildings and works on the landscape will be minimised because the site is generally flat, will be well screened by existing vegetation and proposed landscaping, and the external walls of the shed will be muted tones and non-reflective materials. The roofs of the sheds will not be coloured because it is essential that the roofs are clad in custom orb for bird health reasons and for energy efficiency. The custom orb does not absorb as much heat as colourbond materials, therefore cooler conditions in the sheds are maintained during hot weather. The use of custom orb roofing is not considered to have any visual impact because the topography of the surrounding area is flat and the sheds are not within close view of any elevated locations.

Standard E1 S5 seeks to ensure that new broiler farms will not adversely impact the use and development of neighbouring land and the ability to establish a dwelling on a neighbouring property. To comply with this standard the minimum separation distance must not cover more than 50% of an adjoining property and where adjoining properties are currently vacant the property must be capable of providing a suitable building envelope. The minimum separation distance covers no more than 30% of adjoining properties and adjoining vacant lots are capable of providing a suitable building envelope beyond the separation distance.

#### Element 2 – Farm design, layout and construction.

This element focuses on farm design, layout and construction and aims to protect the visual landscape, maximise farm efficiency, avoid environmental impacts, and manage noise. Particular measures address shed design and orientation, feeding and watering systems, hardstand areas and broiler shed floors, farm equipment and stormwater.

The proposed broiler farm complies with each of these measures including E2 M2.1 which requires that broiler sheds be orientated with tunnel ventilation fans located at the furthestmost point away from the nearest sensitive uses. In regard to noise management the broiler farm must meet the requirements of the EPA noise regulations. Standard E2 S5 requires that stormwater from the farm is collected and managed in order that it does not contaminate nearby waterways or groundwater. As shown on the plans a dam is proposed to collect and retain stormwater and if a permit is issued a condition should be placed on the permit requiring that the dam be clay lined and non-permeable and have the capacity to retain run-off from a one-in-ten-year storm event as required by Code (approved measure E2 M5.6).

#### Element 3 – Traffic, site access, on farm roads and parking.

This element is principally concerned with vehicle movements to and from the site. Particular measures address the location and design of farm access points, internal roads and car parking. The application complies with each of these measures, in particular the farm access point provides for trucks to park off the road while the gate is being opened. In regard to the use of the existing road network to access the site, Shelford-Mount Mercer Road is a two-lane sealed road of

sufficient standard for heavy vehicle traffic movements with direct connection to the regional road network.

#### Element 4 - Landscaping.

This element relates to landscaping and requires a landscaping plan that provides for substantial visual screening of the broiler farm from roads and nearby sensitive uses. There are existing tree plantations on the land that will effectively screen the development however a condition of permit will require that additional screening trees be established to minimise the visual impact of the development on the surrounding area.

#### Element 5 – Waste management

This element aims to manage waste from broiler farm operations to minimise adverse amenity impacts and prevent pollution of surrounding land and waterways. The element contains particular measures relating to temporary stockpiling or composting of litter on farm, spreading of litter on farm, disposal and composting of dead birds and management of chemical waste. The application complies with the measures contained in this element because litter will be totally removed from site and there are no temporary litter stockpiles or compost piles to be located on the property.

#### Element 6 – Farm operation and management (Environmental Management Plan)

This element requires that an environmental management plan (EMP) is developed that includes strategies and measures to avoid or minimise environmental risks, and also contingency actions to manage environmental problems that may arise. Planning applications must include an EMP that is site specific and based on the approved generic EMP developed by the Department of Primary Industries. The application is considered to comply with this element because an EMP has been submitted for the proposed broiler farm which addresses the relevant parts of the generic EMP.

#### **Matters raised by objectors**

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

1. Odour. The purpose of the Code is to protect local amenity from adverse impacts including offensive odours. To achieve this outcome the Code sets requirements for the siting and size of broiler farms including the minimum separation distance which is designed to minimise the risk of routine and abnormal odour emissions from the broiler sheds adversely impacting on nearby sensitive uses. The proposed broiler farm complies with the minimum separation distance requirements and the siting and design of the farm will ensure there are no adverse impacts due to odour. The nearest neighbouring dwelling is 750m from the broiler farm and the nearest objectors dwelling is more than 1.2km from the broiler farm.
2. Environmental impacts. As discussed, the Code sets out particular requirements which must be met to ensure the use and development does not contaminate waterways or adversely affect the natural environment. The proposed broiler farm is located at least 1.3km from the Leigh River which is considered more than adequate to protect the watercourse and streamside environment. A vegetative buffer will be provided to the small watercourse on the property in accordance with the requirements of the Code. Council also notified the Corangamite Catchment Management Authority (CCMA) in regard to the application and the CCMA did not object to the issue of a permit.
3. Traffic and roads. Advice on the application was sought from Council's Works Department regarding traffic and the use of the existing road network. Shelford-Mt Mercer Road is a two-lane sealed road which is a significant transport route for the Shire and surrounding region. The Works Department has advised that the road is capable of carrying the traffic generated by the proposed broiler farm.
4. Noise. The Code deals directly with noise management and requires that the broiler farm operations meet the requirements of the EPA Noise Regulations (Noise from Industry in Regional Victoria). In addition, the siting and design of the farm including substantial separation distances to neighbouring dwellings, will ensure that there are no adverse effects from noise. If a permit is issued conditions should also be placed on the permit restricting the hours in which feed delivery vehicles may access the site to daytime only.

5. Visual impact. As discussed, the proposed broiler farm will be effectively screened by existing tree plantations and a condition of permit will require that additional screening trees be established. Furthermore, the substantial setback distances to neighbouring dwellings together with the broiler shed walls being muted tones and non-reflective materials will ensure there is no visual impact on the surrounding area. The use of custom orb roofing is not considered to have any visual impact because the topography of the surrounding area is flat and the sheds are not within close view of any elevated locations.

6. Power and water supply. The applicant has indicated that extensive power connection works will be carried out at the applicant's expense and a water supply will be provided through the collection of runoff in the proposed tanks and dam. It is understood that the applicant has now obtained a licence from Southern Rural Water to construct a bore, which will provide a back-up water source. If the applicant cannot secure a power supply or the costs make the proposed broiler farm unviable, the project will be unable to proceed.

7. Avian influenza and biosecurity. Appropriate biosecurity measures will be implemented to prevent the spread of disease including the application of biosecurity buffers in accordance with the Biosecurity Guidelines for Poultry Producers, vaccination of birds, and site control procedures. The guidelines recommend a 1000m buffer distance between new and existing poultry farms. The nearest existing poultry farm is located more than 8 kilometres from the site and nearest piggery more than 4 kilometres (there is a known disease transmission risk between pigs and poultry).

8. Animal welfare. The operations must meet State Government Codes and Standards for the welfare of animals and a condition will be placed on the permit to this effect. Poultry farms complying with current animal welfare standards are lawful and operating within community expectations. Any changes to animal welfare standards are a matter for State authorities and the moralities of intensive animal production practices is not a planning consideration.

9. Other matters raised are addressed as follows:

a) Dust. The Code sets out that the minimum separation distance, in addition to addressing odour emissions, is also designed to minimise dust emissions. As discussed, the proposed broiler farm fully complies with the requirements of the Code which seek to ensure that amenity is not adversely affected by dust and air emissions.

b) Vermin control. The proposed poultry farm will employ a range of measures to control vermin including the installation of solid concrete shed walls to restrict access to vermin, sealing of feed silos and undertaking a regular rodent baiting program.

c) Fire risk. Fire risk to the proposed broiler farm is minimised through the design and construction of the broiler sheds using non-combustible materials, hardstand areas around the sheds, provision of access for emergency service vehicles and water tanks for fire fighting purposes.

d) Waste management. All litter will be removed off site in covered trailers and no litter will be stockpiled or spread on the farm. Dead birds are collected daily and frozen to minimise risk of disease and odour before being removed off site. Chemicals are stored securely in an enclosed section of the machinery shed.

e) Cultural heritage. There are no cultural heritage requirements for this application. A Cultural Heritage Management Plan is not required under the *Aboriginal Heritage Regulations 2018* because the subject land is not in an Area of Cultural Heritage Sensitivity as defined in the Regulations.

f) Compliance. If a permit is issued certain conditions will be placed on the permit regulating the construction and ongoing operation of the broiler farm. Council policy requires that annual compliance inspections are undertaken for all intensive animal husbandry operations including broiler farms.

g) Property devaluation. It is difficult to speculate on property values as a range of factors affect them. Property devaluation is not a material planning consideration and Council can only consider matters that may affect them such as amenity issues as addressed above. VCAT has consistently dismissed property devaluation per se as a valid ground of refusal.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

### PUBLIC TRANSPARENCY

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

## **STRATEGIES/PLANS**

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

## **RISK ASSESSMENT**

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

## **COMMUNICATION**

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

## **HUMAN RIGHTS CHARTER**

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

## **OPTIONS**

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

This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

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

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

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

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

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Farming Zone, Clause 53.09 (Broiler farm) and the decision guidelines of the Planning Scheme (Clause 65). The application fully complies with the Victorian Code for Broiler Farms. The site of the proposed broiler farm is considered to be appropriate as it will facilitate the establishment of an important and productive agricultural industry in a manner that is consistent with orderly and proper planning and the protection of the environment. It is therefore considered that the grant of a permit will not cause material detriment to any person.

**P20341 1115 SHELFORD-MT MERCER ROAD, SHELFORD (BROILER FARM)****RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT****Amended plans**

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) A floor plan of the machinery shed/amenities building showing the internal layout of the building including the location of freezers for storage of dead birds.
  - b) The location of the on-site wastewater management system and disposal envelope associated with the amenities building.

**Endorsed plans**

2. The layout of the site and the size of the buildings and works as shown on the endorsed plans must not be altered or modified without the consent in writing of the Responsible Authority.

**Farm capacity**

3. The capacity of the broiler farm must not exceed 400,000 birds.

**Landscaping**

4. Before the development starts, landscape plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plans will be endorsed and will then form part of the permit. The landscape plans must be drawn to scale with dimensions. The landscape plans must include:
  - a) Vegetated Buffer Zone: This shall comprise of additional planting of trees, shrubs and grasses within a continuous 30m vegetative buffer zone between the unnamed watercourse that runs through the property and the broiler farm development area.
  - b) Screen Planting Zone: To consist of existing tree plantations along the northern boundary and on the western and southern sides of the broiler farm development area and to include an extension of the tree plantation on the northern boundary for a distance of 150m to the east and the same width as the existing plantation.
  - c) Existing and new plantings to be fenced off to exclude stock.
  - d) A schedule of plantings indicating each species, which must be indigenous to the locality for the Vegetated Buffer Zone, anticipated tree and shrub heights and widths at maturity, timetables for all plantings and arrangements for maintenance of all landscaped areas including the replacement of dead vegetation in the Screen Planting Zone to maintain a survival rate of 80%.
5. All landscaping included in the endorsed Landscape Plan must be planted within 12 months of the commencement of the development and thereafter be maintained to the satisfaction of the Responsible Authority.

**Environmental Management Plan**

6. Before the use commences, an Environment Management Plan (the EMP) for the operation of the broiler farm must be submitted to and approved by the Responsible

Authority. The EMP must be prepared in accordance the Victorian Code for Broiler Farms 2009 and routinely audited in accordance with the requirements of the Broiler Code to the satisfaction of the Responsible Authority. When prepared to the satisfaction of the Responsible Authority the EMP (and subsequent revisions as provided for in accordance this permit) will be approved and endorsed and will then form part of this permit.

7. Reviews of the EMP must be undertaken in accordance with the endorsed EMP. Any revision to the EMP must be to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. When approved, the revised EMP will be endorsed and will then form part of the permit.
8. The use must at all times be undertaken in accordance with the most current version of the endorsed EMP.

#### **Traffic**

9. Other than for the pickup and delivery of live birds, any deliveries and collections to or from the subject land must occur between the hours of 7.00am & 8.00pm only. This does not include emergency deliveries associated with the immediate wellbeing of the birds.
10. The loading and unloading of vehicles and the delivery of goods to and from the subject land must be carried out entirely within the subject land at all times.

#### **Litter, dead birds and vermin control**

11. The use authorised by this permit must be operated as a dry litter poultry operation only and the provision for the collection and disposal of solid wastes and for the collection, treatment and disposal of any liquid wastes to arise from the development and use hereby permitted must comply with all applicable laws and regulations.
12. All used litter must be removed from the subject land at the end of each batch to the satisfaction of the Responsible Authority.
13. Wet or spilt litter collected from the sheds shall be stored in weatherproof bins prior to removal off site.
14. The removal of spent bird litter from the sheds by use of machinery must occur between the hours of 7.00am & 8.00pm only.
15. Dead birds must not be composted on the site.
16. Dead birds must not be incinerated or buried on the site unless in an emergency and only with the express written permission of the Responsible Authority.
17. Dead birds must be collected at least daily and promptly chilled or frozen and subsequently removed from the subject land to the satisfaction of the Responsible Authority.
18. The poultry sheds and all feed stores must be vermin and bird proof to the satisfaction of the Responsible Authority.

**Drainage**

19. The manner of discharge of all water from the subject land must be to the satisfaction of the Responsible Authority.
20. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses.
21. All stormwater from areas not associated with the broiler farm area shall be diverted away from the broiler farm area and discharged to the satisfaction of the Responsible Authority.
22. A suitably qualified and experienced contractor must construct the stormwater detention dam in accordance with Southern Rural Water's guidelines for dam construction and the approved detailed design and engineering plans.
23. The stormwater detention and diversion system, including all channels and the detention dam must be maintained to the satisfaction of the responsible authority.
24. Construction and post-construction activities associated with the development of the subject land must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA Publication 275).

**Amenity Requirements**

25. If the Responsible Authority determines that the amenity of nearby residents is adversely affected by the emission of an unreasonable level of odour from the subject land, the permit holder must take such action as is required to prevent those emissions to the satisfaction of the Responsible Authority. This may include but not be limited to adjusting stocking density in the sheds, removing litter immediately, or any other actions reasonably required to rectify the emission of offensive odour.
26. The surface of the car parking, loading areas and access lanes must be constructed and maintained to the satisfaction of the Responsible Authority to prevent dust and untreated drainage run-off.
27. Security lighting or external floodlighting (if required) must be baffled to ensure that light is not emitted above the horizontal and must be installed in such a manner that it does not create amenity problems outside the subject land.
28. The broiler farm must be designed and operated to ensure that noise emissions from the premises meets the requirements of the EPA Guideline Noise from Industry in Regional Victoria (NIRV).
29. The permit holder must use its best endeavours to avoid sanitizing sheds with odorous chemicals that give rise to offensive odours being detectible off site. Airborne sprays or chemical odours must not be transmitted beyond the subject land to the detriment of any person to the satisfaction of the Responsible Authority.
30. All walls of the poultry sheds and other buildings hereby permitted must be coloured or painted in non-reflective muted tones to the satisfaction of the Responsible Authority.
31. All goods and materials must be stored out of view or so as not to be unsightly when viewed from nearby roads to the satisfaction of the Responsible Authority.

32. No advertising sign shall be located on any part of the subject land unless it conforms with the provisions of the Golden Plains Planning Scheme.
33. All wastewater from must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
34. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the subject land
  - b) appearance of any building, works or materials
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot,
  - d) ash, dust, waste water, waste products, grit or oil
  - e) presence of vermin

#### **Golden Plains Shire Council Development Engineering conditions**

35. Before the construction commences a Construction Management Plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed during the construction and post construction phase. Details of a contact person/site manger must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Civil construction, building and demolition guide" Publication 1834 November 2020.
36. Before the construction commences provide a Stormwater Management Strategy (SMS) in accordance with IDM clause 11 and to the satisfaction of the Responsible Authority. Specifically, details of the treatment of expected additional stormwater runoff volumes from new roof and hardstand areas is to be provided, as well as design details of the dam, re-use and retention volumes and details of overflow provisions. The SMS is to address both 5-year and 100-year storm events.
37. Drainage requirements as identified in the SMS shall be designed for construction. Works shall be in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority.
38. The internal access must be designed to CFA and emergency vehicle access requirements. The vehicle crossing from Shelford-Mt Mercer Road shall be upgraded to meet IDM standard as per standard drawing SD-265. The crossing shall be sealed from the current edge of seal to the property boundary.
39. Prior to any construction works associated with the development start, detailed construction plans, drainage computations and specifications to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans shall be to Golden Plains Shire standards and specifications as detailed in current Infrastructure Design Manual (IDM).
40. Before construction commences a Wastewater Management Plan must be submitted to the satisfaction of the responsible authority which describes how the use of high-pressure spray equipment and how the generation of free flowing water is eliminated during shed cleaning to ensure that no polluted runoff is to be discharged to the land or into drains or watercourses.

**Corangamite Catchment Management Authority (CCMA) conditions**

41. The dam outlet swale is to disperse flows onto land and not within 30 metres of the waterway.
42. Flows discharging from the dam shall not reach any designated waterway and meet the relevant industry best practice water quality and quantity guidelines.
43. Should any drainage connections to the waterway be proposed, then a Works on Waterways Permit from the Corangamite Catchment Management Authority would be required prior to works commencing.
44. Where the waterway flows along the northern boundary (refer to figure 1), a minimum 30 metre buffer is to be retained and planted out with native vegetation.

**EPA conditions**

45. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
  - a) the environment in the area around the premises; and
  - b) the wellbeing of persons and/or their property in the area around the premises.
46. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose environmental hazard, to the satisfaction of the Responsible Authority.
47. The permit holder must ensure that nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises

**Permit Expiry**

48. This permit will expire if one of the following circumstances applies:
  - a) the development is not started within two years of the date of this permit.
  - b) the use is not started and 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).

**7.3 P20426 1115 SHELFORD-MT MERCER ROAD, SHELFORD (MATERIALS RECYCLING)****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 P20426 for the use and development of the land for the purposes of materials recycling and associated buildings and works at 1115 Shelford-Mt Mercer Road, Shelford subject to the conditions attached to this report.

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**EXECUTIVE SUMMARY**

This report relates to a planning permit application for materials recycling at Lot 1, PS824764X, 1115 Shelford-Mt Mercer Road, Shelford. The report provides a background to the application and a summary of the relevant planning considerations.

The application has been referred to the Council Meeting for determination because objections have been received to the application and this application relates directly to another application (P20341) for the same property which has been forwarded to Council given it is considered significant for the region. The matters raised by objectors include increased traffic, noise, dust, fire risk, health concerns, disruption to power supply, visual impact and environmental impacts. Councillors have been provided with a full copy of the application and objections for consideration before making a decision.

The issue of a Notice of Decision to Grant a Planning Permit is recommended, subject to the conditions attached to this report.

**BACKGROUND****Site description**

The subject land is situated at 1115 Shelford-Mt Mercer Road, Shelford and is formally known as Lot 1 on Plan of Subdivision 824764X. The land is not affected by any restrictive covenants. The site is located in a rural area approximately 12 kilometres north of the Shelford township.

The site is 161.9 hectares in area and is currently used for agricultural activities such as grazing and cropping. The site is vacant and contains an existing farm shed. Access to the site is from Shelford-Mt Mercer Road which is a sealed road managed by Council.

Surrounding land is used for agricultural activities such as grazing and cropping. The Leigh River is located approximately 600m east of the subject land.

**Proposal**

The application proposes the use of the land for the purposes of materials recycling. Materials recycling is defined at clause 73.03 of the Golden Plains Planning Scheme as:

*Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.*

The materials recycling facility will produce fine shredded timber from recycled demolition timber supplied to the site by commercial timber recyclers. The shredded timber will be used for the sole purpose of providing deep litter within the proposed broiler sheds on the property (the subject of Planning Application P20341).

A purpose built, semi enclosed structure will be built adjoining the existing large shed on the site to provide an all-weather facility for the receipt, mulching and shredding of recycled demolition timbers. The adjacent existing shed will be used to store the shredded timber until it is placed in

the broiler sheds on the property. The new structure will be 48 m length, 32 m width, 8 m height to the eaves and 10 m height to the apex. The existing shed is 48 m long X 18 m wide x 4.9 m high. The external materials of the shed consist of colorbond walls and custom orb (zincalume) roof.

The raw materials will be received and tipped within the new structure. When sufficient material has been accumulated, an excavator will feed the timbers into the receiving bin of the mulcher. The mulched material will then be fed into a tub grinder where it will be shredded into fine material suitable for use as deep litter. The enclosure of these activities inside the shed will protect the operations from the effects of the weather and ensure there are no off-site impacts by way of dust, noise or contaminated drainage.

It is anticipated that approximately 100 m<sup>3</sup> of recycled wood will be delivered to the facility per week which equates to two truck loads. The facility will operate generally 2 days each week and will employ 2 to 3 persons during operations. The proposed hours of operation are 6am to 8pm.

The applicant submits that the proposal does not involve the handling or storage of any of the chemicals specified in Schedule 14 of the *Occupational Health and Safety Regulations 2017*, so it is not characterised as a Major Hazard Facility and the proposal does not involve the handling or storage of any dangerous goods as classified pursuant to the *Dangerous Goods Act 1985*, therefore no licence is required and fire protection quantities under the *Dangerous Goods (Storage and Handling) Regulations 2012*, are not exceeded.

### Site Map



### CONSULTATION

Notice of the application was given to adjoining and neighbouring owners and occupiers in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act 1987*. Notice was given by mail to neighbouring owners and occupiers within 1km of the subject land and by placing a sign on the land. The advertising material was made available on Council's website.

As a result of the public notice, four (4) objections were received. A copy of the objections and petition have been provided to Councillors. The objector's have raised concerns regarding increased traffic, noise, dust, fire risk, health concerns, disruption to power supply, visual impact and environmental impacts.

A consultation meeting was held (in conjunction with the broiler farm application) on 21 June 2021 with the objectors, applicant and Council officers. The meeting did not result in the resolution of any of the objections.

## **ASSESSMENT**

The application was lodged on 15 December 2020.

A planning permit is required under the following provisions:

- Farming Zone (FZ) - Clause 35.07-1. Industry (which includes materials recycling) is a 'Section 2 - permit required' use.
- Farming Zone (FZ) - Clause 35.07-4. A permit is required for a building or works associated with a use in Section 2 of Clause 35.07-1 (materials recycling).

There are no referral authorities specified in the planning scheme for an application of this type. Advice on the application was sought from the EPA and Corangamite Catchment Management Authority (CCMA) and the application was internally referred to Council's Works and Environment 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**

#### **02.01 Context**

The Shire is characterised by agricultural land used predominantly for grazing and cropping as well as other activities including intensive animal industries and wind farms.

#### **02.02 Vision**

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

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

#### **02.03 Strategic directions**

##### **02.03-4 Natural resource management**

###### **Agriculture**

Council aims to support sustainable agriculture in the Shire by:

- Protecting the role of agricultural land as an economically valuable resource.
- Facilitating more intensive and diversified use of rural land for higher value products, including timber and agroforestry.
- Minimising the potential for conflict between sensitive uses and agricultural practices.

##### **Planning Policy Framework (PPF)**

###### **13.05-1S Noise abatement**

###### **Objective**

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

###### **Strategy**

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted 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.

**13.06-1S Air quality management**

Objective

To assist the protection and improvement of air quality.

Strategies include:

Ensure that land use planning contributes to improved air quality by ensuring, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

**13.07-1S Land use compatibility**

Objective

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.

**14.01-2S Sustainable agricultural land use**

Objective

To encourage sustainable agricultural land use.

Strategies include:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

**17.01-1L Diversified economy**

Strategy

Support value adding industries and service industries, particularly those that relate to agriculture, forestry and those that service locally grown products.

**Zone and overlay provisions****Clause 35.07 Farming Zone (FZ)**

The site and surrounding land is in a Farming Zone (FZ). The primary purpose of the Farming Zone is to provide for the use of land for agriculture. Materials recycling is a "Section 2 (Permit required) Use" in the Farming Zone. Before deciding on an application, Council must consider the decision guidelines contained in the Farming Zone, which include the following matters:

- Whether the site is suitable for the development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the development will support and enhance agricultural production.

**Overlay provisions**

There are no overlays applying to the land.

### **Particular provisions**

#### **Clause 52.06 Car parking**

The car parking provisions set out the number of car spaces that are required for new uses and development. A new use must not commence until the required car spaces set out in the table at Clause 52.06-5 have been provided on the land. The number of spaces required for materials recycling is 10% of the site area.

#### **Clause 53.10 Uses and activities with potential adverse impacts**

The purpose of this clause is to define those types of industries which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. The clause does not contain a specific threshold distance for materials recycling facilities. The threshold distance for materials recycling facilities is variable, dependent on the processes to be used and the materials to be processed or stored.

#### **Clause 53.14 Resource Recovery**

The purpose of this clause is to facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

### **General provisions**

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

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

### **CULTURAL HERITAGE IMPLICATIONS**

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2018*.

### **DISCUSSION**

#### **Planning scheme**

The application is considered to satisfy the provisions of the Municipal Planning Strategy, Planning Policy Framework, Farming Zone, Clause 53.10, 53.14 and Clause 65 of the Victoria Planning Provisions. The proposal is supported by State and local agricultural policies which seek to facilitate intensive animal industries and Council's local economic policy (Clause 17.01-1L) which encourages value adding industries and service industries, particularly those that relate to

agriculture. The proposed use will be complementary to the agricultural use of the land because it will produce shredded timber for use as litter in the proposed broiler farm on the property.

Importantly, the development and use of this materials recycling facility not only serves the needs of the proposed Broiler farm but also aligns with resource recovery targets by recycling this material and thus reducing the reliance on landfill for the disposal of waste. The Grampians Central West Waste and Resource Recovery Implementation Plan 2017 showed indicative composition figures for waste generated in the region and sent to landfill in 2013/14, 7% of which was wood/timber. Reuse of this waste (timber) product serves a dual purpose.

The planning scheme (PPF Clauses 13.05-1S, 13.06-1S & 13.07-1S) seeks to ensure that use or development of land is compatible with adjoining and nearby land uses and protect community amenity from adverse off-site impacts such as noise and dust through land use separation, siting, building design and operational measures. It is considered that the proposed use will not impact surrounding uses because there are adequate separation distances to neighbouring sensitive uses (the nearest neighbouring dwelling is approximately 450m from the proposed facility), the activities will be enclosed inside a shed which will reduce dust and noise and conditions of the permit will control the hours of operation and protect amenity.

### **Objectors' concerns**

**Increased traffic.** The application involves the delivery of approximately 100 m<sup>3</sup> of recycled wood per week which equates to two truck loads. The site has good road access via a two lane sealed road which can accommodate the low volume of traffic associated with the use.

**Noise and dust.** The planning scheme requires that industries be appropriately designed and located to protect community amenity from noise and dust. This will be achieved by providing suitable separation distances, appropriate building design and operating measures. The proposed use has suitable separation distances to neighbouring dwellings, is enclosed within a building to contain dust and reduce noise and permit conditions will restrict operating hours to ensure there is no adverse effect on the amenity of the area. The proposed facility is located approximately 450m from the nearest neighbouring dwelling (who have not objected) and approximately 1km from the nearest objector's dwelling.

The application was referred to the EPA and EPA had no objection to the issue of a permit subject to conditions. The EPA was satisfied that the type and scale of the operations and suitable measures outlined in Site Management Plan will address the potential environment and health risks from the proposed development.

**Fire risk.** The Site Management Plan submitted with the application outlines measures to reduce the risk of fire including the provision of fire extinguishers and water tanks for fire fighting purposes.

**Disruption to power supply.** The proposed facility is unable to use the existing power supply in the area due to its limited capacity. The facility will require the extension of three phase power to the property or installation of solar power, all at the applicant's expense.

**Visual impact.** The buildings will be located approximately 350m back from Shelford-Mt Mercer Road and will be well screened by existing tree plantations. The siting and screening of the development together with a condition placed on the permit requiring that all external materials be muted tones and non-reflective will ensure there is no adverse impact on the appearance of the area.

**Health concerns.** The facility will only accept clean, dry, untreated timber which is not harmful to human health. Treated timber is unsuitable for use as deep litter for chickens. Materials such as treated timber, green waste, putrescible waste, asbestos, soil, masonry and concrete, waste oils or e-waste will not be accepted.

**Environmental impacts.** The proposed facility will be located approximately 1.7 kms from the Leigh River. The building will have concrete flooring and appropriate bunding, with no wastewater emanating from the facility which will ensure there is no impact on the natural environment or watercourses.

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

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

**PUBLIC TRANSPARENCY**

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

## **STRATEGIES/PLANS**

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

## **RISK ASSESSMENT**

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

## **COMMUNICATION**

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

## **HUMAN RIGHTS CHARTER**

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

## **OPTIONS**

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

This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

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

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

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

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

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including the State and Local Planning Policy Frameworks, the Farming Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposal has adequate separation distances to neighbouring dwellings and the placement of conditions on the permit restricting the hours of operation, and controlling noise, dust, and visual impacts will ensure the proposed use does not cause material detriment to any person.

**PLANNING APPLICATION P20426 FOR MATERIALS RECYCLING AT 1115 SHELFORD-MT MERCER ROAD, SHELFORD****RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT****Amended plans**

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the planning permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The existing and proposed buildings associated with the materials recycling facility and broiler farm sheds and dam clearly marked on the site plan.
  - b) Accessways, loading bays and a car parking area that meets the requirements of Clause 52.06 of the planning scheme.
  - c) The external materials and colours of the proposed buildings, including the roofing, all of which must be of muted tones and non reflective materials.

**Endorsed plans**

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

**Hours of operation**

3. The use must only operate between the hours of 7:00am – 6:00pm Monday to Friday and 7:00am – 1:00pm Saturday and must not operate on public holidays.

**Restriction on materials**

4. The recycling facility must only process clean untreated timber. Materials such as treated timber, green waste, putrescible waste, asbestos, soil, masonry and concrete, waste oils or e-waste are not permitted.

**Site Management Plan**

5. The Site Management Plan submitted with the application must be endorsed to form part of the permit and the use must at all times be undertaken in accordance with the endorsed Site Management Plan.

**Dust**

6. Nuisance dust must not be discharged beyond the boundaries of the premises.
7. The use and development must at all times comply with the standards of the State Environment Protection Policy (Air Quality Management). Any failure to meet the standards must be brought to the attention of the Environment Protection Authority and actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the responsible authority.

**Environment**

8. The use must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of drainage.
9. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any drains or watercourses.

**Noise**

10. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011).
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

**Amenity requirements**

12. The exterior colour and cladding of the new building including the roofing must be of muted tones and a non-reflective nature to the satisfaction of the responsible authority.
13. All activities associated with the use including the storage of materials, equipment and vehicles must be confined within the buildings as shown on the endorsed plans.
14. Security lighting or external floodlighting (if required) must be baffled to ensure that light is not emitted above the horizontal and must be installed in such a manner that it does not create amenity problems outside the subject land.
15. Areas of the subject land occupied by the use and development must be maintained in a clean and tidy manner to the satisfaction of the responsible authority.
16. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d) Presence of vermin.

**Golden Plains Shire Council Development Engineering conditions**

17. Before the construction commences a Construction Management Plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed during the construction and post construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Civil construction, building and demolition guide" Publication 1834 November 2020.

18. Stockpiles of recyclable material are to be limited to 1000m<sup>3</sup> otherwise demonstration of compliance with EPA Victoria guidelines for the management and storage of combustible recyclable and waste materials will be required.
19. A minimum 10,000 litre tank is to be provided to provide water for firefighting purposes. The water supply must:
  - a) Be stored in an above ground water tank constructed of concrete or metal.
  - b) Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
  - c) Include a separate outlet for occupant use.
  - d) Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
  - e) Be located within 60 metres of the outer edge of the approved building.
  - f) The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
  - g) Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
  - h) Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).
20. The internal access must be designed to CFA and emergency vehicle access requirements.
21. The vehicle crossing from Shelford-Mt Mercer Road shall be upgraded to meet IDM standard as per standard drawing SD-265. The crossing shall be sealed from the current edge of seal to the property boundary.
22. Prior to any construction works associated with the development start, detailed construction plans, drainage computations and specifications to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans shall be to Golden Plains Shire standards and specifications as detailed in current Infrastructure Design Manual (IDM).

#### **EPA conditions**

23. Pollution control devices must be installed to prevent the discharge of waste to the environment and stormwater system.
24. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose environmental hazard, to the satisfaction of the Responsible Authority.
25. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
  - a) the environment in the area around the premises; and
  - b) the wellbeing of persons and/or their property in the area around the premises.
26. All activities relating to the general servicing, maintenance and repair works of trucks must be undertaken indoors on hardstands.

27. The permit holder must ensure that nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.
28. The permit holder must ensure that litter originating from the premises is not present beyond the boundaries of the premises.

### **Expiry**

29. This permit will expire if one of the following circumstances applies:
  - a) the development is not started within two years of the date of this permit.
  - b) the use is not started and 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).

### **EPA note:**

***The amended Environment Protection Act 2017 will come into effect on 1 July 2021.***

***The amended Environment Protection Act 2017 will impose new duties on individuals and/or businesses undertaking the activity permitted by this permit. If businesses engage in activities that may give rise to a risk to human health or the environment from pollution or waste, they must understand those risks and take action to minimise them as far as reasonably practicable.***

***For further information on what the new laws will mean for Victorian businesses go to: <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business> .***

***For further information on what the new laws will mean for individuals and the community go to:***

***<https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>***

**7.4 P20370 LOT 1 AND 3, 1805 ROKEWOOD-SHELFORD ROAD, ROKEWOOD (USE AND DEVELOPMENT OF LAND FOR EXTRACTIVE INDUSTRY)****File Number:****Author:** Sandra Tomic, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Recommended Conditions**RECOMMENDATION**

That Council resolves to form a position of support for the application P20370 which seeks the Use and development of the land for extractive industry and alteration of access from a Road Zone category 1 (RDZ1) at 1805 Rokewood-Shelford Road, Rokewood subject to conditions attached to this report.

**EXECUTIVE SUMMARY**

This report relates to a planning permit application for Use and development of the land for Extractive industry under clause 35.07-1 (FZ), carrying out of works associated with a section 2 use under clause 35.07- 4 (FZ), use and development of the land for earth and energy resources industry under clause 52.08-1 (Earth and energy resources industry) and alteration to access in a Road Zone Category 1 (RDZ1) under clause 52.29-2 in accordance with endorsed plans at 1805 Rokewood-Shelford Road, Shelford. The report provides a background to the application and a summary of the relevant planning considerations.

This application has been referred to the Council meeting for a position because there are four (4) objections to the application and the changed delegations from the July 2021 Council meeting will not be formally adopted until the August 2021 Council meeting.

Objectors have cited matters including: -

- Impact on catchment
- Cultural heritage concerns and the requirements for a Cultural Heritage Management Plan (CHMP)
- Impact on broilga breeding
- Impact on surrounding roads
- Impact on nearby dwellings
- Impact on agricultural activity from the proposed use
- Visual impact (large mounds, hard surface and machinery)
- Access inadequate from Rokewood-Shelford Road
- Noise
- Traffic management

Consideration of this matter will result in Council forming its position in relation to this application rather than resolving to issue a Notice of Decision (NOD) because an appeal has been lodged by the applicant under Section 79 of the *Planning and Environment Act 1987* against Council's failure to grant a permit within the prescribed time (60 days). Council received a VCAT order dated 10 June 2021 that outlines the application as being listed at the Victorian Civil and Administrative Tribunal (VCAT) for a compulsory conference on 6 October 2021 and is also listed for a major cases hearing on 8-9 December 2021; Council is required to form a position prior to the hearing date.

Councillors have also been provided with a full copy of the application and objections for consideration prior to forming a position.

## BACKGROUND

### Site description

The subject site is located on the south side of Rokewood-Shelford Road, on the corner of Bells Road, with a total area of 353.16ha (Lot 1 and 3 PS 627745B). The site has been used for agricultural purposes and contains minimal treed vegetation. There is a dwelling and some shedding in the north west corner of the site which is bound by Bells Road to the west and the Rokewood-Shelford Road to the north, which is a Road Zone Category 1, Regional Roads Victoria road, and the main entry point to the site.

A planning permit (P20076) was issued for this site on 12 November 2020 which allows for the use and development of the land for a service station, creation of access to a Road Zone Category 1 (RDZ1) and signage.

The site is located within the Farming Zone (FZ) and no overlays apply to the land. Land surrounding the site is also zoned farming. Adjoining lots at 1727 Rokewood-Shelford Road, and 30 Bells Road, Rokewood are developed with dwellings and outbuilding(s).

### Site location



The title has a registered Section 173 Agreement AE160228R which affects Lot 3 PS627745B by restricting any further subdivision and the development of more than one dwelling. There are no other restrictions burdening the land.

### Proposal

The proposal is for Use of the land for Extractive industry under clause 35.07-1 (FZ), carrying out of works associated with a section 2 use under clause 35.07- 4 (FZ), use and development of the land for earth and energy resources industry under clause 52.08-1 (Earth and energy resources industry) and alteration to access in a Road Zone Category 1 (RDZ1) under clause 52.29-2 in accordance with endorsed plans.

Extractive industry is defined at clause 73.03 of the Golden Plains Planning Scheme as:

*Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works. (It includes rehabilitation of the land and treatment of stone).*

The application proposes the following, as described by the permit applicant:

Extraction of material

- The Proposed Quarry will employ both traditional soft rock (excavator, dozer) techniques to remove soil, overburden and highly weathered basalt and hard rock (drill & blast) methods to extract the fresher, harder basalt.
- Soil will be stripped and initially stockpiled in the disturbance area to assist in visual screening, then either hauled directly to prepared progressive rehabilitation areas or stockpiled within the extraction area for later use in rehabilitation. The locations of soil stockpiles are shown on the Site Layout Plan.
- It is anticipated that the proposed quarry will require approximately 10 to 12 blasts a year (depending on the size of the blast). Standard drill and blast techniques will be employed on the site and a Blast Management Plan will be developed for each blast.
- All blasting activities will be carried out by qualified personnel and no detonators or explosive materials will be stored on site. The blasting contractor will bring all necessary components on the day of the blast and after the blast will remove all unused materials.
- A blasting impact assessment of the Proposed Quarry has been prepared by Terrock Consulting Engineers (dated March 2020) (the Blasting Report). The Blasting Report forms part of the Endorsed Work Plan and sets out standard blast design specifications for conducting blast within the Proposed Quarry.
- Standard drill and blast techniques will be conducted on site in accordance with the Blasting Management Plan included in the Endorsed Work Plan.
- The broken material will be loaded into dump trucks and taken for crushing and processing at the plant to produce a range of aggregate and crushed rock products.



- 6 million tonnes of highly weathered basalt
- 36 million tonnes of fresh/slightly weathered basalt.

#### Processing of material

- The Proposed Quarry will initially operate with mobile processing plant until a sufficient area has been extracted and a market has been established.
- It is planned that a fixed plant will be established inside the excavation, approximately 12 metres below natural ground level, in the area marked as Plant and Stockpile Area on Site Layout Plan. The processing plant in either the mobile configuration or fixed configuration, will consist of a primary, secondary, and tertiary crushers, scalping, control and product screens and stockpiling conveyors.
- The Proposed Quarry will operate with dry processing. Therefore, slimes dams will not be required.
- To ensure that the Proposed Quarry can be operated in accordance with all relevant noise requirements, an acoustic assessment of the Proposed Quarry has been prepared by Watson Moss Growcott Acoustics (dated 22 May 2020) (the Acoustic Report). The Acoustic Report has modelled the potential noise impacts of the Proposed Quarry and concludes that, subject to adopting recommended measures, the Proposed Quarry operations can meet all relevant noise requirements.
- The rate of extraction at the site vary and be determined by market forces and is expected to be approximately 250,000 tonnes per annum with the life of the Proposed Quarry to be more than 50 years.

#### Proposed Hours

The following hours are proposed for all activities (extraction, processing, and sales) associated with the Proposed Quarry

- Monday to Friday: 7:00am to 6:00pm
- Saturday: 7:00am to 1:00pm
- Sunday & Public Holidays: No Work
- Blasting activities will be limited to 10:00am to 3:00pm.
- Works outside of these hours will only be for essential maintenance.

The quarry is expected to employ 5-7 full time staff. A car parking area is located close to the entrance for staff and visitor car parking. Access to the site will be retained via the existing access from Rokewood-Shelford Road. This access will be shared with the approved fuel depot approved under planning permit P20076.

This application seeks planning approval to use and develop the Subject Land for Extractive Industry in accordance with the Endorsed Work Plan.

#### Rehabilitation

- Over its life, the proposed quarry will be progressively rehabilitated in a staged manner, with most of the disturbed area returned to pasture and farming activities in accordance with the Site Layout Plan and the Rehabilitation Plan (Figure 4 of the Endorsed Work Plan).
- A small area of approximately 5 hectares of the Subject Land will be retained as access tracks and a depot for the permit applicant's earth moving and farming business. The earthmoving business is not included in this application and any further planning permissions, if required, will be subject of future permit applications.
- Terminal quarry faces and benches will be backfilled to a batter not steeper than 1v:4h, and the quarry floor spread with overburden and soil to develop suitable pasture grasses.

## **CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) (c) of the *Planning and Environment Act 1987*. Notice was given by mail to 17 owners and occupiers. Notice was also given by placing a sign on the land. The advertising material was available on Council's website.

As a result of the public notice, four (4) objections were received. No consultation meeting was convened.

A copy of the objections has been provided to the Councillors under separate cover. The objectors' concerns relate to: -

#### Impact on catchment

A Surface Water Report forms part of the Endorsed Work Plan and concludes:

The flood risk assessment undertaken for the site has taken into consideration flood risk from Mia Mia Creek, local stormwater runoff from within the site and any local stormwater entering the site from the upstream catchment. The hydraulic model shows that breakout flows from Mia Mia Creek do not enter the site in a 1% AEP flood event.

The local catchment north of the site produces relatively minor flows, resulting in small depths across the quarry site. A cut-off drain located around the northern and part of the eastern boundary is recommended to convey any shallow overland flow around the quarry site and into Mia Mia Creek. These cut-off drains could be implemented in stages, as quarrying operations progress. It is understood there is to be an earthen sound barrier (up to 4m in height) to be constructed along this alignment which will effectively act to intercept flows coming from the north. Given the catchment topography, upstream catchment size and the Rokewood-Shelford Road acting as a hydraulic control through this catchment, the expected frequency when the cut-off drain is engaged is likely to be low.

The schedule of conditions under the Works Approval contains conditions in relation to waterways:

- The Work Authority holder must design, install, and maintain erosion and sediment controls to prevent erosion of areas of disturbed land and sedimentation of waterways.
- Where quarry activities are being conducted in waters or on the banks of waterways with water in them, the Work Authority holder must ensure that sedimentation of the water in the water way is minimised to an acceptable level.
- The Work Authority holder must prevent contaminated runoff from entering receiving waterways.

The buffer distance of approximately 7 metres between the quarry floor and the ground water level will also ensure that extraction operations will remain well above the ground water level taking in to account any seasonable variability, including flooding, to the ground water level.

#### Cultural heritage concerns and the requirements for a CHMP

The extent of the 'activity area' for the purpose of regulation 7 of the Aboriginal Heritage Regulations is the area of the proposed works, development, or activity (and not defined by reference to the lot or property boundaries).

While the proposed works area (as defined by the work authority area) directly abuts an area of cultural heritage, it does not encroach into it. Given this it cannot be said '*all or part of the activity area for the activity is an area of cultural heritage sensitivity*' for the purpose of regulation 7 of the Aboriginal Heritage Regulations, therefore a CHMP is not required.

Legislation imposes a legal obligation to report the matter immediately if evidence of such a site emerges in the course of any works carried out on the land or in connection with the proposal.

#### Impact on brolga breeding

The proposed quarry is located within 2 km of a brolga nesting site. The work plan proposes to undertake blasting operation to extract basalt. It is understood that untimely blasting may disturb

broлга during breeding periods. The proponent has identified the issue and has committed to implement a process to identify the presence of breeding broлга in the nearby area and reduce the extent and timing of blasting during the breeding time.

The work plan has included a plan to mitigate the impact to broлга during breeding periods from blasting operations at the quarry. This includes the halting of blasting activities during periods of breeding.

#### Impact on surrounding roads & traffic management

As part of a further information requested by the Department of Transport (DOT) a Traffic Impact Assessment (TIA) report was submitted and referred to DOT and to Council's Works engineering department regarding impact on traffic.

The TIA confirms that in the initial 4-6 year period, most of the rock material is expected to be generated for the wind farm construction and that following this initial period, the quarry is anticipated to supply rock material to the general market.

The direct access track to the south could be expected to be used for most works south and east of the site. The wind farm also encompasses a large area to the west, and when delivering rock to these areas, haulage vehicles could be expected to predominately utilise the Rokewood-Shelford Road vehicle crossing for site access, with right turn in and left turn out movements. It is noted that as part of the windfarm approval, vehicle routes and movement have been considered and many internal tracks (formed as part of the windfarm) will be utilised to limit vehicle movement on the road network.

Rokewood-Shelford Road is classified as an Arterial Road (Road Zone Category 1 (RDZ1), managed by Regional Roads Victoria (RRV)), with a 100kph speed limit. It has a pavement of approximately 6.5m width providing a traffic lane in each direction and gravel shoulders. Daily traffic volumes are in the order of 1,000 vpd, with 24% trucks. The proposed use will increase in the amount of truck movement, however the level proposed is considered acceptable with minimal impact to surrounding road.

Any future upgrades to Rokewood-Shelford Road would be undertaken by DOT (VicRoads).

#### Impact on nearby dwellings

The subject site and all surrounding land are zoned farming. Although dwellings are scattered across farming zone settings, this environment is not always pristine in terms of amenity. Various agricultural and related activities within the farming zone can and do generate dust, noise, odour and other impacts as a result of day-to-day activity.

Although it is acknowledged that some of the activities in the agricultural sector may result in machinery working around the clock or generating dust, for example, it is intermittent, whereas activities for a working quarry such as this, serving a large scale windfarm, will be on-going and more intensive. For this reason, impacts on nearby dwellings must be taken into account for a use such as this, and if approved, conditions applied accordingly.

#### Impact on agricultural activity from the proposed industry

The Golden Plains Planning Scheme seeks to preserve high quality agricultural land from inappropriate use. It is noted that while extraction of stone is not a feature of the purpose of the zone, it is not discouraged by the purpose of the zone, nor is it a prohibited land use. The purpose of the zone, in part, is:

*To ensure that non-agricultural uses, particularly dwelling, do not adversely affect the use of the land for agriculture.*

The main purpose with respect to non-agricultural use is to prevent dwellings on small lots.

There must also be regard to the fact that the quarry land will not be lost to agriculture as it ultimately will be rehabilitated in a staged manner, with most of the disturbed area returned to pasture and farming activities in accordance with the Site Layout Plan and the Rehabilitation Plan

Visual impact (large mounds, hard surface and machinery)

The topography of the site and design of the quarry includes the incorporation of buffers, screen planting and progressive rehabilitation, to ensure that the visibility of any disturbed areas within the quarry will be minimised and the rural character of the area maintained.

A condition is recommended that landscaping must be undertaken with the intent of achieving a visual screen as early as possible in the operational life of the quarry.

Access inadequate from Rokewood-Shelford Road

A TIA was prepared as part of the application and referred to the DoT who did not object to the granting of the permit, subject to conditions. The conditions will be included on permit in the event one is issued. This will require left and right turn lanes to be constructed on Rokewood – Shelford Road, access crossover to be constructed along Rokewood-Shelford Road and truck warning signs to be installed on Rokewood-Shelford Road on both approaches.

Noise

A noise assessment has been conducted to identify potential effects of noise emission from the proposed quarry operations at 1805 Rokewood-Shelford Road, Rokewood. The assessment has been based on modelling of noise emissions from the activities and equipment proposed for the site, prepared by Watson Moss Growcott Acoustics.

The noise assessment has been conducted in terms of Recommended Maximum Noise Levels determined in accordance with the EPA's document *NOISE FROM INDUSTRY IN REGIONAL VICTORIA Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria* (NIRV).

Noise modelling has enabled the determination of noise control measures and strategies to allow the proposed quarry to be developed and operated while maintaining noise levels within the recommended maximum noise levels at all relevant residential locations.

The recommended noise control measures and strategies comprise:

- Operating hours should be limited to the EPA-defined 'day' period, 7am to 6pm Monday to Friday and 7am to 1pm Saturday.
- Initial topsoil and overburden removal should be used to create a 4 m high overburden bund along the northern side of the proposed extraction area and a 2 m high soil stockpile along the eastern and western sides.
- The crushing and screening train and the rock breaker should not commence operation until the pit is established over a sufficient area to the full depth of the pit to accommodate the processing plant and rock breaker on the floor level of the pit.
- Give consideration to the use of a sound attenuated rock drill to provide flexibility to drill on the upper bench level while full quarry operation continues.
- All mobile equipment operating at the site should be fitted with the 'new generation' broadband reverse alarms, which vary their noise output according to the ambient noise level. These reversing alarms should be selected for the lowest noise level consistent with safe operation.
- Product stockpiles and travel routes within the site should be configured so as to minimise any need for sales trucks to reverse.

The report established that with these measures and strategies in place, the proposed quarry can be developed and operated in compliance with the recommended maximum noise levels determined in accordance with the EPA's new noise framework for regional Victoria.

The Works Approval also contains general conditions relating to noise.

A condition is recommended to be included that an acoustic report must be prepared by a suitably qualified acoustic consultant and submitted to the responsible authority for approval, a condition

will also be included requiring the permit holder must submit a noise monitoring plan prepared by a suitably qualified acoustic consultant to the Responsible Authority for its approval.

In addition, conditions will be included regarding the hours of operation as recommended in the noise assessment.

## **ASSESSMENT**

A planning permit is required under the following provisions:

- Clause 35.07-1 (FZ) and 35.07-4 (FZ) to use and develop the land for extractive industry.
- Clause 52.08-1 to use land for earth and energy resources industry (extractive industry)
- Clause 52.08-1 to use and develop land for earth and energy resources
- Clause 52.29-2 to create or alter access to a Road Zone, Category 1

The application was lodged on 28/10/2020.

*Planning Practice Note 89 - Extractive industry and resources* (February 2019) confirms that referrals under section 55 of the *Planning and Environment Act 1987* are not required where the application was previously sent to those referral authorities by the Department of Jobs, Precincts and Regions (DJPR) during the work plan statutory endorsement process.

Included with the application were referral responses received during the statutory endorsement process from:

- Department of Environment, Land, Water and Planning (DELWP).
- Department of Jobs, Precincts, and Regions (DJPR)
- Heritage Victoria (HV)
- Department of Transport

The referral responses from these bodies are as follows:

### Department of Environment, Land, Water and Planning

Clause 66.02-8 of Golden Plains Planning Scheme - sites of flora or fauna significance under Flora and Fauna Guarantee Act 1988:

The work plan proposes to establish a basalt rock quarry on land subject to Farming Zone of Golden Plains Planning Scheme. The land is generally devoid of any native vegetation.

The proposed quarry is located within 2 km of brolga nesting site. The work plan proposes to undertake blasting operation to extract basalt. It is understood that untimely blasting may disturb Brolga during breeding periods. The proponent has identified the issue and has committed to implement a process to identify the presence of breeding brolga in the nearby area and reduce the extent and timing of blasting during the breeding time.

DELWP notes the work plan has included a plan to mitigate the impact to brolga during breeding periods from blasting operations at the quarry. This includes the halting of blasting activities during periods of breeding.

In accordance with Clause 77TF of the MRSDA and Clause 37 of Schedule 3 of the Memorandum of Understanding for Earth Resource Approval between DSE and DPI (MoU) dated 8 November 2011, DELWP advises that it does not object to the statutory endorsement of the work plan.

### Department of Jobs, Precincts, and regions

I refer to the work plan application (PLN-001482) for the above proposed extractive industry at 1085 Rokewood – Shelford Road, Rokewood, VIC 3330 received on 14 August 2020.

The work plan application was found to be satisfactory and was statutorily endorsed on 22 October 2020 under section 77TD (1) of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA).

Clause 52.09 (extractive industry) of the VPP contains a referral exemption.

Referral requirements do not apply to an application to use and develop land for extractive industry if a copy of the work plan was previously referred to the authority listed in Clause 66 of the VPP under section 77TE of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA).

In accordance with the requirements of Clause 66 of the Victorian Planning Provisions, the responsible authority is advised that the Department (in its capacity as a Determining Authority under Section 55 of the Planning & Environment Act 1987) has considered the proposal within the last three months prior to the date of this letter and does not object to the grant of a planning permit subject to the following condition:

1. Any planning permit conditions imposed do not duplicate or copy the requirements contained within the attached Statutorily Endorsed Work Plan and accompanying conditions.

#### Heritage Victoria

Thank you for referring this work plan to Heritage Victoria.

Our records indicate that there are no places currently included in the Victorian Heritage Register (VHR) or Victorian Heritage Inventory (VHI) within the subject area.

Heritage Victoria does not object to statutory endorsement of the work plan.

Please note the Victorian Heritage Inventory is not a comprehensive list of all archaeological sites in the state. The absence of sites in the VHI is not necessarily reflective of the distribution of archaeological sites on the ground, and the Heritage Act 2017 provides blanket protection for all historical archaeological sites in Victoria.

If archaeological deposits are identified at any stage during works, this office must be notified immediately.

Please be aware that consent from this office is required for any works that will impact on any historical archaeological sites.

#### Department of Transport

The Department of Transport is a specified referral authority in the planning scheme.

The Head, Transport for Victoria has considered the application and in principle has no objection to the proposal, but would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1. Prior to commencement of the use hereby approved:
  - a. Left and right turn lanes must be constructed on the Rokewood-Shelford Rd to the satisfaction of Head, Transport for Victoria.
  - b. The access crossover and driveway are to be constructed generally in accordance with VicRoads Guideline Drawing No. GD4010 to the satisfaction of, and at no cost to, the Head, Transport for Victoria.
  - c. Truck warning signs shall be installed on the Rokewood-Shelford Road on both approaches to the site to the satisfaction of Head, Transport for Victoria.

2. Any barrier, gate or similar device controlling vehicular access to the site must be setback sufficiently inside the property boundary to allow vehicles to store clear of the roadway.

3. Should these works impact existing significant vegetation or areas of biological significance; appropriate environmental clearances must be obtained.

The application was internally referred to Council's Works Engineering department. The department had no objection to the issue of a permit subject to conditions being placed on the permit.

## **PLANNING SCHEME**

### **Planning Policy Framework (PPF)**

#### Clause 14.03-1S – Resource exploration and extraction

The objective of this clause is to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

#### Strategies

- Provide for the long-term protection of natural resources in Victoria.
- Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.
- Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.
- Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.
- Develop and maintain buffers around mining and quarrying activities.
- Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

#### Clause 17.01-1S - Diversified economy

The objective of this clause is to strengthen and diversify the economy.

#### Strategies

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

### **Local Planning Policy Framework (LPPF)**

#### Clause 02.02 -Vision

As outlined in the Council Plan, Golden Plains Shire is a developing municipality that offers a lifestyle and opportunities that foster social, economic, and environmental wellbeing.

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

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

#### Clause 02.03-4 Natural resource management

### Agriculture

Agricultural industries continue to be the major economic sector comprising more than 25 per cent of the employment in the Shire. Agricultural industries have been under economic pressure in recent years, in common with state-wide trends. There has been a trend for farm size to increase to counteract those economic pressures. This has generally occurred in locations away from areas of population growth.

Council aims to support sustainable agriculture in the Shire by:

- Protecting the role of agricultural land as an economically valuable resource.
- Facilitating more intensive and diversified use of rural land for higher value products, including timber and agroforestry.
- Maintaining farm sizes.
- Minimising the potential for conflict between sensitive uses and agricultural practices.
- Discouraging dwellings and house lot excisions on rural properties.
- Directing timber plantations to land that is already cleared and is used for grazing or cropping.

### Clause 14.01-2L Sustainable agricultural land use

The objective is to encourage sustainable agricultural land use.

### **Zone and overlay provisions**

#### Clause 35.07- FARMING ZONE

##### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

A permit is required to use and develop the land for the purposes of a quarry (extractive industry) pursuant to Clauses 35.07-1 and 35.07-4.

There are no overlays affecting the Subject Land for this permit application.

### **Particular Provisions**

#### Clause 52.08 - EARTH AND ENERGY RESOURCES INDUSTRY

##### Purpose

- To encourage land to be used and developed for exploration and extraction of earth and energy
- resources in accordance with acceptable environmental standards.
- To ensure that geothermal energy extraction, greenhouse gas sequestration, mining, and petroleum
- production are not prohibited land uses.
- To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

#### Clause 52.08-1 - Permit requirement

A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

**No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:**

Extractive industry	Complies with Section 77T of the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
Geothermal energy exploration	Complies with the <i>Geothermal Energy Resources Act 2005</i> .
Geothermal energy extraction	Complies with Section 62 of the <i>Geothermal Energy Resources Act 2005</i> .
Greenhouse gas sequestration exploration	Complies with Section 189 of the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .
Greenhouse gas sequestration	Complies with Section 191 of the <i>Geological Sequestration Act 2008</i> .
Mineral exploration	Complies with Section 43(3) of the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
Mining	Complies with Section 42(7) or Section 42A <i>Mineral Resources (Sustainable Development) Act 1990</i> ; or Complies with Section 47A of the <i>Electricity Industry Act 1993</i> .
Petroleum exploration	Complies with Section 118 of the <i>Petroleum Act 1998</i> .
Petroleum production	Complies with Section 120 of the <i>Petroleum Act 1998</i> .
Stone exploration	Must not be costeaning or bulk sampling.

A permit is required under Clause 52.08-1 to use and develop land for earth and energy resources industry (which includes extractive industry)<sup>1</sup> if the conditions in the 'Table of exemptions' to this Clause are not met. As an Environmental Effects Statement (EES) has not been prepared for the proposal a permit is triggered under this clause.

#### Clause 52.09 - EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

##### Purpose

- To ensure that use and development of land for extractive industry does not adversely affect the
- environment or amenity of the area during or after extraction.
- To ensure that excavated areas can be appropriately rehabilitated.
- To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

##### Clause 52.09-1 - Application

- This clause applies to an application to use or develop land: For extractive industry.
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

This clause sets out specific requirements for extractive industry proposals and requires all permit applications to be accompanied by (at clause 52.09-2):

- *A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.*
- *The written notice of statutory endorsement under section 77TD (1) of the Mineral Resources (Sustainable Development) Act 1990.*
- *Any conditions specified under section 77TD (3) of the Mineral Resources (Sustainable Development) Act 1990.*

The required documentation have been submitted with the planning permit application.

#### **General provisions**

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

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

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity, and gas.
- If the land is not 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**

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2018*.

## **DISCUSSION**

### **Use and Development**

The subject site is a large farming allotment situated within an area used for a range of agricultural activities. The siting and design of the proposal incorporates significant buffers and will ensure it will not cause unreasonable amenity impacts to adjoining and nearby land. No abutting properties with dwelling have lodged an objection to the application.

As part of the works approval process (endorsed Work Plan), a range of safety and environmental controls to address the potential for impacts on the surrounding area including noise, dust, sediment control and stormwater runoff have been addressed. In addition to these requirements, conditions will be included on the planning permit regarding hours of operation, landscaping, and noise. It is noted that as part of any planning permit approval, conditions imposed must not duplicate or copy the requirements contained within the statutorily endorsed Work Plan and accompanying conditions.

The blasting and acoustic report has modelled the potential noise and stated that the proposed operations can be operated in accordance with relevant requirements and will not cause any unreasonable amenity impact to adjoining and nearby properties. It is considered that conditions relating to noise will include requiring acoustic management with an acoustic report to be submitted prior to commencement and a noise monitoring plan. This would require noise monitoring:

- On commencement of the use;
- Twelve (12) months after commencement of the use; and
- Prior to the commencement of the use of a rock drill in each stage.

This is to ensure that the use has minimal impact on the surrounding properties, during each stage of the use.

A landscape plan will also be required to be submitted for replanting of a vegetation screen along the western boundary and bunding along the northern boundary and ongoing progressive rehabilitation, establishing vegetation on dumps, stockpiles, and rehabilitated batters, planning of extraction stages to maximise activities below crest line.

The large open tracts of land in the FZ provide the potential opportunity for extractive industry such as this, if the resource is in existence. As discussed, there are numerous legislative requirements to be met, via various government departments for the approval and subsequent operation of a use of this type.

The proposed planning permit conditions together with the Works Approval are aimed at ensuring that the use and development has minimal impact on the surrounding area. The proposal is consistent with relevant State and local planning policies related to rural areas and extractive industry and is a permitted land use and development in the FZ.

Policies relevant to the proposal and matters raised by objectors have been considered. It is acknowledged that a large-scale use and development such as this will change the immediate amenity of the area, particularly during the intensive early years. In assessing complex applications such as this, careful consideration of policy, zone purpose and particular provisions must be weighed up against matters of community concern and any other parties involved, to determine if the result will be one of net community benefit, that the proposal strives to provide.

On balance, it has been determined that this proposal is acceptable within this context.

On review of the information submitted, relevant planning policy, objections and referral responses, together with the recommended conditions, it is recommended that Council form a position of support for the proposal.

## **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

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

## **GOVERNANCE PRINCIPLES**

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

## **POLICY/RELEVANT LAW**

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

## **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

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

## **PUBLIC TRANSPARENCY**

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

## **STRATEGIES/PLANS**

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

## **RISK ASSESSMENT**

### **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 – Form a position of support for the application

This option is recommended by officers, as the proposal is considered to meet the requirements of the Golden Plains planning scheme. If Council were to form a position of support on this application, the process is that officers will convey to the Tribunal (VCAT) and all affected parties of our position, and this will form the basis of Council's submission to the Tribunal.

#### Option 2 – Form a position of non-support for the application

This option is not recommended by officers, as officers believe that the proposal meets the requirements of the planning scheme. If Council were to form this opinion, officers will convey to the Tribunal (VCAT) and all affected parties of Council's positions and this will form the basis of Council's submission to the Tribunal.

#### 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, and there is a requirement for Council to communicate to all parties of our position on this application and prepare submissions to the Tribunal.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The application satisfies the provisions of the State and Local Policy Frameworks, the Farming Zone, Clause 52.08 and Clause 52.09 and the decision guidelines of the Planning Scheme (Clause 65). Appropriate permit conditions have been recommended and it is therefore considered that Council can form a position of support.

**Recommended Conditions P20370 - 1805 Rokewood-Shelford Road, ROKEWOOD**

Use and development of the land for **Extractive industry** under clause 35.07-1 (FZ) and the carrying out of works associated with a section 2 use under clause 35.07-4 (FZ), use and development of the land for earth and energy resources under clause 52.08-1 (Earth and energy resources industry) and alterations to access in a Road Zone Category 1 (RDZ1) under clause 52.29-2 in accordance with endorsed plans

**Amended plans**

1. Before any development starts, amended plans must be submitted to and approved by the responsible authority. Such plans are to be drawn to scale and with dimensions. When approved the plans will be endorsed as evidence of their approval and will thereby become the endorsed plans in relation to this permit.
  - a. Location of truck parking;
  - b. Location of staff parking/visitor parking including the number of spaces, any disabled spaces, dimensions, and internal accessways;
  - c. Details of site office and amenity buildings including, location, internal layout, elevations plans including and all relevant dimensions;
  - d. Weighbridge details;
  - e. Details of fencing to be constructed around the works approval area, including height and materials.

All to the satisfaction of the responsible authority.

**Approved Work Plan**

2. The use and development of the subject land must not commence until the Work Authority, including an Approved Work Plan is issued pursuant to the Mineral Resources (Sustainable Development) Act 1990 unless with the written consent of the Responsible Authority and Earth Resources Regulation.

**Layout not altered**

3. The endorsed plans must not be altered or modified (whether or not to comply with any statute, rule, or local law or for any other reason) without the written consent of the responsible authority.
4. The use of each stage must not commence until the quarry access tracks and 4.0m high acoustic bund associated with each stage is constructed and an acoustic report is completed for each stages and submitted to the Responsible Authority, to the satisfaction of the Responsible Authority. Once endorsed the acoustic reports will form part of the permit.

**Landscaping**

5. Before any development starts, a landscaping plan, prepared by a suitably qualified and experienced (horticultural) industry professional must be submitted to and approved by the responsible authority. When approved, the plan/s will be endorsed and will then form part of the permit. The landscaping plan/s must be drawn to scale with dimensions and must show:

- a. The name of the person/s preparing the landscaping plan and their relevant qualification/s and the registered business name/s under which they work;
- b. Details of any vegetation to be retained on site and associated protection measures;
- c. A vegetation screen as per the locations shown on the approved Work Plan WA 007154 (22/10/2020 or subsequently amended);
- d. The staging of the landscaping;
- e. The name and details of all species to be used including size at planting and maturity, number of each species, site preparation and planting detail including timing of planting, guarding, watering, planting establishment and maintenance regimes;
- f. The landscaping strips must be a minimum of four (4) rows wide and include a mixture of trees and shrubs which are locally indigenous;
- g. Fencing details for the landscaping strips including materials and dimensions.

All to the satisfaction of the Responsible Authority.

6. The landscaping of each stage must be carried out in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
7. The landscaping associated with the first stage of the approval must be carried out prior to commencement of any works, or within 12 months of the first stage commencing, depending on seasonal conditions. Subsequent stages must be carried out before the commencement of the next stage of development.
8. All landscape planting areas and existing vegetation for retention must be clearly indicated on the ground and protected from disturbance via appropriate fencing. No overburden, spoil, tools, equipment, vehicles, or other materials are to be stored within these areas.

#### **Construction**

9. Construction works on the site must only occur between 7.00am and 6.00pm Friday and 7.00am to 1.00pm Saturday. No operation is permitted on public holidays.

#### **Hours of Operation**

10. The use (extraction, processing, and sales) hereby permitted must only operate between the following times:
  - Monday to Friday 7:00am to 6:00pm
  - Saturday 7:00am to 1:00pm
  - No operation on Sunday or Public Holidays

The responsible authority may give its consent for the quarry to operate at other times for the purpose of managing equipment breakdowns or other unforeseen circumstances.

**Restriction on Blasting and Certain Machinery Times**

11. Blasting must only be undertaken between the following times:
- 10.00am – 3.00pm Monday to Friday
  - No blasting is to occur on public holidays or Sundays.
  - No blasting activities to occur during the broilga breeding period (September – December).

**Noise**

12. Other than during construction activities, all machinery and equipment must be operated so as to comply with a noise limit in accordance with the 'Interim Guidelines for Control of Noise in Country Victoria N3/89' when measured outside the nearest dwellings or any more stringent standard that may be required by legislation. All noise must comply with the requirements of the Work Authority granted pursuant to the Extractive Industries Development Act 1995 and must be operated in accordance with the approved work plan. Towards achieving the above noise limit, the following (not exclusive) techniques must be employed:
- a. Operating hours should be limited to the EPA-defined 'day' period, 7am to 6pm Monday to Friday and 7am to 1pm Saturday.
  - b. Initial topsoil and overburden removal are to be used to create a 4 m high overburden bund along the northern side of the proposed extraction area and a 2 m high soil stockpile along the eastern and western sides.
  - c. The crushing and screening train and the rock breaker must not commence operation until the pit is established over a sufficient area to the full depth of the pit to accommodate the processing plant and rock breaker on the floor level of the pit.
  - d. The use of a sound attenuated rock drill to provide flexibility to drill on the upper bench level while full quarry operation continues.
  - e. All mobile equipment operating at the site must be fitted with the 'new generation' broadband reverse alarms, which vary their noise output according to the ambient noise level. These reversing alarms should be selected for the lowest noise level consistent with safe operation.
  - f. Product stockpiles and travel routes within the site should be configured so as to minimise any need for sales trucks to reverse.
13. No broadcast or loudspeaker system, telephone ringer or other external alarm may operate on the site except for a warning alarm for blasting or as mandated by WorkSafe.

**Dust Management Plan**

14. Dust generated by the use must be monitored in accordance with the endorsed plan. Any failure to meet the standards of the State Environmental Management Policy (Air Quality Management) must be notified to the Environment Protection Authority and works/actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the responsible authority.

**Prior Notice to Blasting and Blasting Safety**

15. The quarry operator must use its best endeavours to the satisfaction of the responsible authority to give notification of any proposed explosives blast to all occupiers of adjoining land and to any other nearby occupiers who have requested notification. This notification must be given at least 24 hours before each scheduled blast.
16. Initial air and ground vibration monitoring must be undertaken of five initial blasts close to the nearest dwelling at the quarry boundary. The measured vibration level at the nearest dwelling must be reported to the responsible authority.

#### **Building materials**

17. External cladding materials of the building(s) must be of finishes with low relative reflectivity levels and in colours selected to blend into the surrounding landscape rather than provide a contrast that highlights the building in the landscape. The selection of materials and colours must be to the satisfaction of the responsible authority.

#### **Works**

18. The use and development of the subject land must at all times be in accordance with the approved Works Plans, Work Authority conditions and Works Plan conditions, issued pursuant to the MRSDA.
19. No stormwater runoff containing pollutants or sediment is to be discharged directly or indirectly into drains, watercourses, or neighbouring property.
20. Roadways, storage areas, stockpiles and vacant land must be maintained to avoid dust nuisance to surrounding land to the satisfaction of the Responsible Authority.
21. Vehicle ingress and egress from the site must only occur from Rokewood-Shelford Road. No vehicle access is permitted from any other roads which abut the site.
22. All heavy vehicles accessing the site must be compliant with Heavy Vehicle National Law as well as any requirements of the National Heavy Vehicle Regulator, Department of Transport, Regional Roads Victoria and Vicroads.
23. Soil erosion measures must be employed throughout the use of the development to the satisfaction of the Responsible Authority.
24. Topsoil removed during earthworks must be stockpiled and maintained in a weed free condition to the satisfaction of the Responsible Authority.
25. Prior to the removal of any sand resources from the site sedimentation pond, cut off drains, bunds, culverts, and roadways must be constructed and maintained to ensure ongoing effective operations.

#### **General**

26. The operators must adopt and operate a code of conduct for drivers of vehicles involved in the use to the satisfaction of the responsible authority and must also make drivers of vehicles not under the operator's control aware of this code and encourage their compliance. The code will address the need for safety and adherence to speed restrictions and safe operating speeds along rural roads traversed in accessing the quarry noting the presence of other road users such as farm vehicles, horse riders, school buses, the potential for stock on the roads at stock

crossings or stray animals and wildlife, potential poor driving conditions due to weather and the need for care through townships en route, and avoidance of the use of air brakes therein. A penalty system shall be applicable to drivers under the operator's control found in breach of this code. The code and penalties therein must be implemented in an effective manner to the satisfaction of the responsible authority.

27. Trucks carrying product from the quarry leaving the site must be covered to limit dust or stone coming off the load to the satisfaction of the responsible authority whilst traversing public roads.
28. Sewage, sillage and other liquid wastes to arise from the development must be treated and retained on site by a septic tank system in accordance with the requirements of the Environment Protection Act 1970
29. No chemical dust suppressant are to be used on the subject land without the prior written permission of the responsible authority.

#### **Consolidate Titles**

30. Before the commencement of works, the land comprising Lot 1 and 3 PS 627745B must either be consolidated into one parcel in accordance with the Subdivision Act 1988. Evidence of consolidation must be provided to the responsible authority prior to commencement of works.

#### **Erosion control**

31. All disturbed surfaces on the land resulting from the activities authorised by this permit shall be revegetated and stabilised to the satisfaction of the responsible authority so as to prevent any erosion or siltation on or adjacent to the land.
32. Use and development must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control (EPA 1991)' and must be to the satisfaction of the responsible authority. Specifically, the applicant must ensure:
  - a) grading, excavation and construction must not proceed during periods of heavy rainfall;
  - b) sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;
  - c) the extent of earthworks during construction shall be minimised and disturbed areas stabilised and revegetated following the completion of works.

#### **Traffic Impact Assessment**

35. Within 12 months of the commencement of the permitted use, the permit holder must commission an independent traffic and road impact assessment prepared by a suitably qualified traffic engineer and submit it to the responsible authority. The traffic and road impact assessment must document:
  - a. the number of truck movements associated with the use;
  - b. identification of any unreasonable impacts caused by the permitted use on the safety or operation of the quarry traffic route.

- c. make recommendations for any maintenance works required to address any unreasonable impacts caused by the permitted use on the safety or operation of the quarry traffic route; and
- d. a regime of ongoing traffic and road reviews.

All to the satisfaction of the Responsible Authority.

36. Any necessary mitigation works recommended in the traffic and road impact assessment must be undertaken at the cost of the permit holder, to the satisfaction of the Responsible Authority

#### **Complaints register**

- 37 The operator must keep a register of any complaints by the public concerning the operations and the register must be made available to the Responsible Authority on request

#### **Department of Transport**

38. Prior to commencement of the use hereby approved:
- a. Left and right turn lanes must be constructed on the Rokewood-Shelford Rd to the satisfaction of Head, Transport for Victoria.
  - b. The access crossover and driveway are to be constructed generally in accordance with VicRoads Guideline Drawing No. GD4010 to the satisfaction of, and at no cost to, the Head, Transport for Victoria.
  - c. Truck warning signs shall be installed on the Rokewood-Shelford Road on both approaches to the site to the satisfaction of Head, Transport for Victoria.
39. Any barrier, gate or similar device controlling vehicular access to the site must be setback sufficiently inside the property boundary to allow vehicles to store clear of the roadway.
40. Should these works impact existing significant vegetation or areas of biological significance, appropriate environmental clearances must be obtained.

#### **Expiry**

41. This permit will expire if one of the following circumstances applies: -
- a. The use and/or development is not commenced within five (5) years of the date of this permit.
  - b. This permit will expire if the Work Authority for the use issued under the provisions of the Mineral Resources (Sustainable Development) Act 1990 is cancelled in accordance with section 77O of that Act.

The Responsible Authority may extend the periods referred to if a request is made in writing within six (6) months of the date of expiry.

## 7.5 LONG TERM FINANCIAL PLAN

**File Number:**

**Author:** Fiona Rae, Manager Finance

**Authoriser:** Philippa O'Sullivan, Director Corporate Services

**Attachments:** 1. Draft Long Term Financial Plan (under separate cover)

### RECOMMENDATION

That Council:

1. Note the requirement to develop and adopt the Long Term Financial Plan by 31 October 2021 in accordance with Section 91 of the *Local Government Act 2020*.
2. Endorse the Draft Long Term Financial Plan (Attachment 1) to be made available for public exhibition and submissions from 25 August until 13 September 2021.
3. Receive a report to adopt the Long Term Financial Plan at the 26 October 2021 Council meeting.

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### EXECUTIVE SUMMARY

Section 91 of the *Local Government Act 2020* includes a new requirement for Councils to prepare a ten year financial plan in accordance with its deliberative engagement practices which is required to be approved by 31 October 2021.

### BACKGROUND

As part of the annual budget process Council has traditionally prepared a ten year financial plan with the budget year and following three year budgets included in the model budget document. The *Local Government Act 2020* includes a new requirement for all Councils to develop and adopt a ten year financial plan including a public consultation process.

### DISCUSSION

As reported to Council in the July briefing Golden Plains Shire Council has traditionally prepared a ten year financial plan as part of the annual budget process.

The Financial Plan has been updated to incorporate changes to circumstances since preparing the 2021/22 budget. The following changes have been made to key assumptions to provide a more accurate picture of the estimated financial position over the ten year period:

- Customer growth increased to 4.5% from 2024/25 to reflect the Bannockburn South growth precinct.
- Garbage charge increased to 35% in 2023/24 & 2024/25 years to incorporate the State Government mandated requirements of providing four bin options to include Glass and FOGO waste services
- User fees increased in line with rate cap increases
- Windfarm income revised to reflect more accurate revenue from additional windfarms (Berrybank Stage 2 and Golden Plains) when estimated to connect to the electricity grid
- Bannockburn Development \$3.0m profit on land sales included in years 2025/26 – 2028/29
- Smythesdale Development \$800k profit on land sales included in years 2023/24 & 2024/25
- Operating expense increases in line with rate cap increases
- Salaries and wages increases in line with rate cap increases

- Increase workforce resources in line with workforce planning

### Waste Management Charge Increases

Waste management charges are based on a cost recovery model so that total costs of providing waste management is covered through the revenue collected. The State Government's new 'Recycling Victoria: A New Economy' is a 10-year plan that will cut pollution and boost economic growth and jobs in Victoria. In future, all Victorians will need to separate their waste into 4 streams so that it is easier to recycle more of the waste. Specific initiatives include:

- By 2030 a new 4 bin waste and recycling system will be standard for households across the State
- By 2022–23 a container deposit scheme will be introduced so the community can swap empty cans and bottles for cash
- The investment of almost \$100 million to strengthen Victoria's waste and recycling industry – grow the local industry, create local jobs and drive innovation and new technologies
- Regulate the waste and recycling sector, as an essential service with a new waste and recycling Act and a waste authority – putting an end to illegal and unsafe storage and stockpiling of waste.

Increases in the annual garbage charge have been included to incorporate the State Government mandated requirement to provide customers with Glass and FOGO recycling services. The estimated increase in the annual garbage charge is estimated at an increase of 35% in 2023/24 and a further 35% increase in 2024/25. This will result in the waste charge increasing by approximately \$150 per annum to approximately \$700 by 2025/26. These estimates are based on information currently available, however the frequency of services is yet to be worked through which will impact the cost of providing these new services.

The impact of the changes to the key assumptions strengthens the longer term financial position increasing the operating result in years beyond 2025/26 with the flow on converting underlying deficits from years 2025/26 into an underlying surplus in each year. These stronger operating results generate higher cash balances and stronger working capital ratios.

The Financial Plan will be placed on public exhibition for a three week period from 25<sup>th</sup> August in accordance with requirements of Section 91 of the *Local Government Act 2020*. A report will be provided to Council in October to endorse the Financial Plan.

### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

### **GOVERNANCE PRINCIPLES**

The 2021-22 Long Term Financial Plan has been prepared in accordance with the requirements of the *Local Government Act 2020*.

### **POLICY/RELEVANT LAW**

*Local Government Act 2020*

*Local Government Amendment (Fair Go Rates) Act 2015*

*Local Government (Planning and Reporting) Regulations 2020*

Financial Plan

Annual Budget

### **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Environmentally sustainable design and construction is included for all projects.

### **COMMUNITY ENGAGEMENT**

The 2021-22 Long Term Financial Plan will be placed on public exhibition as part of the *Local Government Act 2020* requirements.

### **PUBLIC TRANSPARENCY**

The public consultation process facilitates transparency of the Long Term Financial Plan submitted for adoption and all Council reports are available for the public to access.

### **STRATEGIES/PLANS**

The 2021-22 Long Term Financial Plan has been prepared ensuring consistency with Council's 2021-22 Draft Budget, and also ensuring alignment with the 2021-2025 Council Plan.

### **FINANCIAL MANAGEMENT**

The 2021-22 Long Term Financial Plan has been prepared in accordance with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020*, Australian Accounting Standards and other mandatory professional reporting requirements. Financial sustainability is monitored by considering the financial result for the period and key financial indicators within Council's Long Term Financial Plan.

## **SERVICE PERFORMANCE**

Service performance levels are considered when developing the annual budget to ensure sufficient funds are available to meet required levels of performance.

## **RISK ASSESSMENT**

There are identified risk implications associated with this report, detailed below:

The 2021-22 Long Term Financial Plan has been prepared in accordance with the requirements of the *Local Government Act 2020* incorporating long term financial plan requirements to ensure financial sustainability over the short and long term.

## **COMMUNICATION**

The 2021-22 Long Term Financial Plan has been reported to Council in this report and will be placed on public exhibition for a four week period providing an opportunity for community feedback.

## **HUMAN RIGHTS CHARTER**

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

## **OPTIONS**

### Option 1 – Council note the 2021-22 Long Term Financial Plan requirements

This option is recommended by officers as the 2021-22 Long Term Financial Plan is still being formulated and has not yet had Council input. The development of the financial plan also requires a public consultation process to be completed which will commence in late August.

### Option 2 – Council adopt the 2021-22 Long Term Financial Plan

This option is not recommended by officers as the 2021-22 Long Term Financial Plan has not been finalised as a public consultation process is required to be completed as part of the annual adoption process.

### Option 3 – Council do nothing

This option is not recommended by officers as Council should note the new requirements and actions yet to take place.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The strategies and long-term financial plans adopted by Council must underpin the preparation of the 2021-22 Draft Budget. It is also impacted by the Shire's unique demographics, increased demand for new services, population growth, extensive local road network of 1,800 kilometres and the competing interests between rural and urban communities.

In accordance with the legislation, Council will place the 2021-22 Long Term Financial Plan out for public exhibition prior to the adoption by 31 October 2021.

## 7.6 COMMUNITY SERVICES AND INFRASTRUCTURE PLAN

**File Number:****Author:** Ben Jordan, Manager Community and Council Planning**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Community Infrastructure Planning Principles**RECOMMENDATION**

That Council:

1. Adopt the Community Infrastructure Planning Principles (Attachment 1) that have been developed to support the vision for Community Infrastructure and can be applied as a rationale in determining investment in community infrastructure.
2. Note the receipt of the full Community Services and Infrastructure Plan.

**EXECUTIVE SUMMARY**

The Community Service and Infrastructure Plan (CSIP) has been developed over the last 18 months and provides a Vision, Planning Principles, an evidence-base and methodology to identify potential improvements to community services and facilities provision across the Shire.

The CSIP has been supported by an extensive data collection and analysis process and identifies the requirements to meet current and future community needs including optimising and upgrading existing facilities, identifying infrastructure that may be surplus to requirements and recommending where and when new infrastructure will be required.

The Vision for Community Infrastructure and the Community Infrastructure Planning Principles (Attachment One) in the CSIP have been developed as overarching elements of the framework to provide clarity, consistency and strategic alignment in the planning and delivery of community infrastructure.

The full CSIP report was provided to the Councillor Briefing on 17 August and details the extensive methodology, research and data collection undertaken throughout the CSIP process. This data can be regularly updated and will be utilised internally as the evidence base to guide decision making and investment in community facilities and infrastructure. The report analyses the data into a series of strategic findings and recommendations that Council can prioritise and implement going forward.

**BACKGROUND**

In November 2019, Council engaged the services of Raeph Cumming from SocialLogic to develop a Community Service Infrastructure Plan in partnership with Council. The purpose of the Community Services and Infrastructure Plan (CSIP) is to:

- Identify the Shire's community facility needs over the short term (3 years, 2021 to 2024), medium term (2025-2030) and long term (2031 to 2041);
- Identify where and when new infrastructure is required as well as where existing infrastructure may be surplus to requirement (rationalisation);
- Inform Council's management of its community assets, in particular to maximise utilisation of existing infrastructure and identify possible opportunities for asset rationalisation;
- Inform Council's maintenance, renewal and upgrade programs;
- Identify and prioritise solutions for future provision;
- Provide a strong evidence basis to inform Council's strategic planning and resource investment, support funding applications and advocacy to State and Federal Government; and

- Position Council to pursue collaborative partnerships between other levels of government, the private sector and community groups for the provision of or sharing of facilities.

The scope of the CSIP includes:

- Multi-purpose community facilities
- Sports courts, sports grounds and associated pavilions
- Maternal and Child Health
- Kindergarten and long day care
- Playspaces
- Health and medical services.

Based on high level information, the future need for Aged Care facilities is noted as required in the CSIP, however this is outside the scope of this plan and would require further specific research and planning.

The CSIP has been developed using a robust methodology to provide an extensive evidence base which includes:

- Demographic, population and growth projection data including for the whole of Shire and 3 smaller geographies – the North, Central and South East.
- Examination of the strategic policy context Council operates including legislation and existing Council strategies/policies.
- Community facility audits of existing infrastructure including provision, condition, size and usability (fit for purpose).
- Utilisation assessments of existing infrastructure – facility usage (how often, by who and when).
- Community Needs Assessments in terms of the quantity, quality and location of facilities to service communities now and into the future.

In July 2021, Raeph Cumming presented the draft methodology, findings and recommendations of the Golden Plains Community Services and Infrastructure Plan and provided Council with an opportunity to consider and contribute to these recommendations prior to the final Council report being presented to Council.

## DISCUSSION

Two key components of the final CSIP that were discussed and presented to Council in July 2021, were the Vision for Community Infrastructure and Community Infrastructure Planning Principles.

The Vision for Community Infrastructure in Golden Plains is defined as follows:

*“Golden Plains Shire will provide a network of quality, fit-for-purpose community services and facilities that are accessible within a reasonable journey time. These facilities will support a diverse mix of services, activities and programs, will be well-used, and will be designed to meet the changing needs of communities over time. Community infrastructure will enhance the vibrancy, resilience and social connectedness of communities across Golden Plains Shire”.*

The Community Infrastructure Planning Principles and a statement of what this means for community infrastructure are proposed for adoption (Attachment 1) and provide 9 clear overarching principles that that can be both easily understood and communicated to community and stakeholders. These principles are:

- Promotes and encourages community activity, health and wellbeing, liveability and connections
- Demonstrated by evidence of community need
- Builds community capacity

- Sustainable
- Equitable
- Accessible and inclusive
- Optimised community infrastructure with a focus on multipurpose facilities
- Partnerships and collaboration
- Safe.

The principles support the Vision for Community Infrastructure and ensure a consistent and comprehensive rationale is applied to the planning and delivery of community infrastructure. The principles directly align with strategic objectives of the Council Plan 2021-2025 and principles in the Golden Plains Shire Sport and Active Recreation Strategy 2020-30.

The final CSIP report is the first full CSIP for Golden Plains Shire which forms a baseline of data. Analysis of the evidence base has been undertaken to provide the strategic findings as follows:

- Strategic Finding 1: Low utilisation of community rooms and pavilions
- Strategic Finding 2: Low utilisation and an over-supply of tennis courts
- Strategic Finding 3: Poor provision in the 'Central' area of the Shire
- Strategic Finding 4: Low utilisation of sporting pavilions as community venues
- Strategic Finding 5: Poor access to health and medical services.

To address the findings, five network strategies (high level recommendations) are provided in the CSIP for addressing. These network strategies are:

- Optimise existing infrastructure
- High quality, contemporary and universally accessible facilities
- A network of facilities within reasonable journey from home
- Rationalise under-performing infrastructure
- New facilities in and around areas of significant population growth.

Each network strategy has number of specific components underneath and a series of recommendations for Council to consider implementing to deliver on the network strategies and meet the community services and infrastructure needs of the Golden Plains community.

As a technical document, noting receipt of the CSIP does not commit Council to the delivery or prioritisation of any individual service or facility at this time. Such discussion would be subject to further planning, community consultation, risk and financial assessment and a Council decision. The CSIP will be utilised and referenced as an internal planning tool providing the evidence base and rationale for future decisions on investment in community services and infrastructure.

## REPORTING AND COMPLIANCE STATEMENTS

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

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

### GOVERNANCE PRINCIPLES

The governance principles in Section 9 of the *Local Government Act 2020*, have been applied to the development of the Community Services and Infrastructure Plan including:

- Priority is given to achieving the best outcomes for the municipal community, including future generations
- Taking into account regional, state and national plans and policies in strategic planning and decision making.
- Ensuring transparency of Council decisions, actions and information.

### POLICY/RELEVANT LAW

The development of the Community Services and Infrastructure Plan including the Community Infrastructure Planning Principles recognises that planning and delivery of community services and facilities is influenced by a range of legislation, policy, strategies and service-specific strategies.

Section 2.3 and appendix A3 review and detail the strategic policy context for the CSIP.

### ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

One of the 9 Community Infrastructure Planning Principles provided in the CSIP is Sustainable – Attachment One details that Financial, Social and Environmental sustainability is a key component of any decision making in the planning and delivery of community infrastructure.

### COMMUNITY ENGAGEMENT

Community Infrastructure Planning Principles including ‘demonstrated evidence of community need’, partnerships and collaboration’ and ‘builds community capacity’ represented in the CSIP embed the importance of community engagement in the determining and planning any future community infrastructure in Golden Plains Shire.

### PUBLIC TRANSPARENCY

The Vision for Community Infrastructure, Community Infrastructure Planning Principles and extensive evidence base in the development of the CSIP provide the platform for public transparency in decision making through actions and information that are accessible and guided by members of the community.

## STRATEGIES/PLANS

In undertaking development of the CSIP and implementing the Vision and Community Infrastructure Planning Principles, Council is giving effect to a number of Strategic Planning principles under Section 89 of the *Local Government Act 2020* including:

- (b) strategic planning must address the Community Vision;
- (c) strategic planning must take into account the resources needed for effective implementation;
- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

## FINANCIAL MANAGEMENT

The Community Services and Infrastructure Plan recognises the financial limitations of delivering a network of community facilities and services across the Shire. Financial sustainability and prioritising of infrastructure in terms of demonstrated community need are two Community Infrastructure Planning Principles ensuring sound financial management.

## RISK ASSESSMENT

Identified risk implications associated with this report have been addressed as detailed below:

- The evidence base, methodology and opportunity to regularly update the CSIP minimises the risk of inadequate planning to meet the long-term community needs in relation to services and infrastructure.
- A clear Vision for Community Infrastructure and Community Infrastructure Planning Principles ensure that decisions on infrastructure investment are aligned with Strategic priorities and able to be prioritised.

## COMMUNICATION

The key stages in developing the Community Services and Infrastructure Plan have been communicated to internal stakeholders and have included a number of reports and updates to Councillor at Councillor Briefings since late 2019.

## 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 adopts the Community Infrastructure Planning Principles and notes receipt of the Community Services and Infrastructure Plan for Golden Plains Shire Council.

The CSIP has been developed utilising a comprehensive methodology and the Planning Principles support the Vision for Community Infrastructure. The CSIP report provides data that can be regularly updated and analysed as the internal evidence base to guide decision making and investment in community facilities and infrastructure.

Option 2 - That Council does not adopt the Community Infrastructure Planning Principles and note receipt of the Community Services and Infrastructure Plan for Golden Plains Shire Council.

This option is not recommended by officers as the CSIP utilised a comprehensive methodology and evidence base in developing the Planning Principles and Vision for Community Infrastructure. The CSIP report provides data that can be regularly updated and analysed as the internal evidence base to guide decision making and investment in community facilities and infrastructure.

Option 3 – That Council defer adopting the Community Infrastructure Planning Principles and noting receipt of the Community Services and Infrastructure Plan for Golden Plains Shire Council.

This option is not recommended by officers as the Community Services and Infrastructure Plan and Planning Principles that support the Vision for Community Infrastructure have been developed

over an extensive period utilising a comprehensive methodology and evidence base. The report presents the first full CSIP for Golden Plains Shire which forms a baseline of data. Further data updates can be applied to the CSIP over time to respond to changes and ensure the accuracy and currency of information.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The Community Services and Infrastructure Plan provides a methodology and comprehensive set of data that can be updated to respond to changes in population, policy, legislation, service delivery models and participation rates to ensure it remains current.

The Vision for Community Infrastructure has been developed through the CSIP process and is supported by 9 Community Infrastructure Planning Principles (Attachment 1) that are presented for adoption to ensure a consistent and comprehensive approach is applied to the planning and delivery of community infrastructure.

The CSIP report includes extensive analysis from the evidence base and provides strategic findings and recommendations to both guide and inform Council's current and future infrastructure planning and decision making for community services and facilities across Golden Plains Shire.

## Attachment One: CSIP Community Infrastructure Planning Principles

Principle	What does this mean for community infrastructure?
<b>Promotes and encourages community activity, health and wellbeing, liveability and connections</b>	<p>Community infrastructure contributes to liveable communities, supports community connectedness, and reduces social isolation:</p> <ul style="list-style-type: none"> <li>• create more attractive, functional and liveable townships;</li> <li>• create opportunities for people to connect, make new friends and networks and develop a sense of belonging within their community;</li> <li>• sport and active recreation infrastructure provides diverse physical activity opportunities for all.</li> </ul>
<b>Demonstrated by evidence of community need</b>	<p>Facilities and services meet identified community needs and service requirements:</p> <ul style="list-style-type: none"> <li>• Council's community infrastructure planning decisions - e.g. renew, upgrade, redevelop, dispose - will be based on comprehensive evidence of service delivery requirements and community need;</li> <li>• strategic and objective evidence of needs will be established in a measurable and transparent manner across the whole Shire, considering infrastructure provided by the private and community sector as well as by Council;</li> <li>• local community needs will be considered within the context of strategic needs and evidence.</li> </ul>
<b>Builds community capacity</b>	<p>Community infrastructure will support services and activities that help communities to build their social capital and resilience.</p>

**Attachment One: CSIP Community Infrastructure Planning Principles**

Principle	What does this mean for community infrastructure?
<b>Sustainable</b>	<p>Community infrastructure will be sustainable from the following perspectives:</p> <p><u>Financial</u></p> <ul style="list-style-type: none"> <li>• the financial cost of investment in community infrastructure will be measured and balanced against the social benefits that infrastructure provides to communities;</li> <li>• where existing facilities are suitable (or can be made suitable) for meeting current and future community needs, optimisation of those facilities will be prioritised over the creation of new ones;</li> <li>• Council will consider the affordability and/or ‘financial return on investment’ of facilities as a key decision-making criteria to identify where facilities are no longer viable;</li> <li>• where community needs can best be met through a change to the current provision of facilities (for example where duplication or surplus community infrastructure has been identified and discussed with the community), disposal of assets will be considered. Where facilities are disposed of, funds raised are to be reinvested into improvements that meet other local needs;</li> <li>• Council will seek to achieve best practice outcomes while remaining fiscally responsible.</li> </ul> <p><u>Social:</u></p> <ul style="list-style-type: none"> <li>• services and facilities will be designed and located to meet the changing needs of communities over time;</li> <li>• facilities will support the delivery of local services where they are viable;</li> <li>• community infrastructure will add to local identity, support community activities and help ensure townships continue to be attractive places to live now and into the future.</li> </ul> <p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>• Built facilities will be designed according to Environmentally Sustainable Design practices, including design features such as solar panels, passive heating and cooling and use of recycled materials.</li> <li>• Any programs or services will minimise their impact on the environment and enhance understanding of the environment where possible.</li> </ul>
<b>Equitable</b>	<p>A network of shared community facilities within a reasonable journey from users:</p> <ul style="list-style-type: none"> <li>• Community infrastructure will operate as a network of facilities across the Shire;</li> <li>• The Shire’s community infrastructure network will comprise a mix of complementary higher order (large, regional or district) and lower order (small, local) facilities within a reasonable journey of communities;</li> <li>• Facilities will be accessible to, and be promoted for use by, multiple townships;</li> <li>• Fees, charges and subsidies for use of Council-owned and/or managed community facilities will be fair and transparent.</li> </ul>

## Attachment One: CSIP Community Infrastructure Planning Principles

Principle	What does this mean for community infrastructure?
<b>Accessible and inclusive</b>	<p>Integrated service delivery through facilities that are fit for a range of uses and adaptable to changing needs over time:</p> <ul style="list-style-type: none"> <li>• Facilities will be appropriately designed for users from all age groups and genders and with different needs, incorporating Universal Design principles into their upgrade and construction;</li> <li>• Flexible and adaptable design will help ensure that facilities can respond to changing user requirements over time;</li> <li>• Community facilities will be promoted for use by the whole community, not limited to particular user groups.</li> </ul>
<b>Optimised community infrastructure, with a focus on multipurpose facilities</b>	<p>Optimisation, consolidation and rationalisation (where appropriate) of existing community infrastructure:</p> <ul style="list-style-type: none"> <li>• Community facilities are designed and managed to meet their full capacity and achieve viable levels of utilisation;</li> <li>• Where appropriate, complementary services will be integrated or co-located within multipurpose facilities that meet the needs of multiple users, for different activities;</li> <li>• Council will focus its resources on a smaller number of community facilities but ensure those facilities are safe, accessible and physically fit for their intended purpose(s);</li> <li>• Where duplication of asset types or a surplus of provision has been identified and discussed with communities, Council will review the role of those facilities;</li> <li>• Where utilisation of community facilities is below a viable minimum, Council will review the role of those facilities;</li> <li>• Best use will be made of existing facilities, especially where they are suitable for ongoing community use or can affordably be made suitable;</li> <li>• The maintenance, renewal and upgrade of existing community infrastructure will be prioritised above the funding of new community infrastructure.</li> </ul>
<b>Partnerships and collaboration</b>	<p>A partnership approach to providing community infrastructure:</p> <ul style="list-style-type: none"> <li>• Where Council is not the sole provider of infrastructure it may advocate to Federal/State Government or other service providers and explore options to fund infrastructure and services through partnerships with other levels of government, not-for-profit organisations, community groups and the private sector;</li> <li>• Outputs from the <i>Community Service and Infrastructure Plan</i> will inform Council's advocacy, funding allocations and leverage of its resources and investment;</li> <li>• Community infrastructure planning will be informed by engagement with service providers and the community, e.g. feedback sought from the community and user groups, such as sports clubs regarding levels of demand and participation in different sports;</li> <li>• Community will have a role in managing Council-owned facilities and will be supported to comply with legislation and policy.</li> </ul>
<b>Safe</b>	<p>Services and facilities will be safe for use by all users:</p> <ul style="list-style-type: none"> <li>• built facilities will be safe and suitable for their intended purpose;</li> <li>• where appropriate, facilities will incorporate crime prevention measures through environmental design principles.</li> </ul>

## 7.7 ENVIRONMENTAL HEALTH PREMISES REGISTRATION FEE CHANGES

**File Number:****Author:** Stuart Symes, Senior Environmental Health Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Explanatory Information and Diagrams (under separate cover)
2. Recommended Fee Changes (under separate cover)

**RECOMMENDATION**

That Council:

1. Adopts a quarterly pro rata approach to new premises registration fees as attached.
2. Amends fees to allow new premises registrations (when applied for in last quarter) to extend to following registration period (up to 15 months) as attached.
3. Adopts a quarterly pro rata refund approach to cancelled registration fees as attached.

**EXECUTIVE SUMMARY****New Premises Registration Fees**

After benchmarking with neighbouring Councils, it was found that Golden Plains is the only Council which does not currently apply pro rata to new premises registration fees. The only variance amongst our neighbours was how pro rata is being applied (which ranged from monthly to quarterly to bi-annually).

Applying pro rata to new food and public health and wellbeing registration fees is a fairer approach and common practice for the majority of Victorian local government authorities.

**New Registration Applications Made Within Last Quarter of Registration Period**

The *Food Act 1984* was recently amended to make things simpler and easier for Councils and businesses. By enabling businesses (who apply in the last quarter of the registration period) to register until the end of the following registration period will reduce a significant amount of administration and inspection time.

**Cancelled Premises Unused Registration Fees**

Applying pro rata refunds to cancelled registrations is a fairer approach and common practice for the majority of Victorian local government authorities. The number of cancellations is set to increase as recent *Food Act 1984* amendments have removed the ability to transfer registration after a business is sold.

**BACKGROUND**

In relation to new premises registration applications, Council's Environmental Health Unit receives approximately 16 per year. Of these applications, questions regarding pro-rata of fees are raised by applicants approximately 50% of the time. Note that due to recent Food Act amendments, the number of new premises registrations is expected to rise to approximately 26 per year.

On average approximately 5 businesses per year apply for registration within the last quarter of the registration period.

The number of cancelled registrations per year has typically been slightly lower (around 10 per year). Approximately 3 requests for refund of unpaid fees are received per annum. It should be noted that due to recent changes to the *Food Act* (transfer of registration no longer possible), the number of cancellations is expected to rise to around 20 per year.

**DISCUSSION****New Premises Registration Fees**

Council registers food and health businesses (such as beauty therapy, tattoo and accommodation) on an annual basis under the provisions of the *Food Act 1984* and *Public Health and Wellbeing Act 2008*. Fees are paid for registration which are set annually by Council.

Currently any new businesses that apply for registration throughout the course of the year are subject to the same (12 month fee), regardless of when they apply.

The first decision to be made is whether to apply pro rata or not. If Council chooses to apply pro rata the next decision is to decide whether this be applied on a monthly, quarterly or bi-annual basis.

### **New Registration Applications Made Within Last Quarter of Registration Period**

The *Food Act 1984* was amended on 1 July to provide Councils the ability to register any new food premises (that apply in the last quarter of the registration period – October-December) until the end of the following registration period.

This effectively means that any new business that applies for registration between 1 October and 31 December 2021 can now register up until December 2022 (previously the registration would have expired on 31 December 2021 and this business would need to renew).

The current fee structure is based on 12 months of registration and does not take into account the change in legislation that enables registration to extend up to 15 months.

The only decision that needs to be made in regard to this matter is whether to amend fee structure (and allow registrations for up to 15 months) or not.

### **Cancelled Premises Unused Registration Fees**

Currently any food or health business that cancels their registration throughout the calendar year are only provided a refund of any unused registration fees upon request (and at the discretion of management).

A fairer and more transparent approach needs to be considered, particularly as the number of registration cancellations will rise significantly due to a change in legislation as mentioned above.

Similar to new premises fees, there are a few different pro rata options in regards to refunds.

## **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

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

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

### GOVERNANCE PRINCIPLES

Governance principles have been pursued and/or achieved, or will be through adoption of these times as follows:

- Collaboration completed by benchmarking with many other Councils (Surf Coast, City of Greater Geelong, Moorabool, Colac-Otway and Ballarat);
- Adoption of recommendations will be a fairer result and best outcome for local business community;
- Adoption of recommendations will result in continuous improvement; and
- Financial viability considered prior to finalising recommendations.

### POLICY/RELEVANT LAW

*Food Act 1984* - S41A(1)(a) The fees for registration and renewal of registration are as determined by resolution of the Council.

*Public Health and Wellbeing Act 2008* - S72(1)(a) The fees payable in respect of the issue, transfer or renewal of a registration are as determined by a resolution of the Council of that municipal district.

### PUBLIC TRANSPARENCY

The following aspects have been considered during the decision making process:

- Fairness for local business community;
- Benchmarking with neighbouring Councils;
- Applicable legislative framework;
- Implementation complexity;
- Efficiency gains for Council and business; and
- Financial implications.

### FINANCIAL MANAGEMENT

An estimated total loss of \$7,488.50 in income per annum is expected if the recommended options are adopted. For further information see below.

#### New Premises Registration Fees

Recommended option is expected to result in an approximate loss of \$2,951.00 in income annually.

This figure is calculated by using the following methodology and data:

- 13 (average number of premises that register between Q2-Q3) x \$227 (average cost of lost income based on average registration fee of \$605.00 and average discount of 37.5%) = \$2,951.00.

### **New Registration Applications Made Within Last Quarter of Registration Period**

Recommended option is expected to have no financial impact on income.

### **Refund Cancelled Premises Registration Fees**

Recommended option is expected to result in an approximate loss of \$4,537.50 in income annually.

This figure is calculated by using the following methodology and data:

- 15 (average number of registration cancellations between Q1-Q3) x \$302.50 (average amount refunded per premises based on average registration fee of \$605.00 and average refund of being 50%) = \$4,537.50

### **COMMUNICATION**

Fees will be updated on applicable forms.

Council's website will be updated where necessary.

### **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**

#### **New Premises Registration Fees**

##### Option 1.1 - Adopt a quarterly pro-rata approach to new premises registration fees as attached

This option is recommended by officers because:

- It is fairer for businesses (than what currently exists);
- Recovers bare minimum cost to deliver the service;
- It is less complex to administer than other options; and
- Is a 'mid-way' option of those available.

##### Option 1.2 - Adopt a monthly pro-rata approach to new premises registration fees

This option is not recommended by officers because:

- Council may not recover bare minimum cost spent to deliver service; and
- More complex to administer than other options.

##### Option 1.3 - Adopt a bi-annual approach to new premises registration fees

This option is not recommended by officers because:

- Less fair for businesses than option 1.1.

##### Option 1.4 – No change (do not apply pro rata to new premises registration fees)

This option is not recommended by officers because:

- Not fair for businesses; and
- Not consistent with what other Councils are doing.

1)

#### **New Registration Applications Made Within Last Quarter of Registration Period**

Option 2.1 – Amend fees to allow new registrations (for applications made within last quarter) to extend to end of following registration period (up to 15 months)

This option is recommended by officers because:

- Reduced administrative burden for Council and businesses; and
- Reduced number of inspections required by Council.

Option 2.2 – No change (new businesses that apply for registration in last quarter must only register until end of current registration period)

This option is not recommended by officers because:

- Greater administrative burden for Councils and businesses; and
- Increase in number of inspections required by Council.

### **3. Cancelled Premises Unused Registration Fees**

Option 3.1 - Adopt a quarterly pro-rata approach to new premises registration fees as attached

This option is recommended by officers because:

- It is fairer for businesses (than what currently exists);
- Recovers bare minimum cost to deliver the service and process a refund;
- It is less complex to administer than other options; and
- Is a 'mid-way' option of those available.

Option 3.2 - Adopt a monthly pro-rata approach to new premises registration fees

This option is not recommended by officers because:

- Council may not recover bare minimum cost to deliver service and process refund; and
- More complex to administer than other options.

Option 3.3 - Adopt a bi-annual approach to new premises registration fees

This option is not recommended by officers because:

- Less fair for businesses than option 3.1.

Option 3.4 – No change (do not apply pro rata to new premises registration fees)

This option is not recommended by officers because:

- Not fair for businesses.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

It is requested that the recommendations in this report are supported for the reasons outlined above and attached.

## 7.8 ENVIRONMENTAL UPGRADE FINANCE AGREEMENTS FEASIBILITY

**File Number:****Author:** David Collins, Coordinator Environment & Sustainability**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil

### RECOMMENDATION

That Council:

1. Do not facilitate Environmental Upgrade Finance (EUF) Agreements for businesses and homeowners at this time.
2. Continue to partner with organisations like Geelong Sustainability and Regional Sustainability Alliance Ballarat to deliver programs that assist property owners to access environmental upgrades.
3. Include EUF opportunities in the development of the Climate Action Plan, including whether there are any similar arrangements for businesses.

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### EXECUTIVE SUMMARY

This report provides background and discussion around Environmental Upgrade Finance (EUF). The discussion includes an overview of some of the benefits and some of the implications to Council of EUF agreements. The reporting and compliance statements note further implications for the organisation should Council wish to consider entering into EUF arrangements.

The report recommends that Council does not facilitate these agreements at this time but reconsider once a new Property and Ratings system has been implemented. In the meantime, Council can continue to work with other partner organisations to deliver environmental sustainability upgrades to local properties.

The conclusion acknowledges some of the benefits offered by EUF but notes that larger Councils are more suited to accommodating this type of arrangement.

### BACKGROUND

At it's 27 April 2021 Council meeting, Council supported the following Notice of Motion by Cr. Gavin Gamble:

*That the Golden Plains Shire Council investigates and prepares a report on the feasibility, implications and benefits of the Shire facilitating Environmental Upgrade Financial Agreements to all businesses and homeowners within the Golden Plains Shire.*

Environmental Upgrade Finance (EUF) is a council-based financing mechanism that gives commercial and residential building owners access to finance for sustainability (e.g. energy efficiency) or climate adaptation upgrades (e.g. sprinklers for bushfire protection) to existing commercial and residential buildings. Under an EUF agreement there are three distinct parties; the Lender, the Property Owner and Council. The Lender provides finance to the Property Owner and Council collects repayments through the Rates system. Council then passes the repayments onto the Lender. EUF is legislated under the Local Government Act 2020

### DISCUSSION

The benefits of EUF centres around creating accessibility for upgrades to buildings which can have both an environmental and economic benefit to the resident. Upgrading buildings for greater energy or water efficiency is a cost-effective way for homeowners and businesses to cut utility bills, improve building value, increase comfort and reduce greenhouse gas emissions.

As many people face difficulty accessing finance for such upgrades, EUF can help people to obtain longer term and lower payment loans for environmental upgrades than are available under non-EUF arrangements. These fixed interest loans are available for very long terms of up to 20 years, which means that the amount paid back each year is low. Often the loan repayments are lower than the savings on utility bills.

The availability of EUF can therefore help building owners reduce costs and improve building performance by improving building efficiency.

There are however challenges associated with EUF. External auditors have confirmed that Council would be required to use its Property and Rating System to raise the EUF charges. Any charges raised will sit within Council's debtors balance until that charge is paid. This will impact Council's financial statements and is misleading as the debt is not related to Council but between the Property Owner and the Lender. The key issue however is that Council's Property and Rating System is not set up to handle these arrangements. As such there would be a considerable manual workload required to set up, manage and follow up payments and subsequently liaise with both the Property Owner and Lender. In essence, Council takes on the role as an administrative middleman.

These issues may be mitigated in the future with a new Property and Rating system and officers could look into options once this system is in place. It is expected that a new Property and Rating System will be implemented in the next 12-24 months.

In the meantime, Council can continue to partner with organisations like Geelong Sustainability in delivering opportunities for residents like the Geelong Community Solar program.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

2020)	
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No

### **POLICY/RELEVANT LAW**

Environmental Upgrade Finance (EUF) is legislated under the Local Government Act 2020.

### **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

EUF provides a mechanism for business and property owners to make sustainability (e.g. energy efficiency) or climate adaptation (e.g. home sprinklers for bushfire protection) building upgrades. These upgrades have an environmental benefit.

### **COMMUNITY ENGAGEMENT**

If an EUF program was put in place, a communications plan would need to be developed to promote the program and maximise uptake.

### **STRATEGIES/PLANS**

The EUF program has implications for Council's Environment Strategy 2019 – 2027 including Theme 1.1: Environmentally active and resilient communities, Theme 4.1: Environmentally responsive infrastructure design and Theme 4.2: Climate change adaptation and mitigation.

### **FINANCIAL MANAGEMENT**

The EUF program will impact Council's financial statements. Charges raised will sit within Council's debtors balance until that charge is paid. This is misleading as the debt is not related to Council but to the Lender. Establishment of EUF program will also have a cost implication directly related to staff costs administering the program.

### **SERVICE PERFORMANCE**

The EUF program will impact Council's service performance if implemented with Council's current Property and Rating system. Under this current system, managing the EUF program would be a manual and time-consuming process.

### **RISK ASSESSMENT**

There are identified risk implications associated with this report, detailed below:

- There are risks with Council facilitating the EUF program related to workload for Council officers. The current Property and Rating system will not easily handle the management of the EUF program and as such there would be a considerable manual workload required by officers to set up, manage and follow up payments associated with the program.
- There are a range of Climate Risks indirectly associated with this report. As the EUF program looks to increase the number of sustainability and climate adaptation building upgrades it would be mitigating these risks, albeit in a small way.

### **COMMUNICATION**

If an EUF program was put in place in the future, a communications plan would need to be developed to promote the program and maximise uptake.

### **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 – Do not facilitate Environmental Upgrade Finance (EUF) agreements for businesses and homeowners at this time but consider options in the future.

This option is recommended by officers as Council's Property and Rating systems functionality means that managing an EUF program will put significant workload pressure on staff. In the future, when this system is upgraded, officers can re-examine this program.

Option 2 – Facilitate Environmental Upgrade Finance (EUF) agreements for businesses and homeowners with our existing system.

This option is not recommended by officers as Council's existing Property and Rating system cannot easily manage the Environmental Upgrade Finance (EUF) agreements making it a time-consuming manual process to administer.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

While there are benefits of Environmental Upgrade Finance (EUF) agreements in creating accessibility for environmental sustainability upgrades to buildings, these arrangements are probably more suited to larger organisations with more advanced financial systems in place and an appropriate level of resources to handle any additional administrative burden.

## **7.9 COMMITTEE OF MANAGEMENT OF CROWN LAND (MEREDITH POLICE PADDOCKS AND HAPPY VALLEY RESERVE)**

**File Number:****Author:** Richard Brown, Manager Community Places & Environment**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Meredith Police Paddocks (under separate cover)
2. Happy Valley Reserves (under separate cover)

### **RECOMMENDATION**

That Council:

1. Decline the proposed “land swap” and retain the status quo with Council managing the Happy Valley Reserves and the Ballarat Environment Network managing the Meredith Police Paddocks.
2. Delegate the CEO to respond to the Ballarat Environment Network on behalf of Council. Include within the response a request that the Ballarat Environment Network work with the Meredith Police Paddocks Support Group and DELWP to find a mutually agreeable outcome that does not involve Golden Plains Shire Council at this time.
3. Request the CEO to develop a plan for the reservoir wall remediation that can be considered in future budget submissions.

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### **EXECUTIVE SUMMARY**

This report introduces the proposal from the Ballarat Environment Network to exchange land management rights with Golden Plains Shire Council. This exchange is proposed between the Meredith Police Paddocks and the Happy Valley Reserves. The background provides a brief introduction to the various stakeholder groups associated with this issue.

The discussion provides a short chronological outline of the lead up to the proposal and notes the need for careful and thoughtful consideration prior to making a decision.

The report provides a summary of each reserve before addressing the reporting and compliance topics associated with such a proposal. The summary of the reporting and compliance issues provides some insight into the potential concerns associated with such a proposal. The most notable implications are associated with finances, resources, risk and community engagement.

A suite of options are outlined for consideration. However, the final recommendation is to maintain the status quo at this time.

The report concludes by recognising that Meredith Police Paddocks are a valuable public open space asset and the reserve strongly aligns with strategic objectives found within the Council plan 2021-25. It goes on to conclude that Golden Plains Shire Council is not in a position whereby it would be advisable to agree to such a land exchange, primarily due to the ongoing management requirements of the Meredith Police Paddocks and the ongoing issues with the reservoir at the Happy Valley Reserve.

### **BACKGROUND**

The Ballarat Environment Network (BEN) is seeking to “land swap” / exchange the management of the Meredith Police Paddocks Reserve with the Happy Valley Reserves currently managed by Golden Plains Shire Council. This exchange is being sought for a number of reasons, primarily due to BEN no longer being aligned with the interests and direction of the Meredith Police Paddocks Support Group.

BEN has a dedicated Statement of Purposes. Their key strategic direction is the preservation, protection and maintenance of biodiversity.

Meredith Police Paddocks Support Group (a local community group) have a localised focus, specific to the reserve and want to see infrastructure embellishments expanded in the reserve to facilitate greater and higher quality community use.

Meredith Police Paddocks, a 20-hectare site with focus on history, environment and recreation no longer suits BEN's core business of biodiversity management.

Happy Valley Reserves are a number of adjacent land parcels totalling 40-hectares with a high biodiversity value and adjacent to significant areas of Trust for Nature and Birdlife Australia land. BEN are interested to take on this land in exchange for the Happy Valley Reserve.

## DISCUSSION

Over the past few years, Council has been involved in numerous discussions with Department of Environment, Land, Water and Planning (DELWP), BEN and the Meredith Police Paddocks Support Group in relation to the Meredith Police Paddocks. A summary is outlined below:

**December 2018** - Meredith Police Paddocks Support Group seeking assistance with a project that aimed to construct 4 creek crossings on the trail network through the Meredith Police Paddock. Council engineers provided advice regarding process, permits, standards, liability, ongoing maintenance, inspections and cost.

**July 2019** - BEN approached Council with the idea to exchange Meredith Police Paddocks for Happy Valley Reserve.

**September 2019** - BEN indicated to the group that it did not support the development of more infrastructure on the reserve citing liability issues

The exchange of lands is proposed to address some of these issues. However, the exchange would require careful and thoughtful consideration to take into account the environmental, social, financial, legal and political ramifications.

### Meredith Police Paddocks

The Meredith Police Paddocks is a 20-hectare Crown Land parcel managed by the Ballarat Environment Network (BEN) on Campion Road in Meredith. BEN have managed the parcel since 2007 with the assistance of the Meredith Police Paddocks Support Group.



2) *Figure 1: Meredith Police Paddocks*

The land is reserved for Public Recreation and Conservation of an Area of Natural Interest.

The reserve contains some good quality remnant native vegetation which is complemented by revegetation with local native species. Significant weed control works have been undertaken over the last decade leading to a substantial reduction in weed burden.

A 550 metre by 10 metre slashed break along the reserve's western boundary adjacent to houses addresses fire risk in the reserve.

A network of formed gravel tracks (approximately 1.5km) and unformed natural tracks (approximately 1.5km) facilitate walking access through the reserve from entry points on Campion Road and Nuttall Street. Usage profile and volume are unknown. It is highly likely that there are a limited number of regular local users, however, anecdotal evidence in the absence of well-worn tracks indicates that this use is very limited.

Approximately 2 hectares is occupied by adjacent landowners under informal agreements for grazing.

BEN are seeking to relinquish management of the reserve as it no longer fits their revised (2018) Statement of Purposes and their key strategic direction of the preservation, protection and maintenance of biodiversity.

The aspirations and activity of the Meredith Police Paddocks Support Group have developed over the years and their infrastructure, revegetation and weed control projects have continued to improve the public amenity of the land. The Support Group has been guided by three values: History, Environment and Recreation. With this aim they have collated local history, undertaken revegetation, constructed gravel and natural surface tracks, installed seats, signs and formal entries with raised funds or grant money. Most of this activity was not seen as "core business" for BEN, but complemented BEN's work in weed management and pest control.

BEN and the Support Group came to an impasse in 2019 over liability concerns relating to a proposal to construct four creek crossings. BEN considered the maintenance of the infrastructure was outside their core business. The Support Group approached Council to see whether Council would take on the liability for the ongoing inspection and maintenance of these works.

Council, having no previous on-going concern with this parcel of land, consulted with Department of Environment, Land, Water and Planning (DELWP) as the land owner. Whilst DELWP indemnified management bodies of liability for infrastructure, DELWP was not prepared to take on the ongoing responsibility for the inspection and maintenance of any additional infrastructure.

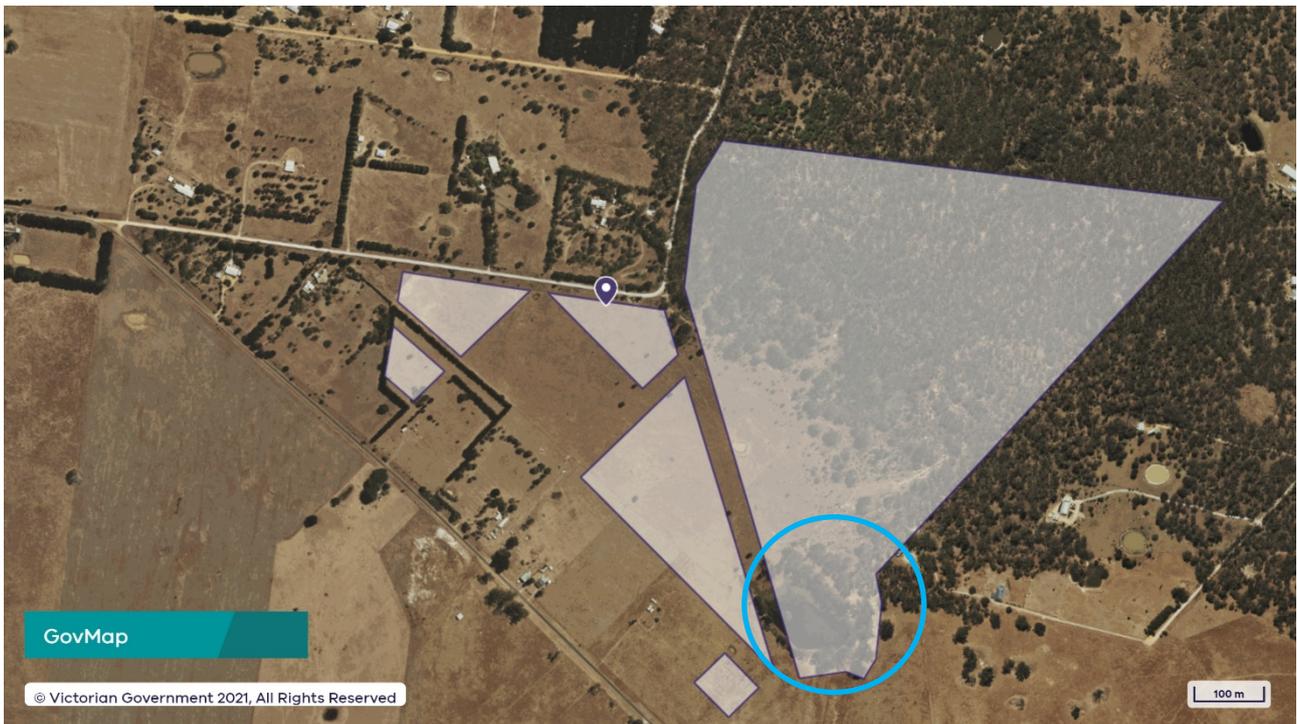
DELWP advised the Support Group to continue discussions with Council and BEN regarding management of the land.

Residential growth in Meredith is minimal, growth that has occurred is generally located to the north west of the Township and away from the Meredith Police Paddocks. It is unlikely that future growth will occur requiring Council to provide an open space asset of the type and size of the Meredith Police Paddocks.

### **Happy Valley Reserve**

The Happy Valley Reserves comprises the Happy Valley Water Reserve and the Happy Valley Recreation Reserve.

The Happy Valley Water Reserve comprises several parcels totalling approximately 37 hectares and contains high quality native grassland and dry grassy forest. The land is reserved for Water Supply, Regulation and Drainage.



3) *Figure 2: Happy Valley Water Reserve. Reservoir circled*

The Happy Valley Recreation Reserve of 2.8 hectares is an open paddock with high quality native grassland. It has never been developed as a recreational facility and has extremely limited public interaction.



4) *Figure 3: Happy Valley Recreation Reserve*

Both these reserves receive minimal management and maintenance from Council. However, there are some significant legal and political concerns with the reservoir contained within the Water Reserve.

The south eastern corner of the Happy Valley Water Reserve contains a large reservoir constructed in around 1877 which supplies water to several nearby farms.

In 2019, leaks were identified in the dam wall, potentially as a result of rabbit infestations but also age and lack of supportive maintenance. These leaks have been contained by lowering the spillway, managing the rabbit population and blocking of the rabbit warrens. There are still outstanding structural issues that need addressing to ensure the safety and structural integrity of the dam walls into the future. The cost of these works is estimated to be approximately \$70,000. Discussions have commenced with DELWP on the potential use of beneficiaries of the water supply to assist with repairs.

Other Council work efforts across these sites are limited to the control of declared weeds; primarily Gorse.

BEN has expressed interest in taking on the delegated management of the Happy Valley Reserve Crown Land parcels to complement existing nearby land held by Trust for Nature and Birdlife Australia and due to their high value native vegetation.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

The principles of a “land-swap” are fairly straight forward should all parties agree. DEWLP would just need to formally recognise the change in land management.

However, the reservoir within the Happy Valley Reserve does have significance and complicates any potential arrangements. BEN do not want to inherit any maintenance or liability responsibilities associated with the reservoir. Council has no legal obligation, more a social and political obligation to maintain the operation of the reservoir for its current community purpose.

BEN recognise this and would want the reservoir within the Reserve to still be managed by Council until such time as it is no longer required and can be decommissioned. To do this, Council would be required to enter into a Crown Land licence over the reservoir and immediate surrounds, thus retaining the maintenance and liability associated with this asset.

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

BEN, with their guiding principles to protect and restore biodiversity, are considered a suitable candidate to become the land manager for the Happy Valley Reserves.

Council, with its broad focus on community and environmental outcomes could be considered a suitable candidate to become the land manager for the Meredith Police Paddocks.

## COMMUNITY ENGAGEMENT

Any amendment to the current land management arrangements at either site would require significant community engagement to ensure that community concerns and aspirations are addressed.

Those members of the community who benefit from the water reservoir supply would require assurance that any change in land management would not negatively impact their current practices.

It is likely that the Meredith community would be supportive of Council taking on management of the Meredith Police Paddocks although it is expected that they too would require assurance that any change in land management would not negatively impact their current practices.

## STRATEGIES/PLANS

Land management of these parcels of land aligns with the following strategic objectives found with the Golden Plains Shire Council Plan 2021-2025:

### Theme - Community

- **Objective 1.3 – Community Participation, Engagement and Ownership**
  - 1.3.1. Empower and build the capacity of residents and groups to get involved and contribute to communities.
  - 1.3.2 Provide and activate spaces and develop opportunities for communities to connect and participate.

### Theme - Liveability

- **Objective 2.1 – Connected and accessible roads, crossings, paths and transport**
  - 2.1.2 Advocate and plan for safe pedestrian, cycling and recreation paths and trails that reduce reliance on vehicles.
- **Objective 2.2 – Supporting healthy and active living**
  - 2.2.1 Provide, maintain and advocate for sustainable and accessible facilities that promote and enable healthy recreation, physical activity and social connection
- **Objective 2.4 – Attractive and well-maintained infrastructure and public spaces**
  - 2.4.1 Provide high quality public spaces and infrastructure
  - 2.4.2. Maintain the amenity and cleanliness of townships, roadsides and public spaces.

### Theme - Sustainability

- **Objective 3.1 – Valuing and protecting nature, cultural heritage and the environment**

- 3.1.1 Ensuring our native vegetation, ecosystems, flora and fauna and old growth trees are healthy and protected.
- 3.1.2 Value, promote and preserve our cultural and natural heritage for future generations.
- **Objective 3.3 Responsibly maintaining and managing natural landscapes and resources**
  - 3.3.1 Conduct land management practices and behaviours that enable a safe and thriving natural environment

Additionally, there is a strong alignment with the Golden Plains Environment Strategy 2019-2029.

BEN have a solid strategic alignment for the management of either site, however, it should be noted that they also have additional land assets in the proximity of the Happy Valley Reserve.

## FINANCIAL MANAGEMENT

The current financial implications from Council at both sites are outlined in the table below:

Site	Operational (per annum)	Capital (future projects)
<b>Meredith Police Paddocks</b>	\$0	\$0
<b>Happy Valley Reserve</b>	\$3,500 - Pest plant and animal control, fire services levy	\$70,000 - Remediation of the reservoir wall

Any future land swap would drastically change the financial implications for Council, an estimate of potential costs are outlined in the table below:

Site	Operational (per annum)	Capital (future projects)
<b>Meredith Police Paddocks</b>	\$50,000 - Pest plant and animal control, revegetation, arboriculture maintenance, infrastructure maintenance (Walking tracks, fire breaks, fencing, signage), fire services levy, stakeholder and community engagement, customer service, lease management.	\$50,000 - site improvements would be required to address known drainage and fencing issues  \$unknown - establishment of creek crossings could cost hundreds of 000's
<b>Happy Valley Reserve</b>	\$2,500 - Pest animal control, fire services levy	\$70,000 - Remediation of the reservoir wall

Operational requirements would need to be addressed via a combination of existing Community Places and Environment staff and Contractors.

## SERVICE PERFORMANCE

It is expected that once Council take on management of the Meredith Police Paddocks, the community expectation regarding service levels, combined with the aspirations of the Support Group will lead to pressure for improved service delivery.

The service level at the Happy Valley Reserve would likely increase with BEN taking a land management role. However, it is expected that to facilitate a smooth transfer of ownership and appease resident concerns Council would be required to accelerate the remediation of the reservoir wall.

## RISK ASSESSMENT

Taking on management of the Meredith Police Paddocks would pose significant risk implications for Council. Providing BEN with land management of the Happy Valley Reserve in the current proposal would not absolve or reduce Council risk.

These risks are grouped and summarised below:

**Financial** – Current budgets are allocated based upon existing workload. Any increase on the service base load would pose a risk to the budget and require additional funds to be allocated to meet service level demands. Many of the below risks have direct impact and implications on financial resources.

**Program** – An increase in program workload without additional finance or human resources will impact the Township maintenance and Environment and Sustainability staff's ability to deliver the existing program of works. This will result in an impact on program delivery and other areas across the Shire will suffer as a result.

**Regulation and Compliance** - The Meredith Police Paddocks is a largely grassland reserve and is adjacent to a number of residential properties. There will be a need to provide ongoing maintenance of a CFA access and a 10m fire break to be compliant with bushfire codes.

There are small areas within the Meredith Police Paddocks that are leased out to neighbouring landowners for grazing. Whilst these arrangements are suitable for the current arrangement, should Council take the land on these arrangements would need to be formalised to address liability and governance risk.

Cultural heritage across the site is unknown, however, given the presence of a water course any works in the reserve are likely to require a Cultural Heritage Management Plan, an often time consuming and expensive exercise.

**Safety and Wellbeing** – The Meredith Police Paddocks terrain is steep and undulating. Many of the tracks are unformed, uneven and, in inclement weather, unusable. This poses significant safety risks not only for users but also for maintenance personnel. Whilst there could be an option to close some of these tracks to mitigate these risks, it is unlikely that the Support Group would support the closure. To mitigate these concerns and reduce risk, a sizable budget allocation would be needed to rectify these track issues. Alternatively, information signage could be placed at entry points to the reserve highlighting the challenging nature and inconsistent track surface, however, it is important to note that this would not completely absolve Council of the liability associated with these risks.

## COMMUNICATION

If the proposal was agreed to it would need to be communicated publicly via the Corporate Communications and Engagement team

## 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 – Decline the proposed “land swap”. Retain the status quo with Council managing the Happy Valley Reserves and the BEN managing the Meredith Police Paddocks.

This option is recommended by officers as it has no impact on Councils budget, resourcing or risk. It limits future operational works to known pest plant and animal management and it limits future capital expenditure to remediation of the reservoir wall at Happy Valley Reserve. The proposal could be considered again in the future.

Option 2 – Propose a “land give”. Divest the Happy Valley Reserves land management to the BEN and decline to take on management of the Meredith Police Paddocks.

This option is not recommended by officers. This option would require an expedited resolution of the reservoir wall remediation and substantial community consultation. It is unlikely to be agreed to by BEN and unlikely to be accepted by the Community or the Meredith Police Paddocks Support group.

Option 3 – Agree to the proposed “land swap”. Divest the Happy Valley Reserves to the BEN, retain the management of the reservoir, take on management of the Meredith Police Paddocks.

This option is not recommended by officers as it substantially increases Council’s risk profile and has direct implications on its program of works, resources and budgets. This would leave Council in an unfavourable position of having to continue manage a reservoir asset on a land parcel it would no longer control. It is likely that community pressure would start to be applied to Council to increase service levels and further embellish the Meredith Police Paddocks.

Option 4 – Propose a “land take”. Keep the Happy Valley Reserve and take on the Meredith Police Paddocks

This option is not recommended by officers as it substantially increases Council’s risk profile and has direct implications on its program of works, resources and budgets. It is likely that community pressure would start to be applied to Council to increase service levels and further embellish the Meredith Police Paddocks.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

Meredith Police Paddocks are a significant community and open space asset for the Meredith community and would form a valuable addition to Council’s open space portfolio. There is a clear strategic alignment with the Golden Plains Council Plan 2021-25. However, if Council were to take on land management responsibility the implications would be significant. This report has highlighted some of the implications and challenges associated with this reserve, however, there are many unknowns, and the benefits appear limited.

Happy Valley Reserves are an area of land that Council is required to undertake minimal works and at minimal cost. There are known issues with the reservoir that need to be resolved and there are significant community concerns about how these issues are going to be resolved. Until such time as this work has been completed the land management of the reserve should remain under Golden Plains Shire Council. It would be ill-advised to complicate this arrangement by involving an additional land manager.

**7.10 COUNCIL GOVERNANCE RULES REVIEW - DRAFT FOR PUBLIC EXHIBITION****File Number:****Author:** Annmaree Bowey, Coordinator Governance and Risk**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Updated Governance Rules (under separate cover)**RECOMMENDATION**

That Council:

1. Endorse the review of the Governance Rules (Attachments 1).
  2. Place the document on public exhibition for a period of 3 weeks from Wednesday 25 August 2021 to Wednesday 15 September 2021.
  3. Hear any submissions at the 28 September 2021 Council meeting.
  4. Consider the Governance Rules for adoption at the October 2021 Council meeting.
- 

**EXECUTIVE SUMMARY**

The Governance Rules were adopted by Council on 25 August 2020, in accordance with section 60 of the *Local Government Act 2020* (LGA20). Following a period of review by council officers, opportunities for improvement and clarification of the Governance Rules have been identified and it is proposed that the Governance Rules are amended.

The LGA20 enables Council to amend its Governance Rules (s 60(3)) and, in doing so, Council must ensure that a process of community engagement is followed (s 60(4)). It is proposed that Council endorse the draft amendment to the Governance Rules and place the document on public exhibition in order to meet this requirement.

**BACKGROUND**

Under the LGA20 (s 60(1)), a Council must develop, adopt and keep in force Governance Rules for or with respect to the following:

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

The Governance Rules were adopted by Council on 25 August 2020, prior to the 1 September 2020 deadline for adoption under the LGA20.

Council may amend its Governance Rules (LGA20 s 60(3)).

A Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules (LGA20 s 60(4)), unless the Council is developing and adopting or

amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87 (LGA20 s 60(5)). To date, no good practice guidelines have been issued by the Minister in relation to Governance Rules.

## DISCUSSION

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

Since the initial adoption of the Governance Rules, areas for improvement of the Governance Rules have been identified and amendments are now proposed. These are summarised in the below table. Specifically, the amendments are intended to provide additional clarity, definition and structure to procedural aspects of the Council Meeting process, such as Notices of Motion.

The Draft Governance Rules Amendment is submitted to Council for approval to commence the public exhibition process allowing for the community to have their say on this document, as required by the LGA20 s 60(4).

*Table 1: Governance Rules – Summary of changes*

<b>Amended Rules</b>			
<b>Rule</b>	<b>Heading</b>	<b>Change</b>	<b>Change Reasoning</b>
12.3.2	Types, Dates & Times of Meetings	An unscheduled meeting can be called by written notice of the Mayor 'and one Councillor', in addition to the existing three Councillors.	The grounds for calling an unscheduled meeting, including the urgency of the business to be transacted, is considered by at least two Councillors.
12.3.4(b)	Types, Dates & Times of Meetings	Changes 'section 15' to 'Rule 15'.	Typographical error.
21.7	Joint Council Meeting	Changes 'this section' to 'this Rule'.	Typographical error.
23.1	Conflicts of Interest	Removed reference to Local Government Act 1989.	Local Government Act 2020 applies.
25.1.1	Notice of Motion	Added 'Be' for clarity and consistency.	Readability.
25.1.2	Notice of Motion	Notice of Motion to be signed by the Councillor intending to move the motion and another Councillor willing to second the motion at the Council meeting for the purpose of debate.	Improved workflow.
25.1.3	Notice of Motion	Number of days for lodging a Notice of Motion with the CEO prior to the meeting reduced from 7 days to 6 days.	Improved workflow.
25.6	Notice of Motion	Amended the structure of the Rule so 'The Chairperson must not accept' is at the start, followed by a list with three	Readability and clarity. No change to meaning.

		existing requirements, and two additional requirements (25.6.4 and 25.6.5 inserted, see below).	
65.1	Removal from Meeting	Council able to give directions to maintain security, including remove a person from the Chamber or a meeting, where their actions breach the Governance Rules.	Empowers Council to act where the Chairperson has been suspended.
<b><i>New Rules</i></b>			
<b>Rule</b>	<b>Heading</b>	<b>Change</b>	<b>Change Reasoning</b>
25.1.4	Notice of Motion	Inserted 'Relate to the objectives, role and functions of Council as outlined in the Act'	Notice of Motions limited to matters within the powers, duties and functions of Council
25.2	Notice of Motion	Circumstances in which a Notice of Motion must call for an officer's report before being placed on the agenda at a Council meeting.	Threshold requirements to be met where there is an impact on Council services, expenditure, budget, policy, or commits Council to a contractual arrangement or concerns litigation.
25.6.4 & 25.6.5	Notice of Motion	Circumstances in which the CEO or Chairperson must reject a Notice of Motion, including a motion that is the same or similar to a motion that has been considered by Council in the previous 3 months, or where the motion must call for an officer's report before being placed on the agenda at a Council meeting.	Efficient use of time at Council meetings.
25.7	Notice of Motion	CEO can reject a Notice of Motion that can be addressed through the operational service request process, where the matter has previously been resolved by Council or acted upon, or the motion has been consider by Council in the previous 3 months.	Consistent application of operational service request process. Efficient use of time at Council meetings.
25.13	Notice of Motion	Three month timeframe in which the same or similar motion, with or without amendment, even in a different form, cannot be raised at a Council meeting.	Efficient use of time at Council meetings.
28.1.3	Urgent Business	Business that can be dealt with	Consistent application of

		by operational service request process cannot be addressed as urgent business.	operational service request process.
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## CONSULTATION

Community engagement will be conducted, allowing the community to review and make a submission on the draft documents prior to their finalisation and adoption by Council.

The *Local Government Act 2020* requires Council to ensure that a process of community engagement is followed in developing or amending its Governance Rules however, there is no legislative restriction or requirement as to the length of public exhibition period required.

It is recommended that the documents be placed on public exhibition for a period of three weeks, from Wednesday 25 August 2021 to Wednesday 15 September 2021. External legal advice obtained in June 2020 confirmed that in circumstances where the community response is likely to be minimal, as in this case, then a 2-week consultation period is considered reasonable.

The public exhibition of these documents will be advertised on the Council website and social media pages. The documents will be accessible via the Council website or in person at the Council offices.

Written submissions are invited from any person. A person may also request in their submission to be heard in support of their submission and/or to nominate a representative to present their submission, if they wish to do so. Submissions must be received in writing by the date advertised and can be provided in the following ways:

- Through Council's website at <https://www.goldenplains.vic.gov.au/consultations>
- Emailed to [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)
- By mail addressed to the Chief Executive Officer, Golden Plains Shire Council, PO Box 111, Bannockburn, VIC 3331.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

## GOVERNANCE PRINCIPLES

The Governance Rules will ensure adherence to the overarching governance principles in s.9 of the *Local Government Act 2020*.

## POLICY/RELEVANT LAW

*Local Government Act 2020 (LGA20)*

## COMMUNITY ENGAGEMENT

Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules (LGA20 s 60(4)).

## RISK ASSESSMENT

The *Local Government Act 2020* prescribes the provisions that must be included in the Governance Rules, as well as the process of engagement required in amending the same.

## COMMUNICATION

Changes identified following community engagement will be incorporated into the draft documents and presented to Councillors for further review before adoption at the Council meeting in October 2021.

## 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 endorse the draft amendments to the Governance Rules to be placed on public exhibition.

This option is recommended by officers to ensure that Council's Governance Rules are continually improved and that the community engagement requirements under the *Local Government Act 2020* are met.

Option 2 – That Council do not endorse the amendments to the Governance Rules.

This option is not recommended by officers as the amendments proposed will provide additional clarity, definition and structure to Council's Governance Rules.

## CONFLICT OF INTEREST

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

**CONCLUSION**

The draft Governance Rules are being presented to Council to progress to public exhibition and community engagement in accordance with the new *Local Government Act 2020*.

## 7.11 REVIEW OF INSTRUMENTS OF DELEGATION

### File Number:

**Author:** Sophie Brown, Governance and Corporate Services Administration Officer

**Authoriser:** Philippa O'Sullivan, Director Corporate Services

**Attachments:**

1. S5 Instrument of Delegation to Chief Executive Officer (under separate cover)
2. S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 (under separate cover)
3. S6 Instrument of Delegation 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 Instruments 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:
  - 1.1 S5 Instrument of Delegation to Chief Executive Officer (Attachment 1)
  - 1.2 S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 (Attachment 2)
  - 1.3 S6 Instrument of Delegation to Members of Council Staff (Attachment 3)

the powers, duties and functions set out in those instruments, subject to the conditions and limitations specified in those Instruments.

2. The instruments come into force immediately once the common seal of Council is affixed to the instrument.
3. On the coming into force of the instruments all previous versions of the same 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.

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### EXECUTIVE SUMMARY

The legislation referred to in the attached *Instruments of Delegation – Council to Members of Staff* (Attachments 2 and 3) 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:

- Changes required under the instrument template issued by Maddocks Lawyers (July 2021) including new powers conferred to Council by the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021
- An internal review to ensure alignment with overall organisational requirements, structure and position responsibilities; and
- Minor cosmetic changes.

The *Instrument of Delegation to Chief Executive Officer* must be re-made periodically to ensure it remains up to date and captures powers made or amended since the delegation was previously resolved by Council.

The changes are summarised in detail within the report.

Three instruments of delegation are presented for Council's adoption:

- *S5 Instrument of Delegation to Chief Executive Officer* (Attachment 1)
- *S18 Instrument of Sub-delegation under the Environment Protection Act 2017 – Council to Members of Staff* (Attachment 2)
- *S6 Instrument of Delegation – Council to Members of Staff* (Attachment 3)

## 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 who have delegated powers are provided 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 23<sup>rd</sup> of March 2021 Council meeting. Council last reviewed and adopted Instrument of Delegation to Chief Executive Officer at the 28<sup>th</sup> 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 – S6 Instrument of Delegation from Council to members of Council staff:**

- Removal of the *Environment Protection Act 1970*, to be replaced by *Environment Protection Act 2017* separately delegated below
- Changes required under the instrument template issued by Maddocks Lawyers (July 2021);

- An internal review to ensure alignment with overall organisational requirements, structure and position responsibilities; and
- Minor cosmetic changes.

**Summary of Delegation – S18 Instrument of Delegation from Council to members of Council staff (Environment Protection Act):**

- New powers conferred to Council by the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021; and
- An internal review to ensure alignment with overall organisational requirements, structure and position responsibilities.

**Summary of Changes – S5 Instrument of Delegation from Council to Chief Executive Officer:**

- No changes. Delegation to be re-made periodically by Council, on advice from Maddocks Lawyers, to ensure powers created or amended since previously resolved are validly delegated to CEO

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

<b>Human Rights Charter</b>	Yes
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## **GOVERNANCE PRINCIPLES**

The overarching Governance Principles have been taken into consideration when completing the July 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.

## **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Delegation of powers provided by the *Environment Protection Act 2017* will allow Council officers to exercise these powers in protection of the environment.

## **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 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 with regard to this matter.

**CONCLUSION**

After a thorough review of Council's Instruments 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. This will also allow Council staff to exercise the new powers provided by the *Environment Protection Act 2017*.

## **7.12 AWARD OF TENDER (RFT-05-2021) CONSTRUCTION STAGE 1 (14 LOT DEVELOPMENT) LOMANDRA DRIVE SUBDIVISION**

**File Number:**

**Author:** Vicki Shelton, Manager Asset Services

**Authoriser:** Phil Josipovic, Director Infrastructure and Development

**Attachments:** Nil

### **RECOMMENDATION**

That Council:

1. Resolves to award the Contract GPSC-RFT-05-2021 Construction Stage 1 (14 lot development) Lomandra Drive, Teesdale to Civil Force (Vic) Pty Ltd for the sum of \$1,176,985.20 exclusive of GST.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

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### **EXECUTIVE SUMMARY**

Following a public tender process, this report recommends awarding of a contract to a suitably qualified and experienced contractor to complete the construction of Stage 1 (14 lot development) Lomandra Drive, Teesdale.

Councillors have been provided with a copy of the confidential Tender Evaluation Panel Report for consideration prior to making a decision.

### **BACKGROUND**

Council was issued a planning permit for the development of Council owned land into individual lots. Council tendered for design services with the Tomkinson Group appointed to provide the detail design of the proposed development to meet all the relevant conditions of the planning permit.

The land is Council owned land in the township of Teesdale at Lomandra Drive. It is zoned Low Density Residential Zone (LDRZ) with Development Plan Overlay Schedule 5 and Development Plan Overlay Schedule 2 applicable. The land is mostly flat and cleared of vegetation except for native vegetation adjacent to the western boundary.

Golden Plains Shire Council advertised for suitably qualified and experienced contractors for the construction of 14 lots in Stage 1 of the Lomandra Drive Sub-division.

### **DISCUSSION**

The tender was originally advertised on 19 June 2021, closing 14 July 2021, with nine submissions received on closing. The submissions were reviewed, and compliance checked, with no submissions identified as non-compliant. OHS team reviewed the submissions and provided a final report. After the evaluation panel had reviewed and scored each tender and all clarifications, a consensus evaluation meeting was held on 3 August 2021.

Civil Force (Vic) Pty Ltd was chosen as the preferred supplier based on consensus scores measured by capacity, capability, price and local content.

The tender and evaluation process was overseen by a probity advisor from Pitcher Partners.

A confidential Tender Evaluation Panel Report and Probity Advisor Report have been previously provided to Councillors.

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

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

**POLICY/RELEVANT LAW**

Tender complies with GPSC May 2020 Procurement Policy and the Local Government Act 1989.

**PUBLIC TRANSPARENCY**

Public notice was provided in line with Local Government Act 1989, (Sect.186) and included advertisements in the Geelong Advertiser, Ballarat Courier, Golden Plains and Council's eProcure Decision outcomes will be advised on eProcure tender website and Council minutes.

**FINANCIAL MANAGEMENT**

This project is funded by an allocation of \$1,384,000 from Council's 2021/22 budget the tender is within the total allocated project budget. Additional costs to be funded from the project budget include project management fees of \$35,000. Tomkinson Group, who designed the subdivision civil works, will be appointed to oversee the delivery of the works as the superintendent's representative.

## **RISK ASSESSMENT**

There are identified risk implications associated with this report. Risks were considered as an inherent part of the tender process. GPSC OHS requirements associated with this specific type of risk activity will be closely monitored throughout the life of the contract.

## **COMMUNICATION**

Council decisions on tender/s awarded are advised through Council Minutes and electronic tender system and supplier notifications via procurement email.

## **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 – Award Contract – GPSC-RFT-05-2021 Construction Stage 1 (14 lot development) Lomandra Drive, Teesdale to Civil Force (Vic) Pty Ltd

This option is recommended by officers through the Tender evaluation and selection process which recommends the contract be awarded to Civil Force (Vic) Pty Ltd

Option 2 – Award – GPSC-RFT-05-2021 Construction Stage 1 (14 lot development) Lomandra Drive, Teesdale to an alternative company who provided a response to the tender.

This option is not recommended by officers as per the tender evaluation report. The qualitative scoring component indicates that this is likely to leave the organisation at risk of suffering unexpected costs, lower levels of service or an increased officer workload associated with contract management.

Option 3 – Do not award contract to any tenderer

This option is not recommended by officers as the works have been identified as high need and if a contract is not awarded, may result in reputational damage for Council.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender GPSC-RFT-05-2021 Stage 1 Lomandra Drive as outlined in this report to ensure compliance with:

1. relevant provisions of the Local Government Act 1989 (Vic); and
2. Council's Procurement Policy requirements

In conclusion, Civil Force (Vic) Pty Ltd met the Council's tender requirements and is best placed to provide these services for Council.

**7.13 AWARD OF TENDER (RFT-02-2021) PUBLIC TOILET AND BBQ CLEANING****File Number:****Author:** Richard Brown, Manager Community Places & Environment**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award GPSC-RFT-02-2021-Cleaning of Public Toilets and BBQs to ACS Property Services Pty Ltd for a period of 3 years with two options of 12 months based upon the nominated schedule of rates.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

**EXECUTIVE SUMMARY**

This report outlines the process that was followed for Golden Plains Shire Council officers to make a recommendation to Council to award a contract for the cleaning of Public Toilets and BBQ's. The report highlights some of the key considerations given based upon the reporting and compliance aspects of the Local Government Act 2020.

The report concludes by highlighting the importance of ensuring the most appropriate contractor for this service is appointed.

Councillors have been provided with a copy of the confidential Tender Evaluation Panel Report for consideration prior to making a decision.

**BACKGROUND**

A key function of any local government is to provide a clean, tidy and functional open space network. This requires the assets associated with this network be cleaned and maintained in a regular and proactive basis.

Golden Plains Shire has 28 public toilets and 23 public BBQ facilities spread across the open space network in the shire. 9 of these public toilets are cleaned daily with the rest serviced at least twice a week. These facilities are highly valued and highly utilised by the local community and visitors travelling in the shire.

**DISCUSSION**

Golden Plains advertised a public tender for the cleaning of public toilets and BBQ's on 1 May 2021 and closed on 26 May 2021. An evaluation panel consisting of 3 Golden Plain staff members was convened to evaluate the submissions after they have received an OHS and Procurement review.

A total of 15 submissions were received. OH&S reviewed all submissions and provided a compliance report. Of the 15 submissions only one was deemed non-compliant and therefore not addressed by the panel.

An initial evaluation meeting was held where the panel reviewed scores and shortlisted the top 6 ranked suppliers. The panel issued a clarification request on costs, technological innovations and specific details of *major services and special services*. The panel met again once clarification was received. The pricing clarification altered the order of those within the top 6, the remaining clarification enabled the panel to prepare a final recommendation.

The recommendation was based upon all facets of the service provision, the tender responses, experience, qualification, skills, systems, processes, budget implications, strategic alignment and risk.

A copy of the confidential tender evaluation report has been provided to Councillors prior to making a decision.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

To ensure the best outcomes for the organisation and the local community this service was put out for public tender with defined scoring parameters. There was no opportunity to collaborate with neighbouring councils to provide this service. The evaluation panel considered each of the submissions on its merit, taking particular note and account of the innovative measures applied by each of the tender submissions.

## **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Consideration was given to the sustainability and environmental implications of this service. Only specified and approved chemicals are to be used in the provision of this service.

## **PUBLIC TRANSPARENCY**

The public tender process and this report provide ample transparency in relation to decision making and recommendations

## **FINANCIAL MANAGEMENT**

The current annual budget for this service as listed in the tender is \$223,300. The recommended tender award comes in below the budgeted amount for this service.

## **SERVICE PERFORMANCE**

The 2021-25 Golden Plains Council Plan has the following strategic objectives that align with this service:

Objective 2.2 – Supporting healthy and active living

2.2.1 Provide, maintain and advocate for sustainable and accessible facilities that promote and enable healthy recreation, physical activity and social connection.

Objective 2.3 – Provide for a diversity of lifestyle and housing options

2.3.2 Ensure and provide infrastructure to accommodate and service existing and developing communities across the Shire.

Objective 2.4 – Attractive and well-maintained infrastructure and public spaces

2.4.1 Provide high quality public spaces and infrastructure

2.4.2 Maintain the amenity and cleanliness of townships, roadsides and public spaces.

By going out to public tender with a specified list of requirements and scored against both a qualitative and quantitative set of criteria the process has ensured the highest level of service performance possible.

## **RISK ASSESSMENT**

There are identified risk implications associated with this report, detailed below:

Brand and reputational risk associated with having these assets in a poor state of cleanliness has an ability to have a medium to high risk for the organisation – public amenities are BBQ's are popular open space assets used by the local community and visitors alike. Their condition, appearance and cleanliness are a critical factor that influences people's opinion of the Shire and the Council.

## **COMMUNICATION**

The community will be informed via the Community Engagement teams established communication channels.

## **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 – Award GPSC-RFT-02-2021-Cleaning of Public Toilets and BBQs to ACS Property Services Pty Ltd as per the tender evaluation report.

This option is recommended by officers as per the tender evaluation report. Officers agreed by consensus. ACS led the field in their response to the qualitative criteria providing a high level of confidence that they had the necessary skills, experience and customer commitment to deliver the

service. It is noted that they were not the cheapest, but they were deemed to offer the best value for money. They scored highly in local content and demonstrated a clear understanding of the works required responding specifically to the requirements of the tender as opposed to many of the other more generic responses received. It is anticipated that Council would receive a high-quality service with no surprises

Option 2 – Award GPSC-RFT-02-2021-Cleaning of Public Toilets and BBQs to an alternative company who provided a response to the tender.

This option is not recommended by officers as per the tender evaluation report. Whilst there are cheaper options, the qualitative scoring component indicates that this is likely to leave the organisation at risk of suffering unexpected costs, lower levels of service or an increased officer workload associated with poor service and complaints.

Option 3 – Readvertise this service via public tender

This option is not recommended by officers as the process that has been followed has demonstrated rigour and due process. It is unlikely that any better result would be achieved by re-advertising this service.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

Cleaning of public toilets and BBQ's is a standard service provision that local governments are required to deliver on behalf of their community. These assets are highly visible, highly utilised components of the open space network and have the potential to be a key facilitator to public open space use as well as an influencing factor in the public opinion of the Shire. Despite its relative simplicity, the cleaning of public amenities, on occasion, can require operators to face extreme conditions. Ensuring the right service provider is employed to undertake this service is a critical decision for Council to make that needs to be weighed upon a variety of different factors. The tender process that was followed in this instance was extensive, rigorous and has been aimed to ensure the most appropriate recommendation was made.

## **8 NOTICES OF MOTION**

### **8.1 NOTICE OF MOTION - WILDLIFE CROSSING FATALITIES ON LOCAL ROADS**

**File Number:**

**Attachments: 1. Notice of Motion**

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council be held on 24 August 2021, I intend to move the following motion:-

#### **MOTION**

That Council request officers to prepare a detailed report on wildlife related road issues to be presented to Councillors at a briefing day this year. The report is to consider roles and responsibilities and implications for Council, both from a staff resourcing and financial point of view.

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#### **RATIONALE**

Growing population numbers of both humans and animals within our region is creating the need for council to understand our roles and responsibilities with regards to vehicles collisions with wildlife. The intent is to help council understand the roles we can play from advocacy to financial investment.

I commend this Notice of Motion to Council.



**NOTICE OF MOTION**

*This form lodges a notice of intention to move a Notice of Motion in accordance with Section 25 of the Governance Rules.*

*'A Notice of Motion must be:*

- In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;*
- Be signed by the Councillor intending to move the motion;*
- Be lodged with the Chief Executive Officer by 5pm 7 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.'*

I, Councillor ...Owen Sharkey..... give notice of my intention to move at the Ordinary Meeting of Council to be held on .....24..... / ...8..... / .....2021..... that:

**Wording of proposed motion:**

In order for Council to better understand its role and responsibilities with regards to wildlife crossing fatalities on local roads, it is recommended that Council request officers to prepare a detailed report on wildlife related road issues to be presented to councillors at a briefing day this year. The report to consider roles and responsibilities and implications for Council, both from a staff resourcing and financial point of view

**Reasoning for proposed motion:**

Growing population numbers of both humans and animals within our region is creating the need for council to understand our roles and responsibilities with regards to vehicles collisions with wildlife. The intent is to help council understand the roles we can play from advocacy to financial investment.

I commend this Notice of Motion to Council.

**COUNCILLOR SIGNATURE**

*(This section to be completed and signed by Chief Executive Officer)*

This notice was received by the Chief Executive Officer at 3.10pm on 10/08/2021.

**CEO SIGNATURE**

**NOM NUMBER: 7**

**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 Kerbside Collection Contract Extension - Confidential**

This matter is considered to be confidential under Section 3(1) - a 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 Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

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