



# AGENDA

## Ordinary Council Meeting

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**6.00pm Tuesday 25 February 2020**

**VENUE:**  
**Bannockburn Shire Hall**  
**Council Chambers**  
**12 High Street, Bannockburn**

NEXT ORDINARY COUNCIL MEETING  
6.00pm Tuesday 24 March 2020

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**

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

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

That the minutes of the Ordinary Council Meeting held on Tuesday 17 December 2019 as circulated, be confirmed.

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

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 CITIZENSHIP CEREMONY**

**File Number:**

**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer

**Authoriser:** Eric Braslis, CEO

**Attachments:** 1. **Citizenship Ceremony Brochure (under separate cover)**

Council would like to congratulate the following residents on their decision to become Australian Citizens:

- Mrs Rubilyn Douglas who is from the Philippines and resides in Smythesdale
  - Mr Martin Gilfoyle who is from England and resides in Bannockburn
  - Mr Hugh Russell who is from Scotland and resides in Smythesdale
-

**7.2 CITIZEN RECOGNITION****File Number:****Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil

Golden Plains Shire is proud to recognise the fantastic achievements and contributions made by young people in the community. We are fortunate today to present a Citizen Recognition Award, which includes a certificate of recognition to Chloe Weiler and Anastasia Young.

Chloe Weiler is being recognised for her achievement in sport.

- Chloe is 13 years old, lives in Bannockburn and has been competing in Basketball and Athletics since she was 10.
- Chloe is competing in Tasmania at the Special Olympics Junior National Games in October, with the Victorian state team.

Anastasia Young is being recognised for her achievement in sport.

- Anastasia is 9 years old, lives in Teesdale and has been competing in Cheer Leading for 4 years
- Anastasia is competing in the Australian All Star Cheerleading Federation (AASCF) Cheer and Dance National Championships in November.

### **7.3 ASSEMBLY OF COUNCILLORS**

**File Number:** 02-03-004

**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer

**Authoriser:** Eric Braslis, CEO

**Attachments:** 1. Assembly of Councillors

#### **RECOMMENDATION**

That Council notes the Assembly of Councillors Record from 17 December 2019 to 24 February 2020 as attached.

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#### **EXECUTIVE SUMMARY**

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 17 December 2019 to 24 February 2020.

#### **BACKGROUND**

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

#### **DISCUSSION**

The record must include:

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

#### **CONSULTATION**

A formal consultation process is not required.

#### **CONFLICT OF INTEREST**

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

#### **CONCLUSION**

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






### Assembly of Councillors Record

Date of meeting:	Tuesday 18 February 2020
Time:	12.30pm
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Owen Sharkey, Mayor Cr Helena Kirby Cr Joanne Gilbert (Arrived 1.00pm for Item 2.2) Cr Nathan Hansford Cr Les Rowe Cr David Evans
Apologies:	Cr Des Phelan
Council staff present:	Eric Braslis, Chief Executive Officer Steven Sagona, Acting Director Infrastructure & Development Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Candice Robinson, Corporate Governance Coordinator David Greaves, Works Manager Ben Jordan, Corporate & Community Planning Manager Fiona Rae, Finance Manager Leanne Wilson, Planning & Environment Manager Laura Wilks, Strategic Planning Team Leader Sarah Fisher, Statutory Planning Team Leader Dean Veenstra, Recreation Team Leader Tony Talevski, Roads & Waste Services Team Leader Susan Talpey, Coordinator Communications, Engagement & Advocacy Peter O'Brien, Town Planner Sandra Tomic, Town Planner Geoff Alexander, Strategic Planner Paige Whyte, Community Engagement Officer Shannon Fielder, Community Partnerships Officer
Other people present:	Nil
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>- Citizenship Ceremony</li> <li>- Citizen Recognition</li> </ul> <p><b>Reports</b></p> <ul style="list-style-type: none"> <li>- P19-244 - 59 Tolson Street, Teesdale (Two (2) Lot Subdivision)</li> <li>- P18-005 - Lomandra Drive, Teesdale (multi-lot subdivision)</li> <li>- P19-294 - 153 Burnside Road, Bannockburn (Two (2) lot subdivision)</li> <li>- P19-063 - Lot 12 Bannockburn-Shelford Road, Teesdale (rock crushing)</li> <li>- Councillor Conversation Posts 2020</li> <li>- Meredith Interpretive Centre, 10 Wallace Street Meredith - Lease of Land and Facility</li> <li>- Community Grants Review</li> <li>- Maude-She Oaks Road - Shoulder widening works (Contract No. GPS-RFT-19-2019) - Awarding of Tender</li> <li>- Quarterly Finance Report</li> <li>- Council Plan Implementation – Quarter Two 2019/20</li> <li>- Local Government Performance Reporting Indicators - Progress Report</li> <li>- Audit &amp; Risk Committee Report - 12 November 2019</li> <li>- Adoption of Civic Collection Policy</li> <li>- Information Privacy Policy</li> <li>- Petition to Stop the Closure of Christies Bridge - Golden Lake Road</li> </ul>



	<ul style="list-style-type: none"> <li>- Instrument of Appointment and Authorisation - Planning and Environment Act 1987</li> <li>- Councillor Expenses and Meeting Attendance Report - First Quarter ending 30 September 2019</li> <li>- Review of Audit &amp; Risk Committee Charter</li> <li>- Rating Strategy</li> <li>- Major Projects - Progress Update Bannockburn Heart</li> </ul> <p><b>Updates</b></p> <ul style="list-style-type: none"> <li>- Teesdale Structure Plan Update</li> <li>- Bannockburn Growth Plan Update</li> <li>- Regional Development Contributions Plan Toolkit</li> <li>- Golden Plains 2040 Community Vision</li> <li>- VicHealth Funding Opportunity - The Art of Good Health Partnership Grant</li> <li>- This Girl Can</li> <li>- Funding Opportunities - Sport and Recreation Victoria World Game Facilities Fund &amp; Community Cricket Program</li> <li>- Sport and Active Recreation Strategy 2020-2030</li> <li>- Petition to stop the closure of Christies Bridge - Golden Lake Road</li> <li>- Risk Management Presentation</li> <li>- Mayoral and Councillor Allowances Categories Update</li> <li>- Priority Projects 2020</li> <li>- Quarterly CEO KPI Update</li> <li>- Major Projects - Progress Update GPCCC</li> <li>- Bannockburn Children Services Long Day Care - Progress Update</li> </ul> <ul style="list-style-type: none"> <li>- SMT Only</li> <li>- CEO Only</li> <li>- Councillor Only</li> </ul>
<p>Completed by:</p>	<p>Eric Braslis, Chief Executive Officer</p> 

**7.4 DELEGATES REPORT - 17 DECEMBER 2019 TO 24 FEBRUARY 2020****File Number: 78-07-002****Author: Sharon Naylor, Executive Assistant - Chief Executive Officer****Authoriser: Eric Braslis, CEO****Attachments: Nil****RECOMMENDATION**

That Council receive and note the Delegates Report – 17 December 2019 to 24 February 2020.

**Cr Owen Sharkey**

18 December Student Award presentation at Meredith Primary School  
 18 December Student Award presentation at Lethbridge Primary School  
 19 December Launch of the Creative Wanderings publication  
 19 December Official opening of The Heart  
 20 December CHCV Mayor's and CEO's Meeting  
 26 January Australia Day Event in Inverleigh  
 26 January Australia Day Event in Bannockburn  
 26 January Australia Day Event in Teesdale  
 26 January Australia Day Event in Shelford  
 28 January Australia Day Awards event  
 31 January G21 Board Meeting  
 3 February G21 Tour of Australian Automotive Research Centre  
 10 February Meeting with Mayor Cr Ben Taylor  
 10 February Regional Rail – Stronger Together Members Briefing  
 11 February Audit & Risk Committee Meeting  
 13 February Meeting with Mayor Cr Licia Kokocinski  
 13 February Meeting with Mayor Cr David Edwards  
 17 February Tourism Greater Geelong and The Bellarine Board meeting  
 18 February Councillor Briefing Meeting  
 19 February Committee of Geelong Annual Leadership Breakfast  
 24 February Tourism Greater Geelong and The Bellarine Board Planning Day

**Cr David Evans**

19 December Rural and Peri Urban Advisory Committee meeting  
 26 January Australia Day Event in Inverleigh  
 28 January Australia Day Awards event  
 7 February Rural and Peri Urban Advisory Committee meeting  
 12 February G21 Transport Pillar meeting  
 18 February Councillor Briefing Meeting  
 21 February Chinaman's Lagoon Committee of Management AGM

**Cr Les Rowe**

14 January Meredith Racecourse and Recreation Reserve Committee AGM  
 28 January Australia Day Awards event  
 11 February Audit & Risk Committee Meeting  
 13 February Disability- Access and Inclusion Advisory Committee meeting  
 18 February Councillor Briefing Meeting

**Cr Helena Kirby**

19 December Official opening of The Heart  
26 January Australia Day Event in Scarsdale  
28 January Australia Day Awards event  
18 February Councillor Briefing Meeting

**Cr Nathan Hansford**

19 December Official opening of The Heart  
19 December MAV WorkCare Board meeting  
26 January Australia Day Event in Bannockburn  
26 January Australia Day Event in Teesdale  
28 January Australia Day Awards event  
5 February G21 Meeting 1/20  
7 February G21 Board Meeting  
12 February G21 Transport Pillar meeting  
14 February MAV Board Meeting  
18 February Councillor Briefing Meeting

**Cr Des Phelan**

19 December Official opening of The Heart  
26 January Australia Day Event in Linton  
28 January Australia Day Awards event

**Cr Joanne Gilbert**

19 December Official opening of The Heart  
10 January 2020 Federation University Road Nationals Championships VIP Hospitality  
26 January Australia Day Event in Scarsdale  
26 January Australia Day Event in Napoleons  
26 January Australia Day Event in Linton  
28 January Australia Day Awards event  
5 February Launch of LBWR20  
18 February Councillor Briefing Meeting

**7.5 P19-244 - 59 TOLSON STREET, TEESDALE (TWO (2) LOT SUBDIVISION)****File Number:****Author:** Sandra Tomic, Town Planner**Authoriser:** Steven Sagona, Acting Director Infrastructure and Development**Attachments:**

1. Draft Permit Conditions
2. Objections (under separate cover)
3. Full Officers report (under separate cover)
4. Permit Application (under separate cover)

**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of a two lot subdivision at 59 Tolson Street, Teesdale subject to the conditions as attached.

**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a two lot subdivision at 59 Tolson Street, Teesdale. This report provides a background to the application and a summary of the relevant planning considerations.

The objectors are concerned that the proposed subdivision will have a detrimental impact on the adjoining properties. Concerns were raised with existing drainage issues and flooding with the neighbours being concerned that the approval of an additional lot would exacerbate the problem. The Low Density Residential Development Policy (Clause 22.09) applies to all land in the LDRZ. The policy aims to protect the character and amenity of low density residential areas and ensure that new subdivisions are capable of containing on site effluent disposal and can be adequately serviced by infrastructure. The proposal satisfies the policy as the proposed lots exceeds the minimum lot size of 4000sqm (0.4 ha) and is consistent with the development in the surrounding area. In addition the lots are considered to be capable of treating and retaining effluent on-site and have access from the sealed road.

The drainage of the site has been considered via the Engineering referral. Council's subdivision engineer is satisfied the site can be adequately drained and that pre-development can be maintained. Conditions have been recommended.

**BACKGROUND**

The subject land is situated on the west side of Tolson Street. The site is located within the Low Density Resident Zone (LDRZ) and is subject to Design and Development Overlay – Schedule 5 (DDO5). The site currently contains an existing dwelling and outbuilding. The site has a total area of 12,436sqm (1.25ha). The land is not affected by any restrictive covenants.

The application proposes the development of the land for a two (2) lot subdivision. A copy of the application and plans are available at Attachment 4.

The subdivision proposes the following features:-

Lot 1 – 4000sqm – vacant lot with a new accessway along Tolson Street

Lot 2 – 8436sqm – retain the existing dwelling, outbuilding and vehicle access from Tolson Street.

An indicative plan has been submitted showing the subdivision layout.

**POLICY CONTEXT**

The site and surrounding land is located within a Low Density Residential Zone (LDRZ), whereby the minimum lot size is 0.4 hectares. The subject land is affected by the Design and Development

Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings.

The local Policy, Low Density Residential Subdivision (Clause 22.09) applies to this application. This policy seeks to ensure the elements of land capability and character of the area are addressed when considering subdivision applications.

## **DISCUSSION**

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including State and the Local planning policy for Low Density Residential Development (Clause 22.09).

Low Density Residential Development (Clause 22.09) seeks to ensure new lots are of sufficient size for on-site effluent disposal and maintain the character of low density residential areas. A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal. In addition, the proposed subdivision can be adequately serviced by infrastructure including sealed road access, drainage and utilities; infrastructure requirements will be specified as conditions should a permit be issued.

The proposed subdivision design contributes to the character of the area by creating lots of sufficient size to provide setbacks in accordance with the DDO5 and providing space for additional landscaping. The layout will also provide suitable street frontage and access from Tolson Street.

The proposal satisfies the policy as the proposed lots meet the minimum lot size of 4000sqm (0.4 ha) and are consistent with the development in the surrounding area. In addition the lots are considered to be capable of treating and retaining effluent on-site and have adequate vehicle access.

## **CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. Notice was provided by mail to 5 adjoining and nearby owners and occupiers. Notice was also carried out by placing a sign on the site.

As a result of the public notice, 2 objections were received. A copy of the objections are attached (Attachment 2). All objectors are owners of land within Tolson and Russell Street. The main concerns raised relate to impact on drainage and flooding as a result of the subdivision on the adjoining lots.

No consultation meeting was held, at the request of one of the objectors, however Council engineers did meet with the owner/applicant on site to discuss concerns raised by objectors.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, particularly the Local Policy for Low Density Residential Development (Clause 22.09), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to maintain the character of the area and the proposed lots are capable of on-site effluent disposal.

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**P19-244 – 59 TOLSON STREET, TEESDALE (TWO LOT SUBDIVISION)****Proposed Conditions:**

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

**Telecommunications**

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

**General**

4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**Statement of Compliance**

5. Prior to Statement of Compliance, the owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electrical and telecommunication services to each allotment in the subdivision in accordance with the authority's requirements and relevant legislation at the time.
6. The plan of subdivision submitted for certification under the subdivision for the certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of the Act.

**Development Contribution**

7. Prior to the issue of Statement of Compliance, a Development Contribution of \$1500 (\$1500 for each new lot) must be paid to the responsible authority.

**Public Open Space Contribution**

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

**Environment Health Department**

9. All waste water must be treated and retained within the lots in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

**Engineering General**

10. Before the commencement of works a Construction Management Plan must be submitted to and approved by the Responsible Authority. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

**Engineering - Prior to Certification**

11. Prior to certification, the applicant/owner, must submit plans to the Responsible Authority for approval, detailing the:
  - a) Location of the existing and proposed vehicle crossover locations. These plans are required to show setbacks and distance from the nearest property boundary
  - b) Submit plans detailing the works required by condition 12b);
  - c) Submission of plans detailing the works required by condition 12c);
  - d) Submission of plans detailing the works required by condition 12d)

**Engineering - Prior to Statement of Compliance**

12. Prior to issue of Statement of Compliance the subdivider must:-
  - a) Lot 1 must be provided with a new vehicle crossing with provision of a crushed rock drive entry, reinforced concrete pipe culvert with the installation of driveable end walls on both ends conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255 and to the satisfaction of Responsible Authority.
  - b) Provide open drains discharging to the existing open drain at the rear of the property and provide to each allotment in the subdivision a discharge point. Works must include open drains constructed along the northern boundary of Lot 1 and along the northern boundary of Lot 2. Works must be in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority. Open drains where required must be contained within a minimum 5m drainage easement which must be set aside on the Plan of Subdivision for this purpose.
  - c) Services to the buildings on Lot 2 must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:
    - All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.
  - d) Upsize the existing culvert at the drive to 69 Russell Street to a suitable size (minimum 300mm).

All to the satisfaction of the Responsible Authority.

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



**Note: - Works will not consent to the issue of Statement of Compliance until such time as the developer provided satisfactory evidence of compliance of the above conditions.**

**Street Trees**

13. Prior to certification, the applicant / owner must submit a landscaping plan detailing the provision two street trees per allotment. Before to the issue of Statement of Compliance, the street trees must be planted within the road reserve in accordance with the approved plan. The trees must be advanced trees (E.g. 1.8m in height) and maintained to the satisfaction of the responsible authority.
14. The developer is to provide a bond amount of \$500 per street tree. The tree/s must be maintained for a period of twelve (12) months from planting to the satisfaction of the responsible authority. The bond will be returned twelve (12) months after completion of planting and maintenance works to the satisfaction of the responsible authority.

**Expiry of Permit**

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

**7.6 P18-005 - LOMANDRA DRIVE, TEESDALE (MULTI-LOT SUBDIVISION)****File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Steven Sagona, Acting Director Infrastructure and Development**Attachments:**

1. Draft conditions
2. Objections (under separate cover)
3. Full officer's report (under separate cover)
4. Permit application (under separate cover)

**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of land for the purposes of a multi-lot subdivision at Lot A on Plan of Subdivision 529738U, Lomandra Drive, Teesdale subject to the conditions attached to this report.

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**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a multi-lot subdivision at Lot A on Plan of Subdivision 529738U, Lomandra Drive, Teesdale. The application has been referred to the Council Meeting for determination because there are objections to the application.

**BACKGROUND**

The subject land is situated at Lomandra Drive, Teesdale and is formally known as Lot A on Plan of Subdivision 529738U. The site is located in a low density residential area of Teesdale. The site is an un-developed parcel of land with a total area of 20.85 hectares.

The application proposes the development of the land for a multi-lot subdivision (refer to attachment 4). The proposed subdivision will create a total of 37 lots. The subdivision includes the construction of an internal road network from Lomandra Drive and Caladenia Street.

**POLICY CONTEXT**

The site and surrounding land is in a Low Density Residential Zone (LDRZ). The LDRZ sets a minimum lot size of 0.4 hectares. A permit is required to subdivide land under the provisions of the LDRZ. The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The land is also affected by a Development Plan Overlay – Schedule 2 (DPO2) however the DPO2 is not a permit trigger.

The local policy for Low Density Residential Subdivision (Clause 22.09) applies to this application. This policy seeks to ensure the elements of land capability and character are addressed when considering subdivision applications.

**DISCUSSION****Planning policy**

The application is considered to satisfy the relevant provisions of the planning scheme including the local policy for Low Density Residential Development (Clause 22.09). The proposed subdivision design will maintain the character of the area by providing open space and landscaping, retaining existing native vegetation, providing lots with wide street frontages and avoiding battle-axe access and creating lots of sufficient size to provide setbacks in accordance with the DDO5. A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal.

**Objectors' concerns**

The objectors' are concerned regarding the size of the proposed lots and the effect on the character of the area, increased traffic, native vegetation impacts and drainage. The planning

scheme supports subdivision down to 0.4 hectares in Low Density Residential areas and the proposed subdivision has been designed to maintain the character of the surrounding area. Permit conditions requiring the provision of infrastructure including sealed roads and drainage, landscaping and the protection of native vegetation will address the concerns raised by objectors.

### **CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. As a result of the public notice, 4 objections were received (refer to attachment 2). The objectors' are concerned regarding the size of the proposed lots and the effect on the character of the area, increased traffic, native vegetation impacts and drainage. A consultation meeting was held on 16 December 2019. There was no resolution or agreement reached at the meeting.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, particularly the Local Policy for Low Density Residential Development (Clause 22.09), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to maintain the character of the area and the proposed lots are considered to be capable of on-site effluent disposal. Permit conditions requiring the provision of infrastructure including sealed roads and drainage, landscaping and the protection of native vegetation will ensure that the issue of a permit does not cause material detriment to any person.

**PLANNING APPLICATION P18-005 FOR A MULTI-LOT SUBDIVISION AT LOT A LOMANDRA DRIVE, TEESDALE**

**RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT**

**Layout not altered**

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

**Landscaping and public reserves**

- 2 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a landscape plan prepared by a suitably qualified person and to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show the following:
  - a) Appropriate landscaping within all public reserves.
  - b) Street trees and/or appropriate landscaping along the proposed internal roadways.
  - c) All species selected must be indigenous to the local area.
- 3 Before the statement of compliance is issued under the *Subdivision Act 1988* for each stage, landscaping and street tree works as shown on approved plans must be carried out and completed to the satisfaction of the responsible authority, unless otherwise approved in writing by the responsible authority. Where works are deferred, a bond of 150% of the value of uncompleted works must be lodged with the responsible authority.
- 4 The landscaping and street trees as shown on the approved plans must be maintained for a period of twelve (12) months from the date of when the statement of compliance was issued for that stage or from when the landscaping bond was refunded, whichever is the greater.
- 5 Before the issue of a statement of compliance under the *Subdivision Act 1988* for the relevant stages of the subdivision, the reserves shown on the endorsed plans must be suitably fenced, have bollards installed along the road frontages of the reserves including a fold down bollard for emergency and maintenance access, and be cleared of all rubbish, noxious weeds, debris and spoil to the satisfaction of the responsible authority.

**Pest Plants and Animals**

- 6 Before the commencement of the development, the developer must submit to the responsible authority, a Pest Plant and Animal Management Plan for any part of the development site that is to come to Council as a reserve on completion of the development. The Plan must detail the annual works program to be carried out by the developer for the following pest plants and animals as declared under the Catchment and Land Protection Act 1994. The plan must be prepared by a suitably qualified and/or experienced person and must include:
  - a) A site map showing the development location, site boundaries and reserve area/s encompassed by the plan;
  - b) Mapping which indicates the extent of all infestations of declared pest plants and/or animals
  - c) An annual work plan detail and control methods for the specified pest plants and/or animals which includes;

- d) Methods for the prevention and spread of the listed species
  - e) Methods for the prevention of seed set and further infestation
  - f) Detail how works and control methods will reduce the existing infestation to no more than 1% on hand over to Council
  - g) Protection measures for any native vegetation or cultural heritage which may be impacted by treatment measures and control works.
- All plans and works must be to the satisfaction of the responsible authority.

#### **Protection of native vegetation**

- 7 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a restriction must be placed on the plan of subdivision to the satisfaction of the responsible authority which ensures that the native vegetation identified in the Vegetation Assessment Report prepared by Mark Trengove Ecological Services dated February 2019 is not removed or lopped and is protected by a tree protection zone in accordance with Australian Standard AS 4970-2009.

#### **Public open space and Development contribution**

- 8 Before the issue of statement of compliance under the *Subdivision Act 1988*, the developer must pay to Council a sum equivalent to 5% of the site value of all the land in the subdivision in lieu of public open space in accordance with Section 18 of the Act.
- 9 The developer must pay on demand to Council, the Council's reasonable costs and expenses to provide valuation for payment in lieu of open space.
- 10 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a Development Contribution of \$55,500 must be paid to the responsible authority.

#### **Telecommunications**

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

**General**

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

**Expiry**

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

**Golden Plains Shire Environmental Health department conditions**

- 17 Before the certification of the plan of subdivision under the *Subdivision Act* 1988, a restriction must be placed on the plan of subdivision that provides for the following:
  - a) Any dwelling on lots less than 6000m<sup>2</sup> in size must not exceed 4 habitable bedrooms. Habitable bedrooms include any room that may be closed off with a door, such as a study, library or sunroom that could be used for the purposes of a bedroom.
  - b) This requirement is at the owner's expense and must not be varied except with the written consent of the responsible authority.
- 18 All waste water must be treated and retained within the lot/s in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

**Golden Plains Shire Works department conditions**

- 19 Before the certification of the plan of subdivision under the *Subdivision Act* 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. Such plans must generally be in accordance with Proposed Development Plan of Subdivision 16093 REV 1 prepared by St Quentin Consulting Pty Ltd but amended to provide reserve area for drainage retardation where required and as informed by the Site Stormwater Management Plan.
- 20 Before construction commences of the subdivision, an Environmental Management Plan must be submitted to and approved by the responsible authority. The plan must outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction and post construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in

accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, and September 2004.

- 21 Before the certification of the plan of subdivision under the *Subdivision Act 1988* and before any construction works associated with the development or subdivision start, detailed construction plans, drainage computations and specifications to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans shall be to Golden Plains Shire standards and specifications as detailed in Infrastructure Design Manual (IDM) Version 5.20 and must include:
- a) Earthworks;
  - b) Detail of proposed filling;
  - c) Fully sealed pavement with full depth crushed rock shoulders;
  - d) 4m wide crushed rock fire access track connecting internal road network fire access within reserve at southern end of site.
  - e) 4m wide crushed rock fire access track within reserve at southern boundary of site and connecting to existing track.
  - f) Open drains;
  - g) Upgrade existing open drain located within the site, adjacent to and downstream of subject site.
  - h) Concrete footpaths;
  - i) Shared paths
  - j) Drive entries;
  - k) Major Storm overland flow paths;
  - l) Signage details;
  - m) Pavement details;
  - n) Line marking detail;
  - o) Fencing details;
  - p) Retarding Basin Details;
  - q) Court bowl with circular pavement trafficable area of minimum 10m radius (excluding shoulders);
  - r) Detailed construction notes;
  - s) Other as detailed in Infrastructure Design Manual (IDM) Appendix D
- 22 Before the certification of the plan of subdivision under the *Subdivision Act 1988* or approval of the construction plans a Site Stormwater Management Plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must be prepared to Golden Plains Shire standards as detailed in the Infrastructure Design Manual (IDM) Version 5.20.
- 23 Before the certification of the plan of subdivision under the *Subdivision Act 1988*, a street lighting proposal for the proposed development by a suitably qualified and experienced person generally in accordance the appropriate sections of AS1158, having regard to the classification of the road, and submitted to the responsible authority for approval.
- 24 Approval of the responsible authority must be obtained prior to the use of Non Standard (Decorative) poles and lanterns. Where Nonstandard (Decorative) poles and lanterns are installed and prior to the issue of Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision payment of a cash contribution shall be made to Council for future replacement and maintenance of these assets. Cash contribution shall be 10% of purchase price of total number of poles and lanterns installed.
- 25 All works must be undertaken in a manner that minimises soil erosion. Soil erosion control measures must be employed through the construction and post construction

phase of the development and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the Responsible Authority.

- 26 Before the issue of a statement of compliance under the *Subdivision Act 1988*, the applicant or owner must construct all internal road works to the satisfaction of the responsible authority in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
- 27 Before any construction works associated with the development or subdivision starts a detailed drainage design must be submitted including:
  - a) Provide drainage analysis and design of major storm (100 year) events considering all contributing external and internal catchments areas and detailing how the site is to be drained in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
  - b) Provide drainage analysis considering all contributing external and internal catchments areas detailing how peak flow rates from the development are retarded to pre development levels and demonstrating that flows can be safely and effectively managed within downstream drainage infrastructure in accordance requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
  - c) Provide analysis and computations demonstrating storm water discharge quality from the development meets current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines and in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
  - d) Provide risk assessment of any proposed or modified retarding basin in accordance with principles of AS/NZS 31000.
- 28 Before the issue of a statement of compliance under the *Subdivision Act 1988*, the applicant or owner must provide piped underground or open earth drainage generally in accordance with the approved Site Stormwater Management Plan. Works must be in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority including:
  - a) Provide piped underground drainage or open earth drainage discharging to the nominated legal point of discharge
  - b) Provide to each allotment in the subdivision a discharge point.
  - c) Provide shallow perimeter drains on low sides of each lot where required.
  - d) Provide drainage retardation to limit peak flow rates to pre development levels.
  - e) Provide erosion control in the form of rock beaching where required.
  - f) Provide stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines
  - g) Open drains where required must be contained within a minimum 5m drainage easement which must be set aside on the Plan of Subdivision for this purpose.
- 29 Before the issue of a statement of compliance under the *Subdivision Act 1988*, the applicant or owner must provide access to each lot by provision of a crushed rock drive entry, reinforced concrete culvert and driveable end walls in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 Standard Drawing SD255 to the satisfaction of the responsible authority.



All disused or redundant vehicle crossings must be removed and area reinstated to the satisfaction of the responsible authority.

- 30 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must construct a four metre wide gravel fire access track within the reserve at the southern boundary and connecting to the internal road network and the existing fire access track.
- 31 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must provide a 1.5m wide concrete footpath along one side of all internal roads in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 Standard Drawing SD205 and SD206 to the satisfaction of the responsible authority.
- 32 Before the approval of Construction Plans a Pavement Investigation and Design Report must be submitted to and approved by the responsible authority. All geotechnical testing must be undertaken by a NATA registered testing laboratory in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority. As part of report the pavement investigation must determine whether proposed pavement subgrade is expansive as defined in VicRoads Publication Code of Practice RC500.20 "Assignment of CBR and Percent Swell to Earthworks, Fill and Pavement materials".
- 33 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must construct road works, drainage and other civil works, in accordance with approved plans and specifications and the requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
- 34 Before the issue of a statement of compliance under the *Subdivision Act* 1988, street lighting detailed on the approved plans must be installed to the satisfaction of the responsible authority.
- 35 Before the issue of a statement of compliance under the *Subdivision Act* 1988 for the relevant stage of the subdivision drainage As Constructed Plans must be provided to the satisfaction of the responsible authority.
- 36 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must install street name signs for each road at intersections in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
- 37 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must erect rural type fence on the rear, side and front boundaries of all lots and including such boundaries which are in common with public reserves in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.20 to the satisfaction of the responsible authority.
- 38 A twelve months Defects Liability Period will apply to all assets that are to be vested in Council.
- 39 Before the issue of a statement of compliance under the *Subdivision Act* 1988, a Maintenance Bond of 5% of the cost of work must be lodged with Council for the term of the Defects Liability Period.

- 40 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a Supervision Fee must be paid to the responsible authority pursuant to Section 17(2)(b) of the *Subdivision Act 1988* and Clause 8 of the *Subdivision (Permit and Certification Fees) Regulations 1989*. The prescribed maximum fee for supervision of work is 2.5 per cent of the cost of constructing those works, which are subject to supervision.
- 41 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a Checking Engineering Plans Fee must be paid to the responsible authority pursuant to Section 43(2)(a)(iv) of the *Subdivision Act 1988* and Clause 9 of the *Subdivision (Permit and Certification Fees) Regulations 1989*. The prescribed maximum fee for checking engineering plans is 0.75 percent of the estimated cost of constructing the works proposed on the engineering plan.

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

**Note: A works on waterways permit must be obtained from the Corangamite Catchment Management Authority prior to the carrying out of any works on waterways.**

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

#### **BARWON WATER CONDITIONS**

##### **General**

- 42 The plan of subdivision must be referred to Barwon Water in accordance with the *Subdivision Act 1988* and any subsequent amendments to the plan provided to Barwon Water.
- 43 The owner shall create easements for Pipelines or Ancillary Purposes and or reserves in favour of Barwon Region Water Corporation on the plan of subdivision in accordance with Barwon Water's Land Development Servicing Requirements Manual, without cost to Barwon Water, over existing and proposed potable water within the land. If further easements or reserves are required following design of the required infrastructure these must be added to the plan of subdivision prior to seeking Barwon Water's consent to the issue of a statement of compliance for the subdivision.
- 44 For the economical and efficient servicing of this development, Barwon Water may require the owner or permit holder to acquire an easement through other land in the vicinity of this development not owned by the applicant to connect this development to Barwon Water potable water system. This clause empowers the permit holder to acquire these easements compulsorily on behalf of Barwon Region Water Corporation in accordance with section 36 of the *Subdivision Act 1988*. These easements shall be for Pipelines or Ancillary Purposes and shall be made in favour of and without cost to Barwon Region Water Corporation; that is, the owner or permit holder shall pay all costs associated with creating these easements including payment of any compensation to other land owners for the easements.
- 45 The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L015021.

**Potable Water**

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

**POWERCOR CONDITIONS**

- 49 The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to the Distributor in accordance with Section 8 of that Act.
- 50 The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.  
**Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.**
- 51 The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).  
**Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.**
- 52 The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.  
**Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:**  
• **RESERVES established by the applicant in favour of the Distributor.**  
• **SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.**  
**The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.**
- 53 The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.  
**Notes:**

- **Existing easements may need to be amended to meet the Distributor's requirements**
- **Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:**

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/ In favour of
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

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

**7.7 P19-294 - 153 BURNSIDE ROAD, BANNOCKBURN (TWO (2) LOT SUBDIVISION)****File Number:****Author:** Sandra Tomic, Town Planner**Authoriser:** Steven Sagona, Acting Director Infrastructure and Development**Attachments:**

1. Draft Conditions
2. Objections (under separate cover)
3. Full officers report (under separate cover)
4. Permit Application (under separate cover)

**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of a two lot subdivision at 153 Burnside Road, Bannockburn subject to the conditions as attached.

**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the development of land for the purposes of a two lot subdivision at 153 Burnside Road, Bannockburn. This report provides a background to the application and a summary of the relevant planning considerations.

The objector is concerned that the proposed subdivision will have a detrimental impact on the adjoining properties. Concerns were raised with existing drainage issues with the neighbour being concerned that the approval of an additional lot would exacerbate the problem.

The Low Density Residential Development Policy (Clause 22.09) applies to all land in the LDRZ. The policy aims to protect the character and amenity of low density residential areas and ensure that new subdivisions are capable of containing on site effluent disposal and can be adequately serviced by infrastructure. The proposal satisfies the policy as the proposed lots exceeds the minimum lot size of 4000sqm (0.4 ha) and is consistent with the development in the surrounding area. In addition the lots are considered to be capable of treating and retaining effluent on-site and have access from the sealed road.

The drainage of the site has been considered via the Engineering referral. Council's subdivision engineer is satisfied the site can be adequately drained and that pre-development can be maintained. Conditions have been recommended

**BACKGROUND**

The subject land is situated on the east side of Burnside Road, near the intersection with Yverdon Drive. The site is located within the Low Density Residential Zone (LDRZ) and is subject to Design and Development Overlay – Schedule 5 (DDO5). The site currently contains an existing dwelling, swimming pool and outbuilding. The site has a total area of 10,000sqm (1.0ha). The land is not affected by any restrictive covenants. Satisfied

The application proposes the development of the land for a two (2) lot subdivision. A copy of the application and plans is available at Attachment 4.

The subdivision proposes the following features:-

Lot 1 – 5500sqm – retaining the existing dwelling, swimming pool and outbuildings. Access will also be retained via the existing crossover and driveway.

Lot 2 – 4500sqm – vacant lot subdivision, a new crossover and driveway will provide access.

An indicative plan has been submitted showing the subdivision layout.

## **POLICY CONTEXT**

The site and surrounding land is located within a Low Density Residential Zone (LDRZ). The minimum lot size in the LDRZ is 0.4 hectares. The subject land is included within the Design and Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings.

The Local Policy, Low Density Residential Subdivision (Clause 22.09) applies to this application and seeks to ensure the elements of land capability and character are addressed when considering subdivision applications.

## **DISCUSSION**

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including State and the Local Planning Policy for Low Density Residential Development (Clause 22.09)

Low Density Residential Development (Clause 22.09) seeks to ensure new lots are of sufficient size for on-site effluent disposal and maintains the existing character of low density residential areas. A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal. In addition, the proposed subdivision can be adequately serviced by infrastructure including sealed road access, drainage and utilities; infrastructure requirements will be specified as conditions on a permit, should the application be approved.

The proposed subdivision design contributes to the character of the area by creating lots of sufficient size to provide setbacks in accordance with the DDO5 and providing space for additional landscaping. The layout will also provide suitable access from Burnside Road.

The proposal satisfies the policy as the proposed lots meet the minimum lot size of 4000sqm (0.4 ha) and are consistent with existing development within the surrounding area.

## **CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) of the *Planning and Environment Act 1987*. Notice was provided by mail to 7 adjoining and nearby owners and occupiers, together with a notice (sign) being placed on site.

As a result of the public notice, one objection was received, a copy of which is located at attachment 2. The objector's property is located to the south of the subject site and the main concerns raised relate to the proposed development's impact on the existing drainage infrastructure within the area.

No consultation meeting was held, at the request of the objector, however Council's engineer provided advice to the planning department in relation to the concerns raised by the objector and this information was forwarded to the objector for their information. The further information provided to the objector has not resulted in the objection being withdrawn.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, particularly the Local Policy for Low Density Residential Development (Clause 22.09), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to maintain the character of the area and the proposed lots are capable of on-site effluent disposal.

**Proposed Conditions: P19-294 (153 Burnside Road, Bannockburn)****Endorsed Plans**

1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan.
2. Each lot must have a minimum area of 4000 m<sup>2</sup> (0.4 hectare).

**Telecommunications**

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

**General - Prior to Certification**

5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of the Act.
6. Prior to Certification and before any construction works associated with the development or subdivision start, the following information is required to be submitted to and approved by the responsible authority:
  - a) Detailed construction plans, drainage computations and specifications; and
  - b) Construction plans must be to Golden Plains Shire Council standards and specifications as detailed in the current Infrastructure Design Manual (IDM).

**General - Prior to Statement of Compliance**

7. Prior to issue of Statement of Compliance services to the existing retained house must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services should be modified:
  - a) All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.

8. Prior to issue of Statement of Compliance all existing and proposed easements and sites for existing or required utility services, drainage and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the relevant authority for which the easement or site is created.
9. Prior to issue of Statement of Compliance any damaged nature strip/verge and footpaths as a result of this subdivision, are to be reinstated to the satisfaction of Responsible Authority.
10. Before the issue of a statement of compliance under the Subdivision Act 1988, the existing septic tank system must be altered/decommissioned/replaced and brought into compliance with the latest version of the 'EPA Code of Practice – Onsite Wastewater Management' to the satisfaction of the responsible authority. (Effluent must be dispersed below ground).
11. All waste water must be treated and retained within the lot/s in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

**Note: A permit to install/alter a septic tank system must be obtained from Council's Environmental Health Unit prior to any works commencing.**

#### **Development Contribution**

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

#### **Engineering - Prior to Statement of Compliance**

13. Prior to issue of Statement of Compliance existing vehicle crossing to Lot 1 must be upgraded and a new vehicle crossing to Lot 2 must be provided by provisions of crushed rock drive entry, reinforced concrete pipe culvert and mountable end walls conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255 and to the satisfaction of Responsible Authority.
14. Prior to issue of Statement of Compliance the subdivider must:
  - a) Provide drainage and to each allotment in the subdivision a discharge point. Works must include perimeter drain constructed along the eastern boundary of Lot 1 and open drain constructed along the southern boundary of Lot 1 and Lot 2 discharging neatly to the existing open drain along the eastern boundary of the property through to the neighbouring property at 151A Burnside Road. Works must also include where required regrading and deepening of the existing open drain along the rear of the property and neighbouring property at 151A Burnside Road. Works must be in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) and to the satisfaction of the Responsible Authority. Open drains, where required, must be contained within a minimum 5m drainage easement which must be set aside on the Plan of Subdivision for this purpose.
  - b) Provide as constructed plan of drainage constructed.
  - c) Provide open earth drains discharging to the existing open drain at the south east corner

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



**Note: Works will not consent to the issue of Statement of compliance until such time as the developer provides satisfactory evidence of compliance with the above conditions.**

**Expiry of Permit**

28. This permit will expire if:

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

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

**7.8 P19-063 - LOT 12 BANNOCKBURN-SHELFORD ROAD, TEESDALE (ROCK CRUSHING)****File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Steven Sagona, Acting Director Infrastructure and Development**Attachments:**

1. Draft Conditions
2. Objections (under separate cover)
3. Referral responses (under separate cover)
4. Full officer's report (under separate cover)
5. Permit application (under separate cover)

**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use of land for the purposes of materials recycling (rock crushing) at Portion 12 Parish of Burtwarrah, Bannockburn-Shelford Road, Teesdale subject to the conditions attached to this report.

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**EXECUTIVE SUMMARY**

This report relates to a planning permit application for the use of land for the purposes of materials recycling (rock crushing) at Portion 12 Parish of Burtwarrah, Bannockburn-Shelford Road, Teesdale. The application has been referred to the Council Meeting for determination because there are objections to the application.

**BACKGROUND**

The subject land is situated at Bannockburn-Shelford Road, Teesdale and is formally known as Portion 12 Parish of Burtwarrah. The site is located in a farming area at the eastern edge of the Teesdale township. Access to the site is from the Bannockburn-Shelford Road via Teesdale Tip Road.

The application proposes the use of the land for the purposes of materials recycling (rock crushing). A copy of the application and plans is attached. Surface rock is collected from the owner's property for crushing. The proposed operating hours for processing and cartage is 7:30am to 4pm Monday to Friday. It is anticipated that there will be 3 truck movements to and from the site daily.

**POLICY CONTEXT**

The site is in a Farming Zone (FZ). Surrounding land is also in a FZ except for land to the west which is in a Low Density Residential Zone (LDRZ). Materials recycling is a "Section 2 – permit required" use in the Farming Zone.

**DISCUSSION****Planning scheme**

The application is considered to satisfy the provisions of the Planning Scheme including State and Local policies for Agriculture and the Farming Zone. The proposal involves the removal of surface rock from the land which will improve the agricultural productivity of the land. It is considered that the proposed use will not impact surrounding uses because there are adequate separation distances to neighbouring sensitive uses and conditions of the permit will control the hours of operation, dust and noise.

**Objectors' concerns**

The objectors' concerns relate to noise, visual impact and traffic. While noise levels at the nearest residential properties are currently acceptable, the development of the Tawarri Estate closer to the

facility will require the implementation of a noise barrier to ensure that noise levels remain within acceptable limits and have no impact on future residential areas. Substantial setback distances to nearby roads and residential areas together with a stockpile height limit will minimise the visual impact on the surrounding area. It is considered that the low volume of traffic from the facility (3 trucks a day) will not have a detrimental impact on the existing traffic network and road safety.

### **CONSULTATION**

Notice of the application was given in accordance with Section 52 (1) (a) and (d) of the *Planning and Environment Act 1987* to all owners and occupiers of land within 1 kilometre of the site. As a result of the public notice, 3 objections were received. A copy of the objections is attached. The objectors' concerns relate to noise, visual impact and traffic. A consultation meeting with the applicant and objectors was held on 19 August 2019. There was no resolution or agreement reached at the meeting.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The 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 lifespan of the use and 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 P19-063 FOR MATERIALS RECYCLING (ROCK CRUSHING)  
AT LOT 12 BANNOCKBURN-SHELFORD ROAD, TEESDALE**

**RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT**

**Layout not altered**

- 1 The use of the premises, the layout of the site and the size and internal layout of the buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.

**Environmental Management Plan**

- 2 Before the use commences, an Environment Management Plan (EMP) for the operation of rock crushing facility must be submitted to and approved by the responsible authority. The EMP must include measures that are to be implemented to minimise impacts on the immediate environment and surrounds such as dust, noise, erosion, sediment runoff and stockpile management. When prepared to the satisfaction of the responsible authority the EMP will be approved and endorsed and will then form part of this permit.

**Hours of operation**

- 3 The proposed use must only operate between the hours of 7.30am to 4.00pm Monday to Friday and must not operate on public holidays.

**Restriction on source of rock**

- 4 The rock crushing facility must only process rock sourced from land holdings in the substantial ownership of Andrew Cameron or related entities at the time of permit issue.

**Roads**

- 5 The applicant is responsible for the maintenance of Teesdale Tip Road between Bannockburn-Shelford Road and the access point to the site in a reasonable trafficable condition for the period of the permitted use.
- 6 The applicant must ensure that appropriate measures are implemented throughout the operation to minimise mud, crushed rock or other debris being carried onto public roads from the use, to the satisfaction of the responsible authority.

**Dust**

- 7 Nuisance dust must not be discharged beyond the boundaries of the premises.
- 8 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.

- 9 Roadways, storage areas, and stockpiles must be maintained to avoid dust nuisance to surrounding land to the satisfaction of the responsible authority
- 10 Dust control measures must be implemented to the satisfaction of the responsible authority to avoid dust nuisance to properties in the surrounding area. If in the opinion of the responsible authority dust resulting from the use and development is causing an unacceptable nuisance to surrounding properties the operator must immediately cease work and implement appropriate dust control measures to the satisfaction of the responsible authority.

**Environment**

- 11 The use must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of drainage.
- 12 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any drains or watercourses.
- 13 A contaminants spill kit is to be made available on-site at all times to the satisfaction of the responsible authority to ensure that the approved use does not impact groundwater as a result of accidental fuel spillage.

**Noise**

- 14 Before the use commences, appropriate mechanical adjustments must be made to the generator such as an acoustic muffler to reduce the noise output to the satisfaction of the responsible authority.
- 15 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).
- 16 No broadcast or loudspeaker system, telephone ringer or other external alarm may operate on the site without the written consent of the responsible authority.

**Stockpile height limit**

- 17 Any stockpiles on site must not exceed a total height of 6 metres.

**Reinstatement to farming activities.**

- 18 At the cessation of the use, all plant, equipment and materials must be removed from site and the land reinstated to farming activities to the satisfaction of the responsible authority.

**General**

- 19 No external lighting is permitted.
- 20 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.

- 21 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 and use of chemicals to eradicate pest animals and plants.

**Expiry**

- 22 This permit will expire and the use must cease three (3) years from the date of this permit.

**7.9 COUNCILLOR CONVERSATION POSTS 2020**

**File Number:**

**Author:** Paige Whyte, Community Engagement Officer

**Authoriser:** Eric Braslis, CEO

**Attachments:** Nil

**RECOMMENDATION**

That Council:

1. Acknowledge the success of the 2019 Councillor Conversation Post program.
2. Commit to the ongoing Councillor Conversation Posts program for the remainder of the 2020 term of Council at the following locations:
  - (i) Smythesdale Country Market on Saturday 18 April
  - (ii) Draft Council Budget Consultation in Bannockburn in May
  - (iii) Linton Progress Association on Thursday 14 May
  - (iv) Golden Plains Farmers' Market on Saturday 6 Jun

**EXECUTIVE SUMMARY**

In line with Council Plan 2017-2021, and based on the success of Golden Plains Shire Councillor Conversation Posts in 2019, it is recommended that Council continue to hold another series of conversation posts spread across the Shire in 2020.

**BACKGROUND**

Council has long held a commitment to attending Councillor Conversation Posts and such face-to-face, informal engagement methodology is vital to help Council deliver its Council Plan 2017 -2021 and also the Community Engagement Strategy Action Plan. As the Golden Plains Shire community continues to grow and evolve with changing age demographics and competing lifestyle commitments, , it is increasingly important that Council provide opportunities for increased access for members of the community to make meaningful contributions to decision-making. Councillors have a role in facilitating community conversations around prioritise and aspirations, and enabling participatory activity for better outcomes. In 2019, Council attended six conversation posts held across the Shire at shown below.

<b>Date</b>	<b>Location</b>	<b>Engagement topics</b>
Saturday 6 April	Bannockburn	Roads & rubbish.
Saturday 13 April	Rokewood	Roads, rubbish, aged care & rates
Thursday 25 April	Inverleigh	Roads, rubbish, trees & footpaths.
Sunday 8 September	Batesford	Roads & rubbish.
Thursday 12 September	Teesdale	Teesdale structure plan, roads, rubbish.
Saturday 16 November	Dereel	Roads, rubbish, trees & footpaths.

These conversation posts have been well received by residents, attracting feedback such as “it’s good to see Council here talking to us”, and “I hadn’t met a Councillor before, so it was good to meet them”. The introduction of a Councillor Conversation Post at the September meeting of the Batesford Progress Association was a success with a dedicated group of passionate local residents sharing ideas and concerns with their Councillor representatives.

The face-to-face conversation posts complement Council's communication channels and engagement opportunities including the Gazette, Council News in the Golden Plains Times, Council's website and Council's social media.

## **POLICY CONTEXT**

### Community Engagement Strategy - Action Plan 2016-2020

Item 1.5 'Investigate and develop an approach that includes more active engagement activities in the community, including attendance at Markets, Community Events, use of mobile library and community group meetings or through the development of Council listening posts'.

### Council Plan 2017-2021

Community engagement is an underpinning mechanism for Council to deliver on its Council Plan. In particular, it assists in the delivery of the following outcomes:

#### Promoting Healthy & Connected Communities

- Build strong and vibrant communities that provide opportunities for all people to engage, connect and participate.
- Deliver good Governance & Leadership
- Increase trust, ensure open and transparent good governance and active engagement through Council Planning and decision making in the long term interests of the community.

### Local Government Act Review

On 14 November 2019, the Local Government Act Review was introduced to Parliament, with part of the review containing a 17-point action plan to overhaul governance, capacity and performance of councils. As part of this reform, item four is *Councils will undertake deliberative community engagement processes before adopting a four-year Council plan and a four-year budget, so communities better inform strategic directions and spending opportunities for Council.*

### Human Rights

Victorian Charter of Human Rights and Responsibilities Act 2006 (s.18):

*"Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs."*

## **DISCUSSION**

Strategic, considered and transparent community engagement supports Council's capacity to achieve its Council Plan 2017-2021. It provides the necessary framework for addressing the need for sustained collaboration, partnership and new ways of involving community in decision-making. During consultation for the Community Engagement Strategy, the community told us that they value "improving community engagement responsiveness and increasing citizen engagement". Golden Plains Shire is committed to a variety of engagement methodologies. While current research suggests the benefits and importance of face-to-face community engagement varies, there are several key benefits which are commonly identified as:

- Increased levels of trust in Council and its processes.
- Building greater understanding and communication between Councillors and the community.
- Engaging at a grass roots level creates greater opportunity for a more effective solutions that draw on the community's local knowledge of issues or concerns.

## **CONSULTATION**

The Councillor Conversation Posts address a strategic requirement to consult with the community and also play an important role in building trust with Council and community. These face-to-face



consultations provide a chance for an open dialogue with community members and a chance for Councillors to hear first-hand from residents and community members.

By securing locations and dates early in the year, Council will promote the Councillor Conversation Posts through varied communications channels including the Gazette, Council News in the Golden Plains Times, Council's website, Council's social media, and community newsletters.

### CONFLICT OF INTEREST

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

### CONCLUSION

Councillor Conversation Posts are a valuable tool for Councillors and Senior Council staff to engage with the community. Given the success of the 2019 posts, Councillors' commitment to attend and actively participate in the 2020 Councillor Conversation Posts is sought.

In 2020, there are two proposed Councillor Conversation Posts at the Smythesdale Country Market and Golden Plains Farmers' Market; and following the success of the Councillor Conversation Post at the Batesford Progress Association in September 2019, a listening post is planned prior the Linton Progress Association meeting in May. There is an additional opportunity for an engagement session for residents to ask questions and have their say on Council's Draft Budget 2020/21 in Bannockburn in May. In response to interest in digital engagement platforms, an online Draft Budget forum will be explored.

The following events will form the program of Councillor Conversation Posts in 2020:

Concurrent engagement	Date	Time	Location
Smythesdale Country Market	Saturday 18 April	9am to 1pm	Smythesdale
Draft Council Budget 2020/21	May (Date to be confirmed)	To be confirmed	Bannockburn
Linton Progress Association Meeting	Thursday 14 May	6.15 to 7.15pm 7.30pm Meeting	66 Sussex St, Linton
Golden Plains Farmers' Market	Saturday 7 June	8.30am to 12.30pm	Bannockburn

Throughout 2020, there are many local events that provide valuable opportunities for Councillors for engage with the community, such as the Arts Action Workshop in Meredith on Thursday 28 July.

In addition, six Golden Plains Shire townships will host facilitated Community Forums in April and May, for local residents to share their ideas for the development of a new Community Plan for their dedicated community, as part of Council's award-winning Community Planning Program. These Community Forums will be held in Napoleons, Garibaldi/Grenville, Smythesdale, Scarsdale, Shelford and Barundah Park. An excellent opportunity for community members to engage with their elected representatives, an open chat session will be offered after these Community Forums for residents to speak with their local Councillors in attendance. All Community Forums will be promoted on Council's communication channels including the Gazette, Council News in the Golden Plains Times, Council's website and social media accounts.

## 7.10 MEREDITH INTERPRETIVE CENTRE, 10 WALLACE STREET MEREDITH - LEASE OF LAND AND FACILITY

**File Number:****Author:** Dean Veenstra, Recreation and Youth Team Leader**Authoriser:** Lisa Letic, Director Community Services**Attachments:**

1. Draft Lease - Land-Facilities 10 Wallace Street, Meredith (under separate cover)
2. Presentation - Information and Planning Night 070120 (under separate cover)

### RECOMMENDATION

That Council:

1. Endorses the proposal to lease the Meredith Interpretive Centre and land at 10 Wallace Street, Meredith to CLAW Enterprises Pty Ltd on the following terms:
  - Purpose: Establishment of a creative co-working/training space, create pop-up shops, establish a community garden and community meeting space.
  - Commencement Date: 29 April 2020 (proposed date following public exhibition).
  - Term: 12 months establishment term, then two 3 year optional extensions.
  - Rent Year 1: Peppercorn Rate - \$11 inc GST for first 12 months
  - Rent Year 2: Commercial Rate - \$13,200 inc GST + 2% rental escalation per annum.
2. Commences the statutory procedures pertaining to the power to lease land required under Sections 190 and 223 of the *Local Government Act 1989*, including:
  - Giving public notice and calling for submissions on the proposal to lease 10 Wallace Street, Meredith to CLAW Enterprises Pty Ltd.
  - Considering any submissions received and providing the opportunity for submitters to be heard at an Ordinary or Special Meeting of Council prior to the meeting for determination (in accordance with Council's Local Law No. 1 of 2019 Council Meeting Procedures and Common Seal and Council Policy Public Participation in Council Meetings).

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### EXECUTIVE SUMMARY

The Council owned and managed Meredith Interpretive Centre has been vacant since May 2019. Since that time, an Expression of Interest process was undertaken to identify a future potential tenant/s.

In November 2019, Council reviewed the outcome from the Expression of Interest process and authorised the Chief Executive Officer or his delegate to enter into lease negotiations with CLAW Enterprises Pty Ltd for the provision of a creative social enterprise. This report contains the details of the Draft Lease and a business plan for the Centre and requests that public notice be given of Council's proposal to enter into a lease agreement.

### BACKGROUND

In July 2019, Council agreed to seek Expressions of Interest from commercial operators, community groups and social enterprise to lease the vacant site at 10 Wallace Street, Meredith. The Expression of Interest (EOI) was open from Thursday 5 September to Monday 28 October 2019. The EOI was advertised and promoted extensively via newspapers, community newsletters, social media and site signage.

At the November 2019 Council Meeting, Council noted the two Expressions of Interest received and having been through the evaluation process, authorised the Chief Executive Officer or his delegate to enter into negotiations with CLAW Enterprises Pty Ltd (CLAW) to lease the Meredith Interpretive Centre, with the proposed lease conditions to be presented to Council for final approval.

A draft lease has been prepared in negotiation with CLAW, with a 12 month peppercorn rental (while external grant funding is sought by CLAW), then two optional 3 year commercial rental terms. CLAW ran a community information and planning evening on 7 January 2020 at the Centre to engage with the community around their proposal and vision for the Centre. A copy of both the Draft Lease (Attachment One) and information night presentation (Attachment Two) are provided.

### **POLICY CONTEXT**

This proposed future use of the Meredith Interpretive Centre by CLAW Enterprises Pty Ltd aligns to Council's priorities of: 'Promoting Healthy & Connected Communities', 'Managing the Built Environment' and 'Enhancing Local Economies' as outlined in the 2017-2021 Council Plan.

### **DISCUSSION**

The Meredith Interpretive Centre is located at 10 Wallace Street, Meredith, a prominent location along the Midland Highway, situated on an 8,200 square metre block of Township Zone land. The land and building are both owned and maintained by Golden Plains Shire Council.

Originally, the facility was constructed to encourage visitors to stop and experience Meredith and provide a place for the community to show off the town and district. The facility was designed to be interactive and include business and community involvement.

In creating the vision for the Centre, the Meredith community identified that it would deliver economic and social benefits for the community and it would be best achieved with a consistent human presence which could have taken the form of an appropriate commercial operator, volunteers at targeted times and community groups around key displays and events.

As part of the public Expression of Interest process, CLAW Enterprises Pty Ltd submitted an EOI to utilise the Centre and some of the surrounding land to establish a creative co-working space where local entrepreneurs can test and develop their ideas into real businesses and included creating pop-up shops, establishing a community garden and a community meeting space. CLAW is operated by local Meredith residents Chris Ardrey and Linda Wong.

The proposal outlined in the EOI would see CLAW delivering a suite of programs in partnership with the following community stakeholders:

- Runway Limited – Runway operate facilities in Geelong and Ballarat that support entrepreneurs in regional ecosystems, providing opportunities for them to fast-track, grow and scale using a unique start up support model. Runway have a virtual platform that would deliver online training, resources, tools and templates for various topics at the Meredith Interpretive Centre.
- Meredith Primary School – the School will develop and deliver a program for Youth Entrepreneurs.
- Meredith & District Lions Club – the Lions Club have confirmed their support to design, build and manage a community garden at the site.

The Draft Lease (Attachment One) has been prepared using a standard Council lease template and is scheduled to commence on 29 April 2020 (subject to the public submission process and final Council endorsement). The lease is for a 12 month start up term with a peppercorn rental, then 2 x three year extensions that have a commercial rent term. CLAW are currently meeting with funding partners and should external grants be made available earlier within the first 12 month term, the lease will be updated to commence the start of the commercial rent term.

Should the lease be approved for execution, CLAW in consultation with the community are proposing a new brand for the Centre - 'The Meredith Sharing Shed'. This brand was supported at the information and planning night on 7 January 2020 and encapsulates the vision of 'a self-

sustaining community support hub'. The mission of the venture is 'To provide shared services that the community can leverage in order to increase its future viability'. In addition to Attachment Two, a video capturing the information night is available at the website <https://meredithsharingshed.com.au/>

Key elements of the business plan for the Centre (Sharing Shed) for the next three years are as follows:

#### **Year 1**

- Apply for funding
- Online business training
- Business coaching/mentoring
- Launch Youth Entrepreneurs Program with Meredith Primary School – using Community projects identified from Equihands (Youth Leadership Program) as the basis
- Permit applications
- Trial small markets
- Design of the Community Garden.

#### **Year 2**

- Community Garden established (supported by Meredith Primary School and Meredith Lions)
- Build phase 1 pop-up shops
- Meredith is seen as a destination stopping point.

#### **Year 3**

- Build phase 2 pop-up shops
- Meredith Sharing Shed – is a template for other communities.

The model proposed is a social enterprise, and aims to capture passing traffic, partner with multiple community groups, provide internet and point of sale systems for emerging businesses with training and support, and linking business back into established businesses in Meredith.

### **CONSULTATION**

Expressions of Interest were promoted for a period of two months through a comprehensive advertising process via newspapers, community newsletters, social media and site signage.

Internally, Council's Recreation and Investment Attraction and Business Support teams worked together to promote this opportunity. This ensured that a good cross-section of the community, businesses and social enterprises were made aware of the leasing opportunity at the Centre.

Council staff have negotiated with CLAW regarding terms of the lease, and CLAW have worked with the Meredith community to develop the vision and mission for the Centre, including the proposed branding of the facility to the 'Meredith Sharing Shed'.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

Based on the significant work undertaken to seek and evaluate expressions of interest, the development of a Draft Lease and the potential benefits to the Meredith community and surrounds, it is recommended that Council proceed with the proposal to lease the Meredith Interpretive Centre, 10 Wallace Street, Meredith to CLAW Enterprises Pty Ltd. This includes endorsing the terms of the Draft Lease and commencing the statutory procedures required under Sections 190 and 223 of the *Local Government Act 1989*.

Following the public submission process, a further report will be provided to Council prior to the execution (or otherwise) of a lease.

## 7.11 COMMUNITY GRANTS REVIEW

**File Number:****Author:** Shannon Fielder, Community Partnerships Officer**Authoriser:** Lisa Letic, Director Community Services**Attachments:**

1. Revised Community Grants Policy (under separate cover)
2. Community Grants Program Review 2020 (under separate cover)

### RECOMMENDATION

That Council:

1. Adopt the revised Community Grants Policy (Attachment One).
2. Implement the recommendations of the Community Grants Program Review (Attachment Two) including:
  - (a) Approve multiple rounds of community grant funding through various streams – namely:
    - Small grants – quick response (open all year) grants for youth and events for up to \$1,000 with no matched funding required.
    - Community Strengthening grants for up to \$10,000 with 1:1 matched funding in cash or in kind labour This would include 2 rounds of community grants per year (in March and August) which is separated into streams as follows:
      - Healthy Active Living – incorporating recreation and health and wellbeing
      - Creative community – Arts and culture grants
      - Environment and sustainability grants
      - Community safety grants.
  - (b) Approve the process for community grant assessment as outlined below:
    - Council approves, through the budget process, the total amount of funding to be committed to the program and sets targets for each of the streams reflecting Council priorities for that year. Grants are assessed via an internal panel with final approval for each grant signed off by the CEO. Successful grants would be reported to Council at periodic intervals through the year and a variety of opportunities for Councillors to interact with the program will be facilitated including both the awarding of grants publically and celebrating projects at their completion.
  - (c) As a result of the review, a full risk assessment of the Community Grants Program has commenced which will consider a flexible model of co-contribution for grant funded projects. As an outcome of this, it is envisaged that further assessment guidelines for community contributions to grant funded projects will be developed based on the ability of applicants to deliver projects safely and successfully'

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### EXECUTIVE SUMMARY

The review of Council's Community Grants Program (Attachment Two) included:

1. Summarising the recommendations of the 2016 review.
2. Updating the current status of the Berrybank and WestWind wind farm community funds.

3. Providing a thematic analysis over the last 3 financial years to ascertain the patterns of funding, including:
  - By category
  - By town
  - By organisation
  - Variations
  - Total value of funding
  - Undersubscription - with grants applied for and the value of grants distributed.
4. Summarising of the most recent Local Government Inspectorate review
5. Council's Asset Transfer Policy
6. Conducting a review of Policy 5.1 – Community Grants Program
7. Benchmarking of other Council's Community Grants Programs
8. Consultation with relevant internal stakeholders
9. Consultation with the community
10. Benchmarking best practice with community grants
11. Providing a list of recommendations based on findings of the review.

The purpose of undertaking the comprehensive review was to ascertain whether Council's Community Grants Program is aligned with the priorities of the Council Plan, best practice as outlined by the Australian Institute of Grants Management and the Victorian Auditor General's Office and that the program is functioning optimally prior to being used as the framework for the distribution of the Berrybank wind farm community fund.

The updated Community Grants Policy (Attachment One) and recommendations provided for the Community Grants Program are based on the information contained in the review, including the introduction of streams and multiple funding rounds, as outlined and discussed at the Council Briefing on December 10, 2019.

## **BACKGROUND**

Council's Community Grants Program is now entering its 25<sup>th</sup> year. The total value contribution of the program over this time is estimated at \$6.8M with an average of \$2 of leveraged value for every \$1 spent. The 2019/20 budget provides an allocation of \$157,500 toward the Community Grants Program which includes \$145,000 for Community Grants and \$12,500 for a SmartyGrants software subscription. Total grants of \$110,783 were awarded in 2019/20 with 32 projects funded. In addition to this, equipment to the value of \$10,000 was also granted to a community group through Council's Asset Disposal Policy.

The purpose of community grants is for Council to enter into a partnership with various community groups across the Shire to complete projects which enhance the wellbeing and quality of life for the wider community.

The framework for the Community Grants Program is informed by the Golden Plains Shire vision and the community development principles of community strengthening and building.

The review was undertaken over a period of 4 months from October 2019 to January 2020. Community consultation occurred from 11 November 2019 to 18 January 2020. An update on the review was provided at Councillor Briefing on 10 December 2019 where the emerging themes and direction for the Community Grants Program were discussed and Councillors provided in principle agreement to the recommendations in this report.

## **POLICY CONTEXT**

The guidelines for community grants are currently derived from Council Policy 5.1 – Community Grants Program. Both the existing Policy and a full review of the Policy are provided as appendices in Attachment Two. A revised Community Grants Policy has subsequently been developed (Attachment One) and is presented for Council endorsement. The purpose of the revised Policy is to:

- Outline Council's commitment to providing the community with funding.

- Provide the framework for a transparent, equitable and inclusive process which is understood by the community.
- Identify Council's commitment to accountability through acquittal and evaluation processes.
- Align community grants with Council's strategic objectives and establish clear expectations for both Council and community.

## DISCUSSION

The key findings of the review of the Community Grants Program as presented in December 2019 were:

- Whilst previous community grants have been awarded relatively evenly (geographically) across the Shire, the types of projects and community groups funded is significantly skewed towards facility upgrades and maintenance of infrastructure for sport and recreation groups (77% over the last 3 financial years). To better align the Community Grants Program with the objective – 'to improve the wellbeing of the community', the program needs to provide a variety of broader outcomes balanced between social, economic and environmental factors. This includes, but is not limited to, community strengthening initiatives, programs and events, rather than the current over representation of grants for sport and recreation infrastructure.
- Community managed projects which include building works or maintenance are subject to higher risk implications, have difficulty in procuring volunteer labour (where the agreement has been an "in kind" contribution) and are not truly costed, incorporating maintenance. This often leaves Council with assets it cannot afford to maintain but which the community expects them to.
- As detailed in benchmarking of other LGA's Community Grants Programs (provided as an appendix in Attachment Two), it was identified that all Councils had all experienced similar issues to those identified at Golden Plains Shire Council. Strategies implemented at other Councils to address these issues and their impact has included:
  - Streams of funding – specifically labelling a grant, for example "Arts grant" or "Environment grant" has resulted in an increase in the variety of projects funded, achieving more broad outcomes.
  - Time responsive – having grants open (all year) round, dual rounds of grants or both has increased the accessibility of community grants. Community groups are volunteers and Council should, where appropriate, support them in achieving projects for their community at the time/s they are active and engaged. Having community grants available at one time of year only, is a barrier to participation and decreases the overall effectiveness of the program. The experience of other Councils is that through the effective use of SmartyGrants, as well as support from teams across Council teams, the administrative burden of multiple grant rounds can be well managed.
  - The trend amongst benchmarked Councils is for CEO or senior management to sign off on successful grants rather than Council. Councillors are involved in the process at the strategic level through the setting of categories/streams and the allocation of funding amounts through the annual budget process. Councillors are further invited to interact with the program including handing over grants and celebrations at the completion of projects. This approach is a more strategic in terms of setting goals for the program which align strongly with Council objectives and removes potential perceived or real conflict of interest that may occur.

The issue of conflict of interest has been a consideration of the review by the Australian National Audit Office of the conduct of the allocation of Government funds and by the Victorian Local Government Investigations and Compliance

Inspectorate in relation to the allocation discretionary Councilor funds within a Local Government context. In light of these reports, Council's internal auditors recommend, to reduce community criticism of grants program, it is preferred that Councilors approve the design of the scheme including the objectives and evaluation process and are not involved in the awarding of the grants.

- Tiered or flexible in kind contributions – all Councils benchmarked had introduced a tiered method for co-contribution to grants projects. This varied from no contribution for small, quick response grants (usually events) to matched requirements and/or compulsory financial contributions for bigger projects. Having matching requirements more relative to the various projects being completed has enabled increased participation and reach of the program across a variety of areas.
- Many of the Councils benchmarked either completely ceased or were phasing out the funding of building or maintenance works by community groups. Alternative approaches identified were either funding this as a separate stream of grants (with specific guidelines that addressed issues of risk and ongoing maintenance) or funding these types of projects through a different process and budget.
- Findings from the internal consultation across Golden Plains Shire Council included:
  - Confirmation that single round of funding is a barrier to participation and that whilst the uptake of the program was high for recreation groups, the projects funded (even in the recreation space) were often not in line with the strategic objectives of the different work teams.
  - Council's Works and Risk teams outlined concerns regarding in kind contributions and community managed construction projects. To further address the findings in the Community Grants Program Review, it is recommended that specific guidelines be developed in relation to community managed construction or upgrade projects and specifically address in kind contributions.
  - All teams were committed to providing operational support for grants within their particular areas of expertise (streams) – this would ensure projects align with the strategy relevant to that area. For example the environment and sustainability grant guidelines assessment criteria would be informed by the Environment Strategy 2019 -2027.
- The Berrybank Wind Farm Community Fund represents a significant increase in the amount of funds Council will be administering through a community grants process for the whole of the Shire whilst the WestWind Energy Community Benefit Fund represents significant gain and opportunity for the Rokewood area. Inherent in both funds is both opportunity and risk. To ensure maximum community benefit, it is imperative that Council's Community Grants Program is equitable, transparent, accessible and meaningfully linked to strategic objectives. It also places greater importance on community knowledge of, and trust in the program. This is not only best practice but is further emphasised in the contractual agreement Council has with Berrybank Wind Farm which states in section 6: *"Council must invest all Agreed Contributions paid by the company under this deed in the bank account held in the name of the Council for the purpose of Community Grants Program. Applications must be called for at least annually and the availability of funds must be advertised"*. There is also a requirement for the company to be acknowledged and for Council to work with the Berrybank Wind Farm Community Engagement Committee on the managing and issuing grants. Currently, officers are working with this Committee as well as officers from Corangamite Shire Council to finalise the operational strategies that will be used to administer the program.



- Benchmarking of best practice in the management and delivery of community grants included analysis of the *Local Government Act 1989*, the Victorian Local Government Association 'Best practice in Local Government Community Grants Programs' (2002), The Victorian Auditor General's Office (VAGO) and the Australian Institute of Grants Management Code of Practice for Grantmaking Agencies. Council's existing Policy and Guidelines have ensured that the Community Grants Program is largely in line with best practice requirements as laid out by VAGO. However, to ensure meaningful partnerships with community, fostering community cohesion, Council needs to apply a continuous improvement framework to the program, beginning with a focus on broadening the reach of the program.

The next round of community grants is set to open on 1 April 2020 with community information sessions programmed for March 2020. It is proposed that these sessions will be used as a starting point for informing the community of changes made to the program. More information sessions will also be run specific to each stream in partnership with the relevant internal works units, who will communicate and promote the changes through their various existing networks. A communication and promotion plan will also be enacted to:

1. Increase overall knowledge of the program
2. Promote the streams and increased opportunities to apply.

An evaluation will be conducted in November 2020 to ascertain whether changes to the framework of the program, namely the promotion of streams, a second grants round – proposed for August 2020, and small, quick response grants for youth and events have a significant bearing on the variety of projects funded.

## CONSULTATION

Community consultation in the review of the Community Grants Program took place from 12 November 2019 to 18 January 2020, over which time a total of 104 survey responses were received, 114 Facebook and Twitter Poll responses were recorded and two Focus Groups were conducted (consisting of a total of 10 participants), including with a youth group.

The community were consulted on the themes which emerged from the review as endorsed by Councillors during the community grants review update given at the 10 December 2019 Council Briefing. These were:

- Streams
- Accessibility of the program including the number and timing of grant funding rounds and how user friendly the process is/should be
- Matching funding/in kind contributions
- Current levels of satisfaction
- Reach of the program – how many people know about it and how many engage with it.

Consultation indicated that community knowledge of the program is relatively low given the extensive promotional activities undertaken in recent years (51% of those polled had not heard of the program).

For those who were aware of the program, having one round was identified as a barrier to participation, with 86% agreeing that it would be easier to apply for a community grant if they were able to do so multiple times per year.

*Survey response...*

*"Having quotes ready for applications to open - I have found many tradies take time off after Christmas and then the quote takes time. I have missed the deadline for application submission because of this in the past" (Survey respondent).*

Consultation also indicated that many community groups have a variety of ideas for projects which would be of benefit to their wider community including arts and culture, history, exercise groups,

sports, youth projects and events. Mental health was also identified as a priority for some, whilst a significant number commented that community grants should be awarded to a wide variety of groups and project ideas.

*Survey response...*

*“Everything that adds value or meets the needs of communities” (survey respondent).*

Volunteers following through with in kind labour committed to during the application process was also identified through the review as the main factor in why community groups seek extensions or variations for projects.

*Survey response...*

*“Getting volunteers to complete the tasks they committed to providing in kind labour” (survey respondent).*

Overall, responses to the survey identified that matching funding and the application process were the most difficult part of community grants.

Other findings from the community consultation indicate that the program has made significant improvements with regards to process, including the use of the online grants management platform, SmartyGrants. Areas identified for improvement were the reach of the program and demonstratively linking outcomes to the Council Plan. In addition, the risks associated with in kind labour and community managed construction projects were identified as needing further investigation.

The full engagement report is provided as an appendix in Attachment Two.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

A comprehensive review of Council’s Community Grants Program has been undertaken. The findings of this review, including community consultation, have informed the recommendations made in this report.

A strategic, well framed Community Grants Program which aligns strongly with the Council Plan can be an integral tool for Council in partnering with community to deliver a wide range of projects that contribute to the health and wellbeing of residents.

The recommendations made in this report and the revised Community Grants Policy provide Council with a clear direction for community grants, enabling the program to be responsive to emerging Council and community priorities and ensure that the projects funded are of maximum benefit to the community.

**7.12 MAUDE-SHE OAKS ROAD - SHOULDER WIDENING WORKS (CONTRACT NO. GPS-RFT-19-2019) - AWARDING OF TENDER****File Number:****Author:** Tony Talevski, Team Leader of Roads & Waste Services**Authoriser:** Steven Sagona, Acting Director Infrastructure and Development**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the contract GPS-RFT19/2019, Maude - She Oaks Road Shoulder Widening Works Contract, to Bitu-Mil Civil Pty Ltd for the tendered sum of \$1,485,417.34 (ex GST) in accordance with Clause 2.4.3 of the procurement policy.
2. Authorise the Chief Executive Officer to execute Contract No. GPS-RFT19/2019 with Bitu-Mil Civil Pty Ltd for the Maude – She Oaks Road Shoulder Widening Works Contract.
3. Resolves to allocate \$229,417.34 from Council's 2020/21 Roads to Recovery Programme to the project.

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**EXECUTIVE SUMMARY**

Council has undertaken a competitive tender process for a contract to undertake the following civil works:

- Steiglitz Road – Maude She Oaks Road intersection upgrade
- Sharps Road – Maude She Oaks Road intersection upgrade
- Widen and seal 3,000 lineal metre section of the Maude-She Oaks Road, between Strong Road and Mountain View Quarry entrance

Officers have assessed the tenders received and Council is now being requested to approve awarding of the contract to the preferred tenderer.

**BACKGROUND**

Golden Plains Shire Council engaged Civil and Traffic Consulting P/L to undertake a traffic volume and road safety audit in the Maude precinct following a truck fatality on Perdrisat Road. The assessment was carried out during July 2017 with the purpose to determine suitability of the road network. The assessment covers physical features of the existing road and roadside that may affect road user safety and seeks to identify potential safety hazards. Six [6] recommendations were provided for the Maude – She Oaks Road:

- Provide 80km/h advisory speed signs and CAM's on the two sub-standard back to back curves, 1.4km south of Sharp Road and 1.95km south of Sharp Road – Priority High (Currently awaiting VicRoads approval)
- Council should plan for the construction of sealed shoulders in order to improve road safety for all users and to reduce road maintenance costs - Priority Low (Current Tender)
- Council should plan for the realignment of the intersection with Steiglitz Road to improve sight distance - Priority Low (Current Tender)
- Monitor road safety and protect vulnerable trees, embankments and poles if required - Priority Medium (Complete)
- Improve delineation with new guideposts, RRPM's and edge lines - Priority Medium (Current Tender)
- Update signage to current standard and replace any damaged or worn signs - Priority Medium (Complete)

Maude - She Oaks Road Shoulder Widening Works Contract will complete the recommendations above, including the construction of a 1m wide sealed shoulder onto the existing road alignment between the entrance of Mountain View Quarry and Strong Road (total length of shoulder sealing 3km). The adopted traffic lane width including the sealed shoulder will be 4.2m wide, resulting in a sealed pavement width of 8.4m.

The design sought to minimise the impact on native vegetation removal by seeking to remove the existing shoulder material by utilising a profiler and disposing of the material off-site. Placement of a 300mm compacted depth fine crushed rock will be re-instated. The new shoulder will be sealed with a 7mm primer seal.

New guard fence installation is proposed on locations where clear zones are substandard with approved terminal treatment. The safety barriers are to accord with VicRoads standard drawings providing best practice. The contract also gives consideration to line marking and signage requirements, clearly identified to be installed or relocated/removed on the detail design.

It is considered that the subject section of the Maude–She Oaks Road is undesirably narrow as identified in the road safety audit and unsuitable for increased traffic loading, particularly for heavy vehicles. The existing section of road pavement is generally in poor condition and requires significant maintenance, particularly after wet periods. The proposed widening and sealing of Maude – She Oaks Road will significantly increase the durability of the carriageway whilst reducing the maintenance burden on Council.

The civil works must be undertaken with the road remaining open to through and local traffic.

**EVALUATION PROCESS**

The tender for these services closed on 11 December 2019. Five [5] tenders were received, and checked for correctness and for omissions/qualifications. Any tenders not meeting the mandatory criteria were excluded from further review. The details of each supplier are provided on the confidential attachment.

The Tender Evaluation Panel conducted a thorough evaluation of all conforming tenders. The evaluation panel determined a consensus for each weighted criteria to allow an evaluation score for each tender.

Each conforming submission was reviewed and evaluation using the agreed evaluation criteria as follows:

<b>Mandatory Criteria</b>	
OH&S and Risk Management System	Pass/Fail
Quality Policy & Management System	Pass/Fail
Environmental Policy & Management System	Pass/Fail
Insurance	Pass/Fail
<b>Weighted Criteria</b>	
Capability	25%
Capacity	25%
Price	45%
Local	5%
<b>Total</b>	<b>100%</b>

## EVALUATION OUTCOME

Below are the weighted assessment results of the quantitative/qualitative criteria. To ensure best value for Council, a total of 25% weighting was attributed to Capability and a further 25% to Capacity. This weighting is critical in reducing the risks of engaging a contractor who is not capable of completing the project to a satisfactory standard or within the desired timeframe.

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

General Wet Hire Equipment	Weighted Assessment Score (%)	Rank
Bitu-Mil Civil Pty Ltd	90.5	1
Tender B	73.6	2
Tender C	73	3
Tender D	72.7	4
Tender E	56.3	5

## FINANCIAL & RISK MANAGEMENT IMPLICATIONS

Council's 2019/20 budget allocated \$1,100,000 towards the Maude – She Oaks Road Project. At the September 2019 Council meeting Council resolved to reallocate an additional, \$156,000 towards this project in an effort to expand the scope of works.

Following the tender close and having conducted the subsequent tender evaluation, the preferred supplier lump sum amount to undertake the all works as specified under Contract GPS-RFT19/2019 is \$1,485,417.34 Ex GST and including a 10% contingency.

The resulting budget shortfall is \$229,417 (i.e. \$1,485,417 minus \$1,256,000).

Based on current scheduling, it is expected the project will roll forward into the next financial year. Should Council determine to proceed with the project as specified under Contract GPS-RFT19/2019, a further allocation of \$229,417 from Council's 2020/21 Roads to Recovery Programme would accommodate the project in its entirety.

Council's Roads to Recovery program allocation is \$6,668,277 resulting in an average allocation of \$1,337,655 per annum for the 5 year program (2019/20 to 2023/24).

## CONFLICT OF INTEREST

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

## CONCLUSION

The Tender Evaluation Panel recommend Bitu-Mil Civil Pty Ltd to be engaged to deliver the GPS-RFT19/2019 Maude - She Oaks Road Shoulder Widening Works Contract.

### 7.13 QUARTERLY FINANCE REPORT

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

1. Financial Dashboards and Financial Reports (under separate cover)
2. Capital Report (under separate cover)

**RECOMMENDATION**

That Council note and adopt the content in the Quarterly Finance Report for the 6 months ended 31 December 2019.

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**EXECUTIVE SUMMARY**

As at 31 December 2019, the Income Statement reports total operating revenue of \$32.1m and total operating expenditure of \$19.5m, which results in a year to date surplus of \$12.5m. This is \$0.2m unfavourable compared to the original budget, and \$2.1m favourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure of \$11.4m, which is \$2.7m above the original budget, and \$0.9m below the revised budget.

The Finance Quarterly Report for quarter one was also presented at the 11 February 2020 Audit and Risk Committee meeting whereby the Committee recommended that Council receive and note the report and attachments at the February Council meeting.

**BACKGROUND**

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

Council has completed six (6) months of the 2019-20 financial year. The attached budget report has been prepared on an operating basis and includes a comparison of actual results for the period to December 2019 to the annual budget adopted by Council for the following financial statements:

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

**POLICY CONTENT**

*Local Government Act 1989*

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

*Local Government (Planning and Reporting) Regulations 2014*

Strategic Resource Plan

Annual Budget

**DISCUSSION**

**Budget Report**

The operating result for the period is reporting a surplus of \$12.5m compared to the original budgeted surplus of \$12.7m and revised budgeted surplus of \$10.4m. This movement of \$2.1m against the revised budget surplus is primarily due to:

- \$220k in operating grant income as result of receiving grant earlier than anticipated for Age and Disability related projects,
- \$274k higher rates and charges revenue than budgeted,
- \$132k increased spending on temporary contractors offset by \$214k lower than anticipated spending on bridge and roads maintenance, \$59k on tree clearing, and \$110k on Rokewood oval lighting upgrade,
- Employee costs \$1.13m lower than revised budget due to employee vacancies. This saving is partially offset by increased costs for materials and contracts relating to short term contractors backfilling vacancies.

The ‘Adjusted Underlying Result’ removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other capital contributions to fund capital expenditure from the operating result. This formula is prescribed within the *Local Government (Planning and Reporting) Regulations 2014*. At 31 December 2019 the Adjusted Underlying Result is a surplus of \$10.2m, compared to a budget of \$8.0m, this is due to the \$2.1m favourable variances in employee benefits, depreciation and finance costs (lower interest costs on borrowings due to better interest rates received and timing of taking up new borrowings).

Total expenditure in the Statement of Capital Works is \$11.4m, \$2.7m above the original budget of \$8.7m, and \$0.9m below the revised budget of \$12.3m.

**Capital Projects**

**Actual versus Budget**

The capital program has delivered 132% of the original budget and 93% of the revised budget. Higher capital spend is primarily due to works completed on projects totalling \$6.9M rolled forward into 2019-20 for projects not yet complete (refer attached capital projects report). Significant capital projects and amounts rolled forward include:

- Golden Plains Community & Civic Centre \$4.4m
- Bannockburn Heart construction \$1.8m
- Wall Bridge Renewal \$0.5m
- Bridge rehabilitation – Coopers Bridge \$0.5m
- Golden Lake Road Bridge \$0.56m

**Delivery of Projects**

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

Project	Project Budget \$	Project Cost \$	\$ Variance	% Variance
Teesdale Turtle Bend Toilet & Basketball Half-Court	155,000	154,696	304 <i>Favourable</i>	0.0% <i>Favourable</i>
Local Roads Resealing Program	1,150,000	1,108,244	41,756 <i>Favourable</i>	0.4% <i>Favourable</i>
Gravel Resheeting Local Roads	600,000	568,492	31,508 <i>Favourable</i>	0.5% <i>Favourable</i>

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

The following projects are on track to be delivered on time in 2019-20.

- Golden Plains Community & Civic Centre
- Turtle Bend Walkbridge Upgrade
- Bannockburn Soccer Pitch
- Bannockburn Vic Park Oval Lighting
- Inverleigh Netball Court
- Rokewood Reserve Lighting
- Linton-Mannibadar Road Upgrade
- Cressy-Pitfield Road Upgrade
- Coopers Bridge Replacement
- Wall Bridge Replacement

### Contracts approved under delegation

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

<b>Contracts Awarded – Contract Value Between \$200,000 - \$400,000</b>			
<b>Project</b>	<b>Approved by:</b>	<b>Awarded To</b>	<b>Contract Value \$</b>
Rokewood Reserve Lighting	CEO	DeAraugo & Lea Electrical Contractors (Vic) Pty Ltd	205,600
Inverleigh Netball Upgrade	CEO	Plumbing Logistics Pty Ltd	341,487

Council officers have been pro-active with earlier planning of projects and allocation of budgets than traditional processes, which has enabled a number of tenders to be issued and awarded well in advance of a normal year. Projects currently out to tender include:

- Maude She-Oaks Road Widening (tender evaluation phase)
- Disposal of Used Furniture

The table below outlines tenders awarded during the quarter.

<b>Project</b>	<b>Approved by:</b>	<b>Awarded To</b>	<b>Contract Value \$</b>
Provision of Pest Plant and Animal Control Services Panel	Council	Allwright Ag and Pest Contracting Barongarook Weed & Pest Control Goldfields Weed Management Rabbit Busters Stephen Guy	Schedule of rates
Rokewood Reserve Lighting	CEO	DeAraugo & Lea Electrical Contractors (Vic) Pty Ltd	205,600
Inverleigh Netball Upgrade	CEO	Plumbing Logistics Pty Ltd	341,487
Line Marking Services Panel	Council	Southern Highway Services Summerhill Maintenance Services Smith & Wil Asphaltting Pty Ltd	Schedule of rates
Bulk Fuel	Council	Maxi-Tankers Pty Ltd	320,000 pa



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

**CONSULTATION**

A formal consultation process was not required.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

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

**7.14 COUNCIL PLAN IMPLEMENTATION – QUARTER TWO 2019/20****File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Council Plan Quarterly Progress Report - Quarter 2 (under separate cover)**RECOMMENDATION**

That Council note the report and achievements attained in the implementation of the actions contained in the Council Plan 2017-2021 for the second quarter ending December 2019.

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**EXECUTIVE SUMMARY**

The purpose of this report is to update Council on the progress made in completing the 2019-20 actions contained in the Council Plan 2017-2021.

**BACKGROUND**

The Council Plan 2017-2021 contains 40 actions framed around 4 Pillars. This is the first quarterly report to Council regarding implementation of the Plan for 2019-20. Council's management team had previously established an implementation timetable and only selected actions were reported against each quarter. The new reporting template will allow for all actions to be updated quarterly so Council is aware of continuous progress being made across all areas of the Council Plan.

**POLICY CONTEXT**

Council Plan 2017-2021

**DISCUSSION**

Progress continues to track well across all pillars in the implementation of the Council Plan. Some key achievements at the end of the second quarter for the 19/20 period include:

- Launch of the 'Super Veggie Four' children's book
- Establishment of Woody Yaloak Warriors Junior Football/Netball Club
- Community Infrastructure Plan has commenced
- Secured Shade Sail grant (\$26k) for Bannockburn Recreation Precinct
- Secured 'This Girl Can' grant (\$15k)
- Secured TAC Grant for Byron St footpath (\$54k)
- Completed Stage 1 of Bannockburn Heart
- Successfully ran 16 Days of Activism Campaign
- Equine Youth Leadership project delivered
- New recycling contract negotiated. Service recommenced in December 2019.
- 4 Healthy Eating Active Living (HEAL) grants (\$2k) and 33 Community Grants were awarded (\$110,783)
- Bannockburn oval lighting upgrade completed
- Teesdale Turtle Bend toilet upgrade completed
- Fire hazard inspections commenced in November

A detailed explanation of all actions completed to date can be obtained from Attachment 1 – Council Plan Quarterly Progress Report – Quarter 2.

**CONSULTATION**

A formal consultation process was not required.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

As can be seen in the attached report, many of the Council Plan actions are now sitting at between 40 – 60% complete indicating that all is on track for completion of activities by end June 2020.

## 7.15 LOCAL GOVERNMENT PERFORMANCE REPORTING INDICATORS - PROGRESS REPORT

**File Number:**

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

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

**Attachments:**

1. LGPRF Indicators Report - Quarter 2 (under separate cover)
2. Update to LGPRF Indicators for 2019-20 (under separate cover)

### RECOMMENDATION

That Council:

1. Receive the report on the Local Government Performance Reporting Indicators (Attachment 1) for the period 01 July 2019 to 31 December 2019.
  2. Note the Know Your Council Update to Local Government Performance Reporting Framework Indicators for 2019/20 (Attachment 2).
- 

### EXECUTIVE SUMMARY

Council is required under the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014 to report on its performance in accordance with the Local Government Performance Reporting Framework (LGPRF).

Please note that Know Your Council made several changes to the naming of indicators plus how results are calculated following sector consultation in late 2017 and early 2018. These changes came into effect from 01 July 2019 and are also attached for Council's information (attachment 2).

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and included in the Golden Plains Shire Council Annual Report.

The Audit and Risk Committee previously requested that Management provide progress reports to be tabled in February and September and include trend data reporting and detailed commentary on results.

The first progress report for the period 01 July 2019 to 31 December 2020 is provided for Council's information (Attachment 1).

### BACKGROUND

The Local Government Performance Reporting Framework (LGPRF) is a key initiative developed by Local Government Victoria (LGV) within the Department of Environment, Land, Water and Planning (DELWP) to improve the transparency and accountability of Council performance.

The LGPRF requires Councils across Victoria to measure and report on performance in a consistent way. The mandatory performance reporting became a requirement for local government from the 2014-15 local government annual budgeting and reporting cycle onwards.

The framework is made up of 66 measures and a governance and management checklist of 24 items which together build a comprehensive picture of Council performance.

Council's performance against LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis and also included in the Golden Plains Shire Council Annual Report.

The performance data for each financial year is additionally made publically available. The 'Know Your Council' website [www.knowyourcouncil.vic.gov.au](http://www.knowyourcouncil.vic.gov.au) provides an opportunity for the community to access performance data for each Council and compare that data against similar Councils.

**POLICY CONTENT**

Reporting on the LGPRF ensures compliance with the Local Government Act 1989 and Local Government (Planning and Reporting) Regulations 2014 and further aligns with the Council Plan 2017-2021.

**DISCUSSION**

The first progress report at end of Quarter 2 covering the period 1 July 2019 - 31 December 2020 is provided (Attachment 1) for Council's information.

The data captured in the report shows Council's performance over the first 6 months of the 2019/20 period against the LGPRF indicators.

Data is now being measured against last year's performance with the aim of maintaining all areas that were tracking well and improving those that weren't.

Key areas of change to note are as follows:

- G1 Council decisions made at meeting closed to the public have increased. This is largely due to the review of the Bannockburn Children's Service long day care provision and includes other decisions around the Australia Day Awards, CEO review, strategic land acquisition and appointment of Audit & Risk Committee member.
- Both O2 Loans and Borrowings as a percentage of rates and O3 Loans and borrowing repayments as a percentage of rates indicators are currently tracking favourably due to new loans totalling \$9.5 million for the GPCCC project yet to be taken up.
- C7 Resignations and Terminations compared to average staff shows a result of 2.8% for the current quarter. This is half the Quarter 1 result of 5.6% and the lowest Quarter 2 result in 4 years.
- WC5 Kerbside collection waste diverted from landfill result is extremely low. This result has been significantly impacted by the closure of SKM but should see improvements over the next 6 months due to recycling services recommencing from 16 December 2019.

The next progress report is due to be presented to the Audit & Risk Committee and Council in September 2020 permitting all data has been finalised.

**CONSULTATION**

Council's performance against LGPRF measures will be presented to a public Council meeting six-monthly and reported in the Golden Plains Shire Council Annual Report.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

This report provides information on Council's performance in relation to the LGPRF strategic indicators contained in the Local Government (Performance Reporting) Framework 2014 which provide a transparent reporting mechanism to the community in relation to Council's performance.

**7.16 AUDIT & RISK COMMITTEE REPORT - 12 NOVEMBER 2019****File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. **Audit and Risk Committee Minutes 11.02.20 (under separate cover)****RECOMMENDATION**

That Council receive the Audit & Risk Committee report from the meeting of 11 February 2020.

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**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 11 February 2020 meeting of the Audit & Risk Committee.

**BACKGROUND**

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

**POLICY CONTEXT**

To remain compliant with Section 139 of Local Government Act 1989, the Audit and Risk Committee has been established to assist Council in fulfilling its responsibilities relating to risk management, financial management and control and reporting.

**DISCUSSION**

Attendees at the Committee meeting were as follows:

**Councillors:**

Cr Owen Sharkey

Cr Les Rowe

**Independent Members:**

Mr Andrew Pearce

Mr Joe Adamski

Mr Phil Delahunty

**Officers:**

Eric Braslis (CEO)

Philippa O'Sullivan (Director Corporate Services)

Steven Sagona (Director Infrastructure and Development)

Lisa Letic (Director Community Services)

Fiona Rae (Finance Manager)

Claire Tehan (People and Culture Manager)

Rebecca Failla (ICT &amp; Digital Transformation Manager)

Candice Robinson (Corporate Governance and Risk Coordinator)

David Greaves (Works Manager)

Scott Cayzer (Coordinator People and Culture)

Jacquilyn Douglas (Governance and Legal Services Officer)

Emily Chapman (Governance and Corporate Services Administration Officer)

**Guests:**

John Gavens (Crowe Horwath)  
Robert Smith (McLaren Hunt)

**Declaration of Conflict of Interest:** Nil

The Committee considered the following matters at the meeting:

Audit Committee Action Items  
Outstanding Internal and External Audit Actions  
Publications of Interest  
Major Projects – Progress Update Bannockburn Heart  
Major Projects – Progress Update GPCCC  
Bannockburn Children’s Services Long Day Care – Progress update  
Quarterly Finance Report  
Quarterly OHS Report  
Risk Management Quarter Two Report  
Cyber Security Risk Management Controls at GPSC  
Internal Audit 3 Year Strategic Internal Audit Plan  
Internal Audits held during the Quarter – Tree Management Update  
Internal Audit – Payroll Audit  
VAGO 2019/20 Audit Strategy  
VAGO Report on Local Government 2018/19  
VAGO Performance Audit – Supporting Communities through Development and Infrastructure Contributions  
New Accounting Standards  
Review of Audit & Risk Committee Charter  
Update on Privacy and Compliance Actions  
Local Government Performance Reporting Indicators – Progress Report  
Governance Quarter Two Report  
Property Use Agreement Policy

A copy of the minutes have been provided for Council’s information in Attachment 1.

### **CONSULTATION**

Nil

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The next meeting of the Committee is scheduled for Tuesday, 12<sup>th</sup> May 2020.

## 7.17 ADOPTION OF CIVIC COLLECTION POLICY

**File Number:****Author:** Kim Biggs, Arts and Culture Advisor**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. GPS Civic Collections Policy (under separate cover)**RECOMMENDATION**

That Council adopt the Golden Plains Shire Civic Collections Policy as attached.

---

**EXECUTIVE SUMMARY**

A new policy has been developed to ensure the future preservation, interpretation and access to Golden Plains Shire Civic Collections.

The Collection is important for its value as both a corporate record and for its local historical significance.

This report seeks Council's adoption of the Golden Plains Shire Civic Collections Policy.

**BACKGROUND**

At the October 2019 Council meeting, Council adopted a framework to ensure the future care and sustainability of the Golden Plains Shire's Civic Collections. The creation and adoption of a Civic Collection Policy was a key outcome of this decision.

The Golden Plains Shire Council Civic Collection contains a wide assortment of historic memorabilia, artefacts, and other items accumulated by successive (pre and post amalgamation) Councils since the late 1850s/early 1860s.

The collection contributes to the history and corporate memory of the Golden Plains Shire by providing a record of many of its activities and events. It highlights the relationship between the Council and the community and forms part of the organisations assets.

The collection is distributed across multiple locations in the Shire. An external Consultant is conducting an audit of the collection the audit commenced in mid-February 2020 and will be complete by June 2020.

**POLICY CONTEXT**

The Burra Charter is a set of principles that have been adopted to create a nationally accepted standard for heritage conservation practice in Australia. It is not a legal requirement to adopt the Burra Charter guidelines, however they are well entrenched in policy relating to both fixed and movable cultural heritage in Australia. The development of the Civic Collections Policy is in keeping with museums best practices and complies with the principles outlined in the ICOMOS (International Council of Monument and Sites) Burra Charter.

As an asset of Council, the Civic Collection relates to the existing internal Asset Management Policy which provides broad guiding principles for the control of assets within the organisation.

**DISCUSSION**

The establishment of a Civic Collection Policy provides a guiding framework for the future development and management of the civic collection. This includes guidance on the acquisition of objects, deaccessioning (disposal) and recommendations for best practice storage and



documentation. Collection policies are considered standard within the museums industry and are increasingly being adopted by Councils to guide the management of Council owned collections.

### **CONSULTATION**

Internal consultations have been undertaken with key stakeholders to ensure that the policy and procedural documentation complies with:

- Records policies and procedures,
- Council's corporate governance principles.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The adoption of the Civic Collection Policy provides an opportunity to take a proactive approach to the maintenance and development of the Golden Plains Shire Civic Collections.

Promoting healthy and connected communities is a key pillar in the 2017- 2021 Council Plan and establishing a framework for the care, display and preservation of Council's civic memorabilia helps to build connection across communities, to develop a stronger sense of place and to provide a point of reference for the past as we look to the future.

**7.18 INFORMATION PRIVACY POLICY****File Number:****Author:** Candice Robinson, Corporate Governance & Risk Coordinator**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Information Privacy Policy (under separate cover)**RECOMMENDATION**

That Council adopts the Information Privacy Policy as attached.

---

**EXECUTIVE SUMMARY**

Under the *Privacy and Data Protection Act 2014*, Council have obligations in relation to how it collects, stores, uses and accesses personal information provided to Council by individuals.

Council is required to set policies on its management of personal information based on the ten information privacy principles, which regulate the handling of information.

Following an internal audit on Council's management of information privacy, an improvement opportunity was identified for Council to formally adopt an Information Privacy Policy. That policy would then replace the Organisational Policy historically authorised by the Chief Executive Officer.

The policy was endorsed by the Audit and Risk Committee at its 11 February 2020 meeting and is now provided for Council's consideration and adoption.

**BACKGROUND**

Council is committed to complying with its legal obligations in relation to privacy and views the protection of an individual's privacy as an integral responsibility.

Historically an organisational policy authorised by the Chief Executive Officer guided privacy and the management of personal information. The organisational policy was last reviewed in 2014.

Following an internal audit on Councils management of information privacy, an improvement opportunity was identified for Council to formally adopt an Information Privacy Policy. Privacy predominately relates to Councils customers and community rather than to the internal business of the Council and therefore, it was deemed by the auditors that the policy should be formally adopted by Council.

The Council policy as attached will replace the organisational policy and be supported by strategic documents including an organisational procedure.

**POLICY CONTEXT****Legislation**

*Privacy and Data Protection Act 2014*

*Health Records Act 2001*

*Freedom of Information Act 1982*

*Local Government Act 1989*

**Strategic Documents**

*Information Privacy Procedure*

*Privacy Breach Procedure Manual*

*Privacy Impact Assessment Template*

*Code of Conduct (Staff)*

*Public Interest Disclosure Policy*

*Public Interest Disclosure Procedure*

*Freedom of Information Procedure*

*Freedom of Information Internal Process Manual***DISCUSSION**

Councils and other organisations collect a vast amount of personal information about individuals in day to day business operation.

Personal information is recorded information or opinion, whether true or not, about an identifiable individual. Personal information typically includes, but is not limited to, name, address, email, telephone and date of birth.

Privacy is the legal and human right of individuals to determine for themselves when, how and to what extent their personal information is shared with others.

Council views the protection of an individual's privacy and personal information as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

The Information Privacy Policy as attached ensures Council is transparent about what personal information it can collect and how that information is used, stored, handled and disclosed.

The policy was endorsed by the Audit and Risk Committee at its 11 February 2020 meeting and is now provided for Council's consideration and adoption.

The policy is supported by a number of strategic documents adopted by the Strategic Management Team in February 2020, including Information Privacy Procedure, Privacy Breach Procedure Manual, Privacy Impact Assessment Template, Freedom of Information Procedure and Freedom of Information Internal Process Manual.

**CONSULTATION**

Following adoption by Council, the policy will be made available on Council's website. A hardcopy copy of the policy will be made available to anyone who asks for it upon request.

All staff will be informed of the application of this policy.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The Information Privacy Policy is attached. The policy was endorsed by the Audit and Risk Committee at its 11 February 2020 meeting and is now provided for Council's consideration and adoption.

## 7.19 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

**File Number:****Author:** Candice Robinson, Corporate Governance & Risk Coordinator**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (under separate cover)

### RECOMMENDATION

That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the legislation referred to in the attached Instrument of Appointment and Authorisation ('the instrument'), resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Local Law No. 1 of 2019 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 22 October 2019 is revoked.

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### EXECUTIVE SUMMARY

It is necessary for Council to directly appoint persons as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987*. By doing so, Council ensures that it has the capacity to investigate and enforce the Planning Scheme, planning permits, planning permit conditions, agreements made under section 173, enter sites, gather evidence or serve legal notices, etc. if required.

The Chief Executive Officer appoints the majority of authorised officers under section 224 of the *Local Government Act 1989*, in reliance of Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

Council last review and adopted its Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* in October 2019. A review of that instrument has since been undertaken following recent staff changes. It is recommend that Council endorse the revised instrument (Attachment 1).

### BACKGROUND

Investigative powers are vested in individuals appointed as authorised officers, such as the power to enter land, apply for an enforcement order and file a charge and summons. Most regulatory legislation follows an authorisation process.

Part 6 of the *Planning and Environment Act 1987* provides for enforcement and legal proceedings. Unlike other Acts, the *Planning and Environment Act 1987* requires Council to directly appoint officers by resolution, rather than delegate the power of appointment to the Chief Executive Officer.

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

## **POLICY CONTEXT**

*The Local Government Act 1989*

*The Planning and Environment Act 1987*

## **DISCUSSION**

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to investigate and enforce the Planning Scheme, planning permits, planning permit conditions, agreements made under section 173, enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The attached instrument of authorisation and appointment has been reviewed and updated. The changes to the instrument are detailed below:

- addition of new and/or existing staff that were not previously authorised;
- removal of staff who are no longer employed by Council;
- changes to position titles; and
- minor cosmetic changes.

## **CONSULTATION**

Changes to authorisations are communicated internally.

Under the *Local Government Act 1989* Council must also keep a register of authorised officers under section 224.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

Council last reviewed and adopted its Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* in October 2019. A review of that instrument has since been undertaken following recent staff changes. By authorising the relevant officers Council will ensure the provision of enforcement under the *Planning and Environment Act 1987*. It is recommend that Council endorse the revised instrument.

**7.20 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - SECOND QUARTER ENDING 31 DECEMBER 2019****File Number:** 31-01-001**Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Councillor Expenses - 2019/20 Year to date (under separate cover)**RECOMMENDATION**

That Council note the contents of the Councillor Expenses and attendance Report for the second quarter of 2019/20 being the quarter ended 31 December 2019.

---

**EXECUTIVE SUMMARY**

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for the second quarter of 2019/20. This report now also includes quarterly updates on Councillor attendance at Ordinary meetings of Council and Special meetings of Council.

Providing regular updates throughout the year on the Councillor attendance at meetings enables enhanced transparency rather than only one annual update as reported in Council's annual report.

**BACKGROUND**

In accordance with Legislation and policy, Councillors can be reimbursed for eligible out of pocket expenditure in relation to resources and training to undertake their role as Councillors.

Furthermore, Councillors have a number of roles in providing leadership to the community including decision making on behalf of the community. The formal decision making process is conducted through council meetings which are held on the fourth Tuesday of each month. The meetings provide an opportunity for community members to attend and if required, address the Council in support of their submissions. This report now provides a regular update on Councillor attendance at Ordinary meetings and Special meetings of Council during the year.

**POLICY CONTENT**

Sections 75 and 76 of the *Local Government Act 1989* (as amended).

Council Policy 4.14 – Councillor Reimbursement.

Victorian Government's policy statement on Local Government Mayoral and Councillor Allowances and Resources.

**DISCUSSION****Councillor Expense Allowances**

Summarised in the attached document are the figures for allowances and expenses for the Mayor and Councillors for the period 1 July 2019 to 31 December 2019.

The actual expenditure is compared to the annual budget as follows:-

Category	Annual Budget \$	Actual \$	Percentage spent
Conferences & Training Expenses	17,100	3,292	19.3%
Travel Expenses	5,325	729	13.7%
Car Expenses	8,000	2,589	32.4%
IT & Communications	3,750	1,621	43.2%
Childcare Expenses	-	-	
<b>Total Councillor Allowances</b>	<b>34,175</b>	<b>8,231</b>	<b>24.1%</b>

### Councillor attendance at ordinary and special meetings of council

The table below outlines the Councillor attendance at both ordinary and special meetings of Council for the second quarter of 2019/20.

For the second quarter of 2019/20, Council held the following meetings:

- 3 Ordinary Council meetings
- 1 Special meeting on 8 October 2019.

Councillor	Ordinary Meetings (3 meetings)	Special Meetings (1 meetings)	Total Meetings (4 meetings)
David Evans	3	1	4
Joanne Gilbert	3	1	4
Nathan Hansford	3	0	3
Helena Kirby	3	1	4
Des Phelan	2	1	3
Les Rowe	3	1	4
Owen Sharkey	3	1	4

### CONSULTATION

A formal consultation process is not required.

### CONFLICT OF INTEREST

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

### CONCLUSION

The report indicates that Councillors have received reimbursements and had services provided in accordance with relevant policy and also outlines Councillors attendance at ordinary and special Council meetings for the second quarter of 2019/20.

## 7.21 REVIEW OF AUDIT & RISK COMMITTEE CHARTER

**File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Audit and Risk Committee Charter - February 2020 (under separate cover)**RECOMMENDATION**

That the Council note and approve the change to the Audit and Risk Committee charter to update the Audit and Risk Committee's responsibility to include cyber security monitoring.

---

**EXECUTIVE SUMMARY**

At the Audit and Risk Committee meeting on 29 November 2019, the Audit and Risk Committee (The Committee) discussed the increased risk of cyber security attacks across all sectors. Following discussions, the Committee requested that the Audit and Risk Committee charter as presented in attachment 1, be updated to include cyber security monitoring as part of the Committee's responsibilities.

Subsequently, the revised Charter was presented at the 11 February 2020 Audit and Risk Committee meeting whereby the Committee noted and agreed to the proposed amendment and recommended the charter be presented to Council for approval.

**BACKGROUND**

As part of the Internal Auditors, Publications of Interest report (July 2019 to September 2019) that was presented to the Audit and Risk Committee at the 29 November 2019 meeting, it identified a number of cyber security attacks that had occurred during the past 12 months. The implications of these attacks include but not limited to privacy breaches, financial loss and provision of service loss.

To mitigate the increased risks of cyber security attacks it was recommended that organisations should have in place a cyber-security framework conforming with the NIST (National Institute of Standards and Technology) or like standards. The framework should include governance procedures such as:

- Consider amending the Audit and Risk Charter to include cyber-security oversight as part of the responsibilities of the committee;
- Council/Board/Audit and Risk framework oversight at least annually; and
- Performance metrics reporting on the effectiveness of the framework at least every 6 months.

As a result, the Committee requested that the Audit and Risk Committee charter be updated to include cyber security oversight as part of its responsibilities.

**POLICY CONTEXT**

To ensure Council remains compliant with section 139 of the *Local Government Act*, an Audit and Risk Committee has been established, with the Charter outlining the responsibilities of the Committee.



**DISCUSSION**

Following discussions at the 29 November Audit and Risk Committee meeting, the Committee acknowledged the increased risk of cyber security attacks occurring and as a result requested that the Audit and Risk Committee Charter be updated to include cyber security monitoring as a responsibility of the Committee.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

As requested by the Committee, the Audit and Risk Committee Charter has been updated to include cyber security monitoring as part of its responsibilities and is now presented to Council for approval.

## 7.22 RATING STRATEGY

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

### RECOMMENDATION

That Council approve the rating mechanisms to be included in the Rating Strategy and incorporated into the draft 2020/21 budget.

---

### EXECUTIVE SUMMARY

An extensive review of the Rating Strategy has been performed to consider opportunities to increase equity across the Shire. This review included modelling scenarios to determine the most appropriate mechanisms to modify and adopt in the new Rating Strategy.

The new Rating Strategy will be subject to the outcomes of the State Government Rating Review which is expected mid-late March. Council officers will consider any recommendations made and whether the outcomes are beneficial to our Shire.

### DISCUSSION

During the preparation of the 2019/20 Council budget it was agreed to decrease the amount received from total rate revenue and increase the revenue raised from the fixed municipal charge from \$225 to \$300. This outcome was agreed to on the basis that an extensive review of the rating strategy would commence in early in the 2019/20 year to consider further opportunities to increase equity across the shire.

The Rating Strategy review commenced in August 2019 with Council clarifying the key objectives and considered mechanisms available to achieve the desired outcome of greater rate equity between different rating categories across the Shire. The key drivers to reviewing the differential rates were:

A number of scenarios were modelled and presented at the September, October, November and December briefing sessions for consideration by Council.

Mechanisms modelled included:

- Removing growth differentials
- Establishing separate residential differentials for non-urban towns (< 300 assessments)
- Establishing separate farm differentials for broadacre, intensive and small farms
- Continued application of the vacant land differential for developable land
- Increase business property differential to 125% for the Bannockburn township and increase to 120% for all other townships

Modelling identified that a change to the residential differential will have a significant impact due to this group of customers representing the majority of customers.

Removing growth differentials has the greatest impact due to the growth areas experiencing higher property valuation increases than other townships. Removing growth differentials will reduce the rate shock for these customers.

It was also discussed that as businesses based outside of Bannockburn provided economic benefit to the smaller towns, it was reasonable to maintain the differential rate at 100% and the increase of the differential rate for businesses based in Bannockburn to 120%.

The following mechanisms are recommended to be adopted in the new Rating Strategy as they will assist in improving equity across the Shire:

- Removing growth differentials
- Establishing separate farm differentials for broadacre, intensive and small farms
- Maintain business property differential to 100% across all the Shire except for Bannockburn businesses
- Increase business property differential rate to 120% for Bannockburn
- Increase the municipal charge by 2% of total rate revenue in accord with the 2020/21 rate cap.
- Continued application of the vacant land differential for developable land

A comparison of current and recommended rating differentials is provided in the table below:

Property Category	Current Rating Differential	Proposed Rating Differential
Residential	100%	100%
Residential growth	106%	100%
Farm	90%	
Farm growth	96%	
Farm broadacre	N/A	85%
Farm intensive	N/A	90%
Farm <40ha	N/A	100%
Business, Industrial and Commercial (outside Bannockburn)	100%	100%
Business, Industrial and Commercial growth (outside Bannockburn)	106%	100%
Business Industrial and Commercial Bannockburn		120%
Vacant land non-farm	200%	200%
Vacant land non-farm growth	206%	200%
Vacant land non-developable	100%	100%
Vacant land non-developable growth	106%	100%
Municipal Charge increase by 2%	\$300	\$306

### CONFLICT OF INTEREST

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

### CONCLUSION

Agreed rating mechanisms will be incorporated into the Golden Plains Rating Strategy. Implementation of the new Rating Strategy will require updating the rating database to ensure the agreed mechanisms are established and applied to customer properties. Key messages around the reasons for the change in differential rates will be incorporated into the 2020/21 draft budget communications.

Council to approve the mechanisms to include in the new Rating Strategy.

**8 NOTICES OF MOTION**

Nil

## 9 PETITIONS

### 9.1 PETITION TO STOP THE CLOSURE OF CHRISTIES BRIDGE - GOLDEN LAKE ROAD, PIGGOREET

**File Number:**

**Author:** Candice Robinson, Corporate Governance & Risk Coordinator

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

**Attachments:** 1. Petition - Closure of Christies Bridge - Golden Lake Road, Piggoreet (Redacted)

#### RECOMMENDATION

That Council, in accordance with its Local Law No. 1 – Council Meeting Procedures & Common Seal:

1. Receives the petition requesting Council stop the closure of Christies Bridge, Golden Lake Road, Piggoreet.
  2. Requires a report on the petition be presented to the 24 March 2020 Ordinary Council Meeting.
- 

#### EXECUTIVE SUMMARY

The purpose of this report is to receive and note the petition requesting that Council stop the closure of Christies Bridge, Golden Lake Road, Piggoreet.

The petition consists of 93 signatures.

Council received the petition on 17 December 2019. As the agenda for the 17 December 2019 Council meeting had been finalised on 13 December 2019, there was no opportunity to include the petition on the agenda for the December meeting.

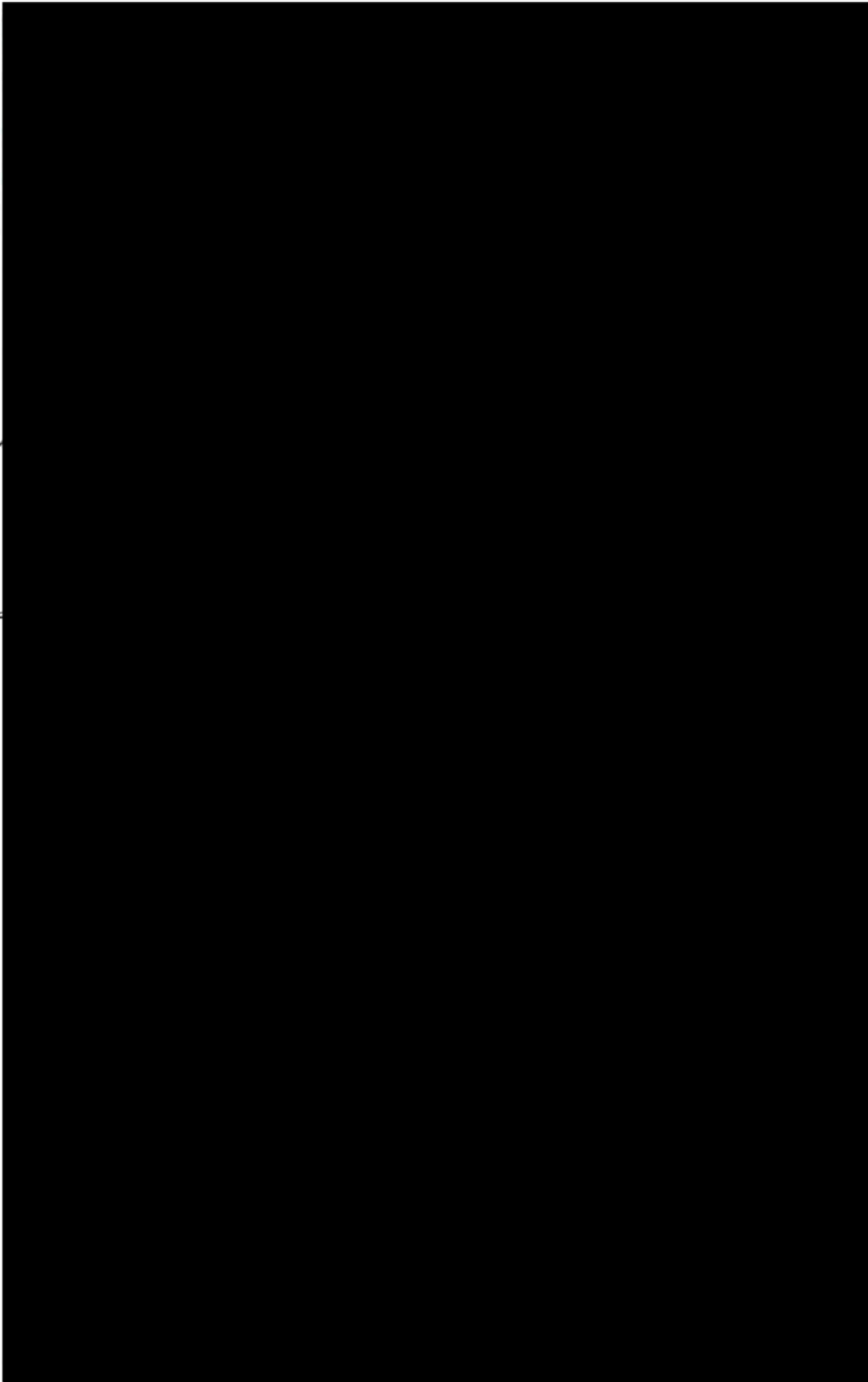
In accordance with Council's *Local Law No. 1 – Council Meeting Procedures & Common Seal* (Local Law) and the associated *Public Participation in Council Meetings Policy* (Policy), no motion other than a motion to receive the petition may be made on this petition until the next Ordinary Meeting of Council. Therefore, a report in relation to the matters raised in the petition will be prepared by the Director Infrastructure and Development for Council's consideration at the 24 March 2020 Ordinary Council Meeting.

In accordance with the Local Law and Policy, Council will notify in writing the first person who signed the petition of Council's decision.

### Petition to the Golden Plains Shire

<p>Petition summary and background</p>	<p>We are petitioning the Golden Plains Shire to stop the closure of a section of Golden Lake Rd, Piggoreet, known as Christies Bridge, by a local private landowner.</p> <p>Christies Bridge, Golden Lake Rd, Piggoreet is an essential fire access and emergency vehicle road for the Piggoreet and Scarsdale communities, providing a throughway to Basin Road and surrounding roads.</p> <p>It is also a part of the Rainbow Bird Trail and a tourist road that is valuable to the district and the Shire as a whole.</p> <p>The closure of any section of Golden Lake Rd, Piggoreet, would be detrimental not only to landholders, but to wildlife, surrounding towns, wildlife and tourism in general.</p>
<p>Action petitioned for</p>	<p>We, the undersigned want the Shire to stop the closure of Christies Bridge on Golden Lake Rd, Piggoreet.</p> <p>As an essential emergency services road, a local road, a tourist road and an important environmental area in regard to the Rainbow Bird Trail, the closure of this section of Golden Lake Rd is extremely detrimental. To all concerned.</p>

Signature	Address (Street Only)	Printed Name	Date
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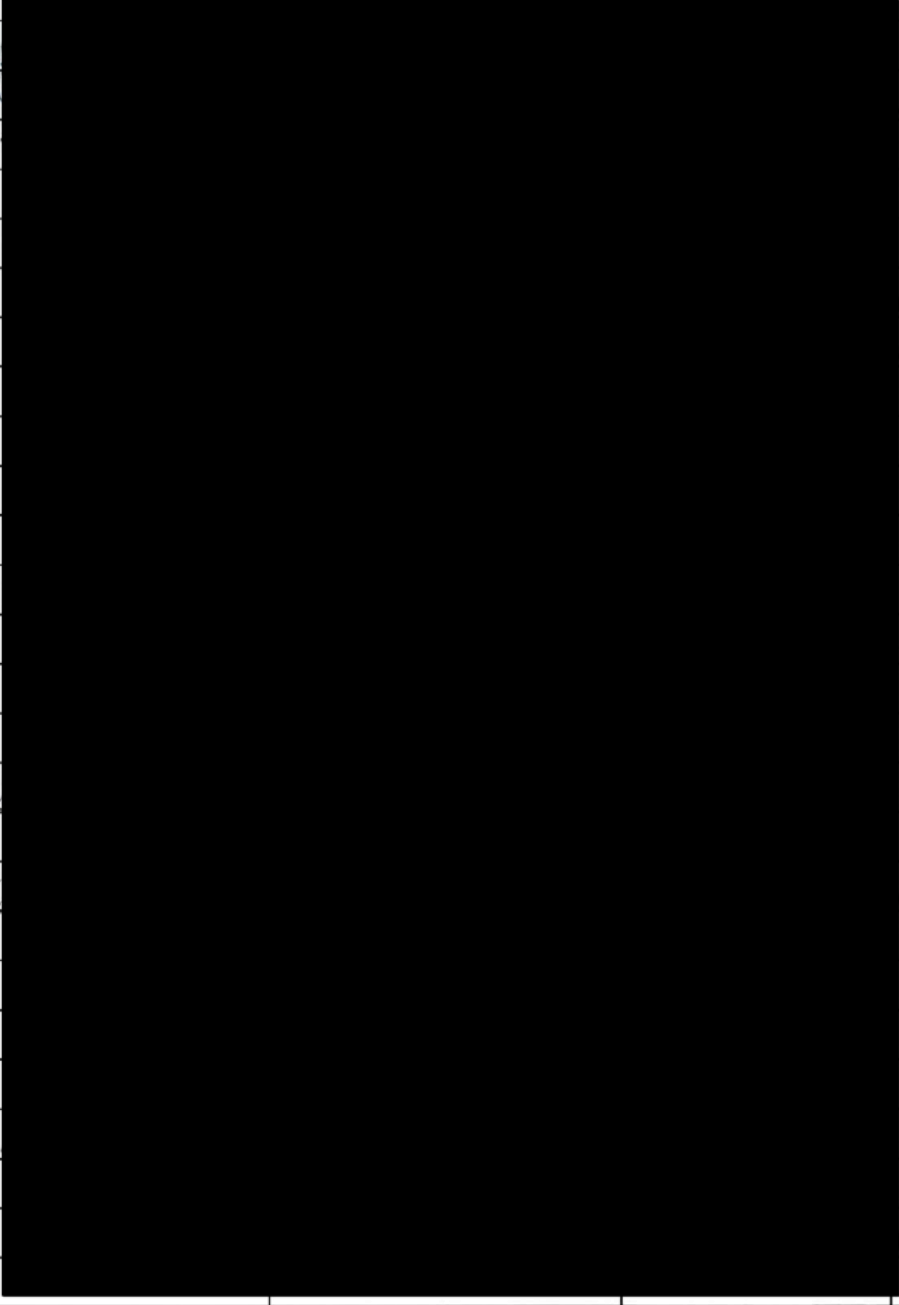


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### Petition to the Golden Plains Shire

Petition summary and background	<p>We are petitioning the Golden Plains Shire to stop the closure of a section of Golden Lake Rd, Piggoreet, known as Christies Bridge, by a local private landowner.</p> <p>Christies Bridge, Golden Lake Rd, Piggoreet is an essential fire access and emergency vehicle road for the Piggoreet and Scarsdale communities, providing a throughway to Basin Road and surrounding roads.</p> <p>It is also a part of the Rainbow Bird Trail and a tourist road that is valuable to the district and the Shire as a whole.</p> <p>The closure of any section of Golden Lake Rd, Piggoreet, would be detrimental not only to landholders, but to wildlife, surrounding towns, wildlife and tourism in general.</p>
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Signature	Address (Street Only)	Printed Name	Date
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