

# **AGENDA**

## **Ordinary Council Meeting**

---

**6.00pm Tuesday 25 September 2018**

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

NEXT ORDINARY COUNCIL MEETING  
6.00pm Tuesday 23 October 2018

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.

## Order Of Business

<b>1</b>	<b>Opening Declaration.....</b>	<b>5</b>
<b>2</b>	<b>Acknowledgement of Country .....</b>	<b>5</b>
<b>3</b>	<b>Apologies and Leave of Absence .....</b>	<b>5</b>
<b>4</b>	<b>Confirmation of Minutes.....</b>	<b>5</b>
<b>5</b>	<b>Declaration of Conflict of Interest.....</b>	<b>5</b>
<b>6</b>	<b>Business Reports for Decision .....</b>	<b>6</b>
6.1	Citizen Recognition .....	6
6.2	Assembly of Councillors .....	7
6.3	Planning application P17-269 for buildings and works associated with the existing retail premises including partial demolition of existing car park, buildings and works to alter access in a road zone category 2, use and development of a restricted recreation facility, buildings and works associated with the construction of pylon, panel, directional, and internally illuminated signage. ....	10
6.4	Inverleigh Flood Study Adoption.....	44
6.5	Environment Strategy 2019-2027 .....	48
6.6	Teesdale Grassy Woodlands Management Plan 2018 .....	50
6.7	Old Batesford Cemetery Management Plan 2018-2023 .....	51
6.8	Policy review - media statements and public notices .....	53
6.9	Geelong Heritage Centre - Membership request from Borough of Queenscliffe .....	55
6.10	Central Highlands Councils Victoria - Incorporation.....	57
6.11	Delegates Report - 29 August 2018 to 24 September 2018.....	60
<b>7</b>	<b>Notices of Motion.....</b>	<b>61</b>
7.1	Notice of Motion .....	61
<b>8</b>	<b>Petitions .....</b>	<b>62</b>
<b>9</b>	<b>Confidential Items.....</b>	<b>63</b>
9.1	Integrated Water Management Forums - Barwon and Central Highlands Forums - Strategic Directions Statements .....	63
9.2	Variation to Contract No. 0913 - Recyclable Materials Receival and Processing (SKM) .....	63



**1 OPENING DECLARATION****Our Vision**

A healthy, safe, vibrant, prosperous and sustainable community supported by strong leadership, transparent governance and community partnerships - Our Community, Our Economy and Our Pride.

**Opening Prayer**

Almighty God, Help us to undertake our duties impartially and honestly, in the best interests of the people of the Golden Plains Shire. We make this prayer through Jesus Christ Our Lord. Amen.

**2 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges the traditional Wadawurrung owners of this land. 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**

That the minutes of the meeting of council held 28 August 2018, as circulated, be confirmed.

**5 DECLARATION OF CONFLICT OF INTEREST**

## **6 BUSINESS REPORTS FOR DECISION**

### **6.1 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 Tiana Krilcic.

Tiana Krilcic is being recognised for her achievement in sport.

- Tiana 15 years old, lives in Bannockburn and has been competing in Underwater Hockey since she was 13.
- Tiana has been selected for the Victoria team and competed in the National Championships.

Note - Council will need to resolve to suspend standing orders to allow for the presentation of the award and then to resume standings orders in order to move back into Council reports / ordinary business.

## **6.2 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 29 August 2018 to 24 September 2018 as attached.

---

### **EXECUTIVE SUMMARY**

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 29 August 2018 to 24 September 2018.

### **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:

- The names of all Councillors and members of Council staff attending
- The matters considered
- Any conflict of interest disclosures made by a Councillor attending
- 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 September 2018
Time:	1.00pm
Purpose of meeting:	Councillor Briefing session
Councillors present:	Cr Helena Kirby, Mayor Cr Nathan Hansford Cr Les Rowe Cr Owen Sharkey Cr David Evans Cr Des Phelan
Apologies:	Cr Joanne Gilbert
Council staff present:	Eric Braslis, Chief Executive Officer Greg Anders, Director Assets & Amenity Patti Wenn, Acting Director Community Services Richard Trigg, Director Corporate Services David Greaves, Works Manager Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Tim Waller, Development Manager Louisa White, Community Development Manager Alicia Te Wierik, Senior Strategic Planner Laura Wilks, Strategic Planning Team Leader Martin Roberts, Environment Services Team Leader Dale Smithyman, Natural Resources Officer Heidi Preston, Child and Family Services Manager Stephanie Chapman, Communications & Marketing Officer Ann Card, Senior Communications & Marketing Officer
Other people present:	Tony Jones, Corangamite Catchment Management Authority Penny Reed, Corangamite Catchment Management Authority
Conflict of Interest Disclosures ( <i>Councillors</i> )	Nil
Conflict of Interest Disclosures ( <i>Officers</i> )	Nil
Matters discussed:	<b>Presentations</b> <ul style="list-style-type: none"> <li>- Communications and Marketing Strategy – Councillor scoping exercise</li> </ul> <b>Reports</b> <ul style="list-style-type: none"> <li>- Citizen Recognition</li> <li>- Planning application P17-269 for buildings and works associated with the existing retail premises including partial demolition of existing car park, buildings and works to alter access in a road zone category 2, buildings and works associated with the construction of pylon, panel, directional, and internally illuminated signage.</li> <li>- Inverleigh Flood Study Adoption</li> <li>- Bannockburn Children's Service - Community Child Care Recommended Fee Increase 2018-2019</li> <li>- Environment Strategy 2019-2027</li> <li>- Teesdale Grassy Woodlands Management Plan 2018</li> <li>- Old Batesford Cemetery Management Plan 2018-2023</li> <li>- Geelong Heritage Centre - Membership request from Borough of Queenscliffe</li> <li>- Media Statements and Public Notices Policy</li> <li>- Central Highlands Group of Councils</li> </ul>



	
	<p><b>Confidential Reports</b></p> <ul style="list-style-type: none"> <li>- Variation to Contract No. 0913 - Recyclable Materials Reveal and Processing (SKM)</li> <li>- Barwon Region Strategic Directions Statement - Integrated Water Management</li> </ul> <p><b>Updates</b></p> <ul style="list-style-type: none"> <li>- Economic Development &amp; Tourism Update</li> <li>- Draft Inverleigh Structure Plan</li> </ul>
Completed by:	<p>Eric Braslis, Chief Executive Officer</p>  <p>19/09/18</p>

**6.3 PLANNING APPLICATION P17-269 FOR BUILDINGS AND WORKS ASSOCIATED WITH THE EXISTING RETAIL PREMISES INCLUDING PARTIAL DEMOLITION OF EXISTING CAR PARK, BUILDINGS AND WORKS TO ALTER ACCESS IN A ROAD ZONE CATEGORY 2, USE AND DEVELOPMENT OF A RESTRICTED RECREATION FACILITY, BUILDINGS AND WORKS ASSOCIATED WITH THE CONSTRUCTION OF PYLON, PANEL, DIRECTIONAL, AND INTERNALLY ILLUMINATED SIGNAGE.**

**File Number:**

**Author:** Leigh Page, Town Planner

**Authoriser:** Greg Anders, Director Assets and Amenity

**Applicant:** JMPlanning

**Owner:** Nardi Holdings (Aust) Pty Ltd

**Proposal:** Building and works associated with the existing retail premises including partial demolition of existing car park, buildings and works to alter access in a road zone category 1, use and development of a restricted recreation facility, buildings and works associated with the construction of pylon, panel, directional, and internally illuminated signage

**Location:** Lot 1 on PS427300H, PC169885N, CA 10, Section 6, Lot 1 on TP688963H, Lot 1 on TP696893G, CA 2009, Lots 1 & 2 on PS137829, CA 7, 8, & 10, Section 7, Lot 2 on PS115936, and Lots 1 & 2 on PS205032L, Township of Bannockburn, Parish of Wabdallah (High Street, McPhillips Road, Burns Street & Victor Street, Bannockburn).

**Attachments:**

1. Recommended Conditions
2. Copy of Application and Titles (under separate cover)
3. Copy of Application Planning Report (under separate cover)
4. Copy of Ground Level Site Plan (under separate cover)
5. Copy of Underground Level Site Plan (under separate cover)
6. Copy of Elevations Plan No. 1 (under separate cover)
7. Copy of Elevations Plan No. 2 (under separate cover)
8. Copy of Objections (under separate cover)

**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the building and works associated with the existing retail premises including partial demolition of existing car park, buildings and works to alter access in a road zone category 1, use and development of a restricted recreation facility, buildings and works associated with the construction of pylon, panel, directional, and internally illuminated signage at Lot 1 on PS427300H, PC169885N, CA 10, Section 6, Lot 1 on TP688963H, Lot 1 on TP696893G, CA 2009, Lots 1 & 2 on PS137829, CA 7, 8, & 10, Section 7, Lot 2 on PS115936, and Lots 1 & 2 on PS205032L, Township of Bannockburn, Parish of Wabdallah (High Street, McPhillips Road, Burns Street, & Victor Street, Bannockburn) with conditions shown on Attachment 1.

**EXECUTIVE SUMMARY**

The report relates to a planning application for building and works associated with the expansion to the existing retail premises. This report provides a background to the application, a summary of the relevant planning considerations, and an officer recommendation which supports the issue of a planning permit.

**PURPOSE**

The application has been referred to Council for determination because there are outstanding objections to the application for planning permit.

**DECLARATIONS OF CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act 1989, the Officers preparing this report declare no conflict of interest in regard to this matter.

**COUNCIL PLAN**

Managing natural and built environments.

**BACKGROUND INFORMATION**Previous Planning Permit

A previous planning permit (P10-326) was issued to develop the land for the purposes of an extension to the existing shopping centre, construction of a carpark and a partial waiver of car parking requirements.

The application proposed to extend and redevelop the existing Bannockburn plaza shopping Centre. The centre was proposed to be extended northwards to provide an additional 4,714 square metres of leasable ground floor retail space. The re-development also included the construction of a 1,420 square metre first floor to accommodate commercial office space.

The previous extension and redevelopment works included the construction of a new car parking area located between the northern end of Burns Street and Victor Street. The car parking area provided for 326 vehicles and was accessible from three new crossovers located on McPhillips Road, Victor Street, and the continuation of Burns Street. The shopping centre structure was to be constructed of modern and traditional construction materials.

The development proposed two major entrance features on the north (McPhillips Road) and west fronting facades. These proposed entrance features of the centre were proposed at a height of 10 metres above the natural ground level. These entrances were to be articulated with section of floor to ceiling glazing panels and skillion roof forms constructed of Alucobond. It was proposed that all sections of the sheer two storey walls be fitted with contrasting 'Kingspan' panels and three metre wide decorative concrete wall panels.

The planning permit was issued 24 June 2011, in addition, a number of extension of time applications were granted to extend the expiry condition of the permit, however, the approved development never commenced.

Current Planning Application

Prior to the lodgement of this planning application, the applicant and their consultant team organised pre-application discussions with Council.

The subject property is located across 14 parcels of land, with the subject property extending north east to McPhillips Road, south east to High Street, north west to Victor Street and south west generally midway along Burns Street adjacent to the existing Shire Hall building, rear open car park and residential properties at 12 Burns Street and 13 Victor Street. It should be noted that 9 Victor Street is not included in this proposed development.

The subject land is located within the Commercial 1 Zone (C1Z) and is subject to Design and Development Overlay Schedule 9 (DDO9). Two of the subject parcels directly adjoin a Road Zone Category 1 (High Street). Heritage Overlay HO95 applies to the existing hotel building and rear car park on the allotment at the corner of High Street and McPhillips Road.

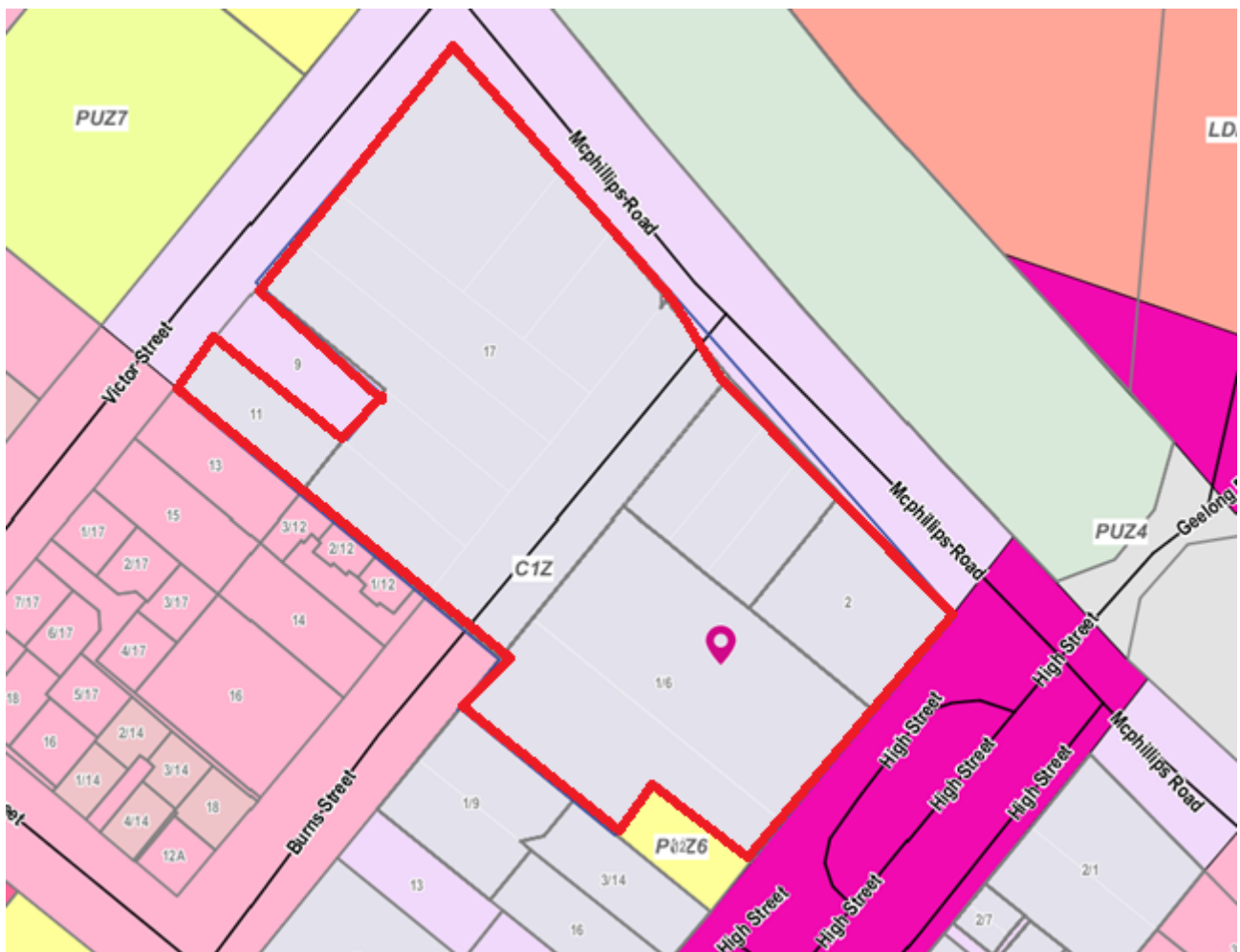
The subject property has approximately:

- 190 metres of frontage to McPhillips Road, including the existing corner hotel site, Burns Street to the north is to be partially removed.

- 95 metres of frontage to High Street, from McPhillips Road to the Shire Hall building.
- 131 metres of boundary to the residential properties at 12 Burns Street and 13 Victor Streets and across Burns Street. The varying boundary lengths extend around the existing open car park off Burns Street and to the immediate rear of the Shire Hall building.
- The south west boundary then extends 38 metres past the Shire Hall building and existing vehicle access road to High Street.

The subject property has an overall site area of approximately 2.7 hectares.

The existing 3,837 square metre Bannockburn Plaza Shopping Centre comprises a Woolworths Supermarket and 12 specialty retail outlets, primarily accessible from High Street and Victor Street, with a secondary car park and entry point on McPhillips Road. The existing centre presents as a single storey traditional village retail premises fronting High Street, with pedestrian access to the supermarket from two car parks and High Street. The car parking associated with the centre comprises 60 car parking spaces to the immediate rear of the Shire Hall building and 30 car park spaces to the north of the centre and rear of the existing corner hotel. Vehicle access to the car parking areas is via McPhillips Road, Burns Street, and High Street.



Zoning map of subject site

The application proposes building and works associated with the existing retail premises including partial demolition of existing car park, buildings and works to alter access in a road zone category 1, buildings and works associated with the construction of pylon, panel, directional, and internally illuminated signage.

The original proposal submitted proposed that the development be undertaken in three consecutive stages, culminating in a two level commercial centre with an overall floor area of approximately

11,160 square metres extending from High Street to Victor Street. The following is an outline of the originally submitted staged development:

### Stage 1 Development

#### Ground Level

- Proposed construction of a new centre development on the western vacant land fronting McPhillips Road, Victor Street west of Burns Street north.
- This new building proposed a 3,920 square metre Woolworths supermarket, 6 x specialty retail outlets, public amenities and connecting pedestrian access areas.
- An open car park accommodating 57 car parking spaces including 4 disabled spaces, 2 taxi parking spaces, 1 trolley bay area, and 6 bicycle parks, to be located between the development, McPhillips Road and Burns Street.
- Customer vehicle access to the car park is proposed from Burns Street and off McPhillips Road.
- Delivery trucks and related access to Woolworth's supermarket is proposed to be restricted to an enclosed loading dock with separate crossover to McPhillips Road.

#### Lower Ground Level

- Vehicle access to the lower level is proposed from Victor Street.
- The car park will have a total of 121 car parking spaces including 3 disabled parking spaces and 15 bicycle parks.
- The lower level car park is proposed to be located beneath the development, principally the Woolworths supermarket
- The lower level car park also proposed to accommodate a pump room, two large water/fire tanks, main switch room, bin collection area and an automated ramp and lift access to the new plaza centre building above.

### Stage 2 Development

#### Ground Level

- Closure of the section of Burns Street, midway between McPhillips Road and Milton Street along the site's south west boundary.
- Closure of the existing one way vehicle access road to the High Street frontage.
- Proposed demolition of the existing Plaza Shopping Centre building, or the majority thereof, with the retention of the front north eastern High Street specialty retail outlets and entrance built form elements to be integrated within the new centre development.
- Construction of proposed new stage 2 centre style development replacing the existing shopping centre building and extending from the existing High Street frontage linking with the completed stage 1 centre development.
- Stage 2 of the development proposes a 1,603 square metre Aldi supermarket, 6 x specialty retail outlets within, 6 x specialty retail outlets to the High Street frontage and pedestrian access areas linking with stage 1
- Development of the proposed central covered 374 square metre Village Square open area, a pedestrian focus point within the overall centre.
- The application proposes a separation of the front High Street specialty retail outlets and pedestrian entrance from the Shopping Centre building with a narrow two way access road connecting car parks and including large landscaped pedestrian links between
- The ground level stage 2 open car park provides for an additional 146 car parking spaces, 2 trolley bays, and 14 bicycle parks, located between the development and McPhillips Road and linking the completed stage 1 car park.
- Proposed 2 vehicle crossovers off McPhillips Road, plus an internal two way access road linking the car parking areas.

- A proposed loading bay and related access to the Aldi supermarket is restricted to an enclosed loading dock with truck access off McPhillips Road.
- Proposed open landscaped pedestrian pathways replace the former one way High street and the Shire Hall building to the proposed development and new shopping centre.

#### Lower Ground Level

- Construction of a proposed new lower level building centrally adjacent to the completed lower level stage 1 car park and beneath upper level specialty retail outlets, comprising 283 square metre lower specialty retail floor space, centre store room, and centre services room.
- Vehicle access is proposed from the completed lower level Victor Street stage 1 car park is provided to the north end of Burns Street via a two way access road.

#### Stage 2a Future Development

Limited information was provided with this proposed future stage; this stage 2a had no firm start date.

#### Ground Level

- Construction of a proposed 659 square metre new infill office floor space within the plaza centre to the rear of the Aldi supermarket and comprising 2 large upper tenancies, and pedestrian access ways linking with existing retail tenancies.
- The existing 60 space car park is proposed to be altered and upgraded to include 70 car parking spaces.

#### Lower Ground Level

- Construction of a proposed new lower level 990 square metre retail floor space beneath upper level office floor space and fronting the Burns Street open car park.
- Proposed construction of a centre plant room and centre electricity room abutting the completed stage 2 lower level centre store and services rooms.

Following an initial review of the submitted plans and supporting documentation. Council Officers prepared and sent a letter requesting further information and clarification surrounding a number of issues identified in the proposal. This letter was sent on 22 November 2017 and sought information regarding the following information or clarification:

- Demolition plan required;
- Elevation/cross section plans that show the internal appearance of the development required;
- Waste disposal management details. This included showing the waste disposal areas on plans, details of the waste disposal operations (including waste pick up details), and screening of these areas;
- Show car parking spaces numbered and dimensioned on the plans;
- Show bicycling parking areas;
- Include trolley bays;
- Pedestrian connectivity to provide pedestrian access from the existing car park to the adjoining car park and retail area;
- Inclusion of parents with prams parking spaces;
- Consideration of additional click and collect spaces;
- Details of the façade treatment along Victor Street;
- Signage details, including an assessment of all of the signage against the planning scheme, and details of what the signage will look like;
- An assessment for the reduction of car parking requirements in accordance with the planning scheme;
- Consideration on water sensitive urban design;
- Location of public toilets to ensure they are located in an open and accessible area;

- Details relating to deliveries, including delivery times and movements through the development;
- Integration of staging of the development;
- Native vegetation assessment for the vacant parcel of land on Victor Street;
- Clarification as to whether the village square is covered;
- Landscaping details for the façade along the McPhillips Road and Victor Street, types, species, sizes, and how it will be kept green during summer and water restricted months;
- Landscaping throughout the car parking area. Consideration should be given to increased landscaping throughout the car parking areas;
- Details relating to the staging of the development.
- Compliance with the Disability Discrimination Act 1992;
- A written response that details how the proposed development is in keeping with the relevant areas under the Urban Environment provision (Clause 15.01) of the planning scheme;
- Details to any changes of the bluestone guttering;
- Concerns regarding the two way vehicle access at the rear of the existing retail buildings fronting High Street is considered to hinder pedestrian access and safety
- Concerns regarding the access arrangements to and from the underground car park to Burns Street.

The applicant submitted amended plans and associated planning reports on 28 May 2018. The main changes in the amended plans are:

- the removal of the Aldi supermarket;
- the subsequent redesign of the retail/office layout within this area;
- A mix of single and two storey retail/office buildings within the new plaza centre; and
- alterations to pedestrian linkages throughout the development;

Details of the current proposal under the new application for planning permit are provided as follows:

The application proposes the redevelopment of the existing 3,837 square metre Plaza Shopping Centre to a two level commercial centre with an overall area of approximately 7,091 square metres of retail floor space extending from High Street to Victor Street.

The redevelopment and expansion to the centre will be contained between McPhillips Road, High Street, Victor Street, and midway along Burns Street, with the removal of part of Burns Street to be included in the current proposal.

The proposed commercial development with associated car parking and vehicle access will extend to the McPhillips Road, High Street, and Victor Street frontages with the exception of the existing hotel site at the north eastern corner of McPhillips Road and High Street, and the residential property at 9 Victor Street.

### **Stage 1**

The first section of the proposed new centre to be developed will comprise a 3,600 square metre Woolworth's supermarket, 1,736 square metres of specialty retail floor space, public amenities and connecting pedestrian access.

A large ground level car park will be located between Woolworths Supermarket, McPhillips Road and High Street and accessed from McPhillips Road. This car park will consist of 312 car parking spaces in addition to 6 disabled spaces, 6 parents-with-prams spaces, 40 bicycle parking spaces, 2 drop off spaces, 2 taxi spaces, and 3 trolley bay spaces.

Located beneath the new plaza will be a split level car park accessed from both Victor Street and Burns Street. This car park will accommodate 131 car parking spaces, 58 retail tenancy parking spaces, 2 disabled spaces, 15 bicycle spaces, and 3 trolley bay spaces.

The lower level will also contain a pump room, 2 large water storage tanks, a lift and associated foyer, services area, bin storage area, public amenities, and loading area.

Delivery trucks and related access to Woolworths Supermarket is proposed to be restricted with a separate crossover to McPhillips Road.

Once the first section of the development is completed, the existing businesses within the existing plaza will relocate, including the Woolworths Supermarket.

## **Stage 2**

The second stage to be developed under the application proposes the separation of the front High Street specialty retail outlets and pedestrian entrance from the Shopping Centre building of the existing plaza building which is to be demolished. The existing shops fronting High Street will remain.

These demolition works will allow for the development of the proposed plaza centre which will contain a central covered 374 square metre Village Square open area. This will be a pedestrian focus point within the overall centre, as well as an additional 1,075 square metres of specialty retail floor spaces, with 680 square metres of the specialty retail floor space along High Street to remain.

A two way access road will connect all of the car parking in between the High street fronted retail shops and the proposed central plaza. The existing car park will be redeveloped into 58 car parking spaces.

Burns Street, midway between McPhillips Road and Milton Street, will be closed, as will the existing one way vehicle access road from High Street.

## **Signage**

This iteration of the application included a number of proposed signs:

- 1 x 12 metre high pylon sign central to McPhillips Road adjacent to the vehicle entrance;
- 2 x 2.7 metre high pylon signs at the High Street and Burns Street pedestrian entry points;
- 6 x 2 metre high car park direction signs;
- 3 x 2 metre high pedestrian signs
- 1 X Plaza Central sign to High Street entry and rear of existing tenancies;
- 1 x Plaza Central sign to Burns Street entry
- 1 x Plaza Central sign to Victor Street entry;
- 6 x Plaza Central signs below awnings to entry doorways, three above fronting McPhillips Road carpark;
- 2 x Tenancy signs beneath awnings and mounted to columns within the centre
- 2 x Woolworths signs to McPhillips Road car park frontage and Victor Street rear elevation;
- 4 x High Street tenancy signs fronting internal road
- 1 x tenancy sign for two level tenant.

Following on from the consultation meeting and subsequent meetings between Council Officer's and the applicant. Amended plans have been submitted to Council for consideration, these plans provide for the following alterations:

- The treatment along the façade of Victor Street, with shop front activity along Victor Street introduced with the inclusion of a Restricted Recreation Facility (Gym), at the western end of Woolworths. The Woolworths building fronting Victor Street will be slightly setback with altered façade treatment along this frontage and some drop in wall height at the loading bay;
- Deletion of wall garden;



- Introduction of landscaping fronting Victor Street and art wall panels to be included;
- A pedestrian access has now been included from Victor Street that links into the proposed new plaza building and basement car park. As a result of this new access internal roadways in the basement carpark have become single lane/one way lanes;
- A new elevator is to be included that will connect the basement carpark up to the plaza. This will allow for the existing elevator that is originally proposed, to be used specifically by the plaza for deliveries to be brought up from the basement level and for rubbish to be taken down to the waste area;
- The service room (pump house and tanks) are to be relocated within the basement carpark;
- A defined pedestrian zone is now proposed at the rear of the existing High Street shops between these shops and the plaza entrance. The 'pedestrian zone' will be raised and paved with a different surface to clearly identify the mixed pedestrian/traffic area, with an awning over the top in-between the two buildings.
- A new pedestrian pathway is proposed to be installed within the existing car parking area, to provide for better pedestrian connectivity into the basement carpark.
- An open space landscaped area has also been added towards the rear of the existing Shire Hall.

## CONSULTATION

Notice of the application was given in accordance with Section 52(1)(a) of the *Planning and Environment Act 1987* ('the Act'). Notice was sent by mail to 72 adjoining owners and occupiers. Notice was also given by placing eight (8) signs throughout the site and a copy of the notice was placed in a Saturday edition of the Geelong Advertiser.

As a result of the public notice nine (9) objections were initially received. One objection was later withdrawn. A copy of the objections are provided in Attachment 8. The main grounds of objection are summarised as follows:

- Impact on amenity of the neighbourhood
- Visual impact along adjoining Streets
- Not in keeping with the character of the area/town centre
- Not in keeping with the policies, overlays and requirements of the planning scheme
- Not in keeping with heritage places
- Does not provide pedestrian linkages and view corridors to other public spaces
- Pedestrian safety
- Does not present a high standard of urban design
- Overshadowing/visual bulk impacts

A consultation meeting with objectors and the applicant was held on 2 August 2018, however no resolution was reached.

Following on from the above mentioned consultation meeting, a copy of the final amended plans have been circulated to the objectors before the Council meeting for their information. It is acknowledged that these plans were circulated close to the Council meeting, however they were not formally submitted to Council until a short time before the meeting.

## ASSESSMENT

The application was received by Council on 24 October 2017 and a preliminary assessment of the application was undertaken as outlined previously in this report. The application was referred under Section 55 to Powercor, Barwon Water, VicRoads, Transport for Victoria, and VicTrack. The application was also internally referred to Council's Works Engineer, Strategic Planning Department, Natural Resources Officer, Waste Coordinator, and Heritage Advisor. These departments had no objections to the issue of a permit subject to conditions being placed on the permit.

## Planning Scheme

### State Planning Policy Framework (SPPF)

Relevant policies in the SPPF that broadly relate to the proposal are as follows:

- Clause 11.01-1S 'Settlement' seeks *'to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.'*
- Clause 13.05-1S 'Noise Abatement' seeks *'to assist the control of noise effects on sensitive land uses.'*
- Clause 13.07-1S 'Land Use Compatibility' seek *'to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.'*
- Clause 15.01-1S 'Urban Design' seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- Clause 15.01-2S 'Building Design' seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 15.01-5S 'Neighbourhood Character' seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 15.01-6S 'Design for Rural Areas' seeks to ensure development respects valued areas of rural character.
- Clause 15.02-1S 'Energy and Resource Efficiency' seeks to encourage land use and development that is energy efficient, supports a cooler environment and minimises greenhouse gas emissions.
- Clause 17.01-1S 'Diversified Economy' seeks to strengthen and diversify the economy.
- Clause 17.02-1S 'Business' seeks to encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.
- Clause 18.01-1S 'Land Use and Transport Planning' seeks to create a safe and sustainable transport system by integrating land use and transport.
- Clause 18.02-1S 'Sustainable Personal Transport' seeks to promote the use of sustainable personal transport.

- Clause 18.02-4S 'Car Parking' seeks to ensure an adequate supply of car parking that is appropriately designed and located.

#### Local Planning Policy Framework (LPPF)

The LPPF provides the local context for land use planning issues in the Golden Plains Shire. The following policies are considered relevant to the assessment of the proposal:

- Clause 21.05-2 'Commercial' seeks to consolidate commercial development in townships by locating commercial development in Bannockburn in Commercial Zones and avoid commercial development in other locations.
- Clause 21.07-1 'Bannockburn' highlights as key issues the need for the enhancement of economic growth and well-being to encourage local business opportunities, employment, expenditure and town centre activity; as well as the need to guide commercial growth and management change as the town expands.

#### Commercial 1 Zone (C1Z)

The purpose of the Commercial 1 Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses;
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Pursuant to Clause 34.01 (Commercial 1 Zone) a planning permit is not required to use the land for retail premises or offices. Pursuant to Clause 34.01, a planning permit is required to carry out buildings and works.

#### Design and Development Overlay – Schedule 9 (DDO9)

The site is subject to the Design and Development Overlay Schedule 9. The purpose of DDO9 is:

- To provide a comprehensive and coordinated framework to facilitate the development and expansion of the Bannockburn Town Centre.
- To encourage development that enhances and is in keeping with the character and appearance of the Bannockburn Town Centre.
- To encourage development that has active frontages, particularly to major roads and pedestrian links.
- To provide for public spaces and suitable access for all.
- To encourage a high standard of architectural and urban design that is respectful of the existing styles, built form, height and scale of existing buildings and streetscape in the centre.
- To facilitate the provision of necessary infrastructure such as road networks, pedestrian links, car parking and drainage.

#### Heritage Overlay (Bannockburn Heritage Precinct HO95)

The site is partially subject to the Heritage Overlay for the Bannockburn Heritage Precinct. The purpose of the Heritage Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place

#### Clause 52.05 (Signs)

The purpose of signage is to:

- Regulate the development of land for signs and associated structures;
- Ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character;
- Ensure signs do not contribute to excessive visual clutter or visual disorder;
- Ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

#### Clause 52.29 (Land Adjacent to a Road Zone Category 1)

The site abuts a Road Zone Category 1 (RDZ1), the application proposes to alter (close) an existing access from the RDZ1. The purpose of this particular provision is:

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

#### Clause 52.34 (Bicycle Facilities)

Clause 52.34 requires 1 bicycle park dedicated to staff per 600 square metres of leasable floor space and 1 Bicycle Park per visitor/shopper per 500 square metres of leasable floor space.

#### Bannockburn Town Centre Investment Strategy

The Bannockburn Town Centre Investment Strategy was prepared to provide a comprehensive and coordinated framework for new retail and commercial developments that will be required to support an expanding population base; it is a reference document in the Golden Plains Planning Scheme.

This document is the key reference document for the assessment of development proposal within the Design and Development Overlay Schedule 9.

The key recommendations of the Strategy seek to ensure:

- Provision has been made for consolidation for retail activities between Burns Street and High Street and extending across the northern half of Burns Street to Victor Street. These areas will be rezoned Business 1 (Commercial 1) and Burns Street will be retained as a primary access to parking associated with the expanded Plaza Centre.
- Service/commercial precincts are proposed on the eastern side of High Street between the service station and Milton Street, on the site of the primary school if and when it is relocated and on a second level associated with a redevelopment of the Plaza Centre, These areas will be rezoned Business 1 (Commercial 1).

- Medium density residential precincts are proposed between McPhillips Road and Milton Street and Burns Street and Victor Street adjacent to the proposed Business 1 (Commercial 1) zones.
- Inclusion of a Civic Precinct on the south east corner of High Street and Milton Street.

In addition to these objectives, the strategy highlights traffic management and service provision as being a key component to any retail or commercial expansion.

The strategy highlights that growth in the region has been strong with a projected population for Bannockburn alone being approximately 7,000 by the year 2021 (based on 2016 census data, the population is already over 5,200). This increase in population therefore puts increasing pressure on the Town Centre and highlights a need for expansion.

The strategy states the Vision for Bannockburn Town Centre is:

*To maintain the rural atmosphere of Bannockburn by managing future development in a way that enhances the regional role of the township, maintaining high service provision and providing opportunities for local employment while improving traffic circulation and public access.*

The objectives include:

- Population and Retail Growth;
- Promote and provide traffic and parking;
- Enhance and provide pedestrian access and open space;
- Maintain the town character;
- Upgrade and provide infrastructure.

Part 6.6 of the strategy refers to Urban Design for Precinct Areas.

#### Part 6.6.1 – Retail Development

Growth within the retail precinct will be strongly influenced by the expansion planned for the Plaza. New retail developments should be undertaken in a way that responds to the following principles:

- Is respectful in scale of the surrounding area and character;
- Retains an active frontage to major roads;
- Retains Burns Street as a principle access way to proposed car parks servicing the Plaza;
- Incorporates design techniques to articulate all visually exposed facades;
- Ensure a high standard of design that positively continues to the character of Bannockburn;
- Incorporates setbacks from important heritage and public areas that contribute to the character of Bannockburn;
- Retains car parking areas adjacent to the Shire Hall.

## DISCUSSION

### Discussion of Key Issues

#### **State Planning Policy Framework (SPPF)**

The State Planning Policies provide for the commercial growth of developing communities that assists in strengthening and diversifying the local economy. These policies also seek to ensure that these growth areas do not negatively impact on the amenity or the character of the area.

It is considered that the requirements of the State Planning Policies have been met via the assessment as set out in this report.

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

The Municipal Strategic Statement provides guidance to Bannockburn and sets out a number of broad objectives for planning within the town. The MSS references both the Bannockburn Urban Design Framework and the Bannockburn Town Investment Strategy. The application has been assessed against these policies and the investment strategy throughout this report.

## **Zoning**

The subject land is located in the Commercial 1 Zone. The purpose of the Commercial 1 Zone is to encourage mixed use commercial centres for retail, office, business, entertainment, and community uses.

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.

The zoning of the land encourages retail development and allows a supermarket use as of right.

The key issues related to the development of the site relate to the form and layout of the buildings, car parking, access and traffic and off site amenity concerns.

It is considered that the proposed development appropriately responds to the decision guidelines of the Commercial 1 Zone.

It is considered that the current proposal complies with the relevant requirements of the Design and Development Overlay Schedule 9. The High Street elevation of the plaza will not alter as a result of the proposed works. The two storey component of the redevelopment is setback from the boundary and is located centrally to the plaza development.

## **Built Form**

The land is affected by a Design and Development Overlay Schedule (DDO9). The objectives of the DDO9 are, among other things, to encourage development that enhances and is in keeping with the character and appearance of the Bannockburn Town Centre; to encourage development that has active frontages, particularly to main roads; and to encourage a high standard of architectural and urban design that is respectful of the existing styles, built form height and scale of existing buildings and the streetscape in the town centre. A permit is required to develop land under the provisions of the DDO9. The DDO9 refers to various precincts within the town Centre identified by the Bannockburn Town Centre Investment Strategy. The plaza redevelopment needs to be considered against Precincts A, C, and D.

*The Design and Development Overlay 9 has the following design objectives:*

Precinct A - Retail Development Precinct

*Buildings and works requiring a permit within Precinct A must:*

- *Respond to the design, height and built form of existing buildings.*
- *Respond to the need for active frontages to roads and public spaces.*
- *Retain Burns Street (in part) to the north east of Milton Street as a principal access way to proposed car parks servicing the future expansion of the Plaza, along with access to adjacent commercial and residential properties.*
- *Incorporate design techniques to articulate all visually exposed facades.*
- *Have a high standard of design that positively contributes to the character of Bannockburn.*
- *Incorporate appropriate setbacks from important heritage buildings, in particular the Bannockburn Shire Hall and associated public spaces that contribute to the character of Bannockburn.*
- *Retain car parking areas adjacent to the Shire Hall.*
- *Provide integration between the open spaces and the retail precinct in the form of inviting access ways and entrance points.*
- *Retain the existing access between Burns Street and High Street, in order to service the local shopping precincts adjacent to the Plaza development and the Bannockburn Shire Hall.*

The proposal is now considered to respond to and meet these requirements, as follows:

The proposal provides pedestrian linkages between Burns Street, High Street, Victor Street, and McPhillips Road, as well as throughout the site.

The proposed development will retain a part of Burns Street, which integrates the road into the development, the existing car park at the rear of the Shire hall is also to be retained.

The development is proposed in an area that has previously been used for a mix of low scale commercial businesses and residences. The proposed height and scale of buildings within this application are more in keeping with commercial centres than residential dwellings.

It is unfortunate that there are a number of dwellings within the Commercial Zone area, however a number of these dwellings have been cleared to allow for this important commercial centre. It is acknowledged that there are still some residential dwellings within the Commercial 1 Zone (C1Z), however, these properties have been zoned Commercial Zone for many years and the growth and expansion of Bannockburn is proportionate with the proposed expansion.

Given the significant fall of the land towards the west, the development attempts to respond to this natural drop however the commercial buildings along the west side of the development will overlook the existing residences that abut the land. The applicant has undertaken significant alterations to the proposed look and layout of the buildings to reduce the negative impact on these existing residences.

Detailed elevation plans will be required for the Woolworths façade to provide detail of the frontage along Victor Street. Although Woolworths will not open to Victor Street, the inclusion of the final façade treatment provides architectural articulation and interest whilst the inclusion of the gym, along the Victor Street façade will create an active frontage. Further amended elevation plans will be required for the Woolworths building facing McPhillips Road, with the current frontage treatment being relatively blank walls.

The DDO9 seeks to incorporate design techniques to articulate all visually exposed facades. This needs to be taken into further consideration when submitting amended plans for the Woolworths façades that front McPhillips Road and towards Milton Street.

Consideration to the design of the building requires that the development must be in keeping with the approved Bannockburn Town Centre Investment Strategy 2008. It is reasonably considered that the design of the proposed building meets the requirements of the retail development precinct within the Design and Development Overlay 9.

### Precinct C- Commercial/ Services Precincts

#### *Existing commercial precinct (east of High Street)*

- Preserve the heritage nature of any significant buildings.
- Provide adequate off-street parking on site for employees.
- Ensure any future development in this precinct is respectful of the existing wide tree lined avenues, low scale streetscape and surrounding buildings.
- Provide a maximum building height of 1 storey.
- Commercial Services precinct above the Plaza centre
- Be of a recessed built form to present an articulated façade to the surrounding street frontages.
- Be of a built form that is respectful to the town character and existing wide tree lined avenues and low scale streetscape.
- Be a maximum single storey development over the retail floor space.
- Have direct access from within the retail complex to any second level.

The proposed works will not alter the frontage of the existing shops that front High Street, and the development will be setback from the existing Council chambers so as to not impact on these buildings' heritage significance.

The development will provide for adequate off-street car parking throughout the site, providing in excess of the minimum number of spaces for car parking as required in Clause 52.29.

The building proposes office space above the ground level retail, which will be in keeping with the Commercial Precinct requirements, with no impacts on the tree lined avenues or the low scale streetscape in Bannockburn.

### Precinct D - Open Space Area

Buildings and works requiring a permit within Precinct D must:

- Provide landscaping to create visually appealing spaces.
- Provide suitable urban furniture in each open space area to encourage a high quality of design within the public realm and to encourage social connectivity.
- Provide public spaces that are visible from streets and surrounding areas, allowing for informal passive surveillance.
- Provide integrated kerb and street infrastructure with key features, such as the Shire Hall.

More detailed landscaping plans will be required as a condition on permit.

It is considered that the final design of the development provides for a number of 'open space areas' within the site. These areas will provide public furniture and associated infrastructure for the community. The development does not provide specifically for alfresco type business, however, there are locations within the development that could provide for this type of service.

As part of the open space area, amended plans will be required as a condition in the planning permit which provides for the inclusion of seating, tables, and other infrastructure etc. Consideration should also be given to providing a drinking fountain and tap.

It is considered that the proposal meets the requirements of the open space area objective.



## Traffic Management

A Traffic Impact Assessment Report (TIAR) prepared by TTM Consulting was submitted with the application. The TIAR was referred to Council's Works Department for their review and assessment of the submitted report. Council's Works Engineers have reviewed the submitted documents and have provided their conditions in response to the proposed development.

## Pedestrian Network

The layout of the development provides key linkages from High Street into the commercial site and into the plaza. The plaza integrates with the new retail tenancies and the Woolworths Supermarket, as well as providing for linkages into the car parking areas. This type of movement is strongly encouraged and would contribute positively to the connecting pedestrians throughout the commercial area.

A key objective of the Design and Development Overlay 9 seeks to facilitate the provision of necessary infrastructure such as road networks, pedestrian links, and car parking.

## Signage

A planning permit is also triggered for the signage proposed on the site pursuant to Clause 52.05. Signage in the Commercial Zone is 'Category 1' which allows for more scope than other zones.

Within the Commercial 1 Zone the applicable signage policies allow the applicant to install up to 8 square metres of Business Identification Signage 'as of right', that is without the requirement for planning approval.

It is likely that the exact details of signage will not be known until the development is under construction and tenancies have been assigned. It is therefore recommended that a condition of a planning permit required details of all signage, be submitted to Council for approval. This condition would ensure that the decision guidelines of the Design and Development Overlay can be more carefully considered with the benefit of the next layer of detail. Strict control of signage at the shopping centre site would prevent the proliferation of signage within the town centre.

It is considered that the signage will be in keeping with the character of a shopping complex and will not limit or interfere with any views or buildings. The majority of the proposed signage will be attached to the walls of buildings and should not create a poor visual outcome.

The illumination of any of the signage should be limited and should not create any glare or safety issues to any adjoining owner or any vehicles. A condition in a planning permit should reflect this issue.

## Car Parking

The application proposes to provide a total of 484 car parking spaces throughout the development. The supermarket provides 3,600 square metres of floor space, with the specialty retail space providing 3,500 square metres. The application also proposes 476 square metres of office space on the second storey, as well as 400 square metres for a Restricted Recreation Facility to be used as a Gym.

Clause 52.06-5 for car parking under Table 1 sets out the number of parking spaces required to be provided based on the use and the floor area as follows:

Use	Floor Area	Parking Spaces Required	Total required	Total Number of Parking Spaces Proposed
Supermarket	3,600	5 per 100sqm	180	484 spaces
Shop	3,500	4 per 100sqm	140	

Office	500	3.5 per 100 sqm	18	
Restricted Recreation Facility	400	Not specified	Not specified	
<b>Total</b>			<b>338 spaces</b>	

As shown in the above table, the proposed car parking exceeds the required parking spaces as set out in the planning scheme. Given the location of the proposed Restricted Recreation Facility (Gym), it is considered that the existing spaces along Victor Street (directly in front of the site), will cater for the gyms needs, with secondary parking being onsite within the development though it is noted that this use itself, does not trigger a requirement for parking..

The parking spaces are proposed to be 2.6 metres wide and 5.5 metres deep, with the access lane being proposed as 6.5 metres wide. These dimensions are in keeping with both the design standards under Clause 52.06-9 of the planning scheme and the Australian Standards for onsite car parking.

Under the *Building Code of Australia 2016* a class 6 development is required to provide 1 disability compliant space per 50 car parking spaces. The application proposes to provide 8 disability compliant spaces which will exceed the Building Codes requirements.

It is also advised that the proposal provides adequate bicycle facilities, staff showers and change rooms in accordance with Clause 52.34.

### Public Toilets

The application proposes public toilets within the lower level of the development. The toilet block provides for both male and female facilities, with the five toilets in the females and three toilets & three urinals in the males. The requirement for toilet facilities is not a consideration within the Golden Plains Planning Scheme, this requirement is within the Building Code of Australia for a Class 6 building.

### Offsite Amenity

A number of potential amenity impacts were raised in the objections received by Council. Of particular concern is the potential for an increased impacts for the adjoining owners at 9 Victor Street. As a result of the proposed development the dwelling would be surrounded by commercial buildings along two boundaries and car parking along the third.

The Victorian Civil and Administrative Tribunal has made decisions on a number of similar development proposals where commercial operations meets residential land uses. IN **C and K Group Investments Pty Ltd V Glen Eira CC [2006] VCAT 487 (21 March 2006)** Member Cimmino made the following comments:

*With respect to transitional sites or sites located at the interface of zones, the tribunal has said on numerous occasions that there needs to be an expectation that in each zone, the use and development of land will be constrained or influenced by the adjacency of land. It has been said for example, that dwelling owners/occupants if they occupy premises at the interface with a commercial or industrial zone, cannot expect to enjoy the same level of residential amenity as persons occupying residential properties more remote from the interface. Similarly the tribunal has said that persons operating businesses at the edge of a commercial zone must expect to have constraints imposed on their activities or development in recognition of the need to maintain the amenity of abutting residential zone, which constraints would not apply in other more central parts of the commercial zone.*

It is considered that given the dwelling is within commercially zoned land that it does not enjoy the same level of residential considerations as if it were in a residentially zoned land.

In regards to this application, the high building walls are considered appropriate for commercial development. The final design for the buildings fronting Victor Street provide for the inclusion of a Restricted Recreation Facility (Gym), the height of the building alongside the dwelling at 9 Victor Street is proposed to be approximately 10 metres in height and setback approximately 5.5 metres

from the dwelling. The inclusion of the pedestrian footpath has increased the setback from the dwelling at 9 Victor Street. Amended plans should be required that necessitates that the access be provided into the Gym from the Victor Street frontage to provide for some street activation along this frontage.

It is considered that the building height, and associated setback of the Woolworths/Gym building meets the requirements of Clause 54.04-1 for residentially zoned land in relation to 9 Victor Street. This Clause provides for side and rear setback standards to ensure that the height and setbacks of a building from a boundary limits the impact of amenity of existing dwellings, although it is noted that Clause 54 does not apply in this situation, a condition has been recommended to ensure that this standard is met.

It is recognised that there are no decision requirements for overshadowing of residential buildings within the Commercial 1 Zone, however, it is considered that the applicant has undertaken extensive alterations to the layout and built form of the proposed buildings to reduce this overshadowing impact.

Along the boundary that abuts the proposed onsite car parking and access to the underground car parking, it is considered that fencing and landscaping is appropriate to control the amenity impacts along this boundary.

### **Noise**

It is considered that trucks may potentially represent an increase in the amount of noise generated throughout this area. The inclusion of loading/unloading permit conditions are considered reasonable to limit times that delivery and garbage trucks are allowed to enter the premises. This will then restrict heavy vehicles entering the premises in more suitable hours.

Whether or not the proposed gym (restricted retail premises) is a 24 hour accessible premises is yet to be determined by the applicant. It is considered that sound proofing measures can be implemented within the gym to reduce any noise impacts generated from this use.

### **Signage**

The proposed development includes the provision for advertising signage in various forms. Within the provision of Clause 52.05 the site falls within Category 1 which seeks *'to provide for identification and promotion signs and signs that add vitality and colour to commercial areas.'*

The application plans propose a large pylon sign along the McPhillips Road frontage as well as a smaller pylon sign fronting both High Street and Burns Street, as well as a number of other signs throughout the development.

It is reasonable to expect that signage would be located along the street fronting elevations of the proposed development.

Within the Commercial 1 Zone the appropriate signage policies allow the applicant to install up to 8 square metres of Business Identification Signage 'as of right' that is without the requirement of a planning approval.

It is likely that the exact details of the signage will not be known until the tenancies have been assigned. It is recommended that a condition should require that all signage be submitted to Council for approval.

### **Storm Water**

The application was referred to Council's Works Department for consideration of stormwater impacts to the site and surrounding area as a result of the proposed development. Council's engineers have reviewed the submitted documents and have advised that a number of matters are required to be addressed in an amended Stormwater Impact Assessment. These matters relate to:

- The permissible site discharge in storm water events;
- Stormwater detention volumes;
- Groundwater storage in car parking area.

A condition in the planning permit has been included that requires an amended Stormwater Impact Assessment to be submitted to address the above concerns to Council's satisfaction.

### **Summary**

This major development proposal is considered to meet an appropriate balance between preserving the character of the existing town centre and respond to the growing needs for an increase in commercial development.

Through the assessment of the proposal and community consultation, officers have been able to identify and address a number of significant issues regarding the layout and design. These issues have brought forth significant alterations and redesigns of the proposed layout. It is acknowledged that the proposal will have an impact on the occupiers of residential properties directly adjoining the development site; however, it is considered that the appropriate measures have been put in places to ensure that an acceptable degree of amenity is afforded to the occupants of these dwellings.

Officers have carefully considered the potential impacts of the development proposal on existing infrastructure, and particularly those impacts on roads and car parking.

### Objectors Concerns

#### Amenity Impacts

As discussed previously in this report, it is considered that amenity impacts from noise, which would be predominantly created by trucks, can be mitigated by a condition in a planning permit requiring that loading/unloading be carried out between certain hours.

Concerns were raised regarding amenity impacts from light spill throughout the development. It is considered that this issue can be addressed by requiring conditions in the planning permit that stipulates that all lighting is to be designed and baffled so as to not create light spill from the site though a level of lighting is expected and should be provided, in a commercial setting. Consideration of bollard lighting should be given as it would be low scape and would be more in keeping within a country town.

The application proposes that waste storage areas have been designated to each of the areas with Woolworths having its own individual waste storage area, the shops fronting High Street having a waste storage area enclosed at the rear of the building, and the plaza having an underground car park. These areas have been designed to be hidden from public view and located away from any residential areas.

The façade along Victor Street has been designed with graffiti resistant measures to reduce the amounts of graffiti that may appear along this frontage. An operations management should be provided that addresses the daily operations onsite such as rubbish management, graffiti management, site security, and amenities cleaning regime.

#### Visual Impacts along Streets

The building frontage along High Street will not be altered as a result of this proposal.

A combination of landscaping and buildings will front McPhillips Road. Significant landscaping will be required to be established along the carpark frontage to McPhillips Road to soften the visual impact of the car park.

Whilst council is agreeable with the siting of the proposed new buildings, improvements to the finer details of the design of the building are suggested to ensure that this development sits well within the streetscape. Improvements include:

- Art design along Victor Street of the proposed Woolworths building;
- Façade treatment of the wall fronting McPhillips Road towards Victor Street.

The applicant has significantly modified the proposed layout and design of the buildings along Victor Street with the introduction of the new restricted recreation facility (gym) building between the

proposed Woolworths and 9 Victor Street. This will significantly reduce any overshadowing or visual bulk over the existing dwelling.

*Not in keeping with Character of the area/Policies, Overlays and requirements of the Planning Scheme/Urban Design/Overshadowing and Visual Bulk*

As was discussed previously within this report, The Bannockburn Urban Design Framework and the Bannockburn Town Investment Strategy were prepared to provide guidance in assessing major development proposals and to provide a comprehensive coordinated framework for new retail and commercial developments in the town of Bannockburn.

The applicant has altered the façade along Victor Street and has reduced the visual bulk and overshadowing on the existing dwelling at 9 Victor Street. As has been previously discussed within this report, a balance is required to be met between protecting residential amenity and developing a commercially viable retail core. Council Officers believe that this design goes a long way to meeting that balance.

It is considered that the proposed development predominantly meets the requirements outlined in these documents and therefore will be in keeping with the preferred character of the area.

*Pedestrian Linkages/Pedestrian Safety*

The development needs to ensure a safe pedestrian setting that links into the pedestrian pathways within Bannockburn's CDB. High Street will be the predominant area for foot traffic to access the development, with the proposal setting out footpaths along the main frontages of the subject land. The footpaths are also integrated through this area by way of pedestrian links through the car park and across the roads that link up the buildings in two separate areas.

A pedestrian pathway and pedestrian link is also located from Victor Street along the side of the proposed Woolworths building, this pathway connects into the plaza development and will allow foot traffic to move through the site without concerns of vehicle traffic.

Pedestrian routes have been indicated through the car parking area and across roads with the use of pedestrian crossings, this linked into pedestrian footpaths throughout the development. Cycling spaces have been provided onsite which allows cyclists to use existing routes to access the site and provides for a safe and visible place to leave bikes while shopping.

## **OPTION ANALYSIS**

N/A

## **RISK IMPLICATIONS**

It is considered that there are no risk management implications.

## **FINANCIAL IMPLICATIONS**

It is considered that there are no financial implications.

## **CULTURAL HERITAGE IMPLICATIONS**

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

## **CONCLUSION**

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Commercial 1 Zone, the Design and Development Overlay Schedule 9, relevant particular provisions and the decision guidelines of the Planning Scheme (Clause 65). For these reasons the issue of a permit is not considered to cause material detriment to any person.

**P17-269 Conditions****Amended Plans and Information Required Prior to Commencement**

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions shown, must be provided. The plans must generally be in accordance with the plans submitted on 13 September 2018, but modified to show:
  - a. A staging plan of the proposed development:
    - i. Stage 1 must provide a minimum of 107 car parking spaces, including 2 disabled parking spaces.
  - b. An amended site layout plan that provide the following details:
    - i. Infrastructure associated with communal/open space areas;
    - ii. Amended location of tanks and pump equipment to be located away from 9 Victor Street;
    - iii. An acoustic fence to be constructed to a height of 2 metres along the south, east, and western boundaries of 9 Victor Street;
    - iv. Minimum 1.5 metre concrete footpath for the full frontage of the subject site;
    - v. Minimum 1.5 metre concrete footpath connecting to existing concrete footpath on eastern side of Victor Street;
    - vi. Loading bays to be dimensioned and shown to be easily accessible by the expected delivery and service vehicles utilising them;
    - vii. Car park street lighting layout;
    - viii. Public litter and recycling bins shown;
    - ix. The roundabout in Burns Street to be formed;
    - x. Bike racks shown.
  - c. Amended elevation plans that provides for:
    - i. Plant and equipment to be screened from public view;
    - ii. Details of the art panels fronting Victor Street;
    - iii. Details of the façade treatment for the Woolworths building fronting McPhillips Road.
  - d. A lighting design plan to show the size, height, style, and lux levels of all lighting to be located throughout the development site.

All to the satisfaction of the responsible authority.

2. Before the development starts, an amended Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans must be endorsed and will then form part of the permit. The Waste Management Plan must generally be in accordance with the Recycling and Waste Management Plan submitted with the application but modified to provide the following details:
  - a. Truck accessibility/manoeuvrability to pick up all skip bins within the lower level bin room;
  - b. The location of the waste pick up area for the High Street tenancies, including details on how the collection truck will access the skip bins in the storage area
  - c. The location of Woolworths bin/waste area, including truck accessibility/manoeuvrability to pick up all skip bins and identification of storage area for baled materials;
  - d. Management options for any prescribed or hazardous waste.
3. Before the submission of amended plans, the submitted Traffic Impact Assessment Report must be amended to show the following:
  - a. That delivery vehicles for the existing High Street tenancies are capable of utilising the provided loading bays without disrupting the parking or circulation of traffic within the car park;
  - b. That delivery vehicles for the existing Railway Hotel are capable of utilising the provided loading bay without disrupting the parking or circulation of traffic within the car park facility;
  - c. Waste service vehicles capable of accessing the nominated waste collection areas without disrupting the parking and circulation of traffic within the car park facility.

All to the satisfaction of the responsible authority.

4. Prior to the commencement of any works, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
  - a. Full work schedule/construction management plan to ascertain impacts on surrounding properties, including consideration of construction hours;
  - b. Details as to how traffic and pedestrian safety and amenity will be controlled within the vicinity of the land and its surrounds;
  - c. Measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
  - d. Measures to accommodate the private vehicles of workers/ tradespersons;
  - e. Details of the location of all construction equipment and facilities, including delivery points, storerooms, toilets, temporary offices and workers' facilities;

- f. Noise attenuation measures to be put in place to protect the amenity of nearby residents during construction having regard to the EPA Guidelines on Construction and Demolition Noise;
- g. Measures to minimise the generation and dispersal of dust;
- h. Measures to eliminate windblown litter and waste leaving construction site and arrangements for collection of litter in surrounding areas from development construction activities.
- i. Details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;
- j. Arrangements for waste collection and other services to be provided during construction.

The approved Construction Management Plan must be implemented to the satisfaction of the responsible authority.

- 5. Before the display of advertising signs; amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Location and details of all individual advertising signage;
  - b. The content of the signage;
  - c. Any illuminated signs;
  - d. lighting details which demonstrate that the design, intensity and baffling of lighting will not unreasonably impact on the amenity of nearby residential zoned land.
- 6. Prior to the commencement of any buildings and works on the land, a schedule of all external materials and finishes must be submitted to the responsible authority and, when endorsed, will form part of this permit. The schedule must show materials, colours, finish of all external walls, roofs, fascia's, window frames, glazing type, doors, fencing, paving (including car park surfacing and footpaths) and structures, all to the satisfaction of the responsible authority.
- 7. Before the Development starts a Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The Landscape Plan must show:
  - a. Site and building boundaries (at ground level) and any existing or proposed services or easements;
  - b. Details of all existing and proposed fencing;
  - c. Details of all non-plantable areas whether permeable or non-permeable;
  - d. Details of proposed planting and landscaping works, including the type and depth of mulch, type of edge material and whether an irrigation system will be provided.
  - e. Where possible use of canopy trees;
  - f. Trees being retained on site;
  - g. A plant schedule that includes the:
    - i. botanical name;
    - ii. common name;



- iii. height and spread at maturity;
- iv. quantity;
- v. size at planting (e.g. container size, advanced tree to nominated height); and
- vi. key/legend.

All landscaping, including plant species, must be to the satisfaction of the responsible authority and the plan must reflect the mature spread of the selected planting at an appropriate scale.

8. Prior to the commencement of site works, engineering plans prepared by an experienced Traffic Engineering Consultant must be submitted to council for assessment and approval for the design of a roundabout in Burns Street at the entrance to the Proposed Shopping Centre Expansion in accordance with the traffic engineering requirements of the Infrastructure Design Manual and reference documents. Without limiting the design of the roundabout, the submission of engineering plans must include the following minimum requirements:
  - a. The roundabout design must provide for the use of the roundabout and adjoining area by all road users and pedestrians seeking access to the Proposed Shopping Centre Expansion from Burns Street.
  - b. Demonstration by swept path analysis that vehicular access for all types of vehicles proposed to gain access to the site from Burns Street can be undertaken safely without impinging on other roundabout users. Council will consider the design of a fully mountable roundabout.
  - c. The engineering plans must include construction details for the inner concrete island and splitter islands, linemarking, pavement markers and signage, associated pavement construction works, and any other works required in Burns Street as a result of the proposed roundabout construction.
9. Designs for street furniture within the development including recycling bins, seating, bicycle racks, lighting, drinking taps, shade sails, and any other infrastructure, must be submitted to and approved by the responsible authority prior to them being installed. This infrastructure must be designed in accordance with Council's standards and an Urban Design Framework that Council has adopted for the Bannockburn Town Centre. The infrastructure must be installed and constructed to the satisfaction of the responsible authority.

#### **Endorsed Plans**

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

#### **Consolidation of Titles**

11. Within 6 months of commencement of works a plan of Consolidation must be submitted with the responsible authority for certification and statement of compliance requiring consolidation of Lot 1 PS427300, CP169885 Parish of Wabdallah, CP2009 Parish of Wabdallah, CA10 SEC 7 Parish of Wabdallah, CA8 SEC 7 Parish of Wabdallah, CA7 SEC 7 Parish of Wabdallah, Lot 1 TP688963, Lot 1 TP699184, Lot 1 TP696893, Lot 2 LP137829, Lot 1 LP137829, Lot 2 LP115936, Lot 2 LP205032, Lot 1 LP205032 and part CA10 SEC 6 Parish of Wabdallah. An approved plan of consolidation must be lodged with the Titles Office within 30 days of the issue of a Statement of Compliance.

**Landscaping**

12. Within 6 months of the development being completed, the landscaping works, as shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.
13. All landscaping within the site must thereafter be maintained to the satisfaction of the Responsible Authority.

**Fencing**

14. Prior to the completion of Stage 1, the developer must construct a 2 metre high, acoustically treated fence along the east, south, and west boundaries of the site which abut the land at 9 Victor Street. Such fencing must be constructed to the satisfaction of the responsible authority.
15. The full cost of the acoustic fencing required by Condition 12 must be at the expense of the developer.

**Colours and Materials**

16. The external fabric including the roofing of the shopping centre must be muted tones of non-reflective material (non-zincalume) so as to blend with the environments and preserve the aesthetic amenity of the area, to the satisfaction of the responsible authority.
17. The approved buildings and works must not cause damage to or result in the removal of bluestone kerb and drain located on the south side of McPhillips Road, without the written approval of the responsible authority.

**Noise**

18. The maximum noise level emitted from the premises including loading bay and mechanical plant must comply at all times with the requirements of the Environmental Protection Authorities *Interim Guidelines for Control of Noise from Industry in Country Victoria* (EPA Publication 1989).
19. No permanently fixed sound amplification equipment, jukeboxes or loud speakers shall be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land, except with the prior written permission of the Responsible Authority.

**External Plant and Equipment**

20. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the responsible authority.

21. Any relocation of services/utilities affected by this development must be relocated/modified to the satisfaction of the relevant servicing authority and the responsible authority, entirely at the cost of the owner/developer.
22. All plant and equipment must be located and/or screened so that it is not visible from any public road or residential property.

**External Storage**

23. The storage of goods and waste materials must not take place outside the buildings other than a waste storage area adequately screened to the satisfaction of the responsible authority.

**Signage**

24. No advertising sign is to be erected, painted or displayed on the land without the written consent of the responsible authority, except a sign that does not require a permit under the provisions of the Golden Plains Planning Scheme.
25. Outdoor lighting and illuminated signage must be designed, located and where practicable, baffled to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land and must not contain flashing lights.
26. The intensity of the light in the signage associated with the Plaza and Supermarket must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area, to the satisfaction of the responsible authority.
27. The signage hereby approved may only be illuminated between the opening hours of the supermarket premises. The lighting must be automatically time switched to turn off each night. The time switch for sign illumination must be installed by a Licensed Electrician and adjusted for Daylight Savings Times at the commencement and completion of each Daylight Saving period.
28. The signage must be wholly located within the land. That is, no part of the sign may encroach into the declared road reserve.
29. The signage must be constructed and thereafter maintained to the satisfaction of the Responsible Authority.
30. The location, details and structure of the sign(s) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**Road and Drainage Works**

31. Before any road and/or drainage works associated with the development start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.  
When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a. The outcomes recommended by the approved Traffic Impact Assessment Report

- b. Stormwater infrastructure identified in the approved Stormwater Impact Assessment Report.
- c. Construction of 1.5m wide concrete footpath for full frontage of development site to McPhillips Road and Victor Street.
- d. Construction of 1.5m wide concrete footpath connecting to existing concrete footpath on eastern side of Victor Street.
- e. Construction of kerb and channel and pavement widening for full frontage of development site to McPhillips Road and Victor Street.

All works constructed or carried out must be in accordance with the approved plans.

- 32. Prior to the commencement of use, or at a time agreed with Council, the recommendations of the Traffic Impact Assessment Report and as set out in the plans endorsed under condition 3 must be completed to the satisfaction of the Responsible Authority.
- 33. The subject land must be drained to the satisfaction of the responsible authority, and the required infrastructure must be constructed in accordance with the design provided and approved by the responsible authority.
- 34. The use and development hereby permitted must not cause any nuisance or loss or amenity in any adjacent or nearby land by the reasons of discharge or drainage.
- 35. All activities and works associated with the stormwater management plan must be carried out to the satisfaction of the responsible authority and at the cost of the developer and all care must be taken to minimise the effect of such activities on the amenity of the locality.

#### **Car Park and Access**

- 36. Prior to the commencement of use, or at a time agreed with Council, areas set aside for car parking and access lanes shown on the endorsed plans must be;
  - a. Constructed to the satisfaction of the responsible authority
  - b. Properly formed to such levels that they can be used in accordance with the plans;
  - c. Surfaced an all-weather seal;
  - d. Drained and maintained to the satisfaction of the responsible authority;
  - e. Line-marked to indicate each car space and all access lanes to the satisfaction of the responsible authority.
  - f. Surfaced in accordance with the endorsed plans
  - g. Maintained to the satisfaction of the Responsible Authority.All to the satisfaction of the responsible authority.
- 37. There must be no public access to the basement car parking outside of the supermarket trading hours.
- 38. Redundant existing vehicle crossings must be removed and replaced with kerb and channel, and footpath where applicable, of the same or similar profile to the satisfaction of the responsible authority.
- 39. A minimum of 484 parking spaces must at all times be provided on the subject site and made available for the use by patrons of the use to the satisfaction of the responsible authority, unless written agreement is reached with the responsible authority for alternative provision of these spaces. The number, design, layout and construction of the spaces must be to the satisfaction of

the responsible authority, and include at least eight (8) spaces clearly marked and set aside for disabled parking, as well as six (6) parents with prams spaces. Car parking provided in the accordance with this condition must be shown on the endorsed plans for the development.

40. Parking areas and access lanes must be kept available for these purposes at all times.

#### **Loading and Unloading of Vehicles**

41. The loading and unloading of goods from vehicles for the development must only be carried out on the land, within the loading bay designated on the endorsed plans, and not disrupt the parking and circulation of traffic within the carpark facility.
42. The loading bay area must remain free and available for such purpose at all times to the satisfaction of the responsible authority.
43. All delivery and service vehicles must enter and exit the site in a forwards direction.
44. Except with the prior written consent of the responsible authority, the loading and unloading of vehicles on the premises is only permitted between the following hours:
- a. Monday to Friday between 7:00am to 10:00pm;
  - b. Sunday and Public Holidays between 9:00am to 10:00pm

These specified times are in accordance with the Environment Protection Authority Publication 1254 Noise Control Guidelines October 2008, Section 9 '*Deliveries to Shops, Supermarkets and Services Stations.*'

#### **Waste**

45. All garbage/refuse generated by the use permitted must be stored on the site and screened from view from outside the site, prior to the disposal. The storage, removal and disposal of such garbage/refuse must be undertaken in such a manner so as to avoid any nuisances, pollution or loss of amenity to surrounding areas and must at all times be to the satisfaction of the responsible authority.
46. Storage and stockpiling of waste, including but not limited to baled materials, must be within designated areas. Waste must not be stored or stockpiled in viewable public areas.
47. Rubbish bins must be provided in the areas available to the public within the property, for use by patrons of the premises, to the satisfaction of the responsible authority.
48. Waste collection from the site must only take place:
- a. Monday to Friday between 7am to 6pm
  - b. Sunday and Public Holidays 7am to 1pm

Unless otherwise agreed in writing by the responsible authority.

#### **Lighting**

49. A general lighting proposal for the proposed development must be prepared 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.
50. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
51. Once approved all works detailed on the plans must be installed to the satisfaction of the Responsible Authority prior to the use commencing.
52. Approval of Responsible Authority shall be obtained prior to the use of Non Standard (Decorative) poles and lanterns.
53. Where non-standard (Decorative) poles and lanterns are installed and prior to the issue of Statement of Compliance 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.

**Amenity**

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

**Section 173 Agreement – External Works**

55. Before the Development starts and where off site works are required as set out in the approved Traffic Impact Assessment Report, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on title to the land under section 181 of the Act, which provides for the following:

- i. The owner will carry out all off site works as set out in the approved Traffic Impact Assessment Report at their own cost.

The owner/operator under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

**Delivery Vehicles/Hours of Operation**

56. Deliveries to and from the premises (excluding waste collection) must not take place outside of the hours of:
  - a. 7:00 am and 10:00 pm Monday to Saturday;
  - b. 9:00 am to 10:00 pm Sundays or public holidays

The use is to adhere to the Environment Protection Authority Publication 1254 Noise Control Guidelines October 2008, Section 9 'Deliveries to Shops, Supermarkets and Service Stations'.

**Disabled Access**

57. Disabled access to the buildings must be provided to the satisfaction of the responsible authority. All work carried out to provide disability access must be constructed in

accordance with Australian Standards Design for Access and Mobility:- AS1428.1-2001 and AS1428.4-2002 or updated standards.

**Expiry of Permit**

58. This planning permit will expire is one of the following circumstances applies:

- a. The development is not started within five years of the date of this permit; or
- b. The development is not completed within seven years of the date of this permit.

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

**VicRoads**

59. The luminance of an advertising signage visible from High Street must be such that it does not give a veiling luminance to the driver of greater than 0.25 cd/m<sup>2</sup> throughout the drivers approach to the advertising sign.

**Transport for Victoria**

60. Before the development starts, the Transport Impact Assessment prepared by TTM Consultants dated 23 April 2018, must be amended to the satisfaction of the Head, TfV. The Transport Impact Assessment must be modified to include:

- a. An assessment of the impact of increased rail and road movement across the rail crossing against Australian standards for crossings (AS1749);
- b. A Risk Assessment to determine the requirement for any upgrade to the High Street level crossing.

61. Before the commencement of use of the development, any measures recommended in the amended Traffic Impact Assessment, and Risk Assessment must be implemented/constructed to the satisfaction of Public Transport Victoria (PTV), at the full cost of the permit holder.

62. No lighting is to be erected that throws light onto railway tracks or which interferes with the visibility of signals and the rail lines by train drivers.

63. Building materials (including glass/window treatments) must be non-reflective and avoid using red or green colour schemes that may interfere with train driver operations.

64. Wheel stops must be installed on parking spaces beside the bus stop to prevent cars from nosing into the boarding and access areas.

65. DDA compliant boarding points must be established at the existing bus stop on High Street to accommodate access via both the front door boarding point and the bus lift (that is

situated at the rear door) and must be designed and built to the satisfaction of PTV's Bus Infrastructure Team.

#### **Notes**

##### **Works within Road Reserve Permit Required**

**A works within road reserve permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.**

##### **Building Approval Required**

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

#### **Barwon Water**

##### **General**

66. 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 Manual, without cost to Barwon Water, over existing and proposed potable water (including recycled water where applicable) and sewerage infrastructure 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.

##### **Potable Water**

67. 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.
68. Strategic potable water infrastructure is required. The process to deliver and funding of these assets will be determined at the time a Developer Deed is issued for the development.
69. An additional potable water connection(s) is to be provided to service the proposed development. A dimensioned plan showing location of all new connections relative to the allotment boundaries is to be submitted, where a meter is not being fitted. Note that tappings and service lines are not to be located under existing or proposed driveways.
70. Barwon Water's records indicate that existing potable water service and meters are located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private potable water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.
71. 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 (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections."

#### Sewer

72. The provision and installation of a sewerage service to the development.
73. Reticulated sewer mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.
74. Strategic sewerage infrastructure is required. Strategic sewerage assets include a rising main. The rising main is considered reticulation assets and to be delivered following Barwon Water's "Developer Works Process". The process to deliver and funding of these assets will be determined at the time a Developer Deed is issued for the development.
75. Upon completion of this work a sewer drainage plan is to be submitted to Barwon Water by a licensed plumber that complies with Victorian Building Authority requirements. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Authority and presented to Barwon Water with the required drainage plan. Where an Owners Corporation is not applicable, individual allotment house connection drains are to be provided for and extend into each allotment.
76. Any existing sewer house connection point that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected by a licensed plumber and the 'CCTV Inspection Form' with the video footage submitted to Barwon Water. If the property connection point is not deemed satisfactory for use or is no longer required, it is to be decommissioned in accordance with Barwon Water's "Property connection decommissioning process". Details of this process are available on Barwon Water's website under the business -> property connections section.
77. 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.
78. 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

sewerage 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.

**Note: The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision.**

#### **Powercor**

79. The applicant shall:-

- Provide an electricity supply to the development in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required).
- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go. Zone" rules.
- Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

80. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or

to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.

- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

## 6.4 INVERLEIGH FLOOD STUDY ADOPTION

### File Number:

**Author:** Laura Wilks, Strategic Planning Team Leader

**Authoriser:** Greg Anders, Director Assets and Amenity

**Attachments:** 1. Inverleigh Flood Study (under separate cover)  
2. Submission (under separate cover)

### RECOMMENDATION

That Council:

1. Adopt the Inverleigh Flood Study as attached.
2. Approve an application being made to the Minister for Planning for the authority to prepare and exhibit an amendment to the Golden Plains Planning Scheme under Section 9(2) and Section 19 of the *Planning and Environment Act 1987* to introduce the new LSIO and FO mapping for Inverleigh.

---

### EXECUTIVE SUMMARY

This report seeks adoption of the Inverleigh Flood Study and authority to prepare and exhibit an amendment to the Golden Plains Planning Scheme to introduce the new Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) mapping.

The study provides a detailed assessment of the Inverleigh township floodplain and identifies where flooding may impact upon residents, properties and infrastructure. The study provides high quality up-to-date flood mapping that predicts flooding heights, and identifies high risk areas for flood warning and evacuation. The study recommends further detailed assessment of two mitigation options which would reduce flooding through the township. The Municipal Flood Emergency Plan (MFEP) is also being updated with flood intelligence from this study.

### BACKGROUND

Inverleigh can be directly impacted by riverine flooding from the Leigh River and Barwon River. A significant area of the township is affected by flooding from the Leigh River which usually occurs due to prolonged heavy rainfall in the upper catchment around Mt Mercer and Ballarat. Flooding from the Barwon River is usually a result of prolonged heavy rainfall in the upper catchment in the Otway Ranges.

In December 2016 Council obtained funding (\$85,000) from DEWLP to prepare the Inverleigh Flood Study. This was timely as it ensured the most up-to-date flood mapping could also inform the Inverleigh Structure Plan, which has been prepared concurrently. The study has been prepared in consultation with DEWLP, the Corangamite Catchment Management Authority (CCMA) and Water Technology (Consultants).

### POLICY CONTENT

The Golden Plains Planning Scheme recognises the town of Inverleigh is most affected by flooding due to the confluence of the Leigh and Barwon Rivers. The following clauses within the planning scheme are most relevant to this issue.

#### Clause 13.03 – Floodplains

A strategy of this clause is to identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.

#### Clause 22.11 – Floodplain Management

This policy applies to all land affected by the Floodway Overlay (FO) or the Land Subject to Inundation Overlay (LSIO).

Sound floodplain management in the municipality is the critical means by which the economic, social and environmental risks associated with floodplain use and development can be minimised.

The Corangamite Regional Floodplain Management Strategy (2018-2028) also includes two high priority actions for the Inverleigh locality. These are:

- Continue to support the implementation of the Inverleigh Flood Study, including an update to the Planning Scheme and MFEP once new flood data is available.

Act on recommendations from the Inverleigh Flood Study for improvements to the flood warning system for the study area.

## DISCUSSION

The study provides an improved understanding of flood behaviour in Inverleigh. Flood intelligence information from the study was extracted and summarised to provide information to assist in raising awareness of flooding within the community and to improve the emergency response information available to VicSES, CFA and Council. Modelling updates including flood depth, velocity and water surface elevation have been used to develop proposed planning layers based on the 1% AEP flood events. There are 85 properties which are not currently affected by inundation mapping, that will be subject to either a LSIO or FO control as a result of the study findings. All of the individuals with properties to be covered by a new flooding control have received direct notification of the proposed changes. Following an extensive consultation process (summarised further in this report) only one submission has been lodged with Council seeking further consideration of concerns.

The study also recommends two mitigation options for further consideration by Council.

Option 1 would involve increasing the height of the existing levee near the school to above the 1% AEP flood level. This option reduces above floor flooding to 25 buildings and would remove 19 parcels of land within Inverleigh from the 1% AEP flood extent. Option 1 is estimated to cost \$19,000.

Option 2 would involve increasing the existing levee to above the 1% AEP flood level and the extension of the levee east following Cambridge Street to the Hamilton Highway Bridge. This option would reduce above floor flooding to 25 buildings and remove 45 parcels of land within Inverleigh from the 1% AEP flood extent. Option 2 is estimated to cost \$327,000.

The detailed consideration of proposed mitigation actions would require significant further work. The diversion of floodwaters might reduce impacts in one location however they would also increase impacts on other properties. Council would need to fully explore all potential impacts and liabilities associated with the construction of physical mitigation works.

## CONSULTATION

As previously noted the flood study is predominantly a technical document that applies flood prediction models to determine likely impacts of future flooding events. A comprehensive community consultation plan was developed to ensure invaluable local knowledge could be captured and fed into the study. A steering committee comprising of both internal and external stakeholders was also formed to provide advice when necessary.

The following information outlines the various opportunities for consultation provided throughout the course of the project:

- Presentation to Inverleigh community jointly with the Inverleigh Structure Plan – 3 March 2017
- Presentation and Launch of the Flood Study video – 16 August 2017
- ‘Share you flood stories’ session – 16 August 2017
- Articles and updates in the Leigh News and on Councils ‘Have Your Say’ page for the duration of the project.
- FAQ sheet – What is a Flood Study and how will it affect my property? – Placed on the HYS page and mailed with documentation regarding floor level survey – June 2017

- FAQ sheet – What does it mean if my property is affected by flooding? – mailed to landowners affected by the Flood Overlay and to landowners where the flooding extent was proposed to increase on individual properties.
- New mapping made available on the HYS page.
- Draft Flood Study available on the HYS page.

One submission has been received (as attached) from a resident as a result of the draft Flood Study being made available for public comment. In summary the submission suggests the investigation and budgeting of the mitigation options should be a priority. The submitter would like to see a commitment from the Council to investigate the mitigation options. A response regarding mitigation is provided within the discussion and conclusion sections of this 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**

The recommendations for Golden Plains Shire as a result of the study are:

- Endorse the flood study before putting it out for public comment with the aim of adopting the flood study and implementing a planning scheme amendment to update the flood related planning overlays to introduce new LSIO and FO mapping into the planning scheme.
  - 1) The draft flood study has been made available for public comment and further opportunity will be provided when a formal planning scheme amendment to introduce the new overlay mapping is exhibited.
- Consider a detailed assessment of flood mitigation options, with a functional and detailed design project that includes a full flood damages assessment. It is strongly recommended that this option be pursued with all relevant stakeholders and considered within the Inverleigh Structure Plan.
  - 2) The Structure Plan does not identify a particular need for additional land within the core township area for residential, commercial or community uses. Whilst certainly constrained, opportunities remain for limited commercial development, and the school 'wood lot' could be utilised should an expansion of the primary school be required. If a private development proposal arose which would benefit from flood mitigation, this development should bear the associated cost of investigating the required mitigation.
  - 3) Should Council see benefit in assessing the flood mitigation options for other reasons this would need to be explored and appropriately provided for in the Council budget. As previously stated Council would need to consider all costs and future liabilities associated with the works.
- Make use of the flood level information produced to issue advice for any floodplain development.
  - 4) The flood level information will be used to update the LSIO and FO mapping in the Golden Plains Planning Scheme which is the basis for advice regarding floodplain development. The CCMA will also rely on the up-to-date information as a result of the study.
  - 5)
- Request that the Bureau of Meteorology consider the following:
  - Review the proposed Flood Class Levels of the Leigh River at Inverleigh from this study.

- Review the Flood Class Levels of the Leigh River at Shelford and brought in line with the proposed Flood Class Levels for Inverleigh from this study.
  - 6)
  - 7) Once adopted a copy of the Inverleigh Flood Study will be provided to the BoM to allow the review of the Flood Class Levels.
  - 8)
- Review the updated MFEP and discuss with VicSES the changes proposed by Water Technology prior to adopting the revised document.
  - 9)
  - 10) Council Officers and Water Technology are currently in the process of updating the MFEP in consultation with VicSES.
  - 11)
- Actively promote the use of the VicEmergency website and App and the flood portal [www.floodreport.com.au](http://www.floodreport.com.au) to the community to improve flood preparedness and awareness.
  - 12)
  - 13) Council continually promotes the use of the VicEmergency website and App through various media platforms.

## **6.5 ENVIRONMENT STRATEGY 2019-2027**

### **File Number:**

**Author:** Martin Roberts, Environment Services Team Leader

**Authoriser:** Greg Anders, Director Assets and Amenity

**Attachments:** 1. Draft GPSC Environment Strategy 2019-2027 (under separate cover)

### **RECOMMENDATION**

That Council endorse the draft Environment Strategy 2019-2027 for public exhibition.

### **EXECUTIVE SUMMARY**

A new draft Environment Strategy 2019-2027 has been prepared with assistance from consultants Environment Evolution Pty Ltd. The draft Strategy has reached the stage where it can be placed on public exhibition, and the community invited and encouraged to provide additional commentary and feedback, prior to the final version being presented to Council for formal adoption.

### **BACKGROUND**

In 2011, Council adopted the Environment Strategy 2011-2016. The strategy addressed a range of environmental considerations and included a robust community consultation process. The strategy focused on two core areas; The Living Environment and Natural Environment. The Environment Strategy 2011-2016 identified actions that Council could undertake at a local level that would contribute to sustainability solutions in a broader context.

The subsequent review and development of the draft strategy intends to provide a progressive strategy that is an agile and effective pathway to the protection and enhancement of the Shire's environmental assets, whilst significantly reducing Council's contribution to climate change.

A draft Strategy will be provided to Councillors for review prior to the ordinary Council meeting, as the content and format is currently being finalised. The final Strategy submission will be informed by feedback collected through the public exhibition period and will incorporate further graphic design elements and Council branding.

### **POLICY CONTENT**

Council Plan 2017-2021:

- We will work to promote, conserve, enhance and protect the natural environment to ensure that growth and change in the built environment is managed for the benefit of all of our community.
- We will plan, resource and strengthen Council and community capacity to effectively respond to current and future challenges related to the natural environment, including climate change, water, biodiversity and emergency management.

### **DISCUSSION**

Golden Plains Shire Council's commitment to environment sustainability, as reflected in the outcomes of the Environment Strategy 2011-2016, was broad and ambitious. With over 136 actions, it completed 28 and delivered on 96, with only 12 being incomplete and ongoing.

The new draft strategy is also ambitious and has been deliberately designed to align strongly to the Council Plan and reflect the capabilities of a rural Shire with a dispersed settlement pattern.

In a shift from the previous plan, this version displays a rigor in its alignment to Council's Strategic Directions through the directly linked Environment Strategic Directions. The strategy promotes a consistent and considered approach to the broader environment through; 16 themes that align to these strategic directions; commitment to community engagement and partnerships; and provision of a list of actions for implementation over the life of the strategy.



In summary, the changes of note that have been incorporated into the new draft strategy include;

- The strategic directions of the Environment Strategy and Council Plan are now aligned.
- The strategy is a higher level document that clearly outlines targets per theme and the mechanisms by which the targets will be achieved.
- As a strategy, it is not an action plan, but actions have been listed for consideration in developing the implementation plans and specific deliverables that will be developed over the next 8 years.
- Key Performance Indicators have been defined to monitor the progress of the strategy and implementation focuses.
- Greater flexibility, and adaptability, to deliver on the strategy over the life of the plan.

## **CONSULTATION**

To inform the strategy's development a comprehensive community engagement process has been undertaken to complement the literature review and best practice analysis. This included an online survey; strategic stakeholder workshops, traditional owner workshop; community engagement workshops; 'Have Your Say page' and conversation posts.

The IAP2 (International Association of Public Participation) Spectrum, which is the international standard and framework for community engagement, identified 'Involve' as the level of community engagement.

A Communications Plan was developed to identify key stakeholders, promotional opportunities and timelines for engagement. To date, Council in collaboration with the consultant (Environment Evolution Pty Ltd), has been able to meet the communication plan timelines with only minor adjustments.

## **CONCLUSION**

A comprehensive strategy has been delivered that provides a strong and clear framework for informing the Council's environmental direction. The strategy provides an implementation plan to ensure commitments are successfully achieved over the next 8 year period. This strategy provides flexibility and is adaptable to changing priorities, variations in funding and resourcing opportunities.

The draft strategy is now at the point where the final phase of public exhibition is required.

**6.6 TEESDALE GRASSY WOODLANDS MANAGEMENT PLAN 2018****File Number:****Author:** Dale Smithyman, Natural Resources Officer**Authoriser:** Greg Anders, Director Assets and Amenity**Attachments:** 1. Teesdale Grassy Woodlands Management Plan 2018-2023 (under separate cover)**RECOMMENDATION**

That Council adopts the Teesdale Grassy Woodlands Management Plan 2018-2023.

---

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council adoption of the updated Teesdale Grassy Woodlands Management Plan 2018-2023.

**BACKGROUND**

The Crown Land reserve comprising the Teesdale Grassy Woodlands Reserve and Don Wallace Recreation Reserve is located in the township of Teesdale on the Bannockburn-Shelford Road. The Crown Land Reserve contains a mix of high conservation value assets and active recreation facilities within a 25.7 hectare (63.8 acre) Crown Land parcel all under the management of Golden Plains Shire Council. The Reserve is a key conservation and recreational space within the rural township of Teesdale.

A Management Plan was developed in 2008 to guide the future management of the Reserve. This Plan resulted in various improvements to the Reserve in the areas of pest plant and animal management, access and fire management.

**DISCUSSION**

This update of the Management Plan aims to provide a repository for information regarding the history, landscape, issues and management actions associated with the Reserve. The Plan provides guidance and actions to direct the future management of the Reserve.

**CONSULTATION**

The Plan has been developed in close consultation with the Friends of the Teesdale Grassy Woodlands. Feedback was also sought from the Don Wallace Recreation Reserve Committee of Management. As the Plan is an update of an earlier plan, a full community consultation process was not considered necessary.

**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 Teesdale Grassy Woodlands Management Plan 2018-2023 will aid in the ongoing management of this important recreational and environmental asset in the Teesdale.

**6.7 OLD BATESFORD CEMETERY MANAGEMENT PLAN 2018-2023****File Number:****Author:** Tim Waller, Development Manager**Authoriser:** Greg Anders, Director Assets and Amenity**Attachments:** 1. Old Batesford Cemetery Management Plan 2018-2023 (under separate cover)**RECOMMENDATION**

That Council endorse the Old Batesford Cemetery Management Plan 2018-2023.

---

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council adoption of the Old Batesford Cemetery Management Plan 2018-2023.

**BACKGROUND**

The Old Batesford Cemetery comprises two parcels of land on Hills Road in Batesford. The parcels, which are freehold land held by Council, contain an old unmarked cemetery, a mobile phone tower and an area of native vegetation.

The land was first used as a cemetery in the early 1860's, about the same time as a new township, was built west of Batesford to accommodate workers building the railway viaduct to take the Ballarat line over the Moorabool Valley. A total of 22 burials are recorded for the site; sadly, many of them children who died in infancy. The first recorded burial was of John Kneebone, aged 3 days, on 5 March, 1860. The final recorded burial was Alfred Dessaulles, aged 27, who drowned in the Moorabool on 23 February 1882.

The land, comprising 1.8 hectares (4.4 acres), was purchased from the Victorian Railways Commissioners by the Bannockburn Shire Council in 1884 for the purpose of establishing a public cemetery. Four local gentlemen – James Henry Dardel, George Madden, George Hill and Henry Aaron Smith – were proposed as Trustees for the management of the cemetery. The Central Board of Health considered the application and recommended that the proposal be adopted, and the application was approved by the Office of Lands and Survey in 1886.

There are no burials recorded after the purchase of the property for a cemetery. While the cemetery was approved, it appears that the land was never gazetted as a cemetery and therefore never achieved formal status under law. The Reserve has historic and native vegetation values that require preservation and enhancement. The Reserve has been rabbit free since 2016 and is Council's only rabbit free reserve.

**DISCUSSION**

The Management Plan aims to provide a repository for information regarding the history, landscape, issues and management actions associated with the Reserve. The Plan provides guidance and actions to direct the future management of the Reserve. The Plan has been developed in consultation with Mark Batty, who has an avid interest in historical cemeteries of the region.

**CONSULTATION**

The draft plan was made available for comment through a formal public consultation process. This process included distribution of the draft to the Batesford community via the Community Coordinators and residents who had registered their interest on Council's community engagement database. No formal submissions to the draft plan were received by Council.

**FINANCIAL & RISK MANAGEMENT IMPLICATIONS**

Current and planned management actions are largely able to be funded through existing budgets and programs with specialist actions being funded through grant applications where possible. Improved management of the Reserve will reduce Council's risk exposure.

**ECONOMIC, SOCIAL & ENVIRONMENTAL IMPLICATIONS**

Improved management of the Reserve will assist in recognising and improving the social and cultural aspects of the Reserve. Improved management of the Reserve will aid in the recovery of native vegetation with positive environmental outcomes.

**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 Old Batesford Cemetery Management Plan 2018-2023 will aid in the ongoing management of this important historical and environmental asset in the Batesford area.

**6.8 POLICY REVIEW - MEDIA STATEMENTS AND PUBLIC NOTICES****File Number:** 78-01-001**Author:** Felicity Bolitho, Team Leader Executive Unit**Authoriser:** Eric Braslis, CEO**Attachments:** 1. Policy 4.5 with changes**RECOMMENDATION**

That Council support the changes proposed and adopt the amended Policy 4.5. Media Statements & Public Notice.

---

**EXECUTIVE SUMMARY**

The Policy 4.5 Media Statements & Public Notices became due for review in August and the review was identified that some minor alterations should be made to the Policy to ensure it is accurate and relevant.

**BACKGROUND**

Some amendments are proposed to clarify Council's position regarding media statements and public notices.

**DISCUSSION**

Since the last review of Policy 4.5 in 2014, Council has introduced a Deputy Mayor and this has been reflected in the revised Policy under the Media Statements section. The revision also includes a procedural note around recording media delegation permissions and reinforces that all media comments and statements are to be coordinated through the Senior Communications and Marketing Officer in all instances.

The final two amendments relate to the inclusion of the words "and relevant Code of Conduct" under the Social Media Guidelines section and under the Public Notices section includes the "Golden Plains Times" (formerly the Miner) as a newspaper in general circulation that can be used for the purpose of publishing public notices.

**CONSULTATION**

No consultation was required or undertaken.

**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**

That minor changes are proposed to clarify Council's position regarding media statements and public notices and it is recommended that Council support the changes proposed and adopt the amended Policy 4.5. Media Statements & Public Notices.

## 4.5 **Media Statements & Public Notices**

<i>Policy Title:</i>	<i>Media Statements and Public Notices</i>	
<i>Date Adopted:</i>	<i>30/6/94</i>	
<i>Date Revised:</i>	<i>24/9/98; 26/2/04; 23/9/10;</i>	
<i>26/8/14 Minute Book Reference:</i>	<i>Council Minutes</i>	
	<i>30/6/94</i>	<i>Special Meeting, Item 5, page 28</i>
	<i>24/9/98</i>	<i>Item 4.6.1 page 48 (refer Audit &amp; Finance Committee Minutes 16/9/98, item 5.4, pages 12, 41 &amp; 74)</i>
	<i>26/2/04</i>	<i>Item 4.10.1(c) page 28 (refer Audit &amp; Finance Committee Minutes 12/2/04, item 4.4, pages 11-12)</i>
	<i>27/10/05</i>	<i>Item 4.10.1 (a) page 18 (refer Audit &amp; Finance Committee Minutes 13/10/05, item 4.1, page 5)</i>
	<i>23/9/10</i>	<i>Item 4.10.1 (d) page 22 (refer Audit &amp; Finance Committee Minutes 9/9/10, item 4.4, page 11)</i>
	<i>26/8/14</i>	<i>Item 4.10.5(c) pages 37-40</i>
<i>Next Revision Due:</i>	<i>August 2018</i>	

### **PURPOSE**

To establish a policy on media communications on behalf of the Council and circulation of public notices.

### **POLICY**

#### **Media Statements**

Media releases and media comment (including social media comments) reflecting and/or representing the views of Golden Plains Shire Council are to be made by the Mayor, Deputy Mayor or the CEO (or their delegates).

If media delegation is required, CEO permission for the particular person must be given in writing and recorded in Altus Records (Bluepoint) under folder 78-07-006 (Media enquiries – general). Any delegation without this permission is not legitimate.

Media comment and statements should be coordinated through the Senior Communications and Marketing Officer in all instances.

Councillors using personal social media platforms are responsible for ensuring that it is clear that the opinions expressed and/or statements made are their own, and not those of Council.

#### **Social Media Guidelines**

All Golden Plains Shire social media accounts and activities shall comply with the Golden Plains Shire Social Media Manual (June 2014) and the relevant Code of Conduct.

#### **Public Notices**

The 'Ballarat Courier', 'Golden Plains News' and 'Geelong Advertiser' are deemed to be newspapers generally circulating in the district for the purpose of publication of public notices. Public notices are to be inserted in at least one of the newspapers identified, taking into account the intended audience.

Notices given under the *Planning and Environment Act 1987* are exempt from this policy, as the *Planning and Environment Act 1987* only requires that the public notices be booked in a newspaper generally circulating in the area in which that land is situated.

## **6.9 GEELONG HERITAGE CENTRE - MEMBERSHIP REQUEST FROM BOROUGH OF QUEENSCLIFFE**

**File Number:****Author:** Louisa White, Community Development Manager**Authoriser:** Jill Evans, Director Community Services**Attachments:** 1. Further Supplemental Agreement (under separate cover)**RECOMMENDATION**

That Council:

1. Approve the Borough of Queenscliffe Council's membership to the Geelong Heritage Centre.
  2. Authorise the signing of a further Supplemental Agreement 2018 recognising the additional service that the Heritage Centre will provide the Borough of Queenscliffe Council.
- 

**EXECUTIVE SUMMARY**

The Borough of Queenscliffe (BoQ) Council has requested to re-establish its membership of the Geelong Heritage Centre. In order to do so, formal approval is required by the four Geelong Regional Library Corporation (GRLC) member Councils. If approved, a further Supplemental Agreement 2018 (Attachment 1) will be forwarded to each of the four GRLC member Councils for official signing.

The BoQ will cover costs associated with the process of determining what formal and/or legal requirements are needed to prepare for this change to take effect.

**BACKGROUND**

The City of Greater Geelong, Golden Plains Shire, Surf Coast Shire and Borough of Queenscliffe Councils established the GRLC in 1997 by agreement made under Section 196 of the Local Government Act (known as the Original Agreement).

In 2009, following a comprehensive review, the City of Greater Geelong (COGG), Golden Plains Shire (GPS), Surf Coast Shire (SCS) and the Borough of Queenscliffe (BoQ) entered into the approved Current Agreement replacing the Original Agreement of 1997.

In 2016, CoGG, GPS, SCS and BoQ Councils entered into a Supplemental Agreement which had the effect of amending the Current Agreement and incorporating provisions concerned with the full operational and financial integration of the Geelong Heritage Centre (GHC) with the operations of the GRLC. Prior to the GHC integration with GRLC in 2015 and continuous from the GHC establishment in 1979, CoGG, GPS and SCS Councils had a direct and ongoing governance and operational relationship with the GHC. All three councils made an annual municipal contribution to the GHC. The BoQ was also part of the original arrangement and made an annual municipal contribution to the GHC from its establishment in 1979, but it withdrew from the formal arrangement and discontinued its annual contribution to the Heritage Centre in 2002.

The Supplemental Agreement (2016) described the then status of the municipal relationship and contribution to the GHC by CoGG, GPS and SCS at the time of its integration, and that its collection and services were described in the Supplemental Agreement to reflect their continuous relationship with the GHC, to this point in time and ongoing. The Supplemental Agreement (2016) also reflected that the BoQ did not have a current or ongoing relationship with the GHC at the time of the GHC integration with the GRLC in 2015, and that this was described in the Supplemental Agreement (2016) to reflect such.

**DISCUSSION**

In 2018, the Chief Executive Officer of the BoQ made a formal request to the Chief Executive Officer of the GRLC for the BOQ to re-establish its direct link with the GHC including an agreement to make an additional annual municipal contribution to the GRLC Budget for the purpose of supporting the functions of the GHC. This request also advised that the BoQ was willing to cover costs associated with the process of determining what formal and/or legal requirements are required to prepare for this change to be brought into effect. GRLC contacted Maddocks Lawyers requesting their advice on how to proceed. In responding Maddocks Lawyers advised that a (simple) variation to the existing Supplemental Agreement was sufficient and that upon preparation of such, each member Council would need to "sign off" on a Deed of Variation, varying the Supplemental Agreement.

The Further Supplemental Agreement (See Attachment) has now been prepared by Maddocks Lawyers for approval and signing by CoGG, GPS, SCS and BoQ Councils. In recognising the additional service that the Heritage Centre will provide the BOQ a determination of an initial additional municipal contribution to the GRLC budget has been calculated. As advised, the BOQ will also reimburse GRLC for the one off professional fee for the service provided by Maddocks Lawyers legal advice and preparation of the Deed of Variation.

The GRLC Board at its meeting held on 13 August 2018 approved a recommendation to accept the Borough of Queenscliffe's request to re-establish its membership of the Geelong Heritage Centre.

The request received from the BoQ to re-establish its municipal link with the GHC will enable the BoQ and more broadly the BoQ historical and heritage community based groups, increased access to the same services, collection related support, industry advice and advocacy role that the Heritage Centre provides to the other three GRLC member councils. The GHC has long held informal relationships with historical and heritage community based groups in the BoQ and the proposed change will enable these important connections to strengthen.

Opportunities to enhance collaborative opportunities such as The Geelong Honours Them WW1 Honour Board digitisation project is an example of a significant piece of historical data capture that GRLC is undertaking in its member councils geographic areas that includes the BoQ. The GHC archive collection has seven (7) record series identifying Queenscliff in the series title with one (1) of these series containing records specific to the BoQ. The broader GHC collection includes many other items including photographs, maps, plans, published works and reference material relating to the history and heritage of the BoQ geographical area. The Public Record Office Victoria archive collection in North Melbourne has fourteen (14) record series, consisting of 5,766 described items that identify the BoQ Council as the creator.

## **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**

Upon receiving formal approval from the four GRLC member Councils, the Supplemental Agreement 2018 will be forwarded to each of the four GRLC member Councils for official signing under the Common Seal; then forwarded to the Minister for Local Government (Vic.) for approval; and then published in the Victorian Government Gazette.



**6.10 CENTRAL HIGHLANDS COUNCILS VICTORIA - INCORPORATION****File Number:****Author:** Eric Braslis, CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer to apply to have Golden Plains Shire join Central Highlands Councils Victoria Incorporated upon its registration.
  2. Appoints the Mayor as the Golden Plains Shire's representative for Central Highlands Councils Victoria Incorporated.
  3. Notes that the proposed incorporation of Central Highlands Councils Victoria and Council's membership does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the *Local Government Act 1989*.
- 

**EXECUTIVE SUMMARY**

The purpose of this report is to support Central Highlands Councils to become an incorporated association pursuant to the *Associations Incorporation Reform Act 2012* and to authorise the Chief Executive to join the association once membership is available.

**BACKGROUND**

The City of Ballarat is currently Chair and Acting Secretariat of Central Highlands Councils Victoria (CHCV), which is an unincorporated grouping of local governments representing the eight Central Highlands Councils: Moorabool Shire Council; City of Ballarat; Pyrenees Shire Council; Hepburn Shire Council; Central Goldfields Shire Council; Northern Grampians Shire Council; Ararat Rural City Council and the Golden Plains Shire Council.

The purpose of CHCV, as an alliance of Victorian councils, is to further a strong economic and social future for the region. CHCV work collaboratively on issues and advocate for projects of mutual importance to make a positive impact on communities in the region.

CHCV is currently an unincorporated entity and to further the advancement of its purpose its current membership intends to become an Incorporated Association pursuant to the *Associations Incorporation Reform Act 2012* with membership being limited to the eight Central Highlands Councils noted above.

The incorporation of CHCV will allow it to:

- Maintain a strategic oversight of the priorities and issues of the Central Highlands region;
- Continue to investigate, plan and facilitate activities or functions of benefit to Members and the region; and
- Undertake such functions and duties to the benefit of Members and as the committee of management determines.

The Association will not have the power to bind any of the Members to undertake any activities or functions. As the CHCV is currently unincorporated, Golden Plains Shire, together with all other member councils is exposed to liability in respect of its operations. To address this, and to enable CHCV to operate with greater independence and ease, it is proposed to incorporate CHCV as an incorporated association.

Pending approval from the Registrar of Incorporated Associations, CHCV will be called 'Central Highlands Councils Victoria Incorporated' and will operate in accordance with the Rules of the Association. The benefits CHCV being incorporated include that it:

- Is recognised as a separate legal entity, with protection from debts for members and perpetual succession;
- Has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would;
- Cannot distribute profit to its members;
- Must operate in accordance with a set of rules, including a statement of purpose; and
- Is operated by a committee of management and a secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

It is not expected that the manner in which CHCV operates will be significantly different from its current operations. The funding of the Association's operations will remain proportional to the relative size of a member's population determined through ABS census data as will the election of a Chair by representatives appointed by member Councils. The committee of management will continue to determine the funding requirements for the Association and each member then contributes to the Association's operating costs in accordance with that member's relevant proportion.

## **POLICY CONTENT**

- *Local Government Act 1989*
- *Associations Incorporation Reform Act 2012*

## **DISCUSSION**

Should Council resolve in favour of the recommendation it will be participating in the formation and operation of a separate legal entity. To do this Council must satisfy the requirements set out in Section 193 of the *Local Government Act 1989* and have regard to the risks involved, the investment involved, and total risk exposure of Council.

Under the *Local Government Act 1989*, if a council determines that its cost of incorporating does not exceed the greater of \$100,000 or 1 percent of Council's revenue, then a risk assessment report does not need to be considered by Council. The total investment involved in Council's participation in the formation of the association is limited to \$0. As per the above, Council will be required to continue paying membership fees, as fixed by the committee from time to time, relative to Councils population, but will not be required to invest anything in respect of the incorporation. The total risk involved in Council's participation in the formation of the Association is limited to \$0. Any liability for the activities of Association is limited to it, not to the individual members. As the thresholds set out in the *Local Government Act 1989* would not be reached therefore a further risk assessment is not required.

If the CHCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if the CHCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf – instead relying on the Secretariat or nominated Council to do so.

Council's relevant proportional contribution as membership to CHCV is included in the Budget 2018/19 at \$12,500 or 10% based on the representative proportion that our population bears against the total population of all members combined. This financial commitment would continue whilst Council remained a member of the Association and will be reviewed and updated by the committee of management in accordance with the Associations rules from time to time. Councils investment in the formation of the Association is \$0.

**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**

That Council resolve to continue its participation in Central Highlands Councils Victoria and its Incorporation.

# **6.11 DELEGATES REPORT - 29 AUGUST 2018 TO 24 SEPTEMBER 2018**

**File Number:** 78-07-002

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

**Authoriser:** Eric Braslis, CEO

**Attachments:** Nil

## **Cr Helena Kirby**

4 September VTIC's Geelong and The Bellarine Election Campaign Event  
 Audit & Risk Committee Meeting  
 Communications Strategy Conversation Post  
 MAV Rural South Central meeting  
 Linton & District Historical Society Annual General Meeting  
 Bannockburn Women's Soccer event  
 G21 Board Meeting  
 Official Launch of Ballarat's Intercultural Strategic Plan 2018-2021  
 Meeting with Brendan Eckel independent candidate for Buninyong

## **Cr Nathan Hansford**

MAV Delegate Update

## **7 NOTICES OF MOTION**

### **7.1 NOTICE OF MOTION**

**File Number:**

**Attachments:** Nil

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council be held on 25 September 2018, I intend to move the following motion:-

#### **MOTION**

That Council place the following motion on the MAV State Council agenda. That the MAV lobby the Minister for Local Government to lead discussion on an alternative means of funding Councils rather than the outdated property tax based system of rates.

---

#### **RATIONALE**

Council has a responsibility to levy property rates in a manner that is equitable across the Shire. The current environment restricts Council's ability to achieve that objective.

The State Government (via Federal funding) already provides partial funding to Councils to manage the business of local government which supplements the rating system. This funding could be increased to provide for little or no income from rates.

Council rates are a property based tax which bear no relationship to taxpayer income or to Council service delivery. The growth in property values is causing inequitable taxing on farming land and high growth residential areas. Many older residents are caught up in the property boom yet have lived in their modest home for many years, causing rates to be unaffordable for them.

While the collection of rates by Council's is capped by the State Government, the inequitable distribution of the rate burden means many properties are paying significantly more than the rate cap. The mechanisms within the current legislation do not provide a convenient means for Council's to level out the rate burden in high growth areas.

The increase in rates in high growth areas is outstripping inflation and any increase in household earnings. Annual revaluations are likely to cause more fluctuations in the rating calculations and compound the problem.

The MAV is Council's peak body and is best placed to lobby on behalf of the whole sector in Victoria to seek alternative methods to provide a more equitable system into the future.

I commend this Notice of Motion to Council.

**8        PETITIONS**

## **9 CONFIDENTIAL ITEMS**

### **RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 89(2) of the Local Government Act 1989:

#### **9.1 Integrated Water Management Forums - Barwon and Central Highlands Forums - Strategic Directions Statements**

This matter is considered to be confidential under Section 89(2) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Any other matter which the Council or special committee considers would prejudice the Council or any person.

#### **9.2 Variation to Contract No. 0913 - Recyclable Materials Receival and Processing (SKM)**

This matter is considered to be confidential under Section 89(2) - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contractual matters.

---