



# **AGENDA**

## **Council Meeting**

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**6.00pm Tuesday 27 July 2021**

**VENUE:**  
**Virtual Meeting**

NEXT COUNCIL MEETING  
6.00pm Tuesday 24 August 2021

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

## Code of Conduct Principles

### WORKING TOGETHER

We Councillors will:

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

### BEHAVING WITH INTEGRITY

We Councillors will:

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

### MAKING COMPETENT DECISIONS

We Councillors will:

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

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**1 OPENING DECLARATION**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

That the minutes of the Council Meeting held on Tuesday 29 June 2021 as circulated, be confirmed.

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

**7 BUSINESS REPORTS FOR DECISION****7.1 DELEGATES REPORT - 29 JUNE 2021 TO 26 JULY 2021****File Number:****Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Delegates Report – 29 June 2021 to 26 July 2021.

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

**Cr Helena Kirby**

7 July	Lethbridge Recreation Reserve Lighting & Drainage Project
8 July	ABC Radio Interview
8 July	Walk on Country video and discussion
9 July	Peri Urban Group of Rural Councils meeting
11 July	Pubs & Publicans of Meredith Book launch
12 July	Smythesdale Progress Association meeting

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

2 July	Grampians Central West Waste & Resource Recovery Group Local Government Forum
19 July	G21 Environment Pillar meeting

**Cr Ian Getsom****Cr Les Rowe****Cr Owen Sharkey**

9 July	Peri Urban Group of Rural Councils meeting
15 July	Geelong Regional Library Committee Workshop

**Cr Clayton Whitfield**

2 July	Grampians Central West Waste & Resource Recovery Group Local Government Forum
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**7.2 P20288 - 18 KIRKWOOD DRIVE, SMYTHES CREEK (HOME BASED BUSINESS)****File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Recommended conditions**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use of land for a home based business (joinery) at 18 Kirkwood Drive, Smythes Creek subject to the conditions attached to this report.

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**EXECUTIVE SUMMARY**

This report relates to a planning permit application for a home based business (joinery) at 18 Kirkwood Drive, Smythes Creek. The application has been referred to the Council Meeting for determination because there is one objection from neighbouring landowners who have concerns regarding amenity impacts including noise and traffic. The report provides a background to the application and a summary of the relevant planning considerations. The Councillors have been provided with a full copy of the application and objection for consideration before making a decision.

**BACKGROUND****The proposal**

The application proposes to use the land for a home based business (joinery) with an increased floor area. A home based business is defined in Clause 73.03 of the planning scheme as:

*An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling. It may include a use defined elsewhere, but not a Brothel.*

A permit is not required for a home based business if the requirements contained in Clause 52.11-1 of the planning scheme are met including that the floor area not exceeding 100 square metres or one-third of the net floor area of the dwelling. Clause 52.11-2 provides for a permit to be granted for a home based business with a floor area between 100-200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The applicant is seeking a permit under Clause 52.11-2 for a home based business with a floor area of 200 square metres.

The proposed business is a joinery (cabinet making). The business was established in 2013 and is currently operating in the City of Ballarat. The owner/operator wishes to relocate the business to their residence in Smythes Creek. The business will operate from an existing shed on the property.

The business has two employees consisting of the owner/resident and one other employee. The business constructs and manufactures cabinetry. The applicant has requested operating hours of 7am-5pm Monday to Saturday.

Traffic to and from the site generally consists of employee traffic, delivery of raw materials, transporting finished products off site and occasional visits by sales representatives and builders/contractors. Sales do not occur on site and customer visits are not promoted. Most customer dealings occur by telephone, email or at the customers property.

**Site description**

The subject land is situated at 18 Kirkwood Drive, Smythes Creek and is formally known as Lot 4 on Plan of Subdivision 339038J. The land has an area of 2.001ha and contains a dwelling and shed. The land is undulating and mostly cleared with scattered native and planted trees. Access to the land is from Kirkwood Drive which is a sealed road managed by Council. The site and

surrounding area is in a Rural Living Zone and contains rural residential development with most lots having an area of 2ha.

Covenant AB852118S applies to the subject land and prohibits, among other things, the use of the land for any noxious or offensive trade within the meaning of the *Health Act 1958* (repealed). A joinery is not defined as a noxious or offensive trade under the Act therefore the proposal does not breach the covenant.

### Site map



### CONSULTATION

Notice of the application was given to adjoining and neighbouring owners and occupiers in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act 1987*. Notice was given by mail to 7 neighbouring owners and occupiers and by placing a sign on the land. The advertising material was made available on Council's website.

As a result of the public notice, 1 objection was received. A copy of the objection has been provided to the Councillors. The objector's concerns relate to amenity impacts including noise and traffic. A consultation meeting was not held because the objector advised Council officers that the objection would not be withdrawn.



## **ASSESSMENT**

The application was lodged on 18 September 2020. There are no referral authorities specified in the planning scheme for an application of this type. The application was internally referred to Council's Environmental Health department. Environmental Health had no objection to the issue of a permit subject to conditions being placed on the permit.

## **PLANNING SCHEME**

### **Municipal Planning Strategy**

#### Clause 02.03 Strategic Directions

This clause contains strategic directions for Settlement in the North West Area (Clause 02.03-1). The clause states that Council intends to support growth in the form of infill (residential) development in several areas including Smythes Creek. The Northern Settlement Strategy (April 2019) provides directions to guide future settlement planning in the North of the Shire. The Northern Settlement Strategy relates solely to residential land supply and demand in Rural Living areas and does not contain any policies or guidelines in relation to non-residential land uses.

#### Clause 02.04 Strategic Framework Plans

The North West Area Structure Plan is contained at Clause 02.04 and the Golden Plains Shire Strategic Directions Plan for the North-West Area (Research Planning Design Group, 2000) is a Background Document to the planning scheme. The Structure Plan and Strategic Directions plan do not contain any policies or provide any guidance in relation to the subject land or an application of this type.

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

#### Clause 13.05-1S Noise abatement

The objective of this clause is:

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

Strategy:

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

#### Clause 13.06-1S Air quality management

Objective:

- To assist the protection and improvement of air quality.

Strategies include:

- Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

#### Clause 13.07-1S Land use compatibility

Objective:

- To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

## **Zone and overlays**

The site and surrounding land is in a Rural Living Zone (RLZ). The primary purpose of the RLZ is to provide for residential use in a rural environment. A permit is not required to use land for a home based business in the RLZ (Clause 35.03-1).

The subject land is affected by a DDO7 & BMO however a permit is not required under the provisions of the DDO7 & BMO.

## **Particular provisions**

### Clause 52.11 Home based business

The purpose of Clause 52.11 is to ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

Clause 52.11-1 provides for a home based business to operate without the need for a planning permit subject to certain requirements being met, including that the net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling. Clause 52.11-1 also requires that the business must not adversely affect the amenity of the neighbourhood in any way including, among other things, emissions from the site.

Under Clause 52.11-2 a permit may be granted for a home based business which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.

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

The purpose of Clause 53.10 is to identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

While Clause 53.10 applies to the use of land for an industry and not a home based business as a guide the recommended threshold distance (Clause 53.10-1) for a joinery from a residential zone or sensitive use is 100m.

## **General provisions**

### Clause 65.01 Decision guidelines

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.

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

## CULTURAL HERITAGE IMPLICATIONS

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

## DISCUSSION

The Planning Scheme (PPF Clauses 13.05-1S, 13.06-1S & 13.07-1S) seeks to ensure that use or development of land is compatible with adjoining and nearby land uses and protect community amenity from adverse off-site impacts such as noise and dust through land use separation, siting, building design and operational measures. The provisions of Clause 52.11 facilitate the establishment of home based businesses provided there is no adverse effect on the amenity of the neighbourhood in any way including, among other things, emissions from the site (i.e. noise, dust, etc.).

The application is considered to satisfy the relevant Planning Scheme policies and decision guidelines because the proposed use has suitable separation distances to neighbouring dwellings and acoustic treatments and restricted operating hours will ensure there is no adverse effect on the amenity of the area. The proposed work area (shed) is located approximately 90m from the nearest neighbouring dwelling (who have not objected and provided their written support to the application) and 230m from the objectors dwelling.

The main concerns of the objector relate to amenity impacts from noise and traffic. The acoustic report submitted by the applicant demonstrates that noise from the proposed use meets EPA noise regulations and conditions placed on the permit requiring acoustic treatment (lining of the shed), the closing of all doors and windows during the operation of tools and equipment, and restricted operating hours, will appropriately address amenity impacts on the surrounding area.

The applicant requested permission to operate from Monday to Saturday however it is recommended that permit conditions prohibit operations at weekends and on public holidays when surrounding residents are more likely to be at home recreating on their properties. Traffic impacts associated with the use are considered to be negligible given that the business is only a two-person operation with a small number of deliveries and customers generally not visiting the workshop.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

### GOVERNANCE PRINCIPLES

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

### POLICY/RELEVANT LAW

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

### ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

### COMMUNITY ENGAGEMENT

Notice of the planning application has been undertaken in accordance with the requirements set out in the *Planning and Environment Act 1987*, by way of letters to adjoining and neighbouring owners and occupiers.

### PUBLIC TRANSPARENCY

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

### STRATEGIES/PLANS

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

### RISK ASSESSMENT

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

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

## **COMMUNICATION**

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

## **HUMAN RIGHTS CHARTER**

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

## **OPTIONS**

Option 1 – Issue a Notice of Decision to Grant a Permit This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Decision to Refuse to Grant a Permit This option is not recommended by officers because the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

Option 3 – Defer the matter to another Council Meeting for Consideration This option is not recommended by officers as there is adequate information to make a decision and there is no outstanding information which would alter the officer recommendation on this matter.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The application satisfies the provisions of the planning scheme, including the Planning Policy Framework (Clauses 13.05-1S, 13.06-1S & 13.07-1S), and Clause 52.11 (Home based business) and 65.01. The proposal has adequate separation distances to neighbouring dwellings and there is minimal traffic associated with the use. The placement of conditions on the permit requiring acoustic treatments and restricted operating hours will ensure the proposed use has no adverse effect on the amenity of the neighbourhood and does not cause material detriment to any person.

**P20288 18 KIRKWOOD DRIVE, SMYTHES CREEK (HOME BASED BUSINESS)****RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT**

- 1 Before the use starts, the inside walls of the shed must be lined with suitable sound attenuating material to the satisfaction of the responsible authority.
- 2 The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3 The use must at all times comply with the home based business requirements contained in Clause 52.11-1 of the planning scheme, except for the floor area used in conducting the business which must not exceed 200 square metres.
- 4 The use must only operate between the hours of 8:00am – 5:00pm Monday to Friday and must not operate on weekends or public holidays.
- 5 Doors and windows must remain closed during the operation of tools and equipment to reduce noise impacts.
- 6 The loading and unloading of goods from vehicles must only be carried out on the land.
- 7 No direct sales of goods or other materials may be made to the public on the site.
- 8 No advertising signs are permitted to be erected, painted, or displayed on the subject land without the written consent of the responsible authority.
- 9 Areas of the subject land occupied by the use must be maintained in a clean and tidy manner to the satisfaction of the responsible authority.
- 10 All external lighting must be fitted with suitable baffles or otherwise directed to prevent the emission of light outside the perimeter of the subject land to the satisfaction of the responsible authority.
- 11 Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011).
- 12 Nuisance dust must not be discharged beyond the boundaries of the premises.
- 13 Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.
- 14 All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no waste is spilled, or dust is created to the satisfaction of the responsible authority.
- 15 The use must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d) Presence of vermin

## e) Parking of vehicles

- 16 This permit will expire if the use is not started within two years of the date of this permit. The responsible authority may extend the period referred to if a request is made in writing before the permit expires, or within six months afterwards.

**7.3 P20391 - 12 RUBY COURT, BANNOCKBURN (THREE LOT SUBDIVISION)****File Number:****Author:** Sandra Tomic, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Recommended Permit Conditions**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a Three (3) lot subdivision at 12 Ruby Court, Bannockburn subject to the recommended conditions attached to this report.

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**EXECUTIVE SUMMARY**

The report provides a background to the application and a summary of the relevant planning considerations for the purposes of a proposed three (3) lot subdivision at Lot 1, PS719816, 12 Ruby Court, Bannockburn.

The application has been referred to a Council meeting for a determination because there are two (2) objections to the application. Objectors have cited concerns including increase in traffic, amenity impact (rural lifestyle), rural character, and drainage. A consultation meeting was held in March however no issues were resolved.

The application has been referred to internal and external referral authorities who have not objected, subject to conditions. The site can be serviced, meet the minimum lot size requirements, contain and treat on site effluent and is consistent with relevant planning policy.

Councillors have also been provided with a full copy of the application and objections for consideration prior to making a decision. It is recommended that Council issue a Notice of Decision to grant a planning permit, subject to conditions.

**BACKGROUND****Site description**

The subject site is 1.2 hectares in area and currently contains an existing dwelling. The site contains planted vegetation along the title boundary lines and across some of the site. There is one existing crossover close to the northern property boundary, this crossover is accessible from Ruby Court, which is a sealed Council road.

The site is located within the Low Density Residential Zone (LDRZ) with Design and Development Overlay Schedule 5 (DDO5) applying. Surrounding land is also zoned LDRZ and covered by the DDO5 with adjoining lots being similarly developed with dwellings, associated outbuildings, and modest landscaping. The land is not affected by any restrictive covenants.



**Location of subject site****Proposal**

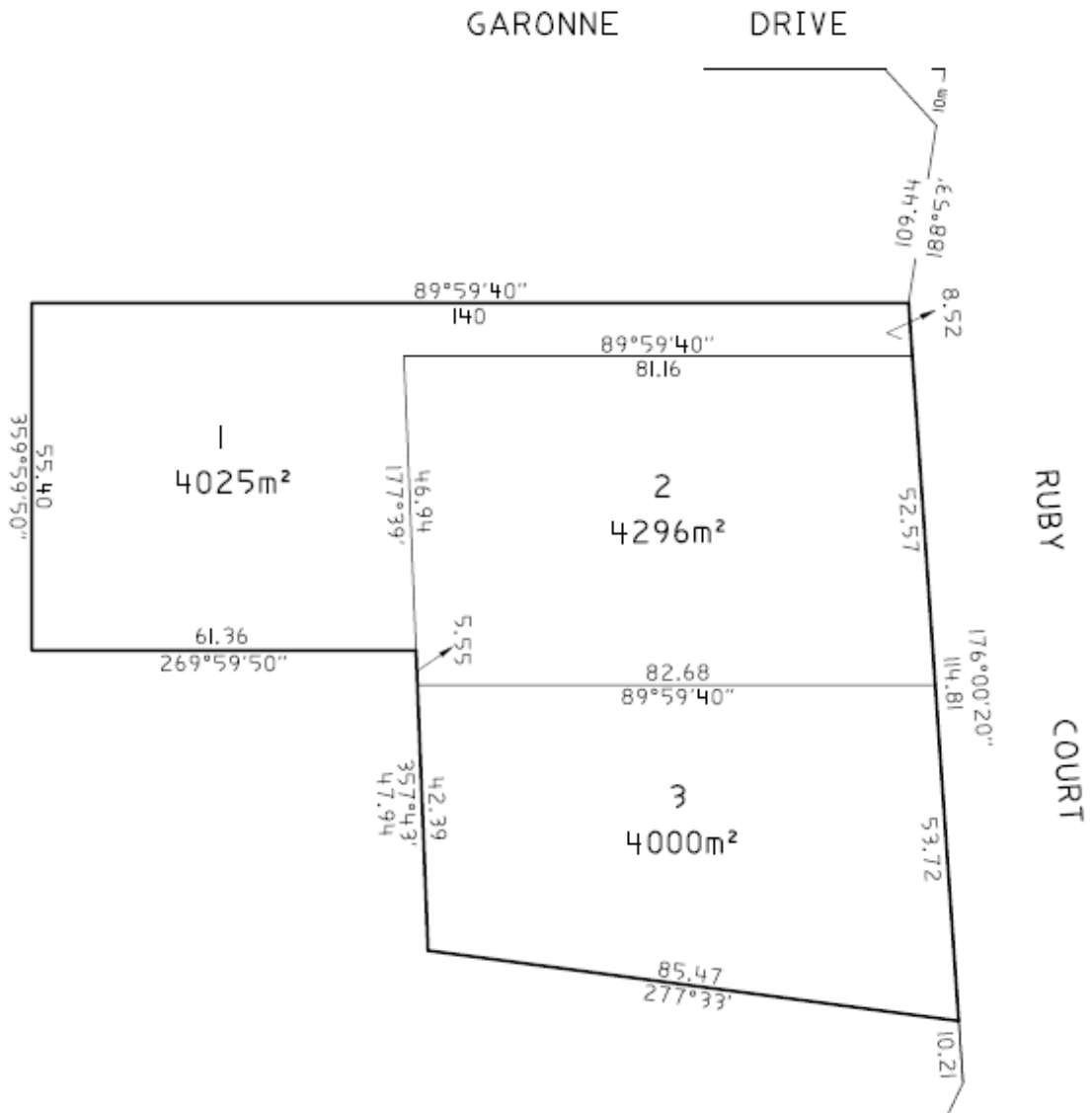
The application proposes a three (3) lot subdivision, with the following features: -

**Lot 1** is proposed to be 4025sqm in area with a frontage approximately 8.5m to Ruby Court. This lot would become a vacant parcel of land post subdivision.

**Lot 2** is proposed to be 4269sqm in area with a frontage of 52.5m to Ruby Court. This lot proposes to retain the existing dwelling and outbuilding on site.

**Lot 3** is proposed to be 4000sqm in area with a frontage of 53.7m to Ruby Court. This lot would become a vacant parcel of land post subdivision.

**Proposed plan of subdivision**



**CONSULTATION**

Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice was provided by mail to all adjoining and neighbouring owners, with a total of nine (9) letters being sent to occupiers and owners and a sign was placed onsite.

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

A consultation meeting was convened on 2 March 2021 with the applicant, objectors and two Council officers. The main concerns raised by objectors relates to increase in traffic, amenity impact (rural lifestyle), rural character, effluent and drainage.

**Objectors concerns**

Impact on the character of the area

The purpose of the LDRZ is to provide for low density residential development on lots which can treat and retain all wastewater. The minimum lot size in the LDRZ is 0.4ha. The application satisfies the provisions of the LDRZ as the proposed lots meet the minimum lot size and are of sufficient size to treat and retain all wastewater. A Land Capability Assessment (LCA) has been submitted with the application and referred to Council’s Environmental Health department.

The proposed additional (2) lots can achieve a level of separation for any new buildings and there is ample room for new landscaping. The proposed subdivision of the land and future development of dwellings must satisfy the local policy for Low Density Residential Development and meet the minimum setback requirements set out in Schedule 5 to the Design and Development Overlay, which are designed to maintain and protect the low density character of the area – if these setbacks cannot be met for new buildings, a planning permit is required.

### Lifestyle

Concerns were raised by the neighbours regarding the proposed lot sizes and the impact of this on their lifestyle and amenity. It is acknowledged that there will be some impact on this adjoining neighbour given that currently the subject site contains only one dwelling, however the proposed lots are 4000sqm and any future buildings on the proposed lots would need to comply with the DDO5 setbacks of 5m from the boundary and 15 from a dwelling not in the same ownership or will require a planning permit for approval. If a reduction in the setbacks is applied for, notification to the adjoining properties would be required. Given the setback requirements it is considered that any future dwelling will have minimal impact on the amenity on the adjoining property.

### Increase in traffic

Traffic generation from two additional dwellings will not have any significant impact to the operation of Ruby Court and will not impact its functionality. The application was referred to Council's Works Engineering department who confirmed that no upgrades to the road network are necessary as it is deemed capable of supporting the vehicle movements associated with two additional residential lots.

### Drainage impacts

Stormwater and drainage management can occur on the site to ensure levels meet the requirements of Councils Works Engineering department and that pre-existing conditions are maintained. Similar to the traffic concerns, the management of stormwater and necessary drainage for two additional lots (and future development) can be managed by the recommended engineering conditions. The requirements of these conditions must be met which includes plan details to be submitted and approved and, once approved, the works carried out in accordance with approved plans, which are inspected prior to sign off. A number of conditions have been recommended to deal with the drainage requirements of the site.

A consultation meeting was held on Tuesday 2<sup>nd</sup> March 2021 and did not result in a resolution being reached.

## **ASSESSMENT**

A planning permit is required under the following provisions of the Golden Plains Planning Scheme:

- Clause 32.03-2 (LDRZ) – A permit is required to subdivide land.
- Clause 43.02-3 (DDO) – A permit is required to subdivide land.

The application was lodged on 19 November 2020.

There are referrals authorities specified in the planning scheme for this application and these external referrals have been carried out to Barwon Water, Powercor and Downer.

The application was internally referred to Council's Works Engineering and Environmental Health departments.

These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

## **PLANNING SCHEME**

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

#### **Clause 11.02 Managing Growth**

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

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

#### **Clause 15.01 – Urban Environment**

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

#### **Clause 16.01 – Residential Development**

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

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

#### **Clause 15.01-6L - Low density residential subdivision**

This policy applies to subdivisions in the Low Density Residential Zone (LDRZ).

Strategies for this policy are as follows:

Encourage subdivision that respects the lot configuration and character elements of the surrounding area.

Maintain an open and spacious character for low density residential areas through:

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

### **Zone and overlay provisions**

#### **Low Density Residential Zone (LDRZ)**

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

**Subdivision**

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines, and property boundaries.
- The availability and provisions of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

**Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)**

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

**General provisions**

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

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

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.

Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## CULTURAL HERITAGE IMPLICATIONS

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

## DISCUSSION

### Subdivision

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

The Land Capability Assessment submitted with the application demonstrates that the proposed lots are capable of on-site effluent disposal and Council's Environmental Health department has advised that the proposal complies with Council's Domestic Wastewater Management Plan. The proposed subdivision design will maintain the character of the area by providing open space and opportunities for landscaping, retaining existing vegetation, and creating lots of sufficient size to provide setbacks in accordance with the DDO5. It is recommended that a condition be placed on the permit requiring landscaping along the external boundaries of the land and the common property driveway to maintain the character of the area and enhance the appearance of the subdivision

### Open Space Contribution

A condition of the permit will require a payment in lieu of public open space being the equivalent of 5% of the site value in accordance with Section 18 of the *Subdivision Act 1988*, prior to the issue of statement of compliance. As a result of the subdivision there will be an increase in population density which will lead to more intensive use of existing open space and the need to improve existing open space.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

## GOVERNANCE PRINCIPLES

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

## POLICY/RELEVANT LAW

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

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

## COMMUNITY ENGAGEMENT

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

## PUBLIC TRANSPARENCY

As there are unresolved objections, the application is being forwarded to Council for a decision, thereby making the determination transparent.

## STRATEGIES/PLANS

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

## RISK ASSESSMENT

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

## COMMUNICATION

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

## **HUMAN RIGHTS CHARTER**

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

## **OPTIONS**

Option 1 – Issue a Notice of Decision to Grant a Permit This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

Option 2 – Issue a Notice of Decision to Refuse to Grant a Permit This option is not recommended by officers because the application is considered to satisfy the provisions of the Golden Plains Shire Planning Scheme.

Option 3 – Defer the matter to another Council Meeting for Consideration This option is not recommended by officers as there is adequate information to make a decision and there is no outstanding information which would alter the officer recommendation on this matter.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, particularly Clause 11.02 Managing Growth, the Low Density Residential Zone (LDRZ) and the decision guidelines of the Planning Scheme (Clause 65). The proposed three (3) lot subdivision has been designed to ensure there is no adverse effect on the character of the area and the proposed lots are capable of on-site effluent disposal. The subject site is an appropriate location for an additional two lots. Permit conditions requiring the provision of associated infrastructure will ensure that the issue of a permit does not cause material detriment to any person.



**PLANNING APPLICATION P20391 FOR A THREE LOT SUBDIVISION AT 12 RUBY COURT, BANNOCKBURN.**

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

**Endorsed plans**

1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan. Each lot must have a minimum area of 0.4ha.

**Landscape plan**

2. Before certification, a landscape plan prepared by a suitably qualified and experienced (horticultural) industry professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be drawn to scale with dimensions and must show:
  - a. The name of the person/s preparing the landscaping plan and their relevant qualification/s and the registered business name/s under which they work;
  - b. A survey of all existing vegetation to be retained along the front and Northern boundary.
  - c. A survey of any vegetation along the common property proposed to be removed;
  - d. The survey must identify the common and scientific names of all vegetation identified for retention and/or removal, size of species and distance from existing constructed driveway and any proposed drainage and infrastructure to be installed in the common property as a result of this subdivision;
  - e. Details of tree protection including root zones for any works within 5m of tree trunks;

All to the satisfaction of the responsible authority.

**Note: Landscape species should be selected from the native planting guides provided on the Golden Plains shire website**

3. Before the statement of compliance is issued under the Subdivision Act 1988, landscaping works as shown on approved plan must be carried out and completed to the satisfaction of the responsible authority.

**General**

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
7. Before a statement of compliance is issued all existing buildings/structures on Lot 1 and 3 must be removed.

**Telecommunications**

8. The owner of land must enter into an agreement with:
  - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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

#### **Open Space Contribution**

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

#### **Environmental Health**

- 11. Prior to certification a restriction must be placed on the plan of subdivision that provides for the following:
  - a) Any dwelling on lots 1, 2 and 3 must not exceed 4 habitable bedrooms. Habitable bedrooms include any room that may be closed off with a door, such as a study, library or sunroom that could be used for the purposes of a bedroom.
  - b) This requirement is at the owner's expense and must not be varied except with the written consent of the responsible authority.
- 12. Before the issue of a statement of compliance under the Subdivision Act 1988, provide a report from a plumber that confirms that the existing septic tank system subsurface irrigation has been repaired so that all irrigation lines are installed at a depth of 100-150mm below the existing surface level.
- 13. Before the issue of a statement of compliance under the Subdivision Act 1988, provide a report from a plumber that confirms that the existing septic tank system subsurface irrigation has been repaired so that all irrigation lines are installed at a depth of 100-150mm below the existing surface level.

#### **Works Department**

- 14. Before the plan of subdivision is certified under the Subdivision Act 1988 the following plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority:
  - a) detailed construction plans;
  - b) drainage computations and specifications;
  - c) construction plans in accordance with Council standards and specifications in the Infrastructure Design Manual (IDM).

15. Before any construction works start, an Environmental Management Plan (EMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit. The plan must include, but is not limited to:
- a) An outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction and post construction phase.
  - b) Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
  - c) Management measures are to be in accordance with EPA guidelines for Environment Management, 'Doing It Right On Subdivisions' Publication 960, September 2004

All works must be undertaken in accordance with the approved Environmental Management Plan to the satisfaction of the Responsible Authority.

16. Before a statement of compliance is issued under the Subdivision Act 1988, the developer must construct stormwater drainage for the site, to the satisfaction of the Responsible Authority and generally in accordance with the supplied drainage plan.
- a) Open drains, where required, must be contained within a minimum 5m drainage easement which must be set aside on the Plan of Subdivision for this purpose.
  - b) The works must be in accordance with requirements of Council's Infrastructure Design Manual (IDM).
17. Before the statement of compliance is issued under the Subdivision Act 1988, a vehicle crossing to each lot must be provided or the existing vehicle crossing/s upgraded to the satisfaction of the Responsible Authority by providing:
- a) Crushed rock drive entry;
  - b) Reinforced concrete pipe culvert; and
  - c) Mountable end walls.

Vehicle crossing/s must be in accordance with the Infrastructure Design Manual (IDM) standard drawing SD 255.

18. Before the statement of compliance is issued under the *Subdivision Act 1988*, the developer must, to the satisfaction of the Responsible Authority:
- a) Provide drainage retardation through the use of rainwater tanks to each lot to limit peak flow rates during the 1% AEP to pre-development levels or flow rate as agreed with Responsible Authority.
  - b) Provide stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
19. Prior to Statement of Compliance under the Subdivision Act 1988, a rainwater tank must be plumbed into existing dwelling and ancillary buildings generally in accordance with approved drainage design and computations for the purpose of detention.
20. Prior to Statement of Compliance under the *Subdivision Act 1988*, existing dwellings and ancillary buildings must be drained to the approved legal point of discharge.
21. Before a statement of compliance is issued under the *Subdivision Act 1988*, services to the existing dwelling must be modified to ensure the services are exclusive to and totally within the boundaries of the new lot to which it is applies. In particular, the following existing services must be modified:

- a) All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.

### **Section 173 Agreement**

- 22. Before the use and/or development starts/the issue of statement of compliance, the owner of the land 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:

- a) The purchaser of Lot 1 & 3 must install a rainwater tank plumbed into any dwelling and ancillary building constructed on Lot 1 & 3, both generally in accordance with approved drainage design and computations upon completion of the dwelling, for the purpose of detention.

Prior to the issue of statement of compliance, application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act. The owner/operator must pay the Responsible Authority's reasonable costs for the preparation, review, execution and registration of the Section 173 agreement.

### **Powercor**

- 23. This letter shall be supplied to the applicant in its entirety.
- 24. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- 25. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Note:-** *Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.*

- 26. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** *Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.*

### **Barwon Water**

#### **General**

- 29. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
- 30. The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/or sewerage services to the proposal. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L018293.

#### **Portable Water**

- 27 The provision and installation of a potable water supply to the development.

28. 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 tapings and service lines are not to be located under existing or proposed driveways.*
29. Barwon Water's records indicate that an existing potable water service and meter is 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.
30. 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 fires and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

#### **Expiry**

31. This permit will expire if:
- a. The plan of subdivision is not certified within two years of the date of this permit; or
  - b. The registration of the subdivision is not completed within five years of the date of certification.

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

#### **Notes**

***Pursuant to section 17(2)(b) of the Subdivision Act 1988 and Clause 5 of the Subdivision (Permit and Certification Fees) Regulations 2000, the prescribed maximum fee for supervision of works will be up to 2.5 percent of the cost of constructing those works, which are subject to supervision. Such a fee must be paid to the responsible authority prior to the issue of a statement of compliance.***

***Pursuant to section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 6 of the Subdivision (Permit and Certification Fees) Regulations 2000, the prescribed maximum fee for checking engineering plans will be 0.75 percent of the estimated cost of constructing the works proposed on the engineering plan. Such a fee must be paid to the responsible authority prior to the issue of a statement of compliance.***

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

***Prior to certification a plan showing the location of all existing and proposed vehicles crossings and the setbacks distance from the closets property boundary is to be submitted in accordance with Regulation 36 of the Subdivision Regulations , to the satisfaction of the***

***Responsible Authority. Upload a culvert plan directly into SPEAR once available and street allocation can be then completed***

***Please be advised that Council has engaged Harwood Andrews to check these Agreements and register them to Title. A checking/review fee will be incurred if the Agreement is drawn up by a firm other than Harwood Andrews. Alternatively, you may choose to use Harwood Andrews to draw up the Agreement and avoid the checking fee. Some information is available on Council's website.***

## 7.4 COUNCIL PLAN 2017-2021 IMPLEMENTATION - QUARTER FOUR

### File Number:

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

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

**Attachments:** 1. Council Plan Implementation Report – Quarter 4 (under separate cover)

### RECOMMENDATION

That Council note the report and achievements attained in the implementation of the actions contained in the Council Plan 2017-2021 for the fourth quarter from 1 April 2021 to 30 June 2021.

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### EXECUTIVE SUMMARY

This report is to update Council on the progress made in completing the 2020-21 actions contained in the Council Plan 2017-2021.

### BACKGROUND

The Council Plan 2017-2021 contains 40 actions framed around 4 Pillars. This is the final quarterly report to SMT regarding implementation of the Plan for 2020-21. Council's management team had previously established an implementation timetable and only selected actions were reported against each quarter. The current reporting template allows for all actions to be updated quarterly so Council is aware of continuous progress being made across all areas of the Council Plan.

### DISCUSSION

Progress for the 2020/21 period has continued across all pillars in the implementation of the Council Plan. Whilst COVID-19 continues to have an impact on some activities, most tasks have been achieved and finalised in the fourth quarter. Key achievements / highlights in quarter four include:

- State funding has been secured as part of the 2021/22 Budget to construct a BMX track and upgrade the existing Skate Park and Play Space at Meredith Recreation Reserve. Council will support the design of the new facility.
- The State Government announced it will partner with Council to deliver a \$550,000 upgrade to the Ross Creek Play Space and Active Recreation Project at the Ross Creek Recreation Reserve.
- Successfully applied for funding under the Female Friendly Facilities Program (SRV) to construct an undercover arena at Leighdale Equestrian Centre.
- Successfully applied for funding (SRV) to install Safety Netting at Victoria Park Recreation Reserve.
- Council was the recipient of a VicHealth grant to fund the co-design and delivery of a movement program targeting girls and gender diverse young people aged 12-15.
- Dereel and Haddon Play Space Upgrades have been completed, and construction on the Garibaldi Play Space Upgrade has commenced.
- The Victoria Park Lights Upgrade in Bannockburn was officially opened. The \$500,000 project was fully funded by the Federal Government.

- Two performances of Carpe Diem were delivered in partnership with GPSC Arts & Culture team, Hesse Rural Health and Ballarat Community Health. Approximately 150 community members attended over the two performances and feedback from participants indicated an interest in further opportunities to discuss mental health.
- A second round of Mental Health First Aid Training has been organised for the community, to commence in the new financial year.
- Community Services are working in partnership with the Orange Door Ballarat to encourage local service provision. Agreement near finalisation.
- Consolidation of the integrated Council Plan/Municipal Public Health and Wellbeing Plan has been approved by the Department of Families, Fairness and Housing and adopted by Council. A Health and Wellbeing Action Planning Forum has been undertaken with 40 partners to begin the planning process for the 4-year Action Plan.
- The Golden Plains Shire Community Vision 2040 was developed and adopted in accordance with section 88 of the Local Government Act 2020. The Themes and Vision Statements provide the foundation and high-level framework for the Council Plan 2021-2025.
- Provision of free development training for volunteers across Golden Plains Shire was delivered in June 2021 and will continue, aiming to build capacity and skills in the development and delivery of projects.
- Following a comprehensive review in 2020, a new Community Planning Program Action Plan was developed and approved by Council in March 2021. The plan will be implemented between 2021–2024 and covers 4 key pillars of Alignment, Flexibility, Council Support and Capacity Building.
- In early 2021 four Community Plans were completed: Scarsdale/Newtown, Smythesdale, Barunah Park and Garibaldi. Community planners from these locations presented their plans to Council Briefings.
- Round 1 of Council's Community Strengthening Grants Program was open to community in April 2021. The program provides funding provided across four categories - Community Safety, Healthy Active Living, Creative Community, and Environment and Sustainability. Council's contribution of \$44,531 for 12 successful community groups will deliver \$99,062 in total value, a return of \$2.22 for every \$1 invested.
- A community transport trial has been designed and will be implemented in 2021/22. The trial will be offered over two routes, one north and one south of the Shire, and is designed to increase transport options for community where public transport is not an option or is too limited. Council has been successful in attracting over \$40,000 to undertake a transport benchmark study to identify gaps in the current transport network to inform our community transport planning and advocacy.
- Maternal and Child Health delivered Supported Playgroup programs to parents of 0-4-year old's experiencing vulnerability and requiring additional support in the North and South of the Shire, supporting 24 children across 17 families during 2020-21.
- The Councillor Engagement program for 2021 continued with a Councillor Conversation Post at the Golden Plains Farmers Market in Bannockburn, and the Coffee with your Councillor program also continued with visits to nine towns: Smythesdale, Scarsdale, Garibaldi, Shelford, Dereel, Enfield, Murgheboluc, Rokewood and Batesford.
- Council launched the Engage e-newsletter, updating residents on all community engagement opportunities.



- The Public Art Audit and Maintenance Program was completed including restoration of the Reverend J.R. Kingshot Memorial in Rokewood; the Chinese Gold Statue in Smythesdale and the Moranghurk Estate Soldier Settlers plaque in Lethbridge.
- The Golden Plains Youth Survey was available for a period of six weeks between 22 March and 3 May 2021. 473 community members completed the survey which was made up of 361 young people aged 12 - 25 years and 112 community members aged 26 years and over.
- Two Structured Workplace Learning (SWL) placements were delivered to local young people completing Certificate 4 in Youth Work and Certificate 3 in Community Services at The Gordon.
- A project brief was developed for the Golden Plains Economic Development, Tourism & Investment Attraction Strategy 2022 - 2031. A consulting group was onboarded June 2021 with a forecast timeline to complete in March 2022.
- The \$3.1 million Stormwater Infrastructure Project was announced at the Bannockburn Industrial Estate. Funded by \$2 million from the State Government and private investment, the project will unlock 22 hectares of land for the estate, attracting new businesses and supporting the expansion of existing businesses, delivering local jobs in Golden Plains Shire.
- Work commenced on an emissions inventory for the Shire to inform a Shire wide Climate Change Action Plan.
- Formally signed up to the Victorian Energy Collaboration. From 1 June 2021 Council owned and managed facilities will commence rolling over to be powered through 100% renewable energy. Once all sites have rolled across this will reduce Councils Operational Emissions by around 33%.
- A Waste Communication Plan and a Recycling Contamination Minimisation Plan have been developed to assist in implementing the Waste Strategy.
- Community Engagement on the renewed Road Management Plan 2021-2025 was completed in June 2021, and the new Plan will be presented for adoption by Council at the July 2021 Council Meeting. Review of the Road Strategy has commenced.
- Establishment of the Digital Hub & co-working space at The Well, Smythesdale is in progress.
- Successfully applied for funding (\$500K) to continue implementing the 3 Trails Project.
- A Panel Hearing was held to consider the new Teesdale Structure Plan, and work has progressed on the Background Report.
- The Bannockburn Growth Plan was submitted to the Minister for Planning for approval.
- Council undertook all tasks in the Municipal Fire Management Plan (MFMP), including fire hazard inspections, pre summer mowing, preparing roadsides for the CFA to burn, undertaking works on Fire Access Tracks and assisting the CFA when required.
- In accordance with the Local Government Act 2020, a Community Engagement Policy was developed and adopted by Council on 23 February 2021.
- The long-term financial plan was updated as part of the 2021/22 budget and 10-year forecast process and is now required to be endorsed by Council following a public consultation process which will take place during August/September 2021 with adoption scheduled at the October 2021 Council Meeting.

- Council has established a working group to progress the requirements of the Gender Equality Act 2020. The organisation will also be supported by Women's Health Grampians over a period of six months from May 2021 to November 2021 to deliver the actions required by the Act.
- Stage 1 works on the GPCC (new building component) and Stage 2 works (refurbishment of existing building) have been completed, and staff are occupying in line with COVID Safe requirements. Stage 3 (carpark and landscaping) commenced in March 2021 and is scheduled for completion by the end of July 2021.
- The OHS team is leading the internal Health and Wellbeing Committee. All office-based staff located in the GPCC now have an ergonomic desk set up, access to outdoor breakout spaces, and a wellbeing room equipped with a breastfeeding chair, fridge, first aid bed and a space for prayer.

A detailed explanation of all actions completed to date can be obtained from Attachment 1 – Council Plan Implementation Report – Quarter 4.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the Local Government Act 2020, the quarterly reporting of the Council Plan will specifically:

- Contribute to innovation and continuous improvement

- Ensure transparency of Council decisions, actions and information.

**POLICY/RELEVANT LAW**

The quarterly progress report is provided in relation to the Council Plan 2017 – 2021. Ongoing monitoring of progress is a requirement under section 89 of the LGA 2020.

**PUBLIC TRANSPARENCY**

The Council Plan quarterly progress report is available for the public to view as part of the Council Meeting agenda or on request.

**STRATEGIES/PLANS**

The quarterly Council Plan reports provide for ongoing monitoring of progress and regular reviews under section 89 of the LGA 2020.

**SERVICE PERFORMANCE**

The quarterly progress report focuses on Council's performance in relation to the 40 actions of the Council Plan 2017-21. Each quarterly report is a valuable tool in demonstrating service gains and improvements.

**RISK ASSESSMENT****COMMUNICATION**

The Council Plan quarterly progress report will be available for the public to view as part of the Council Meeting agenda or on request.

**HUMAN RIGHTS CHARTER**

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

**CONFLICT OF INTEREST**

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

**CONCLUSION**

As can be seen in the attached report, most of the planned activities for 2020/21 have been completed or are nearing completion. Continued action against future planning should see the successful completion of remaining ongoing actions.

## 7.5 IN-PRINCIPLE PERFORMANCE STATEMENT AND IN-PRINCIPLE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

**File Number:**

**Author:** Fiona Rae, Manager Finance

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

**Attachments:** Nil

### RECOMMENDATION

That Council:

1. Delegate approval of the 'In Principle' Performance Statement and 'In Principle' Financial Statements to the Audit and Risk Committee with power to act in accordance with Section 99 of the *Local Government Act 2020* and consistent with Council election process.
2. Authorise the Mayor (or her deputy) and Cr Cunningham (or his delegate) to certify the Performance Statement and the Financial Statements on behalf of Council, in accordance with Section 99 of the *Local Government Act 2020*.

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### EXECUTIVE SUMMARY

Due to the tight timeline in approving the 'In Principle' Performance Statement and 'In Principle' Financial Statements following completion of the audit, it is necessary to delegate authority to the Audit and Risk Committee to approve the Statements and to authorise the two Councillor representatives of the Committee to certify them at the meeting scheduled for 14 September 2021.

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

### BACKGROUND

Section 98 of the *Local Government Act 2020* requires Council to prepare an Annual Report containing:

- Report of Operations of the Council;
- Audited Performance Statement;
- Audited Financial Statements;
- Auditor's report on the performance statement prepared under section 99;
- Auditor's report on the financial statements under Part 3 of the *Audit Act 1994*; and
- Any other matter required by the regulations.

Section 99 of the *Local Government Act 2020* provides the following:

- The Annual Report must be submitted to the Minister by 30 September each year;
- Council must pass a resolution giving its approval in principle to the performance statement and financial statements; and
- Council must authorise two Councillors to certify the performance statement and financial statements in their final form, after any changes have been made following the audit

Section 100 of the *Local Government Act 2020* provides the following:

- Council must hold a publicly advertised meeting to discuss the Annual Report as soon as practicable after it has been sent to the Minister, but within four months of the end of the financial year.

## DISCUSSION

McLaren Hunt, our audit agent appointed by the Victorian Auditor-General's Office (VAGO), have advised that they will conduct the financial audit on 17<sup>th</sup> and 18<sup>th</sup> August. The financial audit includes completing work remaining from the interim audit conducted in April and a review of the financial statements and performance statement with an audit opinion issued on completion of the audit.

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

DESCRIPTION OF TASK	DUE DATE
Council to delegate approval of In Principle Statements to the Audit and Risk Committee and authorise two Councillors to sign annual statements.	27/07/2021
Accounts available for audit	17/08/2021
Completion of audit	31/08/2021
Distribution of completed financial statements to Auditor-General	08/09/2021
First review by Audit and Risk Committee with Auditor-General's agent (McLaren Hunt)	14/09/2021
Committee resolution to adopt the In Principle Statements (under delegation)	14/09/2021
Audit Opinion issued by Auditor-General	17/09/2021
Annual report sent to Minister	20/09/2021
September Council Meeting to note In Principle Statements	28/09/2021
Advertise Annual Report and Council meeting to consider the report	09/10/2021
Annual Report tabled in Parliament	19/10/2021
Council meeting to note Annual Report financial statements and auditor's report	26/10/2021

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

## GOVERNANCE PRINCIPLES

The 2020-21 Financial Statements and Performance Statement will be prepared in accordance with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

## POLICY/RELEVANT LAW

*Local Government Act 2020*

*Local Government (Planning and Reporting) Regulations 2020*

*Audit Act 1994*

## COMMUNITY ENGAGEMENT

A formal consultation process was not required.

## PUBLIC TRANSPARENCY

The financial audit process and VAGO review supports the principles of public transparency in Section 99 of the *Local Government Act 2020* with results of the audit to be included in the 'Results of the 2020-21 Audits: Local Government' report scheduled for tabling in March 2022.

## STRATEGIES/PLANS

Financial reports are prepared ensuring consistency with Council's long term financial plan.

## FINANCIAL MANAGEMENT

Council's financial management processes are in accordance with Australian Accounting Standards and other mandatory professional reporting requirements, the *Local Government Act 2020*, and *Local Government (Planning and Reporting) Regulations 2020*.

The financial audit process considers financial management processes, internal controls, accounting policies, and financial sustainability via the use of the going concern basis of accounting. VAGO express an audit opinion on the financial report based on the audit with the objective to obtain a reasonable assurance about whether the financial report is free from material misstatement.

## RISK ASSESSMENT

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

In accordance with Section 98 of the *Local Government Act 2020* Council is required to prepare an Annual Report containing a report of operations and audited Financial Statements and an audited Performance Statement. Section 99 of the *Local Government Act 2020* requires the Annual Report to be submitted to the Minister by 30 September each year.

## COMMUNICATION

The 2020-21 Financial Statements and Performance Statement will be included in the Annual Report and submitted to the Minister. The Annual Report will also be published on Council's website.

## HUMAN RIGHTS CHARTER

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

## OPTIONS

Option 1 – Delegate approval of the 'In Principle' Performance Statement and 'In Principle' Financial Statements to the Audit and Risk Committee This option is recommended by officers as it is necessary to delegate authority to approve the performance statement and financial statements to the Audit and Risk Committee due to the tight timeline.

Option 2 – Note the approval requested This option is not recommended by officers as not delegating approval to the Audit and Risk Committee meeting would extend the timeframe to complete the annual report and would have the potential of not complying with the timeframes and lodging the annual report with the Minister by 30 September, as required by the Local Government Act.

## CONFLICT OF INTEREST

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

## CONCLUSION

Due to the relatively tight timetable required to meet the legislative requirements, it is necessary to have appropriate delegations in place to ensure that decisions can be made promptly to comply with the deadlines. In the absence of this delegation, Special Meetings of Council would need to be called at short notice.

This system of delegation has operated effectively in the past and is in accordance with the Charter of the Audit and Risk Committee.

## 7.6 COVID-19 HARDSHIP ASSISTANCE AND RECOVERY PLAN

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

1. **Hardship Applications (under separate cover)**
2. **COVID-19 Financial Hardship Policy Revised June 2021 (under separate cover)**

### RECOMMENDATION

That Council:

1. Note and approve the revised version of the COVID-19 financial hardship policy to apply to the 2021-22 financial year.
2. Note the proposed approach for the COVID-19 recovery initiative to develop and issue an expression of interest seeking the delivery of targeted mental health services in the Golden Plains Shire.

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### EXECUTIVE SUMMARY

As at 30 June 2021, \$85,186 of the \$100,000 Covid-19 hardship fund has been used to financially assist 141 ratepayers who were financially impacted by COVID-19 pandemic. This amount includes \$10,481 to waive environmental health permits and \$9,900 to waive the Meredith interpretative centre lease resulting in \$14,814 remaining in the fund.

With the continued impacts from the COVID-19 pandemic, Council will continue to offer assistance to customers in 2021-22 with \$50,000 allocated to the COVID-19 financial hardship policy and \$50,000 allocated to a COVID-19 recovery initiative.

### BACKGROUND

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

### DISCUSSION

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

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

Due to the extended impacts of the pandemic, Council will continue to offer financial assistance and support to customers in 2021-22 by extending the COVID-19 financial hardship policy and commencing a COVID-19 recovery plan. Eligibility criteria for the COVID-19 financial hardship has been reviewed to include providing specific evidence of receiving either Jobkeeper or Jobseeker payments that were received as a result of the pandemic, as Jobkeeper payments are no longer offered by the State Government.

The proposed approach for the COVID-19 recovery plan is to develop and issue an expression of interest seeking the delivery of targeted mental health services in Golden Plains.



Qualified and skilled mental health providers will be invited to submit proposals on how they can support communities with mental health information and services. These proposals will seek innovative ideas to respond to the needs of the community ideally in person at a range of locations. The EOI is currently being developed and will be advertised within the first quarter. The 2021-22 budget allocation will provide up to \$50,000 to the successful respondent.

#### Key Financial Data

Rate revenue is \$349k higher than budget due to customer growth higher than budgeted and increases in property values from supplementary valuations processed in the 2020/21 final quarter.

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

Key Indicator	June 2020	Aug 2020	Jan 2021	April 2021	June 2021	Comments
Customer Payment Plans <i>original hardship policy</i>	165	82	71	166	151	Total at reporting date
Hardship Applications COVID-19 <i>hardship policy</i>	2	24	103*	127*	141*	Cumulative total
Monthly Payment Options	0	87	293	293	279	Cumulative total
Outstanding rates notices	2,355	11,285	7,385	5,644	1,471	Total at reporting date
Total debtors ( <i>includes infringement debtors</i> )	2.356m	26.932m	16.52m	7.27m	4.60m	Total debtors at reporting date

\* only 2 applications relate to businesses

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

As part of the Working for Victoria grant funding Council employed a Rates Hardship Officer to proactively contact customers in arrears to offer assistance by promoting the various payment options available, including paying by instalments and our recently introduced monthly payment option, and the COVID-19 hardship policy. Impacts from this customer contact is:

- 1,235 customers contacted clearing arrears of \$2,081,979 (long-term and current arrears,
- 151 customers now on payment plans, and
- Of the 152 direct debit assessments contacted only 12 are yet to clear their rates.

Costs associated with the COVID-19 pandemic include:

Description	2019-20	2020-21 YTD June
Waived interest on outstanding rates (reduction in income)	\$24,346	\$0
Rate rebates per COVID-19 financial hardship policy (\$100k budget)	\$0	\$64,805
Environmental health permits waived		\$10,481
75% reduction in Meredith Interpretive Centre lease fee		\$9,900
		<b>\$85,186</b>
COVID-19 risk operating costs (safety equipment, masks, wipes etc)	\$28,299	\$33,620
Funding for emergency meals	(\$6,541)	(\$21,041)

COVID-19 emergency meal expenses	<u>\$4,303</u>	<u>\$6,700</u>
Net cost/(profit) – <i>potential for surplus funds to be contributed towards more meals as pandemic continues</i>	(\$2,238)	(\$14,341)
Unspent grant funds carried forward		(\$33,000)
Funding for COVID-19 community activation/social isolation initiative	(\$33,000)	(\$25,000)
Community activation/social isolation expenses	<u>\$0</u>	<u>\$84,544</u>
Net cost/(profit) – <i>balance of grant funds remaining</i>	(\$33,000)	\$26,544
Outdoor eating and entertainment COVID-19 activation funding		(\$250,000)
Outdoor eating and entertainment COVID-19 activation expenses		<u>187,858</u>
Net cost/(profit) – <i>balance of grant funds remaining</i>		(62,142)

Note: Financial information in above table excludes commitments.

## REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

## GOVERNANCE PRINCIPLES

This Hardship Report has been prepared in accordance with the *Local Government Act 2020*.

## POLICY/RELEVANT LAW

*Local Government Act 2020*

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

*Local Government (Planning and Reporting) Regulations 2014*

## Annual Budget

**COMMUNITY ENGAGEMENT**

A formal consultation process was not required.

**STRATEGIES/PLANS**

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

**FINANCIAL MANAGEMENT**

Providing assistance to customers will assist in the collection of rates and charges from customers. Council set aside a budget of \$100k in 2020-21 for rebates where customers meet the COVID-19 hardship criteria and allocated \$50k in 2021-22. This additional cost will provide support to a large number of customers who need assistance which will enable customers to pay their rates bill, which results in higher cash inflows and a reduction in debtor balances.

**RISK ASSESSMENT**

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

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

**COMMUNICATION**

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

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

Option 1 – Note the contents of this report This option is recommended by officers as the purpose of this report is to provide information on the level of assistance provided to customers and costs associated with COVID-19.

Option 2 – Note and adopt the contents of this report This option is not recommended by officers as the report does not require adoption.

Option 3 – Do nothing This option is not recommended by officers as Council should note the current status of the level of assistance provided to customers.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

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

## 7.7 STATUTORY PLANNING DELEGATIONS

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

1. Amended Statutory Planning Delegations (under separate cover)
2. Consideration of Planning Applications Policy (under separate cover)
3. Consideration of Planning Applications Procedure (under separate cover)
4. Consultation Meeting Policy (under separate cover)
5. Consultation Meeting Procedure (under separate cover)

### RECOMMENDATION

That Council:

1. Resolves to amend the Statutory Planning Delegations (attachment 1);
  2. Adopt the Consideration of Planning Applications policy and procedure (attachment 2 and 3) and the Consultation Meeting policy and procedure (attachment 4 and 5).
- 

### EXECUTIVE SUMMARY

The aim of this report is to review and improve efficiency of the current delegations provided to officers in relation to making statutory planning decisions on permit applications lodged with Council.

As part of this review, it is also proposed that the following two policies and procedures are adopted and implemented:

- Consideration of Planning Applications policy and procedure; and
- Consultation Meeting policy and procedure.

The creation of the two policies and procedures aims to ensure that there is consistency in the managing of applications in relation to the requirement and formalisation of the consultation meeting process. The policies and procedures also seek to ensure transparent decision making for planning applications, whilst ensuring that Councillors remain informed in relation to the applications being lodged and determined under delegation.

It is intended that the improved delegation afforded to officers will assist in gaining efficiencies for determining applications internally and improving customer service whilst ensuring that Council are kept informed on high profile applications.

### BACKGROUND

Current planning delegations to officers are restricted and do not apply to:

- Making decisions on applications that have received objections, other than applications for the removal or variation of restrictive covenants and two lot subdivisions that have received three or less objections.
- Making decisions to refuse applications other than:
  - Applications that lack information required for assessment and which cannot be lapsed.
  - Applications that a determining referral authority has objected to; and
  - Applications for the removal or variation of restrictive covenants.

Officers presented to the Council Strategic Briefing on 1 June and 6 July in relation to the proposed changes to the statutory planning delegations together with two draft procedures for discussion purposes.

## **DISCUSSION**

### Applications forwarded to Council January 2018-December 2020

During the above period, statutory planning officers forwarded 58 applications to Council for a decision. The officer recommendation was upheld 96.6% of the time, or for 56 of the 58 applications.

Of the two decisions whereby Council did not support the officer recommendation, one was overturned by Victorian Civil and Administrative Tribunal (VCAT), (Council resolved to refuse and the officer recommendation was to approve). The second application is waiting to be heard by VCAT and is listed for the 5 November.

### Time associated for the preparation and review of Council Reports

In determining officer time in the preparation and review of Council reports, it has been determined that the preparation of one Council report equates to 14.75 hours of officer time. This has been determined based on the cumulative time taken by officers to prepare, Coordinator, Manager and Director review, together with Senior Management Team review.

The time of Councillors and attendance at briefings has not been included within the above amount. Councillor feedback provided details of approximately 40 minutes of Councillor time to review each report, and then 30 minutes (approximately) in the chamber for discussions.

Whilst there is always time costs associated with the preparation of the relevant reports to inform a decision, the time to complete an internal report is measured between 1 to 2 hours (for a simple application with a single permit trigger) to 4-8 hours for more complex applications (multiple triggers for a permit).

### Benchmarking with Other Councils

To inform the statutory planning delegation review, a number of Councils were contacted to gain further information on their processes for statutory planning decision making. These Councils were:

- City of Greater Geelong;
- City of Ballarat;
- Moorabool Shire Council;
- Surf Coast Shire Council.

The above Council's delegations and processes are as follows.

City of Greater Geelong have an internal decision-making committee, whereby applications for 6 or more objections or recommended for refusal and Councillors have not called in the application via the Planning Committee are determined at this internal committee. The committee consists of a panel of senior officers who make the decision and there is no opportunity for applications or objectors to present to the committee.

The City of Greater Geelong also have a Planning Committee which consists of six Councillors, and the application and objectors have the opportunity to present to the committee. This committee can only consider applications that have 6 or more objections or for officer refusal and the Councillors must call in the application.

At the City of Ballarat, officers have delegation to make a decision on all planning applications, unless they are called in by Councillors. If an application is called in, the Planning Delegated Committee, which consists of all nine Councillors and chaired by the Mayor, considers the application and makes a decision.

The City of Ballarat also has a policy, whereby if any Councillor, Senior Officer or Planning Officer has a financial interest in land subject to a permit application, it is automatically referred to the Planning Delegated Committee for a decision.

Moorabool Shire Council have a Development Assessment Committee which consists of all Councillors with the Mayor as the Chairperson.

The following applications are referred to the Development Assessment Committee:

- Applications for a single dwelling, multiple dwellings and / or buildings and works ancillary to a dwelling where there are unresolved objections from five or less separate properties.
- Any other applications for use and / or development of a property and/or the subdivision of land where there are unresolved objections from ten or less properties.
- The applicant or owner is the Council, a Councillor or Senior Officer.
- Applications can be called in by a Councillor to be heard at the Committee.
- Manager determines that a planning application is of a sensitive nature or significant impact and refers the application to the Committee for determination.

At Surf Coast Shire, officers have delegation to make a decision on all planning applications, unless they are called in by Council. This generally relates to an application with a high number of objections or media coverage.

Internally, if an application receives one objection, the Coordinator reviews and signs the delegate report, for applications for two or more objections, the Manager reviews and signs the delegate report.

#### Proposed delegations

To bring Golden Plains Shire Council delegations more inline with likeminded Councils, the following is proposed:

- All applications (including refusals) are considered under delegation unless the application is called in (see Consideration of Planning Applications policy and procedure).
- Applications that attract significant community interest is forwarded to a Councillor Briefing to determine if the Councillors would like the application to be forwarded to a Council meeting for a decision (see Consideration of Planning Applications policy and procedure).
- Applications which are prohibited can be refused under delegation,
- Applications which lack the required information to make a decision is received, can be made under delegation (as currently exists).
- Applications whereby a recommending or determining referral authority objects to an application, and the officer recommendation is to refuse the application.
- Applications for the removal of restrictive covenants (as currently exists).

The following applications would be required to be referred to Council for a decision:

- Applications whereby a recommending referral authority objects to an application, and the officer recommendation is to issue a Notice of Decision to Grant a Permit.
- Applications whereby a member of the Statutory and Strategic planning team, Senior Officer or Councillor has a financial interest in the site.

#### Transparency and Improved Reporting Proposal

With greater internal delegation to make decisions, requires improved reporting and transparency on decision making.

The creation of the Consideration of Planning Applications policy and procedure and the Consultation Meeting policy and procedure provides additional reporting requirements to Councillors. The additional reporting consists of information forwarded to Council via the Chamber,

Council reporting process and internally, to ensure that Councillors are informed of applications which receive submissions and consultation meetings are being created.

In terms of additional reporting to the Chamber, the following is proposed to be forwarded to Council on a quarterly basis:

- Applications received over the three month period.
- Applications determined over the three month period (no objections).
- Applications determined over the three month period with objections.
- Applications refused, including by a determining and recommending authority.
- Estimated cost of development for applications approved in the three month period.
- Applications determined within 60 days.
- VicSmart applications determined within 10 business days.
- Number of certified plans issued.
- Number of new allotments created.
- Number and type of applications called-in to Council for a decision.

In terms of additional reporting to Councillors via internal means, it is proposed that the following information be circulated:

On a weekly basis, the Statutory Planning team will circulate:

- A list of applications formally submitted in the past week.
- A list of applications currently on advertising.

On a weekly basis, the Manager Development and Regulatory Services will provide to Councillors, a list of applications that have received submissions and a consultation meeting is being convened. This list will also provide the number of submissions received, a consultation meeting date (if one has been determined), and Councillors are able to express their interest in attending the consultation meeting to gain greater insight of the issues being presented to Council officers.

On a weekly basis, the Manager Development and Regulatory Services will also provide to Councillors a list of applications that are proposed to be refused under delegation and applications which are considered to be of interest to the public or a significant project for the municipality.

Based on the above information which is proposed to be circulated to Councillors, Councillors are able to determine if they would like to attend the consultation meeting to provide further details from the applicant and submitters as to the issues of concerns, and from this able to determine if the application should proceed under delegation or to Council for a decision. It is noted that the proposed policy is similar to the that of Surf Coast Shire Council, whereby Councillors are able to call-in an application with 6 or more submissions.

It has not been proposed to implement a Planning Committee as opposed to an application going to Council for a decision, as:

- The need for a separate meeting is not warranted at this stage, given the amount of applications / decisions made by Council and Council officers;
- If an application is forwarded to, or called-in to the Chamber, these reports are able to be absorbed within the existing Council meeting schedule.

It is believed that the above measures will improve and provide for greater efficiencies within the department in terms of decision making and able to implement continuous improvement strategies to ensure that Golden Plains Shire is able to attract development that will improve the economic future of the municipality.

The proposed delegations also provide Councillors with additional time to focus on the strategic matters which guide the Shire's future. As quoted un the 1999 VAGO Audit, August 1996 Ministerial Statement on Local Government "*Councillors have to shift their focus from the minutiae*

*of day-to-day involvement in administration of council policy, program and operation and put a greater emphasis on developing corporate policies and strategies”.*

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

### GOVERNANCE PRINCIPLES

This report and associated policies and procedures adhere to the relevant governance principles as the proposal seeks to implement continuous improvement principles, and collaboration with other Council's have been undertaken to benchmark delegations.

### POLICY/RELEVANT LAW

This report adheres to decision making requirements listed under the Planning and Environment Act 1987.

### COMMUNITY ENGAGEMENT

The associated policies and procedures sets out the requirements for community engagement through consultation meetings for applications which receive submissions. The policy and procedure seeks to ensure that all parties to the application are heard and involved and informed of the process and procedure.

### PUBLIC TRANSPARENCY

The proposed policies and procedures seeks to create improved transparency of decision making through regular reporting to Council on decisions made under delegation. The policy and procedure also provides for mandatory referral of applications to Council for a decision to ensure



transparency in decision making. This is isolated to Councillors, Senior Officers and members of the statutory and strategic planning teams whereby the individual has a financial interest in the property, and a decision made under delegation would not be transparent.

## **FINANCIAL MANAGEMENT**

A cost analysis for the preparation of a Council report compared to a delegates report has been identified through the research of this report. A Council report is approximately \$870 to prepare for officer, Manager, Director and SMT review, compared to \$59-\$421 for an internal delegates report.

## **SERVICE PERFORMANCE**

The proposed improvements to the delegations together with the creation of new reporting to Council seeks to improve the services of the statutory planning department through improved efficiencies internally which will then lead into improved timeframes against statutory timeframes (decisions within 60 statutory days and 10 business days for VicSmart applications).

## **RISK ASSESSMENT**

There are no identified risk implications associated with this report.

## **COMMUNICATION**

The recommendation adopted will be circulated to the regular applicants of the Golden Plains Shire Council and placed on our website.

## **HUMAN RIGHTS CHARTER**

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

## **OPTIONS**

Option 1 – Approve the Recommendation as per the Officer Report This option is recommended by officers as significant research and analysis of delegations and decision making has been undertaken, and the recommendation is considered to align the requirements of improving decision making timeframes, transparency and consultation with parties.

Option 2 – Do not adopt the Recommendation This option is not recommended by officers as the delegations of Golden Plains Shire is quite restrictive when compared to other Councils, and this process impacts on the teams ability to be efficient in decision making.

Option 3 – Defer the report to undertake further research This option is not recommended by officers as significant work has been undertaken to date, and through the feedback period there were no unanswered queries from Councillors.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The proposed recommendation seeks to streamline the decision making of Council and provides some certainty to applicants and submitters as to how the application will be managed, together with the involvement of Councillors in decision making.

The adoption of new policies and procedures seeks to ensure transparency in the statutory planning decision making process and ensures that additional reporting to Council is provided.

It is envisaged that through the adoption of these improvements, efficiencies are able to be gained and additional continuous improvement activities can be researched and implemented to ensure that Golden Plains Shire can meet their obligations as the responsible authority under the provisions of the Planning and Environment Act 1987.

## 7.8 GOLDEN PLAINS SOCIAL HOUSING PLAN

**File Number:****Author:** Lisa Letic, Director Community Services**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Golden Plains Social Housing Plan (under separate cover)**RECOMMENDATION**

That Council adopt the Golden Plains Social Housing Plan as attached.

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**EXECUTIVE SUMMARY**

Golden Plains Shire Council is participating in a regional Social Housing Planning project facilitated by G21 that will create a Social Housing Plan for each local government area and a combined regional plan to assist Council's understanding of the need for increased social housing across the region, provide an evidence for advocacy to the State Government, developers and other stakeholders such as housing providers and position Council to identify strategies it can implement to support the creation of social housing within the Shire.

The regional plan will consolidate the available data and initiatives across the region and provide the evidence for collaborative advocacy to the State Government and other stakeholders for a fairer, more appropriate social housing model across the Region.

The Golden Plains Social Housing Plan (The Plan) attached, provides an evidence base and positions Council to work with the Victorian State Government on the Big Housing Build which will inject \$5.3 billion into the Victorian economy to build and upgrade social housing right across our state including a \$15 million commitment to the development of social housing in Golden Plains Shire.

The commitments for Council are detailed within the Plan and summarised below:

- To work with both local and regional support service providers to improve access to a wide range of support programs for vulnerable members of our various communities.
- To work with Homes Victoria to identify, assess, plan and develop underutilised state-owned land, where this land can be used to deliver additional social housing.
- To work alongside any community group seeking to develop underutilised land as social housing and community use.
- Where there are clear opportunities to develop sustainable and supportive social housing on Council land, the Council will undertake a rigorous planning, assessment, and consultation process before finalising any proposal
- Maintaining a register of 'opportunities', which identifies promising development sites, provides an overview of the opportunities and constraints and notes potential strategic action. This will be a public, living document, appended to this plan.
- Recognise that greenfield sites create potential for meeting social housing demand in partnership with developers and other stakeholders. Partner Councils have developed a 'Social Housing Planning Assessment Tool' to guide conversation between developers and Council staff regarding greenfield development sites where social housing may be appropriate. The assessment tool also highlights situations where sites may not be viable.
- To explore opportunities to use social housing as a tool to drive economic development, build jobs and address disadvantage.

## BACKGROUND

Golden Plains Shire Council is participating in a regional Social Housing Planning project facilitated by G21 and funded through philanthropic grants from Percy Baxter Trust and the Anthony Costa Foundation.

The project will see the creation of individual Council Plans and a regional plan that will consolidate the available data\initiatives across the region and provide the evidence for collaborative advocacy to the State Government and other stakeholders for a fairer, more appropriate social housing model across the Region. The draft Golden Plains Coast Shire Social Housing Plan was prepared by the G21 Social Housing Project Manager, with assistance from Council officers.

## DISCUSSION

Social housing is housing that is provided to eligible households, with rents subsidised to ensure that households pay an affordable rent. It is housing that is owned by the Director of Housing (public housing) as well as housing that is owned or managed by registered housing agencies (community housing) and is regulated by the Housing Act 1993. Community housing providers are also registered and regulated by the state government through a regulatory framework overseen and implemented by the Registrar of Housing.

By definition, any household spending more than 30% of their income on housing is considered to be in 'housing stress'. The focus of social housing is to meet the need for additional subsidised housing for households on low income where the private rental market is unaffordable – often well above the 30% threshold.

Unmet demand for social housing is calculated using the number of households in rental stress with moderate, low or very low income levels plus the number of homeless households. There are currently only eight social housing homes in Golden Plains but the evidence, as clearly outlined in the plan suggests there is unmet demand for a further 113 homes.

Council staff have been working with G21 and our regional partners Surf Coast Shire, Colac Otway Shire and the Borough of Queenscliffe in the development of Local Government area specific plans and a Regional Plan based on the strong foundation of the City of Greater Geelong Social Housing Plan, which outlines a clear case for significant investment in social housing.

By taking a regional approach, the five Councils will share ideas, information and expertise to deliver the best outcomes and leverage opportunities created by the State Government Big Housing Build initiative.

Through their plans all G21 Councils acknowledge they have a clear leadership and advocacy role in relation to housing and have developed an agreed framework to productively shape social housing initiatives across the region.

## G21 SOCIAL HOUSING REGIONAL FRAMEWORK

### Economic recovery, building jobs & addressing disadvantage

#### Purpose

Recognise, acknowledge and address disadvantage in the community through the provision of increased safe, secure and affordable social housing

#### Council roles

STEWARDSHIP	PARTNERSHIP	PLANNING	CAPACITY
Advocate for public policy, government investment and	Support regional partnerships with government regarding	Negotiate the inclusion of social housing in new private	Continue to develop capacity within Council and awareness within the community to

community participation in the development of social housing initiatives	investments and collaborations with housing agencies on key projects	developments where rezoning and planning approvals add value to land	sustainably implement this Social Housing Plan
<b>Council strategies</b>			
Continue to participate in the G21 regional, collaborative approach to the planning and development of increased social housing stock			
Use tools such as the Municipal Strategic Statement and the Municipal Health and Wellbeing Plan to link social housing with Council strategies			
Identify and consider the suitability of council and other government owned land that may be suitable for social housing initiatives			
Provide information and support to parties seeking to develop opportunities for increased social housing in the municipality			

The commitments detailed within the Golden Plains Social Housing Plan are largely consistent with the other partner Councils and summarised below:

- Services in our communities - Council is committed to working with both local and regional support service providers to improve access to a wide range of support programs for vulnerable members of our various communities.
- State Government Owned land - Council is committed to working with Homes Victoria to identify, assess, plan and develop underutilised state owned land, where this land can be used to deliver additional social housing.
- Community owned land - Council will work alongside any community group seeking to develop underutilised land as social housing and community use.
- Council owned land - Council is committed to making the best use of all Council owned properties for the long term benefit of the community. Where there are clear opportunities to develop sustainable and supportive social housing on Council land, the Council will undertake a rigorous planning, assessment, and consultation process before finalising any proposal
- Opportunity analysis - Council is committed to maintaining a register of 'opportunities', which identifies promising development sites, provides an overview of the opportunities and constraints and notes potential strategic action. This will be a public, living document, appended to this plan.
- Development of Greenfield sites - Greenfield sites in Golden Plains create potential for meeting social housing demand in partnership with developers and other stakeholders. Partner Councils have developed a 'Social Housing Planning Assessment Tool' to guide conversation between developers and Council staff regarding greenfield development sites where social housing may be appropriate. The assessment tool also highlights situations where sites may not be viable.

By working with developers on the assumption that all greenfield sites should be carefully assessed as opportunities for additional social housing, Council is committed to exploring opportunities to use social housing as a tool to drive economic development, build jobs and address disadvantage.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

This project aligns with the overarching governance principles in s.9 of the Local Government Act 2020 as follows:

- **Priority** is to be given to achieving the best outcomes for the municipal community - This project will support the creation of new social housing opportunities for the Golden Plains community through planning and advocacy.
- **Innovation and continuous improvement** is to be pursued – whilst not yet defined, the opportunity for innovative responses to the demand for social housing will be required and is a commitment of Council and the State Government as articulate in the “Big Housing Build” initiative.
- **Collaboration** with other Councils and Governments and statutory bodies is to be sought – This project is a collaboration between G21 and participating Council’s and will require ongoing partnerships between Council, State Government, Community Housing providers and the community. Council’s commitment to this collaboration is articulated in the plan.
- **Regional, state and national plans and policies** are to be taken into account in strategic planning and decision making.

## POLICY/RELEVANT LAW

Victorian Housing Act 1993

## STRATEGIES/PLANS

The data and findings detailed in this plan and the plans of the other G21 Council’s will be combined in the creation of a Regional Plan. The Regional Plan will contribute to advocacy, partnership identification and development and exploration of innovative solutions across the Region.

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**COMMUNICATION**

The G21 Project includes a shared commitment to the development of a suite of communication tools designed to inform the community of the need for social housing and how the creation of social housing can contribute to vibrant and sustainable communities.

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

Option 1 – That Council adopt the Golden Plains Social Housing Plan. This option is recommended by officers as the Plan has been developing using evidence and data to represent the need for increased social housing in the Shire and identifies realistic actions that can undertake to contribute to the achievement of this outcome.

Option 2 – Not adopt the report. This option is not recommended by officers as the data in the Plan represents a very real need for social housing in the Shire. It would also result in Council not being able to proactively engage in conversations with the State Government and contribute to the planning of their investment of \$15 million in the Shire.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The Golden Plains Social Housing Plan uses local and regional data to quantify the unmet social housing demand in the Shire and indicates at least 113 new social housing homes are required. This data and the commitments articulated in the plan, together with the State Government commitment of a \$15 million guaranteed investment in the creation of Social Housing in Shire creates a positive environment to collaborate in the creation of new homes for those in need.

## 7.9 CCTV SYSTEM IN PUBLIC PLACE POLICY

**File Number:****Author:** Matthew Sims, Coordinator Community Safety**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Victorian Government - Guide to developing CCTV for public safety in Victoria (2018) (under separate cover)

### RECOMMENDATION

That Council:

1. Establishes a CCTV steering committee with a Councillor or Councillors appointed as a representative;
2. Request a report back to Council with a final draft policy for endorsement.

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### EXECUTIVE SUMMARY

Golden Plains Shire Council has been approached by Police and community members in relation to Closed Circuit Television (CCTV) in the Bannockburn area. CCTV has been requested due to anti-social behaviour and reports of criminal damage to Council assets caused by unknown offenders.

This report proposes that Council establish a steering committee made up of Council staff, Victoria Police, local traders and community representatives to ensure appropriate governance is in place from the onset. This steering group, unless proceeded by a Local Safety Committee, would initially assess whether CCTV could effectively increase safety and confidence in the area and/or increase the success rate of criminal prosecutions.

### BACKGROUND

At the July 2015 Council meeting, Council resolved that a report on the feasibility of installing multiple security cameras (CCTV) at strategic locations in Bannockburn be prepared. The aim of the cameras was to assist the community by providing Victoria Police with potential evidence to apprehend those responsible for the then increase of break and enter and theft in the business areas of Bannockburn. In September 2015 Council Officers prepared a report on the possible installation of CCTVs. The report concluded and Council resolved that CCTVs should not be installed due to:

- High capital cost
- Ongoing maintenance and operating resource requirements
- Community crime prevention not a strategic action in then Council Plan
- No CCTV policy to support the installation
- Biggest beneficiary identified as Victoria Police in identifying offenders after the fact
- Existing private CCTV cameras located in businesses were not acting as a deterrent

The report included a resolution *to lobby for a higher level of overnight policing in Bannockburn.*

In July 2020, Victoria Police met with Council Officers to discuss anti-social behaviour issues around the amenity block at The Heart in Bannockburn. The Police stated that they would like CCTV installed within The Heart precinct.

In December 2020, further reports of antisocial behaviour and damage occurred at The Heart in Bannockburn.

The use of CCTV in public places by Victorian public sector bodies is becoming more prevalent, with local Councils becoming a significant owner and user of CCTV in public places. Councils are

using CCTV for the purpose of crime prevention and protection and to provide a perception of a safer physical environment for members of the public. CCTV is also being used as an investigation tool following the commission of an offence.

## STATISTICS

Current Crime Data obtained from the Crime Statistics Agency showed that in 2020 Golden Plains Shire had 589 offences recorded, with theft (82 incidents) being the most reported offence. Criminal Damage was the third most reported offence (43) behind Breach of Intervention Orders (67).

The rate of offences recorded per 100,000 population for Golden Plains Shire in 2020 is 2,430. This is the lowest in the state, closest is Indigo Shire (Beechworth, Chiltern and Rutherglen) with 3,415 per 100,000.

Other local Councils in the area have the following rates: (per 100,000 population)

- Geelong 8,690
- Ballarat 8,766
- Moorabool 7,499
- Pyrenees 6,885
- Colac Otway 8,383
- Surfcoast 4,430
- Corangamite 5,463

## DISCUSSION

Golden Plains Shire Council, together with the steering committee will need to consider what crime-related problems the shire is facing and together should seek tangible evidence of the prevalence of certain types of crime. The committee will discuss whether CCTV would be useful in addressing any identified problem and if so, what sort of system is required. The committee must also take into account what other crime prevention methods have been undertaken to address the problem, this includes but is not limited to Police patrols, lighting, any relevant Local Laws (no glass etc) and hardening of Council assets.

Currently there is no CCTV policy or procedure within Golden Plains Shire Council relating to CCTV use in municipal public spaces. A policy will be required before considering the installation of CCTV within public areas of GPS. A policy will need to reflect the role of Local Government and ensures Council meets its legal and regulatory obligations balancing individuals' rights to feel safe and be safe in public spaces with individuals' right to privacy.

A number of funding opportunities are available at multiple times of the year. This funding is usually from the Department of Justice and Community Safety. Currently, with no policy, Council is not in a position to apply for this funding.

While CCTV can bring a number of benefits to local communities, the benefits need to be considered in the context of the costs of CCTV systems, inclusive of resourcing and personal privacy as well as Council's role in community crime prevention and not law enforcement.

Ownership by Council of a CCTV system creates an obligation for a strict and accountable approach to the use of the system and the data generated from its use. The Community Crime Prevention guidelines state that to make an effective contribution, CCTV systems in public places should be installed and operated in accordance with the following principles:

- People are entitled to a reasonable expectation of privacy when in public places
- Owners of CCTV in public places should act responsibly and consider the reasonable expectations of individuals' privacy
- Owners of CCTV in public places should take reasonable steps to inform people of the use of the devices



- The use of CCTV should be for a legitimate purpose related to the activities of the organisation managing it
- CCTV surveillance should be proportional to its legitimate purpose. This means that the use of CCTV in public places must be limited to a set of clearly defined purposes or objectives and identified areas
- Reasonable steps should be taken to protect information gathered through public place surveillance from misuse or inappropriate disclosure
- Owners of CCTV systems must be known and accessible to the public and must be accountable for its proper use

There is currently no 24 hours per day / 7 days per week police presence in Bannockburn, and all crimes reported after hours are redirected to the Bacchus Marsh station where a response unit needs to come from or an officer on-call is contacted. This also means that any CCTV feed to the Police station will not be monitored for large parts of the 24 hour period.

### **MAKE UP OF STEERING COMMITTEE**

The *Guide to developing CCTV for public safety in Victoria* guides the process to the implementation of CCTV in public spaces. The guide lists the following community members who should make up the CCTV Steering Committee. These include:

- Golden Plains Shire Council – Staff/Project Officer. At this stage this will be the Coordinator Community Safety.
- Victoria Police
- Local Traders
- Local Community Groups/Representatives

The guide does not list Councillor's as part of this group however Council can choose to be represented with a Councillor or Councillors to be a member of this steering committee.

### **BENEFITS OF CCTV**

The benefits of installing CCTV would be to assist Victoria Police in identifying suspects/vehicles involved in crime within Bannockburn, by recording times and descriptions of vehicles entering Bannockburn.

Public perceptions of safety may improve with the addition of CCTV, but this would require detailed community engagement to identify residents' perceptions of safety now, and whether CCTV cameras would improve this. The cameras may act as a deterrent or allow Police to apprehend suspects which may in turn drive down crime and increase public perceptions of safety.

At this stage, the CCTV system would act as a law enforcement tool, and anecdotally act as a deterrent, although this is not guaranteed. In a previous CCTV discussion with Council in 2015, businesses in High Street Bannockburn that already have CCTV cameras say the cameras are not acting as a deterrent to crime. Therefore, installing additional municipal based cameras may not act as a deterrent either.

### **PRIVACY**

Members of the community may object to the use of CCTV due to privacy issues. Strict legislation must be adhered to in relation to this matter; however community members may still object to being recorded. Community consultation would be required to ascertain the communities feeling towards CCTV use in public areas.

### **HARDENING COUNCIL ASSETS**

The idea of CCTV being the sole deterrent is outdated. To assist in the protection of Council assets, hardening our assets would protect vital equipment. This includes strengthening doors, adding LED lighting, removing graffiti and rubbish immediately and ensuring Councils assets are in good repair.

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

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

**GOVERNANCE PRINCIPLES**

Failure to create a Policy would result in Council unable to source funding for a CCTV system and provide an inconsistent and ad hoc process for requests for CCTV from the user groups, internal departments and the community.

**POLICY/RELEVANT LAW**

- Freedom of Information Act 1982
- Privacy and Data Protection Act 2014
- Surveillance Devices Act 1999
- Victorian Public Records Act 1973
- Private Security Act 2004
- Evidence Act 2008
- Charter of Human Rights and Responsibilities Act 2006
- Guidelines to surveillance and privacy in the Victorian Public Sector (Victorian Commissioner for Privacy and Data Protection, 2017)
- Security and Privacy of Surveillance Technologies in Public Places (Victorian Auditor General's Office, 2018)

## COMMUNITY ENGAGEMENT

In addition to the proposed establishment of a steering committee, any future Policy will require consideration of the community to support for proposals to install CCTV in public spaces.

## PUBLIC TRANSPARENCY

All decisions made in relation to a CCTV policy will be through a steering committee including community members. All council decisions made in relation to this policy will be publicly discussed and available to view.

## FINANCIAL MANAGEMENT

The installation of cameras, servers, screens and ongoing maintenance will be a large expense and will need to be considered with each considered installation. Costs in excess of \$60,000 for this system would not be uncommon.

## RISK ASSESSMENT

- Security of footage
- Who can access footage?
- Council equipment being damaged
- Storage of CCTV offsite (Police Station)

## COMMUNICATION

Council will be required to engage with the community and decisions need to be made in consultation with the steering committee of a Local Safety Committee.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic) however consideration of the Act must be followed during the preparation of the policy.

## OPTIONS

Option 1 – Establish a CCTV steering committee which will include a Councillor or Councillors with a view to developing a CCTV policy. This option is recommended by officers as it allows Councillors to be represented on the Steering Committee and to allow Council to follow the best practice model as shown in the *Guide to developing CCTV for public safety in Victoria*.

Option 2 – Establish a CCTV steering committee with a view to developing a CCTV policy. This option is not recommended if Councillor/s would want to be a member of the steering committee.

Option 3 – Do nothing This option is not recommended by officers as Council has received requests from the community to install CCTV and even if this process does not proceed to installing CCTV, Council has followed the correct procedures and can justify its actions.

## CONFLICT OF INTEREST

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

## CONCLUSION

This report has highlighted various elements to consider however the first step should be to establish a Steering Committee to guide a CCTV Policy.

While a CCTV system would aid Police in law enforcement activities, and anecdotally may lead to perceptions of improved public safety, there are capital costs involved plus ongoing staff and maintenance resources that would need to be considered in the budget process.

The role of any CCTV system will only aid Police in trying to apprehend suspects after the fact as the system will only be monitored passively and checked retrospectively. The CCTV system may act as a deterrent, but will not prevent crimes taking place, as the response for crime in Bannockburn after hours is through the Bacchus Marsh Station or an on-call officer.

## 7.10 ROAD MANAGEMENT PLAN ADOPTION

**File Number:****Author:** Vicki Shelton, Manager Asset Services**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Road Management plan 2021-2025 (under separate cover)**RECOMMENDATION**

That Council adopt the reviewed Municipal Road Management Plan 2021-2025 as attached.

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**EXECUTIVE SUMMARY**

Council has reviewed its adopted Road Management Plan 2017-2021 in accordance with the provisions of the Road Management Act.

In accordance with Section 10 of the Road Management (General) Regulations 2016 the Draft Road Management Plan 2021-2025 was made available for community feedback from the 26 May to 7 June 2021. One submission was received referring to maintenance on a road. No submissions were received seeking amendments to the Plan.

No amendments are therefore proposed to the draft Plan following the community submissions phase and the Plan can now be adopted.

**BACKGROUND**

The purpose of a Municipal Road Management Plan is to establish a system for our road management functions, which is based on policy, operational objectives and available resources and to set a performance standard for our road management functions. The Plan must identify responsibilities, maintenance standards and inspection regimes for all road assets within its control.

A comprehensive internal review of the Plan was undertaken including input from external consultants and proposes amendments to the hazard identification and intervention response for road asset infrastructure. Data from our CRMS system, our inspection, maintenance and repair programs informed the proposed changes in inspection regimes and intervention levels. The plan was also simplified to Plain English and formatted to comply with modern asset management practices.

**DISCUSSION**

The Road Management Plan is primarily a technical document that establishes clear standards in terms of how road condition is to be managed. Roads are classified in terms of hierarchy, which is largely determined by the following:

- Which Authority has carriage of responsibility.
- The intensity of the road use and characteristics such as road width, allowable vehicle speed and the volume of traffic on the road.
- The nature of the surrounding land use, such as urban vs. rural, residential vs industrial, etc.
- The standard of construction a road enjoys. (sealed or unsealed, footpath or not, etc.)

The standard for each of these road classifications is then established in terms of defect severity, frequency of inspection, type of intervention and expected response time. Such standards are specific in awareness of the risk and the reasonable ability of the maintaining authority (Council) to be able to meet those standards.

If these stated standards are reasonably devised and achieved, the organisation has a valid defence against litigation.

In part as a result of the learnings from the last four [4] years, the updated Plan has adjusted its standards and, in all cases, has provided a more realistic measure, generally with a positive outcome.

Changes include

- A time within which a missing roadside pit lid can be 'made safe', as opposed to the time it takes to take delivery of the pit lid. That is achievable through management of pit lid purchasing and storage. With that change the response time will reduce from a minimum of one month to 24 hours.
- The standards that call for intervention (size of pothole that triggers intervention) have also been time adjusted from 6 weeks to 1 month, largely to provide more prompt intervention.

In addition to the above legally focussed measures, this updated RMP has provided greater explanation regarding the needs and benefits of the process, in addition to a more targeted commentary on the less technical aspects, including, but not limited to:

- The identification of roads that are managed by Regional Roads Victoria and those for which Golden Plains Shire has responsibility;
- The demarcation of the responsibilities for the driveway crossovers;
- The impacts of, and responsibility for, the utility services within the road reserve;
- The responsibility and maintenance expectations for nature strips;
- Consents to undertake works in the road reserve;
- Rewrite in Plain English to improve transparency of the Plan

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
<b>Risk Assessment</b>	Yes

<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes

## GOVERNANCE PRINCIPLES

The review of the Road Management Plan has been completed with the primary intent of minimising risks associated with the management of the road network. This has inherently sought to keep the costs to Council and the Community to a practicable minimum, while maximising road network safety at the same time. Liaison with adjoining Municipalities has occurred where assets are shared. It is also noted that the overall process used within the *Road Management Act* that provides for Road Authorities to establish a Road Management Plan relies on cooperation with Regional Roads Victoria.

## POLICY/RELEVANT LAW

The Municipal Road Management Plan has been prepared in accordance with the following Acts, Regulations and Codes of Practice:

- Local Government Act 1989 (Vic);
- Local Government (Best Value Principles) Act 1999 (Vic);
- Road Management Act 2004 (Vic);
- Road Management (General) Regulations 2016 (Vic);
- Road Management (Works and Infrastructure) Regulations 2015 (Vic);
- Road Safety Act 1986 (Vic);
- Wrongs Act 1958 (Vic); and
- Ministerial Codes of Practice.

The Plan was initially prepared in 2004 as per sections 49 to 55 of the Road Management Act (2004). The Road Management (General) Regulations 2016 provides guidance on the review frequency of the Plan.

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Whilst roads through their existence carry significant environmental impacts, the *Road Management Act* - and its subsequent progress to the establishment of a Road Management Plan - are initiatives that promote road safety and reduce financial risk, and accordingly cause no direct impact on the environment.

## COMMUNITY ENGAGEMENT

As required by the Road Management (General) Regulations 2016, the Amended Plan was advertised in a local paper, on our website and across social media with the document available to be inspected.

- **Website** - From 26 May to 7 June, the Golden Plains Shire Council website homepage featured a Draft Road Management Plan 2021-2025 Consultation banner, that linked to the consultations Have Your Say page. The Have Your Say page contained all details of the consultation, including a link to complete the survey. This page remains and will be updated with new information as required.
- **Media release** - A media release, titled 'Road Management Plan on public exhibition', was issued on 31 May. The story was featured in the 3 June edition of the Golden Plains Times.
- **Advertising** - The Draft Road Management Plan 2021-2025 consultation period was also featured in a Golden Plains Shire Council News ad in the 3 June edition of the Golden Plains Times.
- **Community Engagement Register** - The Draft Road Management Plan 2021-2025 consultation was featured in the June edition of Engage, Council's Community Engagement e-Newsletter.

One person made a submission concerning the condition of Scotchman Lead Road.

No submissions were received seeking amendments to the Plan. Once the Plan has been adopted, a formal response will be provided to all submitters.

### **PUBLIC TRANSPARENCY**

The update of the Golden Plains Shire Council Road Management Plan follows a process that allows for open consultation. The confirmation of the plan is presented in Open Council for transparency.

### **STRATEGIES/PLANS**

The Golden Plains Shire Council Road Management Plan is a risk minimisation document that is necessarily devised by internal, technically skilled resources.

### **FINANCIAL MANAGEMENT**

The Road Management Plan is a key document that provides a policy defence against litigation. The successful use of the plan carries significant financial benefit through the mitigation of Council's exposure to road-based litigation.

### **SERVICE PERFORMANCE**

The ongoing use of a Road Management Plan, including the need to review the document every four [4] years, supports the need to optimise the methodologies involved with roads maintenance.

### **RISK ASSESSMENT**

There are no additional risk implications beyond those discussed in the report, including how they are being managed.

### **COMMUNICATION**

The Road Management Plan is available for public inspection and is available online. Following adoption the Council will issue notice in the Government Gazette that the Plan has been amended.

### **HUMAN RIGHTS CHARTER**

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

### **OPTIONS**

Option 1 – That Council receive and adopt the Road Management Plan – 2021 – 2025

Option 2 – Do Nothing – continue to apply the Road Management plan 2017-2021

Option 1 is recommended by officers as it is a requirement under the Road Management (General) Regulations 2016. The current plan contains intervention levels and inspection regimes which are not able to be met. Not adopting a new plan puts Council in breach of the Act.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The attached Road Management Plan is a well-considered document that provides to the community the essential details as to how roads are to be managed, and also provides a policy defence against litigation, with associated and significant potential financial benefit.



## 7.11 IMPLICATIONS OF DECLARING A CLIMATE EMERGENCY

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

That Council:

1. Declares a Climate Emergency
2. Request officers to prepare a Climate Emergency Plan, including resources required to implement recommendations, for consideration at a future Council meeting.
3. Note that the final implications of the Climate Emergency Plan will need to be considered as part of budget considerations for 2022/23.

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**EXECUTIVE SUMMARY**

A declaration of a Climate Emergency is a resolution for immediate and urgent action to reverse global warming and adapt to changes that we cannot avoid. Declaring a Climate Emergency is an unequivocal statement that Council recognises the significant risk that Climate Change poses to the Shire's community and environment. In Victorian 34 Councils have declared a Climate Emergency including in our region the City of Ballarat, the Surf Coast Shire and the Borough of Queenscliffe.

This report outlines the steps required to declare a climate emergency and the implications of such a declaration. The implications of declaring a Climate Emergency are that Council has to take a more focused approach across the organisation to ensure it is taking practical steps to address climate change.

The report concludes by reinforcing the point that any Climate Emergency declaration will need to be backed up by the commitment to provide more resources to take more targeted action.

The report has not provided an extensive, definitive list of actions that could be taken, rather it provides an overview of the likely actions that could be taken based upon the review of what other councils have done. It would be expected that a comprehensive list of actions would be developed in response to any declaration.

A declaration of Climate Emergency would be a significant step in Council's journey to both mitigate and adapt to the significant risks posed by Climate Change.

**BACKGROUND**

At its 27 April meeting, Council resolved as follows:

*That Council Officers provide a report at a future meeting of Council advising of the potential implications of this resolution (climate emergency declaration) and research actions taken by other Councils in response to their declaration of a climate emergency.*

A declaration of a Climate Emergency is a resolution for immediate and urgent action to reverse global warming and adapt to changes that we cannot avoid.

The Emergency recognises that we have limited time to act to prevent a climate crisis, and that we are already experiencing impacts of a changing climate. It is an unequivocal statement that it is the responsibility of every level of government, every community and business, and every person to:

- Drastically reduce emissions and mitigate the effects of climate change
- Plan at a local and global scale to adapt to the changes that cannot be avoided

In Australia over 100 jurisdictions representing 9 million people have declared a Climate Emergency. In Victorian 34 Councils have declared a Climate Emergency including the City of Ballarat, the Surf Coast Shire and the Borough of Queenscliffe.

## **DISCUSSION**

### **Why declare a Climate Emergency?**

A declaration of a Climate Emergency is a resolution for immediate and urgent action to reverse global warming and adapt to changes that we cannot avoid. Declaring a Climate Emergency is an unequivocal statement that Council recognises the significant risk that Climate Change poses to the Shire's community and environment and that it has a role to play in managing that risk.

Council's current work on Climate Change has largely focused on internal activities such as the purchase of green power, installation of solar panels and lighting efficiency projects. This is important work which needs to continue however a declaration of a Climate Emergency would be a call for Council to start looking externally at Climate Change action across the Shire. A declaration of a Climate Emergency is a prompt for Council act to support our communities to mitigate and adapt to a changing climate.

Local governments are fundamental to taking action on Climate Change through helping communities adapt and reduce emissions across their municipality. Crucially, it is the position of local government in relation to communities that makes declaring a Climate Emergency an opportunity to take tangible, local action on the issue. While taking action on Climate Change is the responsibility of every level of government, people typically have much more interaction with council than any other level. This makes Councils a focal point for channelling their community's desire for Climate action. This may include direct actions to help communities adapt and mitigate the impacts of Climate Change, the provision of services to the community through a climate change lens and advocacy to other levels of government.

Local governments are also in a good position to network and learn from each other to determine where the challenges lie and what are the actions that can have the greatest impact. Formal and informal local government climate networks are already in place across Australia where officers are sharing knowledge, ideas and challenges faced to tackle the Climate Emergency.

Declaring a climate emergency and preparation of a Climate Emergency Plan responds appropriately to recent evidence, policies and legislation that Climate Change is a pressing and urgent risk to the community and the environment. It builds on and enhances Council's current environmental agenda and achievements. It supports community aspirations for greater Climate action in our Shire.

### **What are the steps to declaring a Climate Emergency?**

The steps to declare a Climate Emergency are up to each Council to decide but generally involve the following:

- Passing a motion that acknowledges the Climate Emergency, that business-as-usual transition is not fast enough, and that Council has a significant role to play in mitigating and adapting to Climate Change.
- Develop a Climate Emergency Plan. The Plan should:
  - Set a target of net zero or negative emissions in an emergency timeframe (<10 years)
  - Quantify what council can do towards reaching the target
  - Identify what the community can do toward reaching the target
  - Identify what state/federal/central governments will need to do for the target to be achieved
- Ensure governance prioritises the response (E.g. incorporates adaptation and mitigation actions into the Council Plan, Risk Registers, etc.)

- Build the capacity of staff around Climate Emergency and help them understand the why and how of the Climate Emergency
- Continue to communicate the Climate Emergency and engage the community on the issue.

### **What are the implications to declaring a Climate Emergency?**

Declaring a Climate Emergency means that the organisation prioritises and takes a holistic view of how Climate Change can impact Council activities, the community and environment of the Shire. Council is already taking some important and practical steps to tackle Climate Change with further actions underway and in development. The declaration of a Climate Emergency would have to result in Council taking additional actions and ramping up its existing response to Climate Change. This will require additional work and resources to make that a reality. Examples of council actions, based on what other Councils have done, may include:

- Development of a Climate Emergency Plan to focus activities
- Emissions reduction and drawdown projects
- Incorporate climate change considerations and data into reviews of the Planning Scheme
- Update Councils Risk Register in accordance with recent climate risk data
- Review and update Council Emergency Management plans and processes
- Increased efforts to manage Council reserves and open spaces to improve resilience to climate change
- Increase community engagement and education around carbon emissions, the value of native flora and the risks associated with Climate Change.
- Explore opportunities and mechanisms for protection of native vegetation on private land
- Develop an Environmentally Sustainable Design (ESD) Policy for new Council buildings and significant refurbishments/renewals
- Continue Council's transition towards hybrid and electric vehicles
- Include climate impact assessment on all Council decisions.

These actions are over and above the existing focus of council teams and would therefore require additional human and financial resources to deliver any of these actions.

For context, the Golden Plains Shire Environment and Sustainability team consists of only two officers and a coordinator. These resources are already fully committed to existing work activities and projects associated with the Golden Plains Environment Strategy that include but are not limited to: native flora assessment and advice associated with asset development and renewal, natural environment reserve management, pest control (flora & fauna), community engagement and education, native flora and fauna protection, bushfire mitigation and emission reduction action plan development. The amount of resource allocated to action following a declaration of a Climate Emergency will be up to Council to determine following the development of a Climate Emergency Plan. In order to demonstrate that Golden Plains is serious about declaring a Climate Emergency officers currently estimate that Council would need to commit to providing funding in future years to ensure at least 1 additional full-time resource could be added to the team. This additional resource should also be coupled with an appropriate amount of financial resources to provide meaningful ways to take effective steps towards delivering actions directly in line with the declaration and the Climate Emergency Plan. In addition, collaboration with not for profit regional sustainability groups will assist in delivering future actions.

### **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

This report considers a range of state legislation and Council Plans and Strategies. Further collaboration with other Councils and government will benefit the progression of the outcomes from this report.

## POLICY/RELEVANT LAW

Local Government Act 2020. The Victorian Local Government Act 2020 sets a clear expectation that the long-term negative impacts of climate change on future generations are considered in Council planning, decision-making and actions.

Climate Change Act 2017. The Victorian Climate Change Act 2017 does not impose any mandatory obligations on local government but does require Council to consider climate change through the development of our Municipal Health and Wellbeing Plan. It also calls on Councils to put forward an emissions reduction pledge.

Renewable Energy (Jobs and Investment) Act 2017. Under this Act, the Victorian Government has legislated renewable energy generation targets of 25% by 2020, 40% by 2025 and 30% by 2030. We play a role in this Act through the procurement of our own Green Power through the Victorian Energy Collaboration (VECO) project and the support of renewable energy developments in our own Shire.

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The declaration of a Climate Emergency has clear implications for the promotion of the environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

## **COMMUNITY ENGAGEMENT**

The community has not been engaged by Council specifically on this proposal. Further community engagement would be at the discretion of Council, however, it would be recommended to ensure the community are aware of and engaged in the declaration.

## **PUBLIC TRANSPARENCY**

The proposed approach supports public transparency by ensuring that the community is aware of and involved in Golden Plains Shire's actions on mitigating the impacts of and adapting to Climate Change.

## **STRATEGIES/PLANS**

A declaration of a Climate Emergency supports many of the themes and actions found within Council's Environment Strategy 2019-2027, particularly Theme 4.2 Climate change adaptation and mitigation. It also supports the Council Plan 2021 – 2025.

## **FINANCIAL MANAGEMENT**

Declaring a Climate Emergency will require additional human and financial resources for it to be a meaningful declaration. The combined total would require an estimated additional \$200k per annum put towards environmental sustainability. Note that the final implications of the Climate Emergency Plan will need to be weighed up in budget considerations for 2022/23.

Subsequent actions identified through the Climate Emergency Plan may result in additional costs for other projects where additional environmental and sustainability measures need to be put in place. This may include capital projects with increased Environmentally Sustainable Design elements.

## **RISK ASSESSMENT**

Much of the work around Climate Change centres on risk management. Decisions on what actions we take now to mitigate and prepare for future impacts are key to the declaration of a Climate Emergency. Climate Change poses a number of inherent risks including but not limited to:

- Increase in heat stress and solar exposure to the community leading to increased heat-related illness.
- Increase in heat stress and solar exposure to the community leading to increased pressure on emergency management and health services.
- Increased bushfire risk to community homes.
- Loss of biodiversity due to climate related stressors
- A decline in water availability

Declaring a Climate Emergency and developing a Climate Emergency Plan would lead to identifying, categorising and quantifying many of these risks. Whilst it is acknowledged that some of these risks are beyond the scope of any individual Council to address, it should also be noted that by not taking action it will likely mean that any action required in the future will be harder and more expensive to implement.

## **COMMUNICATION**

Council's role in, and approach to a declaration of Climate Emergency will require a clear Communication Plan. This Plan would need to be developed by Council's Communications Team.

## **OPTIONS**

### Option 1 – Declare a Climate Emergency. Commit to an enhanced Climate Change response

This option is recommended by officers as it responds appropriately to recent evidence, policies and legislation that Climate Change is a pressing and urgent risk to the community and the

environment. It builds on and enhances Council's current environmental agenda and achievements. It supports community aspirations for greater Climate action in our Shire.

In this Option officers would prepare a Climate Emergency Plan which would detail recommended actions and resources required to implement those actions for consideration at a future Council meeting for the 22/23 budget

Option 2 – Business as usual. Council does not declare a Climate Emergency

This option is not recommended by officers as it does not respond to recent evidence, policies and legislation that indicated Climate Change poses significant risks for the community and the environment. It undermines community aspirations for greater action in our Shire.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

Declaring a Climate Emergency is an unequivocal statement that Council recognises the significant risk that Climate Change poses to the Shire's community and environment. However, to avoid the declaration of a Climate Emergency being tokenistic it would have to be followed by meaningful actions, additional resources and a stronger focus across the organisation.

## 7.12 AWARDING OF TENDER (RFT-04-2021) PADDYS GULLY ROAD, ROKEWOOD JUNCTION - BRIDGE REPLACEMENT

**File Number:**

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

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

**Attachments:** Nil

### RECOMMENDATION

That Council:

1. Resolves to award the Contract GPSC-RFT-04-2021 Paddys Gully Road, Rokewood Junction Bridge Replacement to Begbies Contracting for the sum of \$579,856.11 exclusive of GST.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

### EXECUTIVE SUMMARY

Following a public tender process, this report recommends awarding of a contract to a suitably qualified and experienced contractor to complete the construction of Paddys Gully Road, Rokewood Junction Bridge Replacement.

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

### BACKGROUND

Golden Plains Shire Council wishes to engage suitably qualified and experienced contractors for the replacement of the existing single lane timber bridge on Paddys Gully Road over the crossing of Mount Misery Creek in Rokewood Junction. The proposed bridge will replace the 10-ton load limited single lane bridge with a two-lane concrete bridge designed for SM1600 loading.

### DISCUSSION

The tender was originally advertised on 8/5/2021, closing 9/6/2021, with 5 submissions received on closing. The submissions were reviewed, and compliance checked, with no submissions identified as non-compliant. OHS team reviewed the submissions and provided a final report. After the evaluation panel had reviewed and scored each tender and all clarifications, a consensus evaluation meeting was held on 22 June 2021.

Begbies Contracting was chosen as the preferred supplier based on consensus scores measured by capacity, capability, price and local content.

A confidential Tender Evaluation Panel Report has been previously provided to Councillors.

### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

## POLICY/RELEVANT LAW

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

## PUBLIC TRANSPARENCY

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

## FINANCIAL MANAGEMENT

This project is funded by an allocation of \$318,680 from the Local Roads and Community Infrastructure Phase 2 (LRCI) grant funding and \$318,000 from Council's 2021/22 budget. Total budget allocated to project is \$636,000, the tender is within the total allocated project budget.

## RISK ASSESSMENT

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

## COMMUNICATION

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

## HUMAN RIGHTS CHARTER

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

## OPTIONS

Option 1 – Award Contract – GPSC-RFT-04-2021 Paddys Gully Road, Rokewood Junction Bridge Replacement to Begbies Contracting. This option is recommended by Council officers through the Tender evaluation and selection process which recommends the contract be awarded to Begbies



Contracting.

Option 2 – do not award contract to any tenderer. This option is not recommended as the works have been identified as high need and if a contract is not awarded, may result in reputational damage for Council.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender *GPSC-RFT-04-2021 Paddys Gully Road, Rokewood Junction Bridge Replacement* as outlined in this report to ensure compliance with:

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

In conclusion, Begbies Contracting met the Council's tender requirements and is best placed to provide these services for Council.

## **7.13 MAYOR ATTENDANCE - NATIONAL GENERAL ASSEMBLY, AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 2021**

### **File Number:**

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

**Authoriser:** Eric Braslis, CEO

**Attachments:** 1. NGA 2021 Program (under separate cover)

### **RECOMMENDATION**

That Council receive and note the Mayoral conference report in relation to the 2021 National General Assembly of Local Government.

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### **EXECUTIVE SUMMARY**

Mayor Cr Kirby attended the 2021 National General Assembly (NGA) of Australian Local Government Association in Canberra from Sunday 19 to Wednesday 23 June 2021.

### **BACKGROUND**

Mayor Kirby attended the conference along with in excess of 870 delegates from Councils across Australia. Day 1 was a Regional Forum, which provided an opportunity for delegates with a specific interest in regional affairs to gain a deeper understanding of common issues. It was a forum to hear from experts, to share experiences, to listen, and network. The National General Assembly commenced on Day 2 and many seminars were attended addressing the theme of Working Together for our Communities and focusing on a future about jobs, and the work local government is doing to drive a locally led recovery from COVID.

### **DISCUSSION**

Council's attendance at this annual Assembly provides the opportunity to listen to the current challenges confronting the sector from Councils across the country and consider solutions or innovative ideas that may be relevant to Golden Plains Shire.

The theme for the 2021 NGA – Working Together for our Communities – provided a unique opportunity to send a powerful message to the Australian Government that financial support, particularly the Financial Assistance Grants provided by the Commonwealth, is essential for councils and their communities. It was our chance to make the case for local government's inclusion in National Cabinet as First Ministers refocus on job creation and economic growth.

A significant number of motions were put to the Assembly, generating lively, vigorous and constructive debate. All of the motions that were supported at the NGA are submitted to the Australian Local Government Association (ALGA) board for consideration and, ultimately, to advance the cause of Local Government and the communities we seek to serve.

The program for this year's NGA also provided a chance for delegates to meet the exhibitors and discover the latest developments in telecommunications technologies, keyless access control systems, mobile telecommunications and much more. Keynote speakers were Peter Van Onselen, Political Editor, Network Ten and Professor of Politics and Public Policy, Griffith University, Danielle Wood, CEO, Grattan Institute, Commissioner Shane Fitzsimmons AFSM and Craig Foster AM, Human Rights and Refugee Ambassador. Political speakers were The Hon Scott Morrison MP, Prime Minister, The Hon Jason Clare MP, Shadow Minister for Regional Services, Territories and Local Government and The Hon Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government.

Whilst in Canberra the Mayor also took the opportunity to visit our 2 local MPs, the Hon. Dan Tehan, Member for Wannon and Libby Coker, Member for Corangamite, at Parliament House.

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

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

**POLICY/RELEVANT LAW**

*Council Plan 2017-2021 - A healthy, safe, vibrant, prosperous and sustainable community supported by strong leadership, transparent governance and community partnerships - Our Community, Our Economy, and Our Pride.*

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

Option 1 – That Council receive and note the Mayoral conference report in relation to the 2021 National General Assembly of Local Government. This option is recommended by officers.

Option 2 – Not receive and note the report. This option is not recommended by officers.

**CONSULTATION**

No consultation was required.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council note Mayor Kirby's report.

**7.14 COUNCILLOR EXPENSES AND MEETING ATTENDANCE - QUARTER FOUR****File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Year to date Councillor Expenses (under separate cover)
2. Quarter 4 Councillor Expenses (under separate cover)

**RECOMMENDATION**

That Council note the contents of the Councillor Expenses and attendance report for quarter four of 2020/21.

**EXECUTIVE SUMMARY**

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for quarter four of 2020/21. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council. Providing regular updates throughout the year on the Councillor attendance at meetings enables enhanced transparency rather than only one annual update as reported in Council's annual report.

**BACKGROUND**

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

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

**DISCUSSION**

Summarised in the attached document are the figures for allowances and expenses for the Mayor and Councillors for quarter four of 2020/21.

The actual expenditure in comparison to the annual budget is detailed in the table below:

<b>Category</b>	<b>Annual Budget \$</b>	<b>Actual \$</b>	<b>Percentage spent</b>
Conferences & Training Expenses	17,442	11,770	67.48%
Travel Expenses	5,430	3,342	61.54%
Car Expenses	8,000	4,479	55.99%
IT & Communications	3,265	4,179	127.99%
Childcare Expenses	-	-	0.00%
<b>Total Councillor Allowances</b>	<b>34,137</b>	<b>23,770</b>	<b>69.96%</b>

It is worth noting that as a result of the council elections, an extensive councillor induction program was delivered to Councillors to assist them in understanding their role as Councillor and understand key requirements of the role. The induction program was included in the Council's 2020/21 budget under election costs and is captured as a Council administration cost.

**Councillor attendance at scheduled and unscheduled meetings of council**

The table below outlines the Councillor attendance at both ordinary and special meetings of Council for quarter four of 2020/21.

Council held the following meetings:

- 4 scheduled Council meetings held in April, May and two in June, 2021.
- 1 unscheduled meeting held on 16 April 2021

<b>Councillor</b>	<b>Scheduled Meetings (4 meetings)</b>	<b>Unscheduled Meetings (1 meetings)</b>	<b>Total Meetings (5 meetings)</b>
Brett Cunningham	4	1	5
Gavin Gamble	4	1	5
Ian Getsom	4	1	5
Helena Kirby	4	1	5
Les Rowe	4	0	4
Owen Sharkey	4	1	5
Clayton Whitfield	4	1	5

**REPORTING AND COMPLIANCE STATEMENTS:**

*Local Government Act 2020 (LGA 2020)*

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

**POLICY/RELEVANT LAW**

In accordance with section 41B of the *Local Government Act 2020*, Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

The expenses outlined in this report comply with Golden Plains Shire Council's, Councillors expenses and entitlement policy.

**PUBLIC TRANSPARENCY**

In accordance with Section 58 of the *Local Government Act, 2020*, information contained within this report complies with the public transparency principles.

**FINANCIAL MANAGEMENT**

Councillor expenses and reimbursements are monitored against the annual financial budget to ensure expenses remain within the budget provision adopted.

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

Option 1 – That Council note the contents of this report. This option is recommended by officers as it ensure compliance with legislated requirements.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council note the contents of the Councillor Expenses and attendance report for quarter four of 2020/21.

## **8 NOTICES OF MOTION**

### **8.1 NOTICE OF MOTION - FOR COUNCIL TO DEVELOP A WILDLIFE COLLISION REDUCTION STRATEGY**

**File Number:**

**Attachments: 1. Notice of Motion**

I, Councillor Gavin Gamble, give notice that at the next Ordinary Meeting of Council be held on 27 July 2021, I intend to move the following motion:-

#### **MOTION**

That Council develops a “wildlife collision reduction strategy” to reduce fatalities, injury and accidents between wildlife and vehicles on the road system throughout our Shire. This is to be achieved by developing a strategy which includes:

1. Formation of a subcommittee to identify locations where collisions between native fauna and vehicles occur on a regular basis.
2. Creation of a public data base to record instances of collision and fatalities of wildlife.
3. Initiating a process of engaging a consultant (subsequent to the cost of the proposed consultancy to be approved by council) with specific expertise in the field of wildlife fatality reduction
4. Preparation of a report by the consultant (in conjunction with council officers) recommending appropriate mitigation measures and to be presented at a future Council meeting.

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#### **RATIONALE**

To reduce fatalities, injury and accidents between wildlife and vehicles by getting expert advice on developing a shire wide strategy.

To reduce potential harm to people and vehicles.

To receive guidance and recommendations for best practices with this issue.

Development of a database to facilitate decision making

To better protect our fauna and biodiversity

I commend this Notice of Motion to Council.





**NOTICE OF MOTION**

*This form lodges a notice of intention to move a Notice of Motion in accordance with Section 25 of the Governance Rules.*

*'A Notice of Motion must be:*

- In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;*
- Be signed by the Councillor intending to move the motion;*
- Be lodged with the Chief Executive Officer by 5pm 7 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.'*

I, Councillor ...Gavin Gamble..... give notice of my intention to move at the Ordinary Meeting of Council to be held on .....27.... / 07.... / ...2021..... that:

**Wording of proposed motion:**

That the Golden Plains Shire Council develops a “wildlife collision reduction strategy” to reduce fatalities, injury and accidents between wildlife and vehicles on the road system throughout our Shire.

This is to be achieved by developing a strategy which includes:

1. Formation of a subcommittee to identify locations where collisions between native fauna and vehicles occur on a regular basis.
2. Creation of a public data base to record instances of collision and fatalities of wildlife.
3. Initiating a process of engaging a consultant (subsequent to the cost of the proposed consultancy to be approved by council) with specific expertise in the field of wildlife fatality reduction
4. Preparation of a report by the consultant (in conjunction with council officers) recommending appropriate mitigation measures and to be presented at a future Council meeting.

**Reasoning for proposed motion:**

To reduce fatalities, injury and accidents between wildlife and vehicles by getting expert advice on developing a shire wide strategy.

To reduce potential harm to people and vehicles.

To receive guidance and recommendations for best practices with this issue.

Development of a database to facilitate decision making

To better protect our fauna and biodiversity

I commend this Notice of Motion to Council.

**Gavin Gamble**

**COUNCILLOR SIGNATURE**

*(This section to be completed and signed by Chief Executive Officer)*

This notice was received by the Chief Executive Officer at 4:58... am/pm on 20 / .07. / 2021....

**CEO SIGNATURE**

**NOM NUMBER:** ...6.....

**9 PETITIONS**

Nil

**10 CONFIDENTIAL REPORTS FOR DECISION****RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66 of the Local Government Act 2020:

**10.1 Authorisation of Chief Executive Officer to enter limited term recycling contract**

This matter is considered to be confidential under Section 3(1) - g(ii) 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 or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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