



GOLDEN PLAINS SHIRE

AGENDA

Council Meeting

6.00pm Tuesday 28 July 2020

VENUE:
Linton Customer Service Centre
Council Chambers
68 Sussex Street, Linton

NEXT COUNCIL MEETING
6.00pm Tuesday 25 August 2020

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

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

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

BEHAVING WITH INTEGRITY

We Councillors will:

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

MAKING COMPETENT DECISIONS

We Councillors will:

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

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1 OPENING DECLARATION

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

That the minutes of the Council Meeting held on Tuesday 23 June 2020 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION

7.1 ASSEMBLY OF COUNCILLORS

File Number: 02-03-004

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments: 1. Assembly of Councillors

RECOMMENDATION

That Council notes the Assembly of Councillors Record from 24 June 2020 to 27 July 2020 as attached.

EXECUTIVE SUMMARY

To present Council with written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989 from 24 June 2020 to 27 July 2020.

BACKGROUND

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

DISCUSSION

The record must include:

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

CONSULTATION

A formal consultation process is not required.

CONFLICT OF INTEREST

The Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

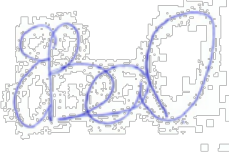
The information provided in this report is compliant with Section 76A of the Local Government Act 1989.



Assembly of Councillors Record

Date of meeting:	Tuesday 21 July 2020
Time:	12.00pm
Purpose of meeting:	Councillor Briefing
Councillors present:	Cr Owen Sharkey, Mayor Cr Helena Kirby Cr Joanne Gilbert Cr Nathan Hansford Cr Les Rowe Cr David Evans
Apologies:	Cr Des Phelan
Council staff present:	Eric Braslis, Chief Executive Officer Phil Josipovic, Director Infrastructure & Development Lisa Letic, Director Community Services Philippa O'Sullivan, Director Corporate Services Leanne Wilson, Manager Planning & Environment David Greaves, Manager Works Sarah Fisher, Coordinator Statutory Planning Peter O'Brien, Town Planner Candice Robinson, Coordinator Governance & Risk
Other people present:	Nil
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	<p>Reports</p> <ul style="list-style-type: none"> - P19-347 57 Tarraford Way, Batesford (3 lot subdivision & covenant variation) - P17-078 159 Muhlebach Road, Sutherlands Creek (Wine production & cellar door sales) - Section 96(A) application P19-306 - Bakers Lane Reserve Management Plan 2020-2030 - Local Government Act 2020 Implementation - Documents for Adoption - Local Government Act 2020 Implementation - Documents for Public Exhibition - Review of Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Review of Instrument of Delegation - Council to Members of Staff (Planning & Environment Act) - Council Plan Implementation – Quarter Four 2019/20 - Financial Statements for the year ended 30 June 2020 – Interim Result - In Principle Performance Statement and In-Principle Financial Statements for the year ended 30 June 2020 - Afternoon Tea - Community Strengthening Grants - Round 1 2020 - Local Roads and Community Infrastructure Program funding allocation - Councillor Expenses and Meeting Attendance Report - Fourth Quarter ending 30 June 2020 - Bannockburn Family Service Centre Long Day Care Lease Proposal - Development of Leighdale Equestrian Centre Masterplan - Bannockburn Shire Hall - EOI for Lease – Update - Time Capsules



	<ul style="list-style-type: none"> - Inverleigh Avenue of Commemoration - Relocation of Civic Collections- Honour Boards - Property Management Framework - Update <p>Updates</p> <ul style="list-style-type: none"> - Development of Leighdale Equestrian Centre Masterplan - Bannockburn Shire Hall - EOI for Lease – Update - Time Capsules - Inverleigh Avenue of Commemoration - Relocation of Civic Collections- Honour Boards - Property Management Framework - Update <ul style="list-style-type: none"> - SMT Only - CEO Only - Councillors Only
<p>Completed by:</p>	<p>Eric Braslis, Chief Executive Officer</p> 

7.2 DELEGATES REPORT - 23 JUNE 2020 TO 27 JULY 2020**File Number:** 78-07-002**Author:** Sharon Naylor, Executive Assistant - Chief Executive Officer**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council receive and note the Delegates Report – 23 June 2020 to 27 July 2020.

Cr Owen Sharkey

25 June Messages of Hope at Meredith Primary School
26 June G21 Board virtual meeting
3 July PUGRC Bi-Monthly Meeting virtual meeting
8 July G21 Interview with Jackie Scally
8 July Introductory virtual meeting - Minister Leane & Peri-Urban Councils
13 July Virtual meeting with Libby Coker MP
16 July The Pulse FM radio interview
17 July Media Opportunity with Michaela Settle MP
21 July Councillor Briefing meeting
27 July Virtual meeting with Stuart Grimley MP

Cr David Evans

29 June Rural and Peri Urban Sub Committee virtual meeting
13 July G21 Environment virtual pillar meeting
21 July G21 Transport Pillar Extraordinary virtual meeting
21 July Councillor Briefing meeting

Cr Les Rowe

13 July G21 Environment virtual pillar meeting
21 July Councillor Briefing meeting

Cr Helena Kirby

24 June G21 Arts, Heritage & Culture virtual pillar meeting
24 June G21 Barwon Locality Health Plan – Stakeholder virtual event
21 July Councillor Briefing meeting

Cr Nathan Hansford

25 June MAV Workcare Board virtual meeting
3 July MAV Board virtual meeting
21 July G21 Transport Pillar Extraordinary virtual meeting
21 July Councillor Briefing meeting

Cr Des Phelan

2 July Timber Towns Victoria Board Annual virtual meeting
23 July Timber Towns Victoria General virtual meeting

Cr Joanne Gilbert

3 July LG Forum virtual meeting
21 July Councillor Briefing meeting

7.3 COMMUNITY STRENGTHENING GRANTS - ROUND 1 2020

File Number:**Author:** Shannon Fielder, Community Partnerships Officer**Authoriser:** Lisa Letic, Director Community Services**Attachments:** 1. Community Strengthening Grants - Round 1 2020 (under separate cover)**RECOMMENDATION**

That Council acknowledge the approved Community Strengthening Grants 2020/21 to the value of \$74,284 to the following recipients:

- Leisure Networks (\$8,000)
- Haddon Recreational Committee of Management (\$2,756)
- Bannockburn and District Bowls Club (\$4,500)
- Inverleigh Golf Club (\$8,900)
- WRISC Family Violence Support (\$2,880)
- Meredith Recreation Reserve Committee of Management (\$3,625)
- Ross Creek/Smythes Creek Community Coordinators (\$3,075)
- Bannockburn CFA Brigade (\$1,530)
- Bannockburn Cemetery Trust (\$5,000)
- Rokewood/Corindhap Community Coordinators (\$2,225)
- Northern Access TV (\$7,500)
- Meredith History Interest Group (\$2,663)
- Smythesdale Community Arts (\$3,000)
- Friends of Bannockburn Bush (\$5,000)
- Ballarat Environment Network (\$8,000)
- Birdlife Australia (\$5,630)

EXECUTIVE SUMMARY

The purpose of this report is to provide details to the Council on the funding of 16 projects, proposed by a variety of community groups through applications to Council's Community Strengthening Grants Program, Round 1 2020.

Council received 17 applications during April and May 2020, 16 of which are eligible for funding. The 16 proposed projects have been assessed and will require \$74,284 to complete. This includes

- \$33,736 for Health and Wellbeing, Sports and Recreation projects through the Healthy Active Living Stream.
- \$15,388 for Arts and Culture projects through the Creative Communities Stream.
- \$18,630 for Environmental projects through the Environment and Sustainability Stream.
- \$6,530 for Community safety initiatives through the Community Safety Stream.

Council's total contribution of \$74,284 will leverage another \$229,246.23 in value and provide a return of \$2.90 for every \$1 contributed by Council.

BACKGROUND

Council adopted a revised Community Grants Program framework in February 2020. The objectives of the new framework are to:

- Widen the reach of the program
- Increase accessibility and usability of the program
- Align the program with Council's strategic objectives (including the Council Plan) and;
- Address the increasing undersubscription of the program over the last 2 financial years, and in doing so - ensure the program is optimally positioned to distribute an anticipated increase of \$60,000 in funds available next financial year through the Berrybank Wind Farm Community Benefit Fund.

POLICY CONTEXT

5.1 Community Grants Program Policy.

The Community Grants Program aims to enable community groups to further enhance the wellbeing and quality of life of the wider community in a partnership relationship with Council.

DISCUSSION

Following adoption of the new Community Grants Program framework in February 2020, grant objectives, criteria, application and assessment forms were created for 4 dedicated streams within the new framework as follows:

- **Healthy Active Living** which seeks projects that help achieve the strategic objectives of the Municipal Health and Wellbeing Plan and of the Sport and Active Recreation Strategy 2020-2030 (draft).
- **Community Safety** which seeks projects that help achieve the goals and outcomes of the strategic objectives of Council's Community Safety Team.
- **Creative Community** which seeks projects that help achieve the goals and outcomes of the strategic objectives of Council's Arts and Culture Strategy 2018-2022.
- **Environment and Sustainability** which seeks projects that help achieve the goals and outcomes of the strategic objectives of Council's Environment Strategy 2019-2027.

All streams under the new framework are funded on a matched 1:1 ratio for amounts of up to \$10,000.

Community Strengthening Grants Program, Round 1 2020

The Grants round opened on April 8 2020, with a minor delay due to COVID-19 pandemic. As a result, the deadline for applications was extended to May 15 2020.

The following strategies were undertaken to promote the 2020/21 Community Strengthening Grants Program, Round 1 2020:

- One information session held at Bannockburn Cultural Centre during March 2019, prior to COVID-19 restrictions. One information session was cancelled due to COVID—19 pandemic in Smythesdale but a video was created and distributed as an alternative.
- One-on-one mentoring offered and provided by the Community Partnerships Officer via Zoom conferencing or over the phone.
- A promotional article was published in the Golden Plains Gazette and delivered to all households in February 2020.
- Multiple emails were provided to community groups, sport and recreation clubs, community coordinators, committees of management and kindergarten committees.

- A variety of articles and promotion was undertaken via Council's website and Social Media platforms.

Applications Received

17 grants applications requesting \$102,675 (as provided in Attachment 1) were received from a spread of locations across the Shire including Bannockburn, Smythesdale, Meredith, Rokewood, Ross Creek, Haddon, Linton, Teesdale and Inverleigh as well as some projects with Shire Wide engagement.

A variety of project ideas were put forward which included a mix between programs, community events or workshops, small infrastructure, facility upgrades and equipment purchases. There were more applications for small infrastructure, facility upgrades and equipment purchases which may in part be due to the limitations on bringing communities together in person in a COVID-19 environment.

Council received 7 applications to the Healthy Active Living stream requesting a total of \$40,236 funding. This included applications from:

- Leisure Networks – Mini Movers project - \$10,000
- Haddon Recreational Committee of Management – Spectator Seating - \$3,256
- Bannockburn and District Bowls Club – Bowls for Bannockburn - \$5,000
- Inverleigh Golf Club – Disc Golf Project - \$9,900
- WRISC Family Violence Support – Van Go Project - \$2,880
- Meredith Recreation Reserve Committee of Management – Hall improvements - \$4,125
- Ross Creek/Smythes Creek Community Coordinators – Community Signage - \$5,075.

Council received 3 applications to the Community Safety stream requesting a total of \$14,030 funding. This included applications from:

- Smythesdale CFA Brigade – Ross Creek Storage Shed - \$5,000 – determined as ineligible
- Bannockburn CFA Brigade – Portable Lighting - \$1,530
- Bannockburn Cemetery Trust – Safety Fencing and Tree Barriers - \$7,500.

Council received 4 applications to the Creative Community Stream requesting a total of \$22,779 funding. This included applications from:

- Rokewood/Corindhap Community Coordinators – History Boards - \$4,500
- Northern Access TV – Chronicles X TV Episode on Golden Plains - \$10,000
- Meredith History Interest Group- Bringing History Alive - \$4,499
- Smythesdale Community Arts – Community Arts and Music Fiesta - \$3,780.

Council received 3 applications to the Environment and Sustainability stream requesting a total of \$25,630 funding. This included applications from:

- Friends of Bannockburn Bush – Accessible Tracks - \$10,000
- Ballarat Environment Network – Fencing in defence of biodiversity - \$10,000
- Birdlife Australia – Water security for woodland birds and biodiversity - \$5,630.

Assessment of Applications

Under the revised Community Grants Program framework, each application submitted was assessed for eligibility and then evaluated by an internal panel using SmartyGrants software. The following criteria and weightings are identified in the funding guidelines for applicants:

- Clear objectives (10%)
- Alignment with the specific grant streams objectives (30%)

- Clear outcomes and benefits to target group (20%)
- Lasting community impact (20%)
- Project management ability (10%)
- Budget (10%).

The assessment panels for each stream was made up of the Community Partnerships Officer, Manager Community and Council Planning and another Council officer whose role directly relates to each particular stream - for example, the Arts and Culture Advisor for the Creative Community Stream or Recreation Officer for Healthy Active Living Grants.

Where appropriate, in the Healthy Active Living Stream, the panel consisted of 4 officers to include both the Recreation Officer and the Health and Wellbeing Planner. The panel individually assessed each application they were assigned through the SmartyGrants software. The assessment forms were consistent across streams.

Once the applications had been assessed and scored individually, these assessments were collated and the panel met as a group to discuss each application and to compare and justify the scores they had given.

Of the 17 applications received during April and May 2020, 16 were eligible for funding. From the projects assessed by the panel, funding of \$74,284 was recommended as follows:

- \$33,736 for Health and Wellbeing, Sports and Recreation projects through the Healthy Active Living Stream.
- \$15,388 for Arts and Culture projects through the Creative Communities Stream.
- \$18,630 for Environmental projects through the Environment and Sustainability Stream.
- \$6,530 for Community Safety initiatives through the Community Safety Stream.

As two of the projects submitted strongly aligned with Council's Healthy Eating Active Living grant objectives and PVAW (Prevention of Violence against Women) funding, it was recommended that \$500 be allocated to these projects from each of these Council budgets. This will enable \$1,000 in the Community Grants budget to be retained for the next Round of Community Strengthening Grants.

As per the Community Grants framework, the full list of projects, details of assessment and recommendations for funding were provided to the Chief Executive Officer for review and approval (detailed in Attachment 1) in June 2020. The CEO has approved 16 projects for funding to the total value of \$74,284.

In total, \$73,284 will be required from the Community Grants annual budget allocation with a further \$1,000 allocated from Council's Health and Wellbeing budget. Council's total contribution of \$74,284 will leverage another \$225,246.23 in value and provide a return of \$2.90 for every \$1 contributed by Council.

Program Analysis

The revised Community Grants Program framework was introduced to broaden the reach of projects funded. Historically, the program tended to fund a majority of small infrastructure or maintenance projects for sports clubs or committees of management (77% of total projects funded for the last 3 financial years), rather than programmatic or capacity building projects. Whilst the Healthy Active Living stream did receive the highest number of applications, 2 of these were programmatic, including a family violence support program and an early childhood sport and movement program.

The spread and range of applications across locations and various streams, taking into account the impact of COVID-19 restrictions, suggests that the objectives of the revised Community Grants Program framework (as outlined above) are being achieved. In total, this grant round includes \$10,666 more for environmental projects, \$10,388 more towards the arts and \$6,530 more towards community safety projects than from the whole of last financial year.

There will be another round of Community Strengthening Grants opening in September 2020, following the same framework with the intent of attracting more projects with diverse objectives and community benefits. Taking into account Council's commitment under the new framework to provide a small grants stream to the value of \$10,000 (quick response \$1,000 for events or youth projects) and the \$1,000 contribution from Health and Wellbeing budget, the total budget left for Round 2 of Community Strengthening Grants will be \$61,716.

On a pro-rata calculation, the program is currently over prescribed and most likely will be for this financial year. This is in contrast to the pattern seen over the last 2 financial years which saw a decline in uptake of the program and undersubscription. Projects to the value of \$109,010 were funded in 2018-19 and \$110,782 in 2019-20. The predicted increase in uptake of grants for this financial year suggests that the new framework has broadened engagement with the program.

Furthermore, Council officers, in partnership with the Berrybank Wind Farm Community Engagement Committee, are currently developing the objectives of the Berrybank Community Benefit Fund aiming to ensure these are aligned and complimentary to Council's Community Grants Program. The minimum \$60,000 that will be provided via this fund next financial year (and for the next 15 years per Berrybank Community Grants Agreement) will help address any shortfall in coming years and ensure that an even wider variety of projects which benefit the community can be funded.

CONSULTATION

With Round 1 of the 2020 Community Strengthening Grants representing the first round of funding under the revised Community Grants Program framework, a number of engagement and consultation activities were undertaken in the lead up to, during and after the application deadlines.

As detailed in discussion section (above), this included:

- Online and face to face information sessions with interested applicants
- Significant promotions via the Golden Plains Gazette, Council's website and social media platforms
- Emails to community groups, clubs, community coordinators, committees of management and kindergarten committees
- Full details of application guidelines, weighting, criteria and timelines provided to applicants including instructions on submissions using the SmartyGrants software.
- One on one support and conferencing with applicants by Community Partnerships Officer.
- Notification to applicants confirming them of a submission and in several cases, follow up to ensure all documentation and detail has been provided.

Applicants were informally advised of the outcome of their application on Monday July 12 so that groups could begin planning for the implementation of their projects and to allow time for a change in process to administering the grants from a paper based to online process due to current COVID restrictions.

CONFLICT OF INTEREST

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

CONCLUSION

Round 1 applications for the 2020/21 Community Strengthening Grants Program have been assessed against the criteria set by Council under the revised Community Grants Program framework.

Following CEO review, 16 projects have been approved for funding to the total value of \$74,284. Council's investment will deliver a return of \$229,246.23 in value to local communities across the Shire.

7.4 P19-347 57 TARRAFORD WAY, BATESFORD (3 LOT SUBDIVISION & COVENANT VARIATION)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Draft conditions
2. Proposed subdivision plan (under separate cover)

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a staged three lot subdivision and the variation of covenant W587311 by removing part (a)(i) so as to allow more than one single dwelling at 57 Tarraford Way, Batesford subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a three lot subdivision and variation of covenant at 57 Tarraford Way, Batesford. The application has been referred to the Council Meeting for determination because there are objections to the application. 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 objections for consideration prior to making a decision.

BACKGROUND**Site description**

The subject land is situated at 57 Tarraford Way, Batesford and is formally known as Lot 43 on Plan of Subdivision 424406. The site contains an existing dwelling and shed and has a total area of 1.4ha. The land is flat and cleared except for planted trees and gardens. The site has access from Tarraford Way which is a sealed road managed by Council. The site is located in a low density residential area of Batesford. The subject land is part of the Dog Rocks estate that was developed 20 years ago. Covenant number W587311 (10/02/2000) applies to the land and prohibits, among other things, the construction of more than one dwelling on the land.

The proposal

The application proposes the development of the land for a staged three lot subdivision. The proposed subdivision will create a lot with an area of 4078m² containing the existing dwelling and shed (proposed lot 1 to be created as part of stage 1) and two vacant lots of 4437m² and 5515m² (proposed lots 2 & 3 respectively to be created as part of stage 2). Lots 1 and 2 have frontage and direct access to Tarraford Way and lot 3 is a battle-axe lot with access via long driveway to Tarraford Way. The application also proposes to vary covenant W587311 by removing part (a)(i) which prohibits the construction of more than one dwelling on the land. The covenant must be varied to allow the construction of additional dwellings on the vacant lots resulting from the subdivision.

CONSULTATION

Notice of the application was given in accordance with Section 52 (1)(cb) of the *Planning and Environment Act 1987*. Notice was given by mail to 21 owners and occupiers of land benefitting from the covenant. Notice was also given by placing a sign on the land and by placing an advertisement in the Saturday edition of the *Geelong Advertiser* newspaper.

As a result of the public notice, 3 objections were received. Of the three objections received, two are from covenant beneficiaries. A copy of the objections have been provided to the Councillors under separate cover. The objectors' concerns relate to the effect of the proposal on the character

of the area and their lifestyle, increased traffic, lack of infrastructure, drainage, noise and environmental impacts.

A consultation meeting was not held for this application due to current COVID-19 health restrictions.

Site map



ASSESSMENT

The application was lodged on 4 December 2019. The application was referred under Section 55 of the Act to Barwon Water and Powercor in accordance with Clause 66.01 of the planning scheme. The application was also internally referred to Council's Works and Environmental Health departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

Golden Plains 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 subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by, among other things, providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Clause 16.01 Residential Development

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

Local Planning Policy Framework (LPPF)

Clause 02.04 Strategic Framework Plans

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The Batesford Structure Plan contained in Clause 02.04 was adopted by Council on 22/11/2001 and is an incorporated document in the planning scheme. The structure plan shows the subject land within a residential area of the Batesford township. The structure plan does not make any specific references to the subject land or contain any policies of particular relevance to the application. While the structure plan suggests that planning controls be applied in Dog Rocks to ensure that development reflects existing lot sizes and provides minimum lot sizes of 1 hectare, no such planning controls exist.

Clause 11.01-1L Settlement

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

Clause 15.01-6L Low Density Residential Subdivision Policy

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

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

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

Zone and overlay provisions

Clause 32.03 Low Density Residential Zone (LDRZ)

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

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

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

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

Clause 43.03 Incorporated Plan Overlay – Schedule 1 (IPO1)

The land is affected by the Incorporated Plan Overlay – Schedule 1 (IPO1) which applies to land in the Dog Rocks estate. The purpose of the IPO1 is to minimise the visual impact of development when viewed from the Dog Rocks outcrop and surrounding rural areas. The IPO1 is not a permit trigger however a permit must generally be in accordance with the plan incorporated by the overlay and include any conditions or requirements specified in the schedule to the overlay. The incorporated plan (Concept Layout Dog Rocks Drawing 001D) is a very basic plan showing topographic features and development staging and does not show the layout of lots or contain any subdivision design guidelines. The schedule to the overlay does not contain any specific conditions or requirements related to subdivision.

Particular provisions

Clause 52.02 – Easements, restrictions and reserves

A planning permit is required under Clause 52.02 to create, vary or remove an easement or restriction (covenant). The purpose of this clause is to provide for the removal and variation of restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. The decision guidelines of Clause 52.02 requires Council to consider the interests of affected people before making a decision on an application.

General provisions

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

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

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

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

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

Section 60 of the Planning and Environment Act 1987

Before making a decision on an application to remove or vary a restrictive covenant Council must consider the requirements of section 60 of the Act. Because this covenant was created after 25 June 1991, the application must satisfy the requirements of section 60(2) of the Act. This provision requires Council to be satisfied that any beneficiary will be unlikely to suffer financial loss, loss of amenity, loss arising from change to the character of the neighbourhood or any other material detriment as a consequence of the removal or variation of the covenant.

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 Development (Clause 22.09) 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 battle-axe driveway to maintain the character of the area and enhance the appearance of the subdivision.

Under the provisions of the Incorporated Plan Overlay an application to subdivide land is exempt from the notice requirements and review rights of the Act. Therefore an objector cannot apply to VCAT to review Council's decision in relation to the proposed subdivision.

Variation of covenant

The provisions of the Planning Scheme (Clause 52.02) and Act (Section 60(2)) requires that Council consider the interests of affected people (beneficiaries) before making a decision on an application to remove or vary a covenant. If an objection is received from a beneficiary, Council must not grant a permit unless it is satisfied that the grant of a permit is unlikely to cause material detriment of the kind described in Section 60(2) of the Act.

The decision *Pawlak v Golden Plains SC (2016) VCAT 2049* relates to the variation of a covenant at 40 Fleurs Lane, Batesford. This decision is of local relevance and provides guidance for the assessment of covenant variations. In this decision VCAT directed that a planning permit be granted to vary a covenant that restricted the number of dwellings because VCAT considered that the proposed variation to the covenant satisfied each of the matters contained in section 60(2) of the Act.

An assessment against the matters contained in section 60(2) of the Act has been carried out and it is considered that the proposed covenant variation satisfies each of the matters contained in section 60(2). An assessment against each individual matter is set out as follows:

Financial Loss

No evidence has been provided by the objectors to support any claim of financial loss and it is considered unlikely that the variation of the restrictive covenant will decrease the value of the lots in the estate.

Loss of Amenity

The objectors have raised concerns regarding loss of amenity resulting from increased traffic and noise. The minimum lot size requirements in the LDRZ allow the land to be subdivided into three lots which would result in the development of two additional dwellings. It is considered that the traffic impacts generated by a three lot subdivision and two additional dwellings would be insignificant and not affect the capacity and functionality of the surrounding streets.

In relation to noise, the separation distances between the objectors' properties and any additional dwellings resulting from the variation to the covenant are considered to be sufficient to ensure there is no loss of amenity due to noise. The distance between the nearest objectors dwelling and the future dwelling site on proposed lot 3 is equal to the current distance between the objectors dwelling and the existing dwelling. The objector's property is also separated from the subject land by a 20m wide strip of land that is part of the farming property to the west. The separation distances are considered adequate.

Loss arising from change of neighbourhood character

The proposed covenant variation is not considered to have any detrimental effect on neighbourhood character. The land has an area of approximately 1.4ha and is large enough to accommodate a three lot subdivision and a dwelling on each lot while still maintaining the low density character of the surrounding area. 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.

Other material detriment

The proposed variation is not considered to cause any other material detriment. In relation to the objectors concerns regarding impacts on infrastructure the provision of electricity, water, drainage and telecommunications services must meet the requirements of the relevant authorities. It is normal that the utility authorities will seek to ensure that a new development contributes to the upgrade of existing infrastructure to ensure that existing service levels are maintained and are not reduced as a result of the development. In relation to drainage Council's Works Department require that stormwater run-off from each dwelling is directed to a legal point of discharge and that appropriate works be carried out to ensure that stormwater runoff does not impact downstream properties.

The objectors also raised concerns regarding environmental impacts in particular that the proposal would impact a 'defined bio-zone' established by Council to the west of the subject land. The land in question is private farmland and there are no planning controls applying to the land or other environmental protections that apply to the land. Nevertheless the development of additional dwellings on the land is not considered to have any impact on the surrounding environment.

CULTURAL HERITAGE IMPLICATIONS

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the local policy for Low Density Residential Development (Clause 22.09), Low Density Residential Zone, Design & Development Overlay Schedule 5, Incorporated Plan Overlay Schedule 1, Clause 52.02 and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision design will ensure there is no adverse effect on the character of the area and the proposed lots are considered to be capable of on-site effluent disposal. In relation to the proposed variation of the covenant the application is considered to satisfy the matters contained section 60(2) of the Act and the owner of any land benefited by the covenant is unlikely to suffer any material detriment as a consequence of the variation of the covenant.

PLANNING APPLICATION P19-347 FOR A THREE LOT SUBDIVISION AND VARIATION OF COVENANT AT 57 TARRAFORD WAY, BATESFORD**RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT****Layout not altered**

- 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.

Covenant

- 2 A plan of variation of restriction must be submitted to the responsible authority for certification.
- 3 The certified plan must be lodged with the Land Titles Office for registration in accordance with Section 23 of the *Subdivision Act* 1988.

Subdivision

- 4 Before the issue of a statement of compliance under the *Subdivision Act* 1988, restrictive covenant number W587311 must be varied to the satisfaction of the responsible authority and evidence of registration of the varied covenant must be provided to the responsible authority. The covenant must be varied by removing part (a)(i) which prohibits the construction of more than one dwelling on the land.
- 5 Before the certification of the plan of subdivision under the *Subdivision Act* 1988, a landscape plan prepared by a suitably qualified person and to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show the following:
 - a) Existing vegetation to be retained;
 - b) Appropriate planting of trees and shrubs along the proposed battle-axe driveway to lot 3 and the external boundaries of the land where there is not existing vegetation;
 - c) a planting schedule of all proposed trees and/or shrubs, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant, site preparation and establishment (watering) regime;
 - d) All species selected must be indigenous to the local area.
- 6 Before the statement of compliance is issued under the *Subdivision Act* 1988, the landscaping works as shown on the approved plans must be carried out and completed to the satisfaction of the responsible authority.
- 7 Before the issue of a statement of compliance under the *Subdivision Act* 1988, the applicant or owner must pay to Council a sum equivalent to 5% of the site value of all the land in the subdivision in lieu of public open space in accordance with Section 18 of the *Subdivision Act* 1988. The applicant or owner must pay on demand to Council, the Council's reasonable costs and expenses to provide valuation for payment in lieu of open space.
- 8 Before the issue of a statement of compliance under the *Subdivision Act* 1988, a Development Contribution of \$3,000 must be paid to the responsible authority.

- 9 The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.
- 10 Before the issue of a statement of compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 11 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.
- 12 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.
- 13 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Expiry

- 14 This permit will expire if:
 - a) The plan of variation of restriction and plan of subdivision are not certified within two years of the date of this permit; or
 - b) The registration of the variation of restriction and 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.

Note: Prior to certification the responsible authority will require a plan showing the location of all existing and proposed vehicle crossings. The plan is required to show setback distances of existing and proposed crossovers from the closest property boundary to the satisfaction of the responsible authority. The plan is required to satisfy Regulation 29 of the Subdivision (Procedures) Regulations 2011, allowing the allocation of street numbers.

Golden Plains Shire Environmental Health department conditions

- 15 Before the issue of a statement of compliance under the *Subdivision Act 1988*, the existing septic tank system must be altered/decommissioned/replaced and brought into

compliance with the latest version of the 'EPA Code of Practice – Onsite Wastewater Management' to the satisfaction of the responsible authority.

- 16 All waste water must be treated and retained within the lot/s in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

Golden Plains Shire Works department conditions

- 17 Before the certification of the plan of subdivision for the relevant stage under the *Subdivision Act 1988* and before any construction works associated with the development or subdivision start, detailed construction plans and drainage computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans must be to Golden Plains Shire standards and specifications as detailed in the current Infrastructure Design Manual (IDM).
- 18 Before the issue of a statement of compliance for the relevant stage under the *Subdivision Act 1988* the permit holder must satisfy the following requirements:
- a) A separate vehicle crossing must be provided to each lot conforming to the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of the responsible authority.
 - b) Construct driveway to Lot 3 with a minimum 5.5m wide crushed rock pavement, 3.5m wide seal and drained in accordance with Golden Plains Shire Council requirements as contained in the Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority. The driveway must extend for the entire length of the accessway to Lot 3 (81.82m).
 - c) Open earth drains must be provided along the northern boundary of the site and intercept drains along the low side of Lot 1 and Lot 3 or as agreed with Council discharging to the existing open drain in Tarraford Way providing each lot in the subdivision with a discharge point and where required upgrade existing drainage in Tarraford Way. Works must be in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority. Open drains where required must be contained within a minimum 5 metre wide drainage easement which must be set aside on the plan of subdivision for this purpose.
 - d) The existing vehicle access to the dwelling on Lot 1 must be modified so that access is wholly contained within Lot 1 and portion of existing access that is redundant is removed to the satisfaction of responsible authority.
 - e) Services to the existing retained dwelling must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:
 - i) All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the responsible authority.
 - f) Pay to the responsible authority a supervision fee pursuant to section 17(2)(b) of the Act and Clause 5 of the *Subdivision (Permit and Certification Fees) Regulations 2000*. The prescribed maximum fee for supervision of work will be up to 2.5 per cent of the cost of constructing those works, which are subject to supervision.

- g) Pay to the responsible authority a plan checking fee pursuant to section 43(2)(a)(iv) of the Act 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.

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

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

BARWON WATER CONDITIONS

General

- 19 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.
- 20 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 L017131.

Potable Water

- 21 The provision and installation of a potable water supply to the development.
- 22 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.
- 23 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.
- 24 The payment of a standardised New Customer Contribution is required for any new connection or any upsize to an existing connection. The number of standardised charges applied will be determined on the basis of an equivalent lot calculation and is based on potable domestic water meter size or water service size (where a meter is not being fitted). An equivalent lot is a measure of the additional demand a connection will place on the infrastructure in terms of the water consumption and sewage discharge for an average connection utilising a 20mm tapping and/ or meter. If there is more than one meter within a single meter assembly, the size of the largest meter (excluding the fire service meter) will determine the number of equivalent connections. If there is a combined fire and domestic meter assembly proposed (incorporating a low flow meter), whereby the meter size is largely dictated by the fire service requirements, the developer is required to submit to Barwon Water the proposed peak flow (probable simultaneous

demand) associated with the domestic supply in accord with AS/NZS 3500. Barwon Water will then assess the equivalent number of connections.

POWERCOR CONDITIONS

- 25 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.
- 26 The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- 27 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.

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

7.5 P17-078 159 MUHLEBACH ROAD, SUTHERLANDS CREEK (WINE PRODUCTION & CELLAR DOOR SALES)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Draft conditions
2. Permit application (under separate cover)

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for rural industry and a winery (wine production and cellar door sales) at 159 Muhlebach Road, Sutherlands Creek subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the use and development of land for the purposes of rural industry and a winery (wine production and cellar door sales) at 159 Muhlebach Road, Sutherlands Creek. The application has been referred to the Council Meeting for determination because there are objections to the application. 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 objections for consideration prior to making a decision.

BACKGROUND**Site description**

The subject land is situated at 159 Muhlebach Road, Sutherlands Creek and is comprised of Lot 6 on Plan of Subdivision 5580 and Lot 1 on Title Plan 123388V. The site is located in a rural area of Sutherlands Creek. The total area of the site is approximately 130 hectares. The site runs between Muhlebach Road and the Moorabool River which forms the southern boundary. The land is undulating and mostly cleared with planted vegetation. Access to the site is from Muhlebach Road which is a gravel all-weather road. The surrounding area is used for a mixture of rural activities including small-scale agricultural activities (grazing and cropping) and isolated rural residences.

The proposal

The application proposes the use and development of the land for the purposes of rural industry and a winery (wine production and cellar door sales). Clause 73.03 of the planning scheme defines rural industry as "*land used to:*

- a) *handle, treat, process, or pack agricultural produce;*
- b) *service or repair plant, or*
- c) *manufacture mud bricks."*

A winery is defined as "*land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises"*.

The proposal involves the construction of a winery building containing the wine production area and cellar door. The building is proposed to be located in the middle of the property adjacent to the existing farm buildings. The building is sited approximately 773m from the Muhlebach Road (north) boundary, 354m from the Moorabool River (south) boundary, 284m from the nearest side (west) boundary, approximately 600m from the neighbouring dwelling to the west and 700m from the neighbouring dwelling to the east.

The winery building consists of two levels and has a total floor area of 1545m². The production area and cellar door is located on the ground level and a library, laboratory and office is located on the first floor. The development also proposes an extension to the existing farm office.

Site map



The property contains a 40ha vineyard producing 230 tonnes of grapes per year of which 100 tonnes is made into wine at a site in the Yarra Valley primarily for export and the remaining 130 tonnes is sold to other wine producers. The proposal is to move winemaking operations on site with the capacity to process 100 tonnes of grapes per year.

The proposed cellar door will open by appointment only; not to the general public. It is expected that the cellar door will have 6-12 customers per week. Traffic is not expected to change significantly as a result of the proposed winemaking operations as total grape production will not change and the transport of grapes offsite will be replaced by deliveries of wine.

CONSULTATION

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act* 1987 to 19 adjoining and neighbouring owners and occupiers. Notice was first given when the application was submitted in 2017 however notice was given a second time on 5 June 2020 due to the time that had elapsed since notice was first given.

As a result of the public notice, a total of 6 objections were received. A copy of the objections have been provided to the Councillors under separate cover. The objectors concerns are summarised as follows:

Roads and traffic. The primary concern of objectors relates to roads and traffic including that existing roads are not of an adequate standard to accommodate increased traffic generated by the proposal, safety risks associated with hazardous intersections, and the spread of dust to neighbouring properties.

Noise and odour. Concerns have been raised regarding noise and odour impacts of the wine production operations on nearby residences.

Environmental impact. Concerns have been raised regarding the treatment of waste and the potential impact on the Moorabool River.

Use of the land for other purposes. The objectors have raised concerns that the site may be used for other purposes or activities without appropriate planning approval.

A consultation meeting was not held for this application due to current COVID-19 health restrictions.

ASSESSMENT

Processing of the application

The application was originally lodged with Council on 3 April 2017 and the application was formally amended and further information submitted on 28 September 2017. There are no referral authorities specified in the planning scheme for an application of this type however Council sought the advice of the EPA. The application was also internally referred to Council's Works and Environmental Health departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

Golden Plains Planning Scheme

Planning Policy Framework (SPPF)

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 safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies:

- To ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:
 - Directing land uses to appropriate locations
 - Using a range of building design, urban design, operational and land use separation measures

Clause 14.01 Agriculture

Objective:

- To protect the state's agricultural base by preserving productive farmland

Strategies include:

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors
- Prevent inappropriately dispersed urban activities in rural areas
- Protect strategically important agricultural and primary production land from incompatible uses

Clause 14.01-2S Sustainable agricultural land use

Objective:

- To encourage sustainable agricultural land use.

Strategies include:

- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes

Clause 17.01-1S Diversified economy

The objective of this clause is:

- To strengthen and diversify the economy

Strategies include:

- Support rural economies to grow and diversify

Clause 17.01-1R2 Diversified economy – Geelong G21

Strategies include:

- Build on the region's competitive strengths, including tourism and agricultural land resources and economic, social and natural assets
- Support industries that utilise skills within the region

Local Planning Policy Framework (LPPF)

Clause 02 Municipal Planning Strategy

The vision for the Shire contained in Clause 02.02 seeks to sustainably manage land use and development by containing residential development within townships, protecting the natural environment and growing the local economy, particularly in township development, farming and rural based industries.

02.03-4 Natural resource management (agriculture)

The local policy for agriculture contained in Clause 02.03-4 emphasises the economic importance of agricultural industries to the Shire and seeks to ensure agricultural land is protected and used as an economically valuable resource.

Clause 14.01-2L Sustainable agricultural land use

This policy supports more intensive use and diversified use of rural land for higher value products which are compatible with surrounding farming practice.

Rural Land Use Strategy

The Golden Plains Rural Land Use Strategy (2008) is a reference document to the planning scheme and is designed to guide future land use and development and the application of rural

zones across the Shire's rural areas. The subject land is located within the Moorabool Valley area which the strategy identifies as an area suitable for a range of intensive land uses in particular horticulture and the growing of wine grapes and further investment in such production. Based on the recommendation of the rural strategy the Moorabool Valley area was zoned Rural Activity Zone in order to achieve a planned mix of agricultural land uses including horticultural production, rural industry and tourism and recreation facilities.

Zone and overlay controls

Rural Activity Zone – Schedule 2

The site and surrounding land is in a Rural Activity Zone – Schedule 2 (RAZ2). The purpose of the RAZ is, among other things, to provide for the use of land for agriculture; to provide for other development, in appropriate locations, which is compatible with agriculture and the environmental and landscape characteristics of the area; and to ensure that development does not adversely affect surrounding land uses. Rural industry and winery are "Section 2 (Permit required)" uses in the RAZ2 and any buildings and works associated with a Section 2 use requires a permit. Schedule 2 of the RAZ applies to the Moorabool Valley and seeks to achieve a planned mix of small agricultural holdings used for horticulture, rural industries, tourism and recreation facilities that are compatible with, among other things, the area's dominant landscape features in particular the enclosed river valleys.

Environmental Significance Overlay – Schedule 3

The subject land is affected by the Environmental Significance Overlay – Schedule 3 (ESO3) which seeks to protect the environmental attributes of the Moorabool Valley and other areas of environmental significance. A permit is required for buildings and works under the provisions of the ESO3. There are no referral authorities specified in the ESO3. The decision guidelines of the ESO3 require Council to consider the following matters:

- the preservation of the natural environment including natural environmental processes, any important landscape or conservation characteristics of the area;
- the need to protect the general environs of any natural vegetation or objects or features from development which would detract from their setting.
- the necessity of undertaking landscaping works and retaining vegetation in the vicinity of natural features, watercourses, roads, property boundaries, buildings and natural habitats.
- the need to control the siting, shape and height of any buildings or extensions and the extent to which the materials, colours and external finishes of buildings conform in appearance and character with adjacent buildings and with the character and appearance of the area generally.

Other overlays

The subject land is partly affected by a Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) however a permit is not required under these overlays because the proposed buildings and works are not located within the area affected by these overlays. The overlays identify flooding associated with the Moorabool River and the proposed buildings and works are located high on the hillside well outside the flood extent.

Particular provisions

Clause 52.06 Car parking

The purpose of the car parking provisions, among other things, is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. The car parking provisions set out the number of car spaces that are required for new uses and development and design and construction requirements for car parking areas. A new use must not commence until the required car spaces set out in the table at Clause 52.06-5 have been provided on the land. The number of spaces required for an industry is 2.9 car spaces per 100m² and for a winery is 0.4 car spaces for each

patron. Based on the size of floor area of the building and number of patrons the proposal requires a total of 20 car spaces.

General provisions

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

DISCUSSION

Planning scheme

The application is considered to satisfy the provisions of the State and Local Planning Policy Frameworks, Rural Activity Zone – Schedule 2, Environmental Significance Overlay – Schedule 3 and Clause 65 of the Victoria Planning Provisions. The proposal is supported by state and local agriculture policies (Clauses 14.01-2S & 21.05-1) which encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

The proposal is consistent with the purpose of schedule 2 of the Rural Activity Zone which was applied to the Moorabool Valley region to facilitate a mix of agricultural uses including horticulture, rural industries, and tourism and recreation facilities. The Environmental Significance Overlay – Schedule 3 (ESO3) is primarily concerned with the need to protect the dominant landscape features and natural beauty of the Moorabool Valley and seeks to ensure that development does not detract from the landscape. The site is well screened by existing vegetation and conditions will be placed on the permit requiring a landscaping plan and that external materials of the buildings be muted tones and non-reflective to ensure there is no visual impact on the landscape.

Objections

Roads and traffic. The primary concern of objectors relates to increased traffic resulting from the proposal including the inadequacy of existing roads, safety risks and the spread of dust. The only increase in traffic associated with the proposal is from winery staff (up to 10 vehicles per day during peak period from March to May) and cellar door visits (maximum 12 vehicles per week). Much of the other traffic to the site is either associated with the existing vineyard operations or will decrease (100 tonnes of grapes will be processed on site rather than trucked out).

Council's Works Department has advised that the existing road network has the capacity for the additional traffic movements generated by the proposal subject to improvements to the Steiglitz and Muhlebach Roads intersection including a passing area and installation of signage and it is recommended that conditions be placed on the permit to this effect. The small increase in traffic resulting from the proposal (maximum 22 movements per day during peak periods) does not warrant the full sealing of 2 kilometres of gravel road.

Noise and odour. The planning scheme seeks to ensure that community amenity is protected from potential off-site effects by directing uses to appropriate locations and ensuring suitable

separation between potentially offensive uses and sensitive land uses. The site is in the Rural Activity Zone – Schedule 2 which has been identified as an appropriate location for rural industries such as the proposed wine production operations. The separation distances to neighbouring dwellings (at least 600m) is also considered adequate to ensure that amenity is not reduced by noise or odour.

Environmental impact. The objectors raised concerns regarding the treatment of waste and the potential impact on the Moorabool River. Wastewater from the proposal will be managed using a combination of septic tank treatment, reuse of clean water for irrigation purposes and collection and removal off site. Advice on the application was sought from the EPA and Council's Environmental Health Department. The EPA raised no concerns with the proposal and recommended that appropriate conditions be included on the permit in relation to pollution control. The winery is setback approximately 350m from the Moorabool River which is considered to be an adequate distance to ensure there is no adverse effect on the watercourse.

Use of the land for other purposes. Concerns were raised that the plans submitted with the application show other additional uses (i.e. museum, guest hall, pet farm). These uses are not included in this application and any additional uses or expansion to the proposed activities will require separate planning approval.

CULTURAL HERITAGE IMPLICATIONS

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies State and Local planning policies, the Rural Activity Zone – Schedule 2, Environmental Significance Overlay – Schedule 3 and the decision guidelines of the Planning Scheme (Clause 65). The application will facilitate a productive agricultural activity in an appropriate location that is compatible and complementary to existing uses. Conditions of the permit limiting the size of the proposed use and requiring improvements to the existing road network will ensure the proposal has no impact on the amenity of the area and does not cause material detriment to any person.

PLANNING APPLICATION P17-078 FOR RURAL INDUSTRY & WINERY AT 159 MUHLEBACH ROAD, SUTHERLANDS CREEK

RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT

Amended plans required

- 1 Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A site plan showing the boundary setbacks of the proposed buildings and works including car parking, access and landscaping;
 - b) Floor plans and elevations of the proposed buildings including details of external materials all of which must be of muted tones and non-reflective;

Landscape plans required

- 2 Before the development starts, landscape plans prepared by a suitably qualified and/or experienced person must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. The landscape plans must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - d) appropriate landscaping and planting within any open areas adjacent to the proposed buildings and car parking area.

Layout not altered

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

Cellar door

- 4 The cellar door must operate by appointment only and must not have more than 12 patrons per week.

Restriction on source of grapes used in wine production

- 5 The wine production facility must only process grapes sourced from the subject land.

Roads

- 6 Before the use commences, the following road works must be completed to satisfaction of the responsible authority:

- a) Muhlebach Road approach to the Steiglitz Road intersection must be upgraded to include a minimum 20m long by 6m wide asphalt seal with adequate width for passing and line marking so that wheel paths of vehicle traffic exiting and entering from Muhlebach Road will be wholly contained within the sealed pavement. All works must be to the satisfaction of the responsible authority;
- b) Installation of trucks crossing or entering sign on Steiglitz Road.

Car parking

- 7 No fewer than 20 of car spaces must be provided on the land for the use and development, including 1 of space clearly marked for use by disabled persons and designed in accordance with Australian Standard AS 2890.6 – 2009.
- 8 Before the use commences the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed.
 - b) Properly formed so that they can be used in accordance with the plans.
 - c) Surfaced with an all weather seal coat.
 - d) Drained.
 - e) Line marked to indicate each car space and all access lanes.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.All to the satisfaction of the responsible authority.
- 9 Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Landscaping

- 10 Before the use commences the landscaping shown on the endorsed plans must be completed and thereafter be maintained, including that any dead, diseased or damaged plants be replaced, to the satisfaction of the responsible authority.

Wastewater

- 11 All wastewater from the winery must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) and Code of Practice – Onsite Wastewater Management under the Environment Protection Act 1970.
- 12 Stormwater contaminated with waste must not be discharged beyond the boundary of the premises.
- 13 A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
- 14 No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any drains or watercourses.

Amenity

- 15 Offensive odours must not be discharged beyond the boundaries of the premises.
- 16 Nuisance dust must not be discharged beyond the boundaries of the premises.
- 17 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).
- 18 The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - d) Presence of vermin and use of chemicals to eradicate pest animals and plants.

Expiry

- 19 This permit will expire if one of the following circumstances applies:
 - a) the development and use is/are not started within two years of the date of this permit.
 - b) the development is not completed within four years of the date of this permit.The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (or twelve months after the permit expires for a request to extend the time to complete the development).

7.6 SECTION 96(A) APPLICATION P19-306

File Number:**Author:** Laura Wilks, Coordinator Strategic Planning**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil

RECOMMENDATION

That Council:

1. Refuse to consider Planning Application P19-306 (a combined rezoning and 854 lot subdivision at Levy Road, Bannockburn) under Section 96A (2) of the *Planning and Environment Act 1987*.
2. Notify the applicant of the above.

EXECUTIVE SUMMARY

Planning Application P19-306 for the combined rezoning and subdivision of land was submitted to Council on 2 October 2019. The subject land is approximately 67 hectares in area, and is located south of Charlton Road in Bannockburn. The subject land falls within the area currently under investigation for growth as part of the Bannockburn Growth Plan. The Bannockburn Growth Plan will seek to guide the coordinated development of the land under investigation. The best outcome for the future use and development of the subject land will be achieved if the planning process is undertaken as part of the wider Growth Plan area, including the preparation of the Growth Plan and resultant planning scheme amendment process to rezone a broader area of land in accordance with the findings of the Growth Plan, rather than the consideration of a stand-alone application. Advantages include:

- Holistic planning of infrastructure and open space including integration of drains and roads with other land in the Bannockburn Growth Plan area.
- The ability to apply a Development Contributions Plan to the subject land with an equitable contribution for infrastructure to other land in the Bannockburn Growth Plan Area.
- The ability to apply urban planning principles to the subject land that are derived from the Bannockburn Growth Plan ensuring consistent, high quality development of the area.

Based on the above it is recommended that Council refuse to consider Planning Application P19-306 under Section 96A(2) of the *Planning and Environment Act 1987*, in order to allow the detailed planning of the subject land to occur as part of the Bannockburn Growth Plan.

BACKGROUND

On 2 October 2019 an application was lodged with Council seeking:

- a) Rezoning of the land from Farming Zone to General Residential Zone – Schedule 1;
- b) Introduction of a Schedule to the Development Plan Overlay to apply to the land;
- c) A planning permit for the creation of a multi-lot staged subdivision (approx. 854 lots generally between 400m² and 700m² in size); and
- d) Removal of native vegetation on the land.

The subject land, which is 67 hectares in area, is depicted in **Figure 1** below.



Figure 1 – Subject Land

The application relies on Section 96A of the *Planning and Environment Act 1987* which allows a Planning Scheme Amendment and a Planning Permit Application to be lodged together as a combined application.

The proposed plan of subdivision is provided at **Figure 2** below.

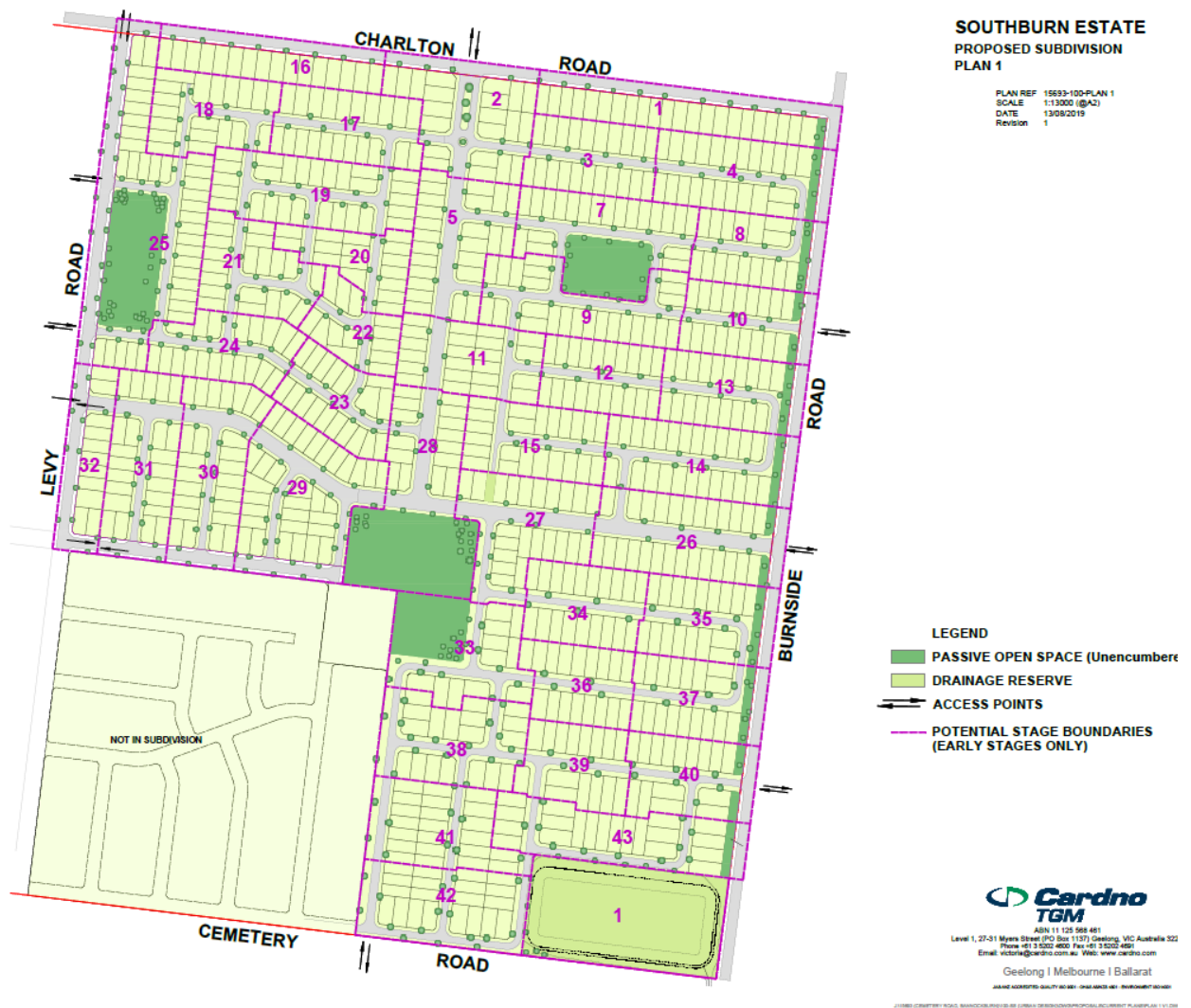


Figure 2 – Plan of Subdivision

The application is supported by a number of specialist reports including a town planning report, traffic impact report, environmental assessment, infrastructure servicing report, vegetation and biodiversity report, flood impact assessment and draft amendment documentation.

The application was lodged shortly after funding was confirmed for the Bannockburn Growth Plan. The merits of the application have not been assessed in detail, beyond that which is necessary to determine whether it is appropriate to agree to consider the application under Section 96A(2) of the *Planning and Environment Act 1987*.

POLICY CONTEXT

The strategic basis for the application is the Bannockburn Urban Design Framework which can be found in Clause 11.03-6L of the Golden Plains Planning Scheme. The Urban Design Framework shows the subject land as a “priority residential development zone” suggesting that it is eligible for a rezoning proposal, as residential development is not possible under the current farming zone.

DISCUSSION

It is acknowledged that there is merit in a potential change to the future use and development of the subject land, including transition from an agricultural zone to a residential zone. However, as a matter of orderly planning, it is appropriate for this transition to be assessed via the preparation of the Growth Plan and a resultant planning scheme amendment process to rezone a broader area of land in accordance with the findings of the Growth Plan. As mentioned above this will include the following advantages:

- Holistic planning of infrastructure and open space including integration of drains and roads with other land in the Growth Plan area.
- The ability to apply a Development Contributions Plan to the subject land with an equitable contribution for infrastructure.
- The ability to apply urban planning principles to the subject land that are derived from the Growth Plan ensuring consistent, high quality development.

Based on the above, the integration of the subject land with the Growth Plan area is anticipated to lead to a better overall outcome for the community/future residents of the area, and is therefore strategically desirable. To progress the application as a stand-alone application would incur the sacrifice of the benefits above.

Figure 3, below details the Bannockburn Growth Plan in context with the land subject to this report.

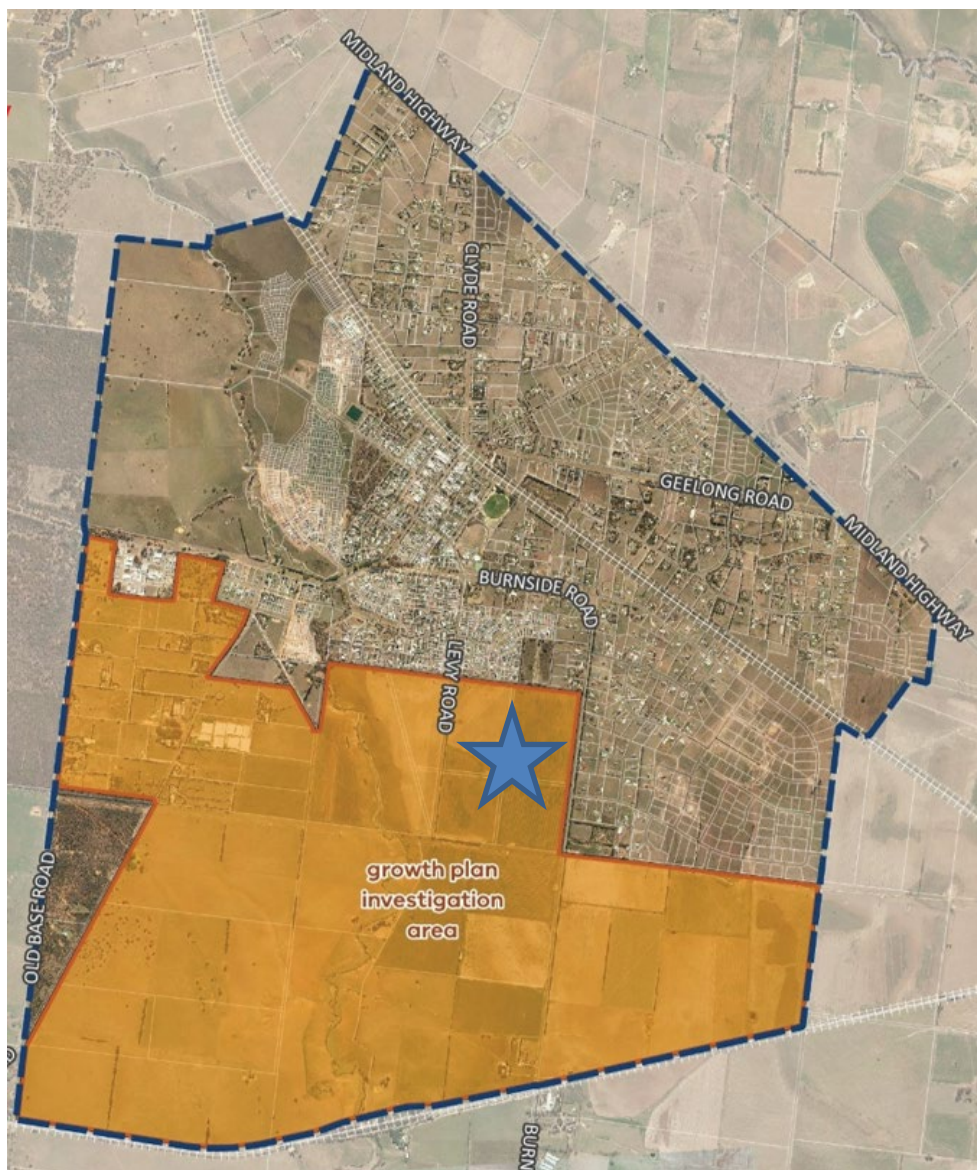


Figure 3 – Bannockburn Growth Plan



Subject site

Section 12 of the *Planning and Environment Act 1987* sets out the duties of Planning Authorities. These include:

- a. to implement the objectives of planning in Victoria, which relevantly include:
 - i. to provide for the fair, orderly, economic and sustainable use and development of land; and
 - ii. to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- b. to provide sound, strategic and coordinated planning of the use and development of land in its area.

Progressing the application as a stand-alone development would be inconsistent with Council's duties as Planning Authority above, in circumstances where it is recommended to Council that a better planning outcome can be achieved by allowing the future use and development of the subject land to be assessed as part of the broader preparation of the Growth Plan.

Although the subject land is identified for future development, the specific circumstances and timing to support a rezoning are not provided for within the Planning Scheme, and Council is not obligated to consider the application under Section 96A(2) of the *Planning and Environment Act 1987* if a better strategic outcome can be achieved via an alternative planning process. Evolution of circumstances (i.e. the formal determination of boundaries for the Growth Plan) now mean that supporting the application as a stand-alone rezoning and subdivision is not the best planning outcome.

Although some preliminary discussions were held with the proponent prior to lodgement of the application, such discussions do not obviate the need to undertake a proper assessment of the planning context at the time the application is made.

On 2 October 2019 the proponent lodged the application. On 27 November 2019 the scope of the Growth Plan, including the boundaries to the investigation area, was formally confirmed and agreed between the VPA and Council. At this point in time, it was confirmed that the investigation area would include the subject land.

Delays or disruptions to planning caused by the evolution of strategic circumstances are unfortunate but not uncommon. Documentation which the proponent has prepared in support of the Section 96A planning application will be beneficial towards the future planning of the site as part of the Growth Plan.

Section 96A(2) of the *Planning and Environment Act 1987* provides that:

"The planning authority may agree to consider the application for the permit concurrently with the preparation of the proposed amendment."

Accordingly, Council in its capacity as Planning Authority may refuse to consider an application. Council is also able to refuse an application it has considered. For the reasons described in this report, it is recommended that Council refuse to consider the application under Section 96A(2) of the *Planning and Environment Act 1987*.

Additionally, it is worth noting that Council's works area undertook an informal preliminary review of stormwater management documentation submitted as part of the application and indicated that the level of water proposed to drain into the Burnside Road Reserve as a result of the development was unacceptably high. This drainage issue does not form part of the reason why the application is recommended for refusal. It is unknown whether the proponent could have resolved the problem, though resolution would likely have needed to involve negotiation with other private land owners.

This is an example of how the Bannockburn Growth Plan will attempt to facilitate drainage and other matters holistically across land ownerships, and at the Precinct Structure Plan (PSP) scale.

Unlike a PSP prepared consequent upon the analysis to be undertaken in the Growth Plan, considering the application in isolation would not adequately determine the future structure for the subject land as part of the broader Growth Plan area. Instead, approval of a stand alone development may compromise future options for the Growth Plan before they are properly considered. The Growth Plan and subsequent PSP will show:

- Housing yields
- Employment land provision and location
- Transport networks
- Open space and natural systems
- Activity centres
- Community facilities

CONSULTATION

As it is recommended that Council refuse to consider the application at the earliest stage, there are no consultation requirements.

CONFLICT OF INTEREST

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

CONCLUSION

Application P19-306 has been received for the combined rezoning and subdivision of a 67 hectare area of land south of Charlton Road, Bannockburn. There are strategic advantages to assessing and undertaking the detailed planning of the subject land as part of the Bannockburn Growth Plan, as opposed to a stand-alone application. Accordingly, it is recommended that Council refuse to consider Planning Application P19-306 as per its ability to do so under Section 96A(2) of the *Planning and Environment Act 1987*.

7.7 BAKERS LANE RESERVE MANAGEMENT PLAN 2020-2030

File Number:**Author:** Dale Smithyman, Natural Resources Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Bakers Lane Reserve Management Plan 2020-2030 (under separate cover)**RECOMMENDATION**

That Council adopts the Bakers Lane Reserve Management Plan 2020-2030.

EXECUTIVE SUMMARY

Bakers Lane Reserve is a 3.68 hectare freehold Council reserve with significant environmental assets on Bakers Lane in Teesdale. The Environment and Sustainability Team are currently managing the Reserve for its environmental and public open space values and to minimise fire risk. The Reserve was the site of the award winning Wiyn-murrup yangarramela - Fire Spirit Comes Back project in 2017 which used traditional owner cultural burning to the site. A Management Plan has been developed for the Reserve to guide its management over the next decade. This report seeks Council's support to adopt the Bakers Lane Reserve Management Plan 2020-2030.

BACKGROUND

Bakers Lane Reserve on Bakers Lane in Teesdale comprises one 3.68 hectare (9 acre) freehold parcel of Council land. The Reserve has remnant River Red Gums (*Eucalyptus camaldulensis*) of significant size and age as well as stands of native grassland that require preservation and enhancement.

The Reserve was set aside as part of the Bakers Lane subdivision for public open space.

The Strategic Directions for the Reserve are:

- Maintain and where possible, improve the extent and quality of the remnant Plains Grassy Woodland EVC on the Reserve
- Provide for low impact public passive recreation which is not detrimental to the conservation values of the Reserve in line with the objective above
- Control and/or eradicate pest flora and fauna within and adjacent to the Reserve
- Minimise fire hazard in line with the conservation values of the Reserve

The Reserve is naturally regenerating to some extent since the removal of grazing. Biodiversity enhancement plantings are returning rare plant species to the Reserve.

The Reserve was the site of the award winning Wiyn-murrup yangarramela - Fire Spirit Comes Back project in 2017. This project returned Wadawurrung Traditional Owner cultural burning to Country. The burns reduced fuel loads and encouraged the recovery of native grasslands. The Reserve has also been the site of CFA fuel reduction burning and burning by Council's Planned Burn Team.

Being located amidst extensively cleared peri-urban and rural farming landscapes, the Reserve is now of high local conservation significance.

POLICY CONTEXT

The Management Plan falls within the context of the Council Plan Strategic Direction, Managing natural and built environments. It also assists in meeting Council's Environment Strategy Strategic Direction, Thriving natural environments.

DISCUSSION

The Management Plan aims to provide a repository for information regarding the history, landscape, issues and management actions associated with the Reserve. The Plan provides guidance and actions to direct the future management of the Reserve for the next 10 years.

Current and planned management actions are largely able to be funded through existing budgets and programs with specialist actions being funded through grant applications where possible.

CONSULTATION

The Management Plan was developed by Council's Environment and Sustainability Team. The Plan was advertised through Council social media and via mail out to adjacent residents seeking community feedback. Community consultation revealed some interest in the development of a local 'Friends of' group for the Reserve and a potential new pedestrian access. The Management Plan has been altered to reflect this interest. Consultation also revealed that the community wanted to protect the Reserve from development and sale by Council. It is considered that existing zoning (Public Park and Recreation Zone) protects the Reserve from this.

CONFLICT OF INTEREST

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

CONCLUSION

The Bakers Lane Reserve Management Plan 2020-2030 will aid in the ongoing management of this conservation and public open space reserve in Teesdale.

7.8 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM FUNDING ALLOCATION

File Number:

Author: David Greaves, Manager Works

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments: 1. Local Roads and Community Infrastructure Guidelines (under separate cover)

RECOMMENDATION

That Council

1. Allocate \$1,333,655 as part of the Federal Government Local Roads and Community Infrastructure Program funding for 2020/21 to the following projects:

(i)	Reserve Road Bridge in Rokewood – Replacement	\$700,000
(ii)	Maude Recreation Reserve / Lookout Water Supply	\$ 15,500
(iii)	Playground Renewal Across Shire	\$240,455
(iv)	Inverleigh Female Friendly Change Rooms	\$177,700
(v)	GPS Youth Hub	\$100,000
(vi)	Bannockburn Skate Park	\$100,000
2. Confirms the GPS Youth Hub as a priority project for funding under the State Government's Growing Suburbs Program.
3. Approves allocation of funds from the Federal Government Local Roads and Community Infrastructure Program to the Meredith – Shelford Road widening project in the event other funding sources relied on to deliver the Inverleigh Female Friendly Change Rooms, GPS Youth Hub and Bannockburn Skate Park projects is not successful.

EXECUTIVE SUMMARY

Since the adoption of Councils 2020/21 budget in June 2020, Council has been allocated \$1,333,655 as part of the Federal Government Local Roads and Community Infrastructure Program (LRCI). As a result, Council is required to determine eligible community road and bridge projects that these funds can be allocated to.

The key eligibility criteria for projects to be nominated include:

- Projects eligible for funding are local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.
- Projects must be delivered by 30 June 2021
- Projects must be additional to existing 2020/21 work plans
- LRCI funding cannot be used to substitute other funding sources, including Council budget allocations.

BACKGROUND

On 22 May 2020 the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program). This program will support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Funding allocations have been calculated in a similar way to how the Roads to Recovery Program and the road component of the Financial Assistance Grants works. This formula takes into consideration road length and population and is based on recommendations of Local Government Grants Commissions.

Any projects funded by the LRCI Program must be completed by 30 June 2021.

DISCUSSION

Projects eligible for funding are local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits. Projects are required to be delivered by 30 June 2021.

Eligible local road projects could include works involving any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects could include works involving:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- playgrounds and skateparks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

The attached program guidelines articulate the eligibility criteria in detail. A key issue to consider is the LSRCI projects must be in addition to current 2020/21 work programs and cannot replace other sources of income. If a project has been brought forward from a future work program it will be eligible for funding.

Table 1 below provides potential projects that the funding can be expended on to provide immediate benefit and align to the Government requirements of delivering the above objectives within the 2020/21 financial year. From this table Officers have identified what they consider provides the greatest community benefit with deliverability a key consideration. Councils will need to complete all project works by 30 June 2021 to receive their full nominal share of funding.

TABLE 1

LRCI Program	Proposed LRCI Allocation	Comments
Reserve Road Bridge Replacement	\$700,000	Old wooden bridge at end of life cycle. Bridge currently load limited. Full level 2 structural inspection completed. Full design of new replacement structure complete. Allocation covers estimated full cost of project
Maude Recreation Reserve / Lookout Water Supply	\$15,500	Supply of mains water to the Maude Bunjil Lookout toilet block as per community budget submission. Allocation covers full cost of project.
Playground Renewal across Shire.	\$240,455	Additional allocation to Council's adopted budget for playground renewals. Priority playgrounds to be renewed include Dereel, Linton, Garibaldi and Haddon Lions Parks. Additional playgrounds could be upgraded if funding allows. Actual funding to be allocated subject to design in the respective areas.
Inverleigh Change Rooms	\$177,700	Upgrade to social rooms and additional female friendly change rooms. Total project cost estimated at \$1.78 Million. A funding application to the State Government has been submitted for \$1,599,300. The LRCI allocation would mean the project is fully funded by government grants. If the State Government application is unsuccessful, Council will have the opportunity to re-allocate the LRCI funds to another project.
Youth Hub	\$100,000	This project has been identified by officers as a priority project for the recently announced Growing Suburbs Fund. The project involves moving one of the existing 12m x 12m portables being used as office accommodation to the Council site adjoining the Bannockburn secondary school. The project is estimated at \$561,752 which includes moving the portable, connection to services and refurbishment. Project funding proposed to be \$271,032 from the Growing Suburbs Fund, \$100K Bannockburn & District Connections and \$90,720 Council being in-kind support, reflecting the current asset value of the portable.
Bannockburn Skate Park	\$100,000	Upgrade and construction of new elements at the skate park. Total project estimate is \$449,900 with \$349,900 subject to a State Government funding application.
TOTAL LRCI ALLOCATION	\$1,333,655	

Officers also looked at the possibility of using the LRCI funding to fund bridge renewal projects listed in the 2020/21 budget. The bridge projects have been budgeted subject to receiving funding

under the Federal Government's Bridges Renewal Program. Should Council be unsuccessful in the Bridges Renewal Program, Table 2 below identifies the two bridge projects and how they might be funded by through the LRCI program.

TABLE 2

LRCI Program	Possible LRCI Allocation	Comments
Bridge Replacement – Geggies Road	\$183,655	Total bridge cost estimated at \$700,000. The adopted Council budget includes a contribution of \$350,000. The shortfall of \$166,345 could be funded using the Roads to Recovery funding by reducing the scope of the Meredith – Shelford Road Widening project.
Bridge Rehabilitation – Slate Quarry Road	\$1,150,000	Total bridge rehabilitation estimate is \$2,300,000. Councils adopted budget included a project contribution of \$1,150,000 which doesn't change under this scenario.

The above was considered in light of the possibility that annual federal bridge grants might be allocated to bushfire and drought impacted areas resulting in Council not receiving funding for these bridge works. Recent correspondence indicates that the responsible Minister is yet to make any decisions on the Bridges Renewal Program with no known timeline is available for the decisions to be made.

Under the scenario summarised in Table 2, the Roads to Recovery allocation in the adopted budget of \$1,333,655, which is fully allocated to the Meredith – Shelford Road widening project, would be reduced to \$1,167,310 in order to balance the budget.

Council officers confirmed with the LRCI program administrators that in the event Bridges Renewal Program funding was unsuccessful and confirmation that the projects would not proceed without that funding, the two bridges projects listed are likely to be eligible for LRCI funding. However, until the results of Council's Bridges Renewal Funding application is known, the projects remain ineligible as it would be seen as replacing other sources of funding with LRCI funding which breaches the LRCI guidelines.

With the above in mind, officers consider that it is too much of a risk to wait on the results of the Bridges Renewal Funding to finalise project nominations for the LRCI program as any project nominated must be completed by 30 June 2021. If the results of the Bridge Renewal funding are made in August or later, then full expenditure of the LRCI allocation to the project could not be delivered by 30 June 2021.

If Council is notified that it has been unsuccessful in the Bridges Renewal Program after the LRCI project nominations have been approved, Council could deliver the \$700,000 Geggies Road bridge replacement using the allocated Council bridges contribution. Council's remaining \$850,000 bridges contribution could be carried over to 2021/22 as its future part contribution for a further Bridges Renewal application in 2020/21.

If any of the projects recommended for funding under the LRCI program that are also reliant on State Government contribution are unsuccessful in receiving State funding, it is recommended that the LRCI funding allocation for those particular project be re-allocated to the Meredith – Shelford Road widening project. The current Meredith – Shelford Road widening project scope is dependent on prices received through the future tender process. The tender documents will include a desired scope of works for pricing, but also a unit rate so the project scope can be reduced or increased to match available budget.

CONFLICT OF INTEREST

The Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

With due regard to the LRCI funding guidelines, specifically the timeline to deliver the projects, it is recommended that projects identified in Table 1 of this report be nominated for funding under the LRCI program.

7.9 BANNOCKBURN FAMILY SERVICE CENTRE LONG DAY CARE LEASE PROPOSAL

File Number:

Author: Lisa Letic, Director Community Services

Authoriser: Lisa Letic, Director Community Services

Attachments: Nil

RECOMMENDATION

That Council:

1. Notes that the terms and conditions of the proposed lease of part of the Bannockburn Family Service Centre located at 2 Pope Street, Bannockburn to Kardinia Childcare Inc. continue to be negotiated between the parties, and authorises Council's Chief Executive Officer or his delegate to negotiate any final amendments to the proposed lease;
2. Resolves to commence the statutory procedures pertaining to the power to lease land required under the *Local Government Act 1989 (Act)*, by:
 - giving public notice of the Proposal in accordance with section 190 of the Act, in newspaper circulating in Council's municipal district and on Council's website and inviting submissions on the Proposal.
 - authorising Council's Chief Executive Officer or his delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act in respect of the Proposal.
 - convening a meeting of Council to hear any submitters requesting to be heard and to consider submissions received under section 223 of the Act in respect of the Proposal.
3. Receives a further report detailing the outcome of the statutory process under Sections 190 and 223 of the Act to enable Council to further consider and make a determination on the Proposal.

EXECUTIVE SUMMARY

This report provides Council with the outcome of the negotiations with Kardinia Childcare Inc. as identified by Council as the preferred respondent at its April 2020 meeting, in relation to the 'lease of part of Bannockburn Family Service Centre for the purpose of providing long day care' and makes a recommendation to enter into a lease on the terms outlined in the recommendations above and subject to public exhibition and consideration of any submissions that may be received.

BACKGROUND

Council has undertaken a significant review of the Bannockburn Children's Service (Long Day Care) and determined at its November 26 meeting to undertake an Expression of Interest '*for lease of part of Bannockburn Family Service Centre, 2 Pope Street, Bannockburn for the purpose of providing long day care services*'.

The Expression of Interest (EOI) was advertised in January 2020 and a preferred operator, Kardinia Childcare Inc., was endorsed by Council at its April meeting with whom to negotiate a proposed lease. This report provides Council with the outcome of the negotiations with Kardinia Childcare Inc. as identified by Council as the preferred respondent at its April 2020 meeting, in relation to the 'lease of part of Bannockburn Family Service Centre for the purpose of providing long day care' and makes a recommendation to enter into a lease on the terms outlined in the recommendations above and subject to public exhibition and consideration of any submissions that may be received. Negotiations are now almost complete and the recommendations in this report are based on the outcome of those negotiations to date.

POLICY CONTEXT

This report relates to the *Golden Plains Shire Council Plan 2017-2021* and the *Municipal Early Years Plan 2014-2018*.

Local Government Act 1989

Local Government Act 2020 Lease of Land provisions do not come into effect until 1 July 2021.

DISCUSSION

At its November 2019 meeting, Council resolved to *undertake an Expressions of Interest for lease of part of Bannockburn Family Service Centre, 2 Pope Street, Bannockburn for the purpose of providing long day care services*. The Expression of Interest process was undertaken between 18 January and 22 February 2020.

At its April 2020 meeting, Council agreed with the evaluation panel's recommendation to identify Kardinia Child Care Inc. as the preferred respondent to commence negotiations with and authorised the Chief Executive Officer to undertake this negotiation with a view to bringing back to Council the outcome of the negotiation and a subsequent lease proposal.

Kardinia Childcare Inc. (Kardinia) is a not-for-profit early childhood provider with existing services in Geelong, Warrnambool and Ballarat. Kardinia's Vision is '*A community where every child and family's potential is realised*' and their Mission is '*to make a positive difference to each child and every family through a community approach*'.

Members of the evaluation panel visited the Geelong service to observe the quality of their existing practice and report that the service was of a very high standard with children settled and engaged in various activities and the environment set up to assist children to explore and develop their potential. Kardinia's Geelong and Warrnambool sites have both achieved 'Exceeding Quality Standards' through the Australian Children's Education and Care Quality Authority with the Ballarat service yet to be assessed under Kardinia's management.

Kardinia's submission detailed a rental amount consistent with the independent market valuation of \$184,400 quoted in the EOI documentation.

Kardinia's submission initially proposed that it would commence its operations on 31 August 2020. Due to the Covid-19 pandemic, the parties are negotiating a longer transition period to enable Kardinia to commence operating from the facility at the beginning of 2021.

The proposed lease includes the following proposed terms and conditions:

- Commencement of operations: To be agreed between the parties
- Rent Year 1: \$184,400 per annum plus GST
- Rental increase: 4% every year from second anniversary of commencement date
- Term: 5 years with a further 5 year option.

Kardinia's ability to commence operating the facility is subject to the necessary statutory approvals being obtained prior to the Operating Date.

Discussions with Kardinia relating to the transfer of business, including employment matters, are continuing and separate arrangements in this regard may be agreed. Officers will keep Council informed.

CONSULTATION

The Expression of Interest process to identify suitable tenants was undertaken via public notification in The Age Newspaper, Geelong Advertiser and Ballarat Courier on 18 January 2020 and on Council's website and social media for a period of four weeks to allow for equitable opportunity for commercial or not for profit operators to be considered for the lease of this facility.

Before any lease is made, Council will undertake public consultation in accordance with Section 190 and Section 223 of the *Local Government Act 1989*

Due to the sensitive nature of this process timely and consistent information, without prejudicing the EOI process, has been provided to families through emails and face-to-face meetings and staff across the broader organisation have been kept informed through the staff newsletter.

CONFLICT OF INTEREST

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

CONCLUSION

Due to significant benefits to the Golden Plains Community, it is recommended that Council take the next steps to commence the statutory process under Sections 190 and 223 of the *Local Government Act 1989* in respect of the proposal to lease part of the Bannockburn Family Services Centre, 2 Pope Street Bannockburn to Kardinia Childcare Inc.

The outcome of the public submission process will be presented to Council at a future meeting for consideration.

7.10 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION - DOCUMENTS FOR ADOPTION

File Number:**Author:** Candice Robinson, Coordinator Governance & Risk**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Council Expenses & Entitlements Policy (under separate cover)
2. Audit & Risk Committee Charter (under separate cover)
3. Instrument of Delegation - Council to CEO (under separate cover)

RECOMMENDATION

That Council:

1. Adopts the Council Expenses & Entitlements Policy (Attachment 1).
2. Adopts the Audit and Risk Committee Charter (Attachment 2).
3. In the exercise of the power conferred by s11(1)(b) of the Local Government Act 2020 (the Act), Golden Plains Shire Council (Council) resolves that:
 - 3.1 There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument (Attachment 3).
 - 3.2 The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 3.3 On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - 3.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

EXECUTIVE SUMMARY

In order to achieve compliance with Stage 2 implementation of the phased introduction of the new Local Government Act 2020, the following must be adopted by 1 September 2020:

- Council Expenses Policy;
- Audit and Risk Committee Charter;
- Delegation – Council to CEO;
- Appointment and Delegation – Delegated Committees (no action required by Golden Plains Shire Council); and
- Appointment – Asset Committees (no action required by Golden Plains Shire Council).

It is recommended the documents, as attached, be now be adopted.

BACKGROUND

The new Local Government Act 2020 (the Act) was passed by the Victorian Parliament in mid-March, receiving royal assent on 24 March 2020. The new Act is being rolled out in four implementation stages, which are to be proclaimed between 6 April 2020 and July 2021.

With the first stage of reforms commencing on 6 April 2020, the second stage came into force on 1 May 2020. Within the second stage there are a number of items that need to be completed within a grace period of four months from the 1 May 2020, e.g. by 1 September 2020.

POLICY CONTEXT*Local Government Act 2020***DISCUSSION**

To implement the requirement of the second implementation stage of the Local Government Act 2020, the following documents must be adopted by 1 September 2020:

- Council Expenses Policy;
- Audit and Risk Committee Charter;
- Delegation – Council to CEO;
- Appointment and Delegation – Delegated Committees (no action required by Golden Plains Shire Council); and
- Appointment – Asset Committees (no action required by Golden Plains Shire Council).

Council Expenses & Entitlements Policy

The Act requires that a Council adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. The policy must specify procedures to be followed in applying for reimbursement and in reimbursing expenses, provide, where relevant, for the reimbursement of a Councillor's or delegated committee member's childcare costs, and, where relevant, must have regard to expenses incurred by a Councillor who is a carer.

The Council Expenses & Entitlements Policy (previously titled Councillor Entitlements & Reimbursement Policy) was last reviewed and adopted by Council 26 November 2019.

This policy has been amended slightly and new components incorporated to meet requirements imposed by the 2020 Act. In early June, Local Government Victoria (LGV) provided all councils with a template policy. The LGV policy was reviewed and utilised to assist in making the necessary amendments to attached version, however, as Council's policy has developed into a comprehensive and well defined policy (last adopted 26 November 2019), retention of the policy was maintained in preference to adopting in full the LGV template.

The Council Expenses & Entitlements Policy is provided at Attachment 1.

Table 1: Council Expenses & Entitlements Policy – Summary of Changes

Amended Sections			
Section	Heading	Change	Change Reasoning
Title	Council Expenses & Entitlements Policy	Amended title (previously titled Councillor Entitlements & Reimbursement Policy)	To align with requirements of new Act. For clarity purposes.
Section 2	Scope	Amended clause 2.1 and 2.2.	For clarity purposes.
Section 5	Communication Equipment	Amended clause 5.1.	To align with current business practices.
Section 10	Conferences, Seminars, Training Programs and Professional Development	Amended clause 10.6.	To align with current business practices.
Section 17	Travelling Expenses	New clause 17.11.	To align with current State Government Policy.

			For clarity purposes.
Section 18	Childcare Costs and Carer Expenses	Amended heading (previously Carer Expenses) Amended clause 18.1 dot pint 2.	To align with requirements of new Act. For clarity purposes.
Section 19	Payment of Allowances	Amended clause 19.7.	To align with requirements of new Act.
Section 26	Supporting Information	Updated relevant sections under Act.	To align with requirements of new Act. For clarity purposes.
Section 27	Related Policies and Legislation	Added related policies and legislation listing	To align with LGV Councillor Expenses Policy Template. For clarity purposes.
Section 28	Reporting	Added reporting requirements that reflect current processes and procedures.	For clarity purposes.
Section 29	Definition of Terms or Abbreviations Used	Updated definitions.	To align with requirements of new Act. For clarity purposes.
Various	Various	Minor cosmetic changes. Amendments to spelling and grammar. Change references to new Act.	For clarity purposes.

Audit and Risk Committee Charter

The Act requires Council to establish an Audit and Risk Committee and adopt a Charter for the Committee. The Committee must include members who are Councillors but must consist of a majority of members who are not Councillors and who collectively have expertise in financial management and risk, and experience in public sector management. Committee membership cannot include Council officers.

The Audit and Risk Committee Charter must specify the functions and responsibilities of the Committee, including monitoring the compliance of Council policies and procedures with relevant requirements, monitoring Council's financial and performance reporting, monitoring and providing advice on risk management and fraud prevention systems and controls, and overseeing internal and external audit functions.

The Audit and Risk Committee Charter was last reviewed and adopted by Council 28 May 2019.

In early June, Local Government Victoria (LGV) provided councils with a template documents. This new charter, as attached, has been re-developed and re-written in accordance with the LGV model template, independently reviewed by legal advisors and customised for Golden Plains Shire's Audit and Risk Committee.

The charter was provided via email to Audit and Risk Committee Members for comment on 26 June 2020, all suggestions were incorporate into the final version.

The Audit and Risk Committee Charter is provided at Attachment 2.

Instrument of Delegation - Council to CEO

Council is authorised to act in only one of two ways:

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

As set out in s11 of the Local Government Act 2020, a Council may by instrument of delegation delegate to the members of a delegated committee or the Chief Executive Officer any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection 2 of the Act. Delegation by Council of powers to the CEO is formalised by a written instrument of delegation. Delegation of powers is considered essential to enable day-to-day decisions to be made.

The Instrument of Delegation to the CEO was last reviewed and adopted by Council in September 2019. As part of the implementation of the new Act, Council must review and execute its Instrument of Delegation to the CEO by 1 September 2020.

A review of the Council to CEO instrument of delegation has been undertaken specifically taking into account legislative changes required under the new Local Government Act 2020.

The Instrument of Delegation - Council to CEO is provided at Attachment 3.

Table 2: Instrument of Delegation - Council to CEO – Summary of Changes

Amended Sections			
Section	Heading	Change	Change Reasoning
Section 1	Conditions and Limitation	New clauses 1.2 and various amended clauses.	To align with requirements of new Act. To align with Maddocks Lawyers Template (June 2020).
Various	Various	Minor cosmetic changes. Amendments to spelling and grammar. Change references to new Act.	For clarity purposes.

NOTE: No increase to the CEO financial limitation is proposed, the financial limitation remains at \$400,000 as per the last instrument adopted by Council on 24 September 2019.

Delegated and Community Asset Committees

Under the Act Council may appoint and delegate some powers to Delegated Committees.

Council may also appoint Community Asset Committees however, delegation of powers to Community Asset Committees comes from the CEO.

Council has no existing committees that fall within the scope of Delegated Committees or Community Asset Committees under the Act and therefore, no action is required.

CONSULTATION

The relevant documents once adopted will be provided to relevant persons and where required, made available on Councils website.

CONFLICT OF INTEREST

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

CONCLUSION

The Council Expenses & Entitlements Policy, Audit and Risk Committee Charter and Delegation Council to CEO are being presented to Council for consideration and adoption in order to meet Stage 2 implementation requirements of the new *Local Government Act 2020*.

7.11 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION - DOCUMENTS FOR PUBLIC EXHIBITION

File Number:

Author: Candice Robinson, Coordinator Governance & Risk

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. Draft Governance Rules (under separate cover)
2. Draft Public Participation in Council Meetings Policy (under separate cover)
3. Draft Election Period Policy (under separate cover)
4. Draft Public Transparency Policy (under separate cover)

RECOMMENDATION

That Council:

1. Endorse the draft Governance Rules (Attachment 1), including the draft Public Participation in Council Meetings Policy (Attachment 2) and draft Election Period Policy (Attachment 3);
2. Endorse the draft Public Transparency Policy (Attachment 4);
3. Places the Governance Rules and abovementioned policies on public exhibition for a period of 2 weeks from Wednesday, 29th July 2020 to Wednesday, 12 August 2020;
4. Following the public exhibition period, holds an Unscheduled (Special) Council Meeting at 6pm on Tuesday, 18 August 2020 to hear (virtually) any submitters that wish to be heard, only if required; and
5. Considers the final documents for adoption at the 25 August 2020 Council Meeting.

EXECUTIVE SUMMARY

In order to achieve compliance with Stage 2 implementation of the phased introduction of the new Local Government Act 2020, the following documents need to now progress to public exhibition in order for adoption by 1 September 2020:

- Governance Rules (including Public Participation in Council Meetings Policy and Election Period Policy); and
- Public Transparency Policy.

The establishment of the Golden Plains Shire Council Governance Rules will bring a repeal of the following document:

- Local Law No.1 of 2019 – Council Meeting Procedures & Common Seal

Following public exhibition, the Governance Rules and abovementioned policies must be adopted by Council by 1 September 2020. To meet this deadline, it is recommended the documents, as attached, be now approved for placing on public exhibition for a period of 2 weeks, from Wednesday, 29th July 2020 to Wednesday, 12 August 2020.

BACKGROUND

The new Local Government Act 2020 (the Act) was passed by the Victorian Parliament in mid-March, receiving royal assent on 24 March 2020. The new Act is being rolled out in four implementation stages, which are to be proclaimed between 6 April 2020 and July 2021.

With the first stage of reforms commencing on 6 April 2020, the second stage came into force on 1 May 2020. Within the second stage there are several items that need to be completed within a grace period of four months from the 1 May 2020, e.g. by 1 September 2020.

POLICY CONTEXT

Local Government Act 2020

DISCUSSION

To implement the requirement of the second implementation stage of the Local Government Act 2020, the following documents need to now progress to public exhibition and must be adopted by 1 September 2020:

- Governance Rules (including Public Participation in Council Meetings Policy and Election Period Policy); and
- Public Transparency Policy.

The Governance Rules and abovementioned policies are required to undergo a community engagement and consultation process prior to adoption.

The table below steps out the proposed timeline to ensure adoption by 1 September 2020:

Item	Public Exhibition Period	Council Meeting to Hear Submitters (only if required)	Council Meeting for Proposed Adoption
Governance Rules, including: - Public Participation in Council Meetings Policy; and - Election Period Policy	Tues, 29 July 2020 – Tues, 12 August 2020 (2 weeks)	Tues, 18 August 2020	Tues, 25 August 2020
Public Transparency Policy	Tues 29 July 2020 to Tues 12 August 2020 (2 weeks)	Tues, 18 August 2020	Tues, 25 August 2020

Governance Rules

The draft Governance Rules are attached to this report. Under the new Act, the Governance Rules must include:

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

The draft Governance Rules include a revised version of the meeting procedures sections drawn from Golden Plains Shire Council Local Law No. 1 of 2019. This ensures that meeting procedures and practices currently in place remain except where adjustment required to comply with the new legislation. The meeting procedures have also undergone minor wording amendments for clarity.

In early June, Local Government Victoria (LGV) provided councils with a template Governance Rules. These rules were reviewed and utilised to assist in making the necessary amendments to draft Governance Rules, however, as Council's meeting governance has developed into a comprehensive and well defined set of procedures over many years, retention of these procedures was maintained in preference to adopting in full the less complete LGV Governance Rules template.

Following officers review, the draft Governance Rules were forward to an external lawyer for further review and suggested changes incorporated into the final draft.

These draft Governance Rules are designed to be clear, instructive and provide transparency to the decision making processes of Council. They are submitted to Council for approval to commence the public exhibition process.

The draft Governance Rules are provided at Attachment 1.

Table 1: Governance Rules – Summary of Changes

Amended Sections			
Section	Heading	Change	Change Reasoning
Title	Governance Rules	Amended title (previously titled Local Law No. 1 of 2019 – Council Meeting Procedures & Common Seal).	To align with requirements of new Act. For clarity purposes.
Section 1	Objectives of these Governance Rules	New clauses 1.3, 1.5 – 1.11, 1.14 – 1.15.	To align with requirements of new Act. To align with LGV Governance Rules Template. For clarity purposes.
Section 6	Commencement and Review Dates	Amended clauses 6.1 – 6.2.	To align with requirements of new Act. For clarity purposes.
Section 7	Definitions	Updated definitions.	To align with requirements of new Act. To align with LGV Governance Rules Template. For clarity purposes.
Section 8	Election of Mayor and Deputy Mayor	Amended clauses 8.2 and 8.13. New clauses 8.10 – 8.12.	For clarity purposes.
Section 12	Types, Dates & Times of Meetings	Amended heading (previously Dates & Times of Meetings) New clauses 12.1 – 12.3.	To align with requirements of new Act. To align with LGV Governance Rules Template. For clarity purposes.
Section 15	Notice of Meetings	Amended clause 15.1 –	To align with new Act.

	& Agenda	no requirement to advertise in newspaper.	For clarity purposes.
Section 23	Conflicts of Interest	Amended clauses 23.1 – 23.3, 23.5 – 23.8.	To align with requirements of new Act. To align with LGV Governance Rules Template.
Section 34	Livestream Broadcast and Digital Recording of Proceedings	Amended clauses 34.1 – 34.4. New clauses 34.5 – 34.6.	To reflect current business practices.
Section 39	Chairpersons Right to Speak	Amended clause 39.1.	For clarity purposes.
Section 43	Procedures with Respect to Amendments	Amended clauses 43.4, 43.9, 43.13, 43.16 – 43.17.	For clarity purposes.
Section 49	Rules for Voting	Amended clauses 49.2 and 49.4.	To align with LGV Governance Rules Template. For clarity purposes.
Section 52	No Discussion Once Declared	Amended clause 52.1.	For clarity purposes.
Part 5	Public Participation in Meetings	Amended clauses 60.1 – 60.2, 61.2, 62.2, 63.2, 64.2.	For clarity purposes.
Part 6	Committees	Amended clauses 66.1 – 68.5.	To align with requirements of new Act. To align with LGV Governance Rules Template.
Part 8	Common Seal	Amended purpose. Deleted previous clause 64.1.	For clarity purposes.
Various	Various	Minor cosmetic changes. Amendments to spelling and grammar. Change references to new Act.	For clarity purposes.
New Sections			
Section	Heading	Change	Change Reasoning
Section 3	Role of Council	New section and clauses 3.1 – 3.4.	To align with requirements of new Act.
Section 4	Overarching Governance Principles and Supporting Principles	New section and clauses 4.1 – 4.3.	To align with requirements of new Act.
Section 5	Council Decision	New section and clauses	To align with requirements of

	Making	5.1 – 5.3.	new Act.
Section 11	Acting Mayor	New section and clauses 11.1 – 11.5	To align with requirements of new Act.
Section 13	Postponement	New section and clauses 13.1 – 13.2.	To align with LGV Template
Section 14	Meetings Open to the Public	New section and clauses 14.1 – 14.3.	To align with requirements of new Act. To align with LGV Governance Rules Template.
Section 18	Inability to Maintain a Quorum Due to Disclosed Conflicts of Interest	New section and clauses 18.1 – 18.5.	To align with requirements of new Act.
Section 21	Joint Council Meetings	New section and clauses 21.1 – 21.7.	To align with requirements of new Act. To align with LGV Governance Rules Template.
Part 7	Election Period Policy	New section and clauses 69.1 – 69.6.	To align with requirements of new Act. To align with LGV Governance Rules Template.
Deleted Sections			
Section	Heading	Change	Change Reasoning
Part 8	Part 8 – Offences & Penalties	Deletion of entire section.	Governance Rules cannot provide for penalties. If Council wishes to enforce the conduct by penalty notices requirements, a new local law – miscellaneous penalties will be required.

Public Participation in Council Meetings Policy

The draft Governance Rules include the Public Participation in Council Meetings Policy as per Local Law No. 1 of 2019 (to be repealed).

The Public Participation in Council Meetings Policy was last reviewed and adopted by Council 23 April 2019. This policy has been amended slightly and new components incorporated to meet requirements imposed by the 2020 Act.

The draft Public Participation in Council Meetings Policy is provided at Attachment 2.

Table 2: Public Participation in Council Meetings Policy – Summary of Changes

Amended Sections			
Section	Heading	Change	Change Reasoning
Section 3	Policy Statement	Amended clause 3.1.	For clarity purposes.
Section 5	Public Question Time	Deleted clause 5.2 (Special Council)	For clarity purposes.

		Meeting). New clause 5.21.	
Section 6	Public Presentations and Submissions	Amended clause 6.1 – 6.3. New clause 6.19.	For clarity purposes.
Various	Various	Minor cosmetic changes. Amendments to spelling and grammar. Change references to new Act.	For clarity purposes.

Election Period Policy

The draft Governance Rules include the Election Period Policy as now required under section 60 of the new Act.

The Election Period Policy was last reviewed and adopted by Council 27 August 2019. This policy has been amended slightly and new components incorporated to meet requirements imposed by the 2020 Act.

The draft Election Period Policy is provided at Attachment 3.

Table 3: Election Period Policy – Summary of Changes

Amended Sections			
Section	Heading	Change	Change Reasoning
Title	Election Period Policy	Amended title (previously Election Period (Caretaker) Policy).	To align with definition under new Act. For clarity purposes.
Section 1	Purpose	Amended clause 1.1.	For clarity purposes.
Section 2	Scope	Amended clause 2.2.	For clarity purposes.
Clause 4.1	Election Period	Amended clause 4.1.	To align with requirements of new Act. For clarity purposes.
Clause 4.2	Roles of Chief Executive Officer	Amended clause 4.2.	For clarity purposes.
Clause 4.3	Council Decision Making	Amended clause 4.3.	To align with requirements of new Act.
Clause 4.6	Election Period Statement	Amended clause 4.6.	To align with requirements of new Act. For clarity purposes.
Clause 4.8	Council Publications	Amended clause 4.8.	For clarity purposes.
Clause 4.12	Public Consultation	Amended clause 4.12.	For clarity purposes.
Various	Various	Minor cosmetic changes. Amendments to	For clarity purposes.

		spelling and grammar. Change references to new Act.	
New Sections			
Section	Heading	Change	Change Reasoning
Clause 4.4	What is a Council Decision	New clause 4.4.	To align with requirements of new Act. For clarity purposes.
Clause 4.10	Spokesperson	New clause 4.10.	For clarity purposes.
Clause 4.17	Council Committees	New clause 4.17.	To align with requirements of new Act.
Deleted Sections			
Section	Heading	Change	Change Reasoning
4.3.2	Major Policy Decisions	Deletion of previous clause 4.3.2.	To align with requirements of new Act.
4.3.3	Significant Decisions	Deletion of previous clause 4.3.3	To align with requirements of new Act.
Section 9 & Appendix 1	Appendix	Deletion of previous appendix.	Not required.

Public Transparency Policy

A new Public Transparency Policy must be adopted by Council to comply with the requirements of the Act by 1 September 2020, giving effect to the Public Transparency Principles at section 58.

The Principles state that:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- Council information must be publicly available unless—
 - the information is confidential by virtue of this Act or any other Act; or
 - public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community;
- public awareness of the availability of Council information must be facilitated.

The draft Policy is a new policy that outlines Council's commitment to transparency and lists the types of documents/information available from Council via the website and on request. It provides guidance for the public on how to make requests and how to seek redress if not satisfied with Council's response.

Some Council information may not be publicly available for example where:

- it is confidential by virtue of the Local Government Act 2020 or any other Act; or
- public availability of the information would be contrary to the public interest.

The draft policy supports the overarching Governance Principles at section 9(1)(2) and the supporting Transparency Principles as described above. It has been developed using guidance materials from LGV, including Public Transparency Principles Guidelines and Draft Public Transparency Policy Template.

The new draft Public Transparency Policy is provided at Attachment 3.

CONSULTATION

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

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

To ensure Council meets the 1 September 2020 deadline for final adoption of the documents, it is recommended that the documents be placed on public exhibition for a period of two weeks, from Wednesday, 29th July 2020 to Wednesday, 12 August 2020.

External legal advice obtained in June 2020 confirmed that in circumstances where the community response is likely to be minimal, as in this case, then a 2 week consultation period is considered reasonable.

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

Written submissions are invited from any person. A person may also request in their submission to be heard in support of their submission and/or to nominate a representative to present their submission, if they wish to do so. Submissions must be received in writing no later than 5pm on Wednesday, 12 August 2020 and can be provided in the following ways:

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

Only if required, a Council Meeting to hear submitters (virtually), will be held at 6pm on Tuesday, 18 August 2020. Due to the COVID-19 pandemic and in line with new guidelines from the Victorian Government, the meeting will not be open to members of the public. Those wishing to present their submissions will do so virtually. The meetings can be viewed online via the livestream on Council's YouTube page.

CONFLICT OF INTEREST

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

CONCLUSION

The draft Governance Rules (including draft Public Participation in Council Meetings Policy and draft Election Period Policy) and the draft Public Transparency Policy are being presented to Council to progress to public exhibition and community engagement in order to meet Stage 2 implementation requirements of the new *Local Government Act 2020*.

7.12 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

File Number:

Author: Candice Robinson, Coordinator Governance & Risk

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (under separate cover)

RECOMMENDATION

That Council in the exercise of the powers conferred by s313 of the *Local Government Act 2020* and the legislation referred to in the attached Instrument of Appointment and Authorisation ('the instrument'), resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Local Law No. 1 of 2019 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 24 March 2020 is revoked.

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) appoints the majority of authorised officers under Council's delegation to the CEO. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument) was last reviewed and adopted by Council in March 2020.

A review of that instrument has now been completed and specifically covered consideration and inclusion of changes required under the new *Local Government Act 2020*.

It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

BACKGROUND

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council.

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

A review of the instrument has been undertaken specifically taking into account legislative changes required under the new *Local Government Act 2020*.

POLICY CONTEXT

Local Government Act 2020

The Planning and Environment Act 1987

DISCUSSION

Council subscribes to the Maddocks Lawyers delegations and authorisations service. This service assists Council in managing its delegations and authorisations. The service includes the provision of templates and regular updates as required taking into account any legislative changes required.

Maddocks Lawyers have issued an amended instrument of appointment and authorisation under the *Planning and Environment Act 1987* reflective of changes required under the new *Local Government Act 2020*.

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The proposed changes to the instrument are detailed below:

- Updated list of authorised officers following recent staff changes;
- Legislative changes required under the new *Local Government Act 2020*; and
- Minor cosmetic changes.

CONSULTATION

Changes to authorisations are communicated internally.

CONFLICT OF INTEREST

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

CONCLUSION

A review of Council's Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* has been undertaken. The review covered consideration and inclusion of legislative changes required under the new *Local Government Act 2020*. The reviewed instrument of authorisation is presented for Council's consideration and adoption.

7.13 COUNCIL PLAN IMPLEMENTATION – QUARTER FOUR 2019/20**File Number:****Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Council Plan Quarterly Progress Report – Quarter 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 ending June 2020.

EXECUTIVE SUMMARY

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

BACKGROUND

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

POLICY CONTEXT

Council Plan 2017-2021

DISCUSSION

Progress has continued to track well across all pillars in the implementation of the Council Plan. Whilst some activities have been postponed or cancelled due to COVID-19, alternative programs have been put in place and many tasks have been achieved by the end of the fourth quarter. Key achievements / highlights in quarter four include:

- Oval Lighting Upgrade completed at Rokewood Oval and Bannockburn Ovals 1 and 2
- Haddon Stadium Floor Upgrade completed
- Weekly fresh delivered meal service MENU@HOME commenced in partnership with local business. Funded through the Government COVID-19 emergency meal grant.
- Volunteers recognised throughout National Volunteer Week (18-24 May 2020)
- Your Story, Our Story Exhibit installation completed
- Messages of Hope Project
- COVID-19 Business Support provided
- Secured 450,000 in funding from RDV for the Three Trails Project Upgrade
- Finalised Teesdale Structure Plan
- Completion and transition to Stage 1 of the GPCC
- First Council Meeting held in new chamber with livestreaming
- Concept plans for Bannockburn Heart Stage 2 developed.

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

Also to note that as part of ongoing continuous improvement reporting on actions will consider, where possible, the use of metrics to measure performance against the actions.

CONSULTATION

A formal consultation process was not required.

CONFLICT OF INTEREST

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

CONCLUSION

As can be seen in the attached report, many of the Council Plan actions have progressed to the point where 100% of the planned activities for the 2019/2020 period have been completed.

7.14 FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020 – INTERIM RESULT

File Number:

Author: Fiona Rae, Manager Finance

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. 2019-20 Dashboard - Interim Financial Results (under separate cover)
2. 2019-20 Interim end of year Capital report (under separate cover)

RECOMMENDATION

That Council note the interim financial results for the year ended 30 June 2020 and that the interim results are preliminary as a number of financial year end processes are yet to be completed.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with interim advice on Golden Plains Shire Council's financial performance for the year ended 30 June 2020. Financial results reported are preliminary due to year-end processing yet to be completed.

BACKGROUND

Sections 131 and 132 of the Local Government Act 1989 requires Council to prepare audited financial statements and an audited performance statement. The audited financial statements and performance statement are included in Council's Annual Report.

Section 132 to 134 of the Local Government Act 1989 prescribes that the annual report is to be submitted to the Minister by 30 September each year. This timeframe has been extended this year to 20 November 2020 due to impacts from COVID-19 causing delays in the audit process.

The financial statements are subject to audit in mid-August each year, with the results for the year reported to the Audit and Risk Committee in September to adopt In Principle Statements. The financial statements and auditor's report will be reported to Council to consider in November.

POLICY CONTENT

Local Government Act 1989

Local Government (Planning and Reporting) Regulations 2014

Audit Act 1994

DISCUSSION

The interim financial results are reporting total revenue of \$44.9 million, total expenditure of \$38.4 million, generating an operating surplus of \$6.4 million. The interim adjusted underlying surplus is currently \$3.0 million.

Capital expenditure is currently \$21.0 million with \$6.5 million identified to be carried forward to 2020-21.

Key interim results:

- Operating surplus of \$6.4 million compared to a forecast surplus of \$7.5 million due to:
 - Some capital grants not yet received (\$500k Inverleigh Sporting Complex Upgrade and \$300k Coopers Bridge Replacement);

- Capital grants received early in 2018-19 (\$813k Fixing Country Roads claim 1, \$500k Bannockburn Vic Park Oval Lighting, \$225k Bannockburn Bowls Upgrade and \$225k Inverleigh Netball Courts)
 - Gifted asset revenue forecasted to be \$1.1 million yet to be processed;
 - Decrease in childcare fees \$316k, decrease in animal registration fees \$77k, however there has been an increase in planning and building user fees \$83k
 - Savings in employee costs due to the timing of when staff depart to when new staff are appointed during the year; and
 - A reduction in contract and materials costs due to COVID-19 impacts on ability to deliver some operational projects/programs, some of the unexpended costs will be rolled forward into 2020/21.
- Underlying surplus of \$3.0 million compared to a budget deficit of \$2.5 million due to additional operating grants received, increased supplementary rates revenue than budgeted, savings in employee costs due to staff vacancies during the year and contract and materials costs compared to budget also gifted asset contributions yet to be processed;
 - Closing cash balance of \$21.6 million compared to a budget of \$6.8 million due to lower capital expenditure than budgeted due to timing changes of project delivery and lower employee, contract and materials expenditure than budget;
 - Total borrowings of \$14.0 million compared to a budget of \$14.8 million;
 - Interim results for capital expenditure of \$21.0 million compared to a budget of \$18.7 million and forecast of \$28.6m. The variance is due to changes in timing of project delivery for the Bakers Lane Stage 4 Development and the staging of the GPCC contract over 3 years.

Key Variances in Capital Expenditure Program

As per Attachment 2, over 90% of capital projects have been delivered in 2019/20 with the remaining projects delayed due to the impacts of COVID (Information technology projects), some projects staged over multiple years or timing of receiving grant funding.

It is currently forecast that \$6.5 million will be carried forward from 2019-20 primarily due to:

- \$3.7 million for Golden Plains Civic Centre due to project timing and the contract being staged over 3 years;
- \$1.5 million for Bakers Lane Stage 4 as project in preliminary phase in 2019-20; and
- \$586k for Bannockburn Bowls Upgrade as project didn't fully commence in 2019-20.

The Finance team are yet to complete the financial year-end processing with work progressing well and within target timeframes.

Key year-end processes not finalised include:

Year-End Process	Financial Statement	Impact
Creditor processing will be completed mid-July	Income Statement , Statement of Cashflows, & Statement of Capital Works	Increase operating and capital expenses
Asset revaluation of Council land, building & infrastructure assets	Balance Sheet	Increase asset values and asset revaluation reserve within equity
Employee entitlement liability calculation	Income Statement and Balance Sheet	Increase employee benefits expenses and increase in employee entitlement liabilities
Project Closures	Income Statement and Balance Sheet	Increase in depreciation expense and movements within asset classes

Non-monetary asset contributions	Income Statement and Balance Sheet	Increase in revenue and increase in asset values
Project roll forwards	Balance Sheet	Increase retained earnings committed funds

McLaren Hunt, our VAGO appointed external auditors, will be conducting the audit of the financial statements on 18 and 19 August 2020, with the financial statements to be finalised on completion of the audit.

CONSULTATION

A formal consultation process was not required.

CONFLICT OF INTEREST

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

CONCLUSION

The interim financial results are reporting an operating surplus of \$6.4 million compared to budget operating surplus of \$2.4 million. Capital expenditure is \$21.0 million compared to a budget of \$18.7 million, however \$6.5 million has been identified to carry forward to 2020-21.

The Finance team are yet to complete the financial year-end processing with the financial audit scheduled for 18 and 19 August 2020, and the financial statements to be finalised following the audit. As a large number of financial year-end processes are yet to be completed the interim figures will change with the impact not reflected in financial results until these processes are completed and the financial audit finalised.

7.15 IN PRINCIPLE PERFORMANCE STATEMENT AND IN-PRINCIPLE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

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 132 of the Local Government Act 1989 and consistent with Council election process.
2. Authorise the Mayor (or his deputy) and Cr Rowe (or his delegate) to certify the Performance Statement and the Financial Statements on behalf of Council, in accordance with Section 132 of the Local Government Act 1989.

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 8 September 2020.

Two issues are impacting the Performance Statement and Financial Statements this year:

- Anticipated delay in the audit process due to COVID-19 impacts – the Victorian Auditor General's Office (VAGO) have advised their sign-off will be later than normal; and
- Council election resulting in no Council meeting in October.

Timing for the signed Report and Audit Certificate to be with the Minister has been extended this year due to impacts from COVID-19 causing delays in the audit process, with the timeline extended from 20 September to 20 November 2020.

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 131 of the LGA 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 132;
- Auditor's report on the financial statements under Part 3 of the Audit Act 1994; and
- Any other matter required by the regulations.

Section 132 to 134 of the LGA provides the following:

- The Annual Report must be submitted to the Minister by 20 September each year;

- Council must pass a resolution giving its approval in principle to the performance statement and financial statements;
- 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; and
- Council must hold a publically advertised meeting to discuss the Annual Report as soon as practicable after it has been sent to the Minister.

POLICY CONTENT

Local Government Act 1989

Local Government (Planning and Reporting) Regulations 2014

Audit Act 1994

DISCUSSION

The Victorian Auditor-General's Office (VAGO) have advised that the timing of financial audits has been impacted by COVID-19 with delays being experienced in remote auditing, due to a number of processes taking longer to complete in a remote working environment. VAGO have increased their resources to manage the year-end workload however have advised that they will not be able to meet all desired timeframes.

VAGO have not provided dates for their review and signoff of the financial audit, other than advising that they will be reviewing entities that are not material in September once the material entity audits are complete. VAGO have also extended their reporting to Parliament to 20 November 2020.

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.	21/07/2020
Accounts available for audit	18/08/2020
Completion of audit	31/08/2020
Distribution of completed financial statements to Auditor-General	04/09/2020
First review by Audit and Risk Committee with Auditor-General's agent (McLaren Hunt)	08/09/2020
Committee resolution to adopt the In Principle Statements (under delegation)	08/09/2020
September Council Meeting to note In Principle Statements	21/09/2020
Audit Opinion issued by Auditor-General – delayed due to COVID-19	09/10/2020
Advertise Annual Report and Council meeting to consider the report	14/11/2020
Annual report posted to Minister – delayed due to COVID-19	20/11/2020
Council meeting to note Annual Report financial statements and auditor's report – delayed due to COVID-19 and Council Election	24/11/2020
Annual Report tabled in Parliament – delayed due to COVID-19	30/11/2020

CONSULTATION

A formal consultation process was not required.

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.

7.16 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - FOURTH QUARTER ENDING 30 JUNE 2020

File Number:**Author:** Philippa O'Sullivan, Director Corporate Services**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:**

1. Total 2019-20 Year - Councillor Expenses (under separate cover)
2. 4th Quarter 2019-20 - Councillor Expenses (under separate cover)

RECOMMENDATION

That Council note the contents of the Councillor Expenses and attendance report for the fourth and final quarter of 2019/20 being the quarter ended 30 June 2020.

EXECUTIVE SUMMARY

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

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

BACKGROUND

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

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

POLICY CONTEXT

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

Council Policy 4.14 – Councillor Reimbursement.

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

DISCUSSION**Councillor Expense Allowances**

Summarised in the attached document are the figures for allowances and expenses for the Mayor and Councillors for the total year from 1 July 2019 to 30 June 2020.

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

Category	Annual Budget \$	Actual \$	Percentage spent
Conferences & Training Expenses	17,100	3,870	22.63%
Travel Expenses	5,325	1,229	23.08%
Car Expenses	8,000	4,058	50.72%
IT & Communications	3,750	2,830	75.47%
Childcare Expenses	-	-	
Total Councillor Allowances	34,175	11,988	35.08%

Councillor attendance at ordinary and special meetings of council

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

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

- 3 Ordinary Council meetings being April, May and June 2020.
- 1 Special meeting was held on 9 June 2020.

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

CONSULTATION

A formal consultation process is not required.

CONFLICT OF INTEREST

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

CONCLUSION

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

7.17 MICROSOFT ENTERPRISE AGREEMENT RENEWAL 2020 - 2022**File Number:**

Author: Carolynne Roberts, Coordinator Information Communication & Technology

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments: 1. Enterprise Agreement Program Guide (under separate cover)

RECOMMENDATION

That Council:

1. Resolves to award the Microsoft Enterprise Agreement 2020-2022 using Data3 as the implementation partner as negotiated by MAV Procurement.
2. Resolves to award this agreement for Three (3) Years against an annual budget of \$153,619 with the estimated 3 year total agreement cost of \$460,857.

EXECUTIVE SUMMARY

As part of our Digital Transformation Strategy we commit to having our technology solutions being business driven and benefits focused. The introduction of Office365 to Council will provide increased mobility, security, efficiency and engagement for the organisation. Office365 is a consistent platform within the Local Government sector providing a cloud based services that are flexible to meet our needs.

BACKGROUND

MAV Procurement have recently negotiated Microsoft pricing for the Local Government sector (NPN 2.17-3).

A tender process was not required to be undertaken for this procurement as the selection is part of the Municipal Association of Victoria (MAV) procurement panel that is exempt to the tender in accord with Section 9.1 of Golden Plains Shire Council (GSPC) Procurement Policy as per *Section 9.1 – Council may procure goods, services or works without undertaking public tender process through:*

a) Municipal Association of Victoria Procurement (MAV Procurement)

Historically the Microsoft Enterprise agreement procurement has been approved by the CEO within his delegated limits. For the new Microsoft 2020-2022 agreement the cost of the agreement has increased due to the introduction of Office 365 licencing.

POLICY CONTEXT

This agreement needs Council approval as the 3-year amount is over the CEO's delegated approval limit (22.1 Procurement Policy).

DISCUSSION

Implementing Office365 gives us the platform to drive change. It is contemporary, secure, fosters collaboration and enables data sharing.

Licencing considerations have been made to ensure it is the best model for Council moving forward and enables us to leverage further products.

CONFLICT OF INTEREST

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

CONCLUSION

The Microsoft Enterprise Agreement is how Council licence software and cloud services. As a subscription based model, it allows us to subscribe to the rights to use Microsoft products and services. On an annual basis, it allows us to review our subscription and increase or decrease based on our needs.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

Nil