



AGENDA

Ordinary Council Meeting

6.00pm Tuesday 24 March 2020

**VENUE:
Bannockburn Cultural Centre
Main Hall
27 High Street, Bannockburn**

NEXT ORDINARY COUNCIL MEETING
6.00pm Tuesday 28 April 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 Ordinary Council Meeting held on Tuesday 25 February 2020 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION**7.1 DELEGATES REPORT - 26 FEBRUARY 2020 TO 23 MARCH 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 – 26 February 2020 to 23 March 2020.

Cr Owen Sharkey

26 February Maude Trucks and Road Safety meeting
 28 February G21 Board Meeting
 1 March Inverleigh Dachshund Derby Day
 3 March Meeting with Mayor Cr Tanya Kehoe and Jim Nolan
 3 March Meeting with Mayor Cr Emerson
 3 March Meeting with Mayor Cr Armstrong
 3 March Barwon Water Community Workshop
 6 March Tall Tree Road media opportunity with Michaela Settle MP
 7 March Bannockburn Growth Plan Engagement session
 10 March Gender Equity Forum
 10 March G21 Board – meeting with Michael O'Brien MP – Leader of the Opposition
 11 March Golden Plains International Women's Day lunch
 14 March Arts Trail launch
 16 March Golden Plains Windfarm meeting
 17 March Official opening of Wall Bridge
 20 March Bethany Group 2020 strategy breakfast
 20 March Bannockburn Growth Plan Engagement session

Cr David Evans

26 February Maude Trucks and Road Safety meeting
 6 March Rural and Peri Urban Advisory Committee meeting

Cr Helena Kirby

14 March Arts Trail launch

Cr Nathan Hansford

26 February GRLC Board Meeting
 26 February Maude Trucks and Road Safety meeting
 27 February MAV WorkCare Board meeting
 28 February MAV Human Services Committee meeting
 2 March G21 Sports & Recreation Pillar meeting
 6 March MAV Board meeting
 19 March MAV Transport & Infrastructure Committee meeting

Cr Joanne Gilbert

11 March Golden Plains International Women's Day lunch

7.2 P19-240 - 69 YVERDON DRIVE, BANNOCKBURN (TWO LOT SUBDIVISION)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

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

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for a two-lot subdivision at 69 Yverdon Drive, Bannockburn subject to the conditions attached.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a two lot subdivision at 69 Yverdon Drive, Bannockburn. The application has been referred to the Council Meeting for determination because there is an objection to the application.

BACKGROUND

The subject land is situated at 69 Yverdon Drive, Bannockburn and is formally known as Lot 62 on Plan of Subdivision 448124H. The site is located in a low density residential area of Bannockburn. The site contains an existing dwelling and shed and has a total area of 8000m².

The application proposes the development of the land for a two-lot subdivision. A copy of the application and plans is attached. The proposed subdivision will create rectangular lots of equal size and proportions. Proposed Lot 1 is a vacant lot and proposed Lot 2 will contain the existing dwelling and shed. Both lots have an area of 4000m² and a 40m wide frontage to Yverdon Drive.

POLICY CONTEXT

The site and surrounding land is in a Low Density Residential Zone (LDRZ). A permit is required to subdivide land under the provisions of the LDRZ. The minimum lot size in the LDRZ is 0.4 hectares. The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings.

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

DISCUSSION**Planning scheme**

The application 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). The proposed subdivision maintains character through design that provides for wide street frontages and avoids battle-axe access and creates lots of sufficient size for landscaping and setbacks in accordance with the DDO5. A land capability assessment submitted with the application demonstrates that the proposed lots are capable of accommodating on-site effluent disposal.

Objector's concerns

The objector is opposed to further subdivision in the Glen Avon Estate and is concerned that there is not adequate infrastructure to support additional lots. The planning scheme supports subdivision

down to 0.4 hectares in Low Density Residential areas where lots are capable of accommodating on-site effluent disposal and maintain the character of the area. The existing road network is of an appropriate standard to accommodate additional traffic from the proposed subdivision and permit conditions will require drainage works to ensure that stormwater runoff does not impact downstream properties.

CONSULTATION

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act 1987*. As a result of the public notice, 1 objection was received. A copy of the objection is attached. The objection is not from an adjoining owner. The objector is opposed to further subdivision in the Glen Avon Estate and is concerned that there is not adequate infrastructure to support additional lots.

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the Local Policy for Low Density Residential Development (Clause 22.09), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision has been designed to maintain the character of the area and the proposed lots are considered to be capable of on-site effluent disposal. The application is not considered to cause material detriment to any person.

PLANNING APPLICATION P19-240 FOR A TWO LOT SUBDIVISION AT 69 YVERDON DRIVE, BANNOCKBURN**RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT**

- 1 The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 2 Before the issue of a statement of compliance under the *Subdivision Act 1988*, a development contribution of \$4500 must be paid to the responsible authority.
- 3 The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.
- 4 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.
- 5 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.
- 6 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.
- 7 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.
- 8 This permit will expire if:
 - a) the plan of subdivision is not certified within two years of the date of this permit; or
 - b) the registration of the subdivision is not completed within five years of the date of certification.The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Note: Before 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

include the construction of a perimeter drain along the eastern boundary of Lot 1 and Lot 2 discharging to the existing open drain located in the reserve at the rear of the site and the deepening and regrading of the existing open drain located in the reserve at the rear of the site all 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.

- 18 Before the issue of a statement of compliance under the *Subdivision Act 1988*, services to the existing 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 all downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the responsible authority.

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

Note: Works 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.

7.3 P18-142 - 34 BROOKE STREET, SMYTHESDALE (THREE (3) LOT SUBDIVISION)**File Number:****Author:** Sandra Tomic, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

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

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development of a three (3) lot subdivision at 34 Brooke Street, Smythesdale subject to the conditions as attached.

EXECUTIVE SUMMARY

This report relates to a planning permit application for the development of land for the purposes of a three (3) lot subdivision at 34 Brooke Street, Smythesdale. This report provides a background to the application and a summary of the relevant planning considerations.

The objectors are concerned that the proposed subdivision will have a detrimental impact on their properties. Concerns were raised regarding future uses and the impact this will have on traffic and car parking in the area.

The site is located within the Commercial Zone, the purposes of the zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. It is located within Smythesdale, whereby the township has been identified as the northern growth centre for the Golden Plains Shire and is in a prime strategic location to service the wider catchment of rural and residential communities. The population of Smythesdale is expected to increase up to 2500 persons by 2031.

The proposal will retain the existing building on the larger lot with access and a frontage to Brooke Street, with two additional lots which will have a frontage to Lynch Street. The layout allows for different lots sizes within the commercial zone. It is considered that the layout will have a positive impact on the area by accommodating use which will enhance the commercial area.

BACKGROUND

The subject land is situated at 34 Brooke Street. The site is located within the Commercial Zone (CZ) and is subject to Design and Development Overlay Schedule 1 and Heritage Overlay schedule

The application proposes the development of the land for a three (3) lot subdivision.

The subdivision proposes the following features:-

Lot 1 – 15645sqm – retain the existing Building, and create a new vehicle access from Brooke Street (Road Zone Category 1).

Lot 2 – 360sqm – vacant with vehicle access from Lynch Street.

Lot 3 – 404sqm - vacant with vehicle access from Lynch Street.

A copy of the application and plans is available at Attachment 4.

POLICY CONTEXT

The site and surrounding land is located within a Commercial Zone Schedule 1 (C1Z), there is no minimal lot size. The subject land is affected by the Design and Development Overlay Schedule 1 (DDO1) and the Heritage Overlay – Schedule 104; both overlays relate to built form.

The local Policy, Local areas – Townships (Clause 21.07) is applicable and has an objective to develop Smythesdale as the service hub for the northern area of shire.

DISCUSSION

The proposed subdivision satisfies the relevant provisions of the planning scheme including State and Local planning policies, the Commercial Zone, and Clause 65 of the Victoria Planning Provisions. The application satisfies the local policy for Local areas – Townships (Clause 21.07) which states an objective for Smythesdale is to develop Smythesdale as the service hub for the northern area of shire. The proposal will allow for additional lots within the commercial zone, thus creating new commercial opportunities.

The proposed subdivision design contributes to the character of the area by creating lots of sufficient size with all lots provided with a street frontage. The creation of smaller lots provides an opportunity for new and different uses to occur. Given the Heritage Overlay, any future buildings and works will trigger a planning permit.

CONSULTATION

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

As a result of the public notice, 2 objections were received. Refer to Attachment 2.

The objectors and applicant were invited to a consultation meeting with Council officers on 2 May 2019 however there was no resolution or agreement reached at the meeting. The objections remain.

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including State and Local planning policies, the provisions of the Commercial Zone, and the decision guidelines of the Planning Scheme (Clause 65). A planning permit will be triggered for any future building and works, given the Overlay controls.

Proposed Conditions: P18-142 (34 Brooke Street, Smythesdale)

1. Before the development starts, revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When Approved the plans will be endorsed and will then form part of the permit.

The plans must be substantially in accordance with the advertised plans but modified to show to the satisfaction of the Responsible Authority:

- a) Location of all three crossovers

Endorsed Plans

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

Telecommunications

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

General

5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of the Act.
6. 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 for subdivision submitted for certification in favour of the relevant authority for which the easement or sites is to be created.

Statement of Compliance

7. Prior to the issue of Statement of Compliance, the owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electrical and telecommunication services to each allotment in the subdivision in accordance with the authority's requirements and relevant legislation at the time.

Development Contribution

8. Prior to the issue of Statement of Compliance, a Development Contribution of \$3000 (\$1500 for each new lot) must be paid to the responsible authority.

Engineering General

9. Before the commencement of works detailed construction plans, drainage computations and specification to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction drawings are to show piped legal points of discharge for Lots 2 and 3. Construction drawings must show legal point of discharge connected to the drainage in Brooke Street.

Construction plans shall be to Golden Plains Shire standards and specifications as detailed in current infrastructure Design Manual (IDM).

Engineering - Prior to Certification

10. Prior to certification, the applicant/owner, must submit plans to the Responsible Authority for approval, detailing the:
- a) Location of the existing and proposed vehicle crossover locations. These plans are required to show setbacks and distance from the nearest property boundary
 - b) Submit plans detailing the works required by condition 9;

Engineering - Prior to Statement of Compliance

11. Prior to statement of compliance the subdivider must:-
- a) Provide each allotment with drainage point in accordance with the requirements of the Golden Plains Shire Council Infrastructure Design Manual (IDM) and the satisfaction of the responsible authority.
 - b) Demonstrate that the development meets the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended or alternatively pay pay the Responsible authority an agreed amount.
 - c) Demonstrate that flows downstream of the subdivision site are restricted to predevelopment level or that there are no detrimental downstream impacts.
 - d) Provide vehicle crossings to each lot or existing vehicle crossing to be upgrade by provision of a reinforced concrete entry and layback conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawings SD 235 and to the satisfaction of responsible authority.
 - e) All damaged nature strips and footpaths are to be reinstate to the satisfaction of the responsible authority.
 - f) Services to the existing retained building 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 to 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.

- ii) Electricity, telephone, gas, water and sewerage.

Central Highlands Water

- 12. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1) (a) of the Subdivision Act.
- 13. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contribution by the applicant
- 14. A reticulated water supply must be provided to each lot by the owners of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- 15. The owner will provided easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities with the proposal.
- 16. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision

Powercor

- 17. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of the Act.
- 18. The applicant shall:-
 - a) Provide electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
 - b) Where buildings or other installation exists on the land to subdivided and area connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria Electrical safety System.
 - c) The applicant shall provide Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required
 - d) Any buildings must comply with the clearance required by the Electricity Safety (Installations) regulations.
 - e) Any construction works must comply with Energy Safe Victorias "no Go Zone" rules.

VicRoads

- 19. Prior to the issuing of Statement of compliance the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.

Expiry of Permit

15. This permit will expire if:

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

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

7.4 P02-102A - 3140 MIDLAND HIGHWAY, LETHBRIDGE (AMEND PERMIT FOR EXPANSION OF PIGGERY)

File Number:

Author: Peter O'Brien, Town Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

- Attachments:**
1. Draft amendments
 2. Objections (under separate cover)
 3. Full officer's report (under separate cover)
 4. Amendment application and plans (under separate cover)
 5. Existing planning permit (P02-102) (under separate cover)

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Amend Planning Permit P02-102 for an artificial insemination laboratory and 200 boar piggery at 3140 Midland Highway, Lethbridge subject to the amendments as attached.

EXECUTIVE SUMMARY

This report relates to an application to amend Planning Permit P02-102 for a piggery expansion at 3140 Midland Highway, Lethbridge. The application has been referred to the Council Meeting for determination because there are objections to the application.

BACKGROUND

The subject land is situated at 3140 Midland Highway, Lethbridge in a farming area to the north of the Lethbridge township. The land has a total area of 78.01ha and contains an existing piggery and artificial insemination laboratory, dwelling and sheds.

Site map



The application proposes to amend Planning Permit P02-102, which allows the use and development of the land for an artificial insemination laboratory and 200 boar piggery. It is proposed to:

- Amend the permit preamble ('what the permit allows') and conditions numbers 12 & 19 to allow an increase in the capacity of the piggery from 200 to 400 boars.
- Amend the plans endorsed under the permit to provide for an extension to the piggery shed.

POLICY CONTEXT

The site is in a Rural Activity Zone – Schedule 2 (RAZ2). Surrounding land is also in a RAZ2, except for land to the west which is in a Farming Zone (FZ). Animal production (pig farm) is a "Section 2 (Permit required) Use" in the RAZ2 and any buildings and works associated with a Section 2 use requires a permit.

DISCUSSION

Planning scheme

The application is considered to satisfy the provisions of the State and Local Planning Policy Frameworks, Rural Activity Zone – Schedule 2, Clause 53.16 (Pig farm) and Clause 65 of the Victoria Planning Provisions. The proposal is consistent with State and local agriculture policies, which seek to facilitate the expansion of intensive animal industries in suitable locations, and the subject land is located in the Food Production Precinct, which is an area of the Shire identified for intensive animal industries. The application also satisfies the recommended buffer distances set out in the local policy for Intensive Animal Husbandry (Clause 22.03).

Objectors' concerns

The main concern of objectors was odour and environmental impacts resulting from the proposal to amend permit conditions to allow the construction of a waste treatment lagoon and the application of treated waste to the land. In response to concerns raised by the objectors the applicant has decided not to proceed with the proposed lagoon and application of waste to the land and will continue with the current waste management arrangements. The proposal is for a relatively small (400 pigs) and controlled (indoor piggery with waste stored and regularly removed) operation and the expansion of the piggery under the same set of strict conditions as the existing operation will address the concerns raised by objectors and ensure there is no adverse effect on the amenity of the area or the environment.

CONSULTATION

Notice of the application was given in accordance with Section 52(1)(a) & (d) of the *Planning and Environment Act 1987* to all adjoining and neighbouring owners and occupiers within 1km of the site. As a result of the public notice, Council received 52 objections and 1 submission in support. Two objections were later withdrawn. A copy of the objections is attached.

The main concern of objectors was odour and environmental impacts resulting from the proposal to amend permit conditions to allow the construction of a waste treatment lagoon and the application of treated waste to the land. The majority of objectors stated that they had no objection to the proposed piggery expansion provided that the applicant maintained the current waste management arrangements for storage and removal off site. As previously stated, in response to the objectors' concerns the applicant decided not to proceed with the proposed lagoon and application of waste to the land and to continue with the current waste management arrangements.

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies State and Local planning policies, the Rural Activity Zone – Schedule 2, Clause 53.16 (Pig Farm) and the decision guidelines of the Planning Scheme (Clause 65). The application complies with the requirements of the Local Policy for Intensive Animal Husbandry (Clause 22.03) and there is suitable separation between the development and sensitive land uses. The application will facilitate the expansion of an important and productive agricultural industry in a manner that is consistent with orderly and proper planning and the protection of the environment. It is considered that the grant of a permit will not cause material detriment to any person.

**PLANNING APPLICATION P02-102A TO AMEND PERMIT FOR A PIGGERY EXPANSION
AT 3140 MIDLAND HIGHWAY, LETHBRIDGE**

RECOMMENDED AMENDMENTS FOR A NOTICE OF DECISION TO AMEND A PERMIT

- Amend the permit preamble ('what the permit allows') to allow an increase in the capacity of the piggery from 200 to 400 boars.
- Amend permit conditions numbers 12 & 19 by increasing the capacity of the piggery from 200 to 400 boars.
- Amend the plans endorsed under the permit to provide for an extension to the piggery shed.

7.5 BANNOCKBURN SHIRE HALL - EOI FOR LEASE OF BUILDING

File Number:

Author: Emily Chapman, Governance and Corporate Services Administration Officer

Authoriser: Philippa O'Sullivan, Director Corporate Services

Attachments:

1. Bannockburn Shire Hall Proposed Lease Area (under separate cover)
2. Bannockburn Shire Hall Heritage Assessment (under separate cover)
3. Rezoning Approval Letter

RECOMMENDATION

That Council:

1. Authorises the Chief Executive Officer to call for Expressions of Interest for the lease of Bannockburn Shire Hall at 12 High Street, Bannockburn for a provision of commercial or retail service.
2. Notes that the Chief Executive Officer will report to Council an outcome of the Expressions of Interest for the purposes of determining whether to proceed with a proposed lease of 12 High Street, Bannockburn for a provision of commercial or retail service and then give public notice and invite public submissions on a proposed lease in line with sections 190 and 223 of the Local Government Act 1989 (Vic).

EXECUTIVE SUMMARY

With the pending completion of Stage 1 of the Golden Plains Community and Civic Centre (GPCCC), encompassing the new Council Chambers, the Bannockburn Shire Hall will no longer be required for use by Council as the Council Chambers, leaving the Shire Hall vacant and available for lease.

It is recommended Council seek Expressions of Interest from suitably qualified and experienced commercial operators who will value the Shire Hall's historical use as a community space and look to engage with both residents and visitors whilst respecting the heritage values of the building.

The leased area will include the building, a portion of the grounds and front entry area only (see map in Attachment 1). The War Memorial at the front of the building will remain under Council management for the purpose of honouring locals of the district who served and died in conflicts and for holding Anzac and Remembrance Day ceremonies. The public noticeboard at the rear of the building will also remain under Council management.

It is expected that by sourcing a commercial tenant for the building local community benefits may include job creation, increased visitation to the town centre and local economic growth.

BACKGROUND

At its July 2019 Ordinary Meeting, Councillors agreed to begin the rezoning process of the land at 12 High Street, Bannockburn from Public Use Zone 6 Local Government (Local Government) to Commercial 1 Zone. This amendment (Amendment C88gpla) will ensure the Shire Hall can continue to be maintained and enjoyed by the community once its use as a Council Chambers ceases with the opening of the Golden Plains Community and Civic Centre scheduled for May 2020.

Ministerial approval of Amendment C88gpla has been received by the Minister for Planning on Thursday, 19th March 2020. See Attachment 3.

It is recommended that Council seek Expressions of Interest (EOI) from commercial operators to lease the facility. Those operators committed to the growth and progression of Bannockburn and

who will continue to keep the facility open and available to the community, whilst remaining sensitive to the architectural, historical and social importance of the building are encouraged to submit an EOI. Any such operation should complement businesses and opportunities already within the town centre of Bannockburn.

POLICY CONTEXT

Legislation

The Local Government Act 1989

Property Law Act 1958

Strategic Documents

Property Use Agreements Policy

DISCUSSION

The Bannockburn Shire Hall is located at 12 High Street, Bannockburn on Council freehold land.

The facility has historically been the host venue for Councillor Briefings, Council Meetings, Panel hearings, Australia Day and Citizenship Ceremonies and other local government purposes.

A heritage assessment on the Bannockburn Shire Hall has been prepared by 'Authentic Heritage Services Pty Ltd' in September 2019 and pending the rezoning amendment is able to be commercially leased.

The report indicated that whilst there are currently no external paint controls enforced as part of the Heritage overlay in the Golden Plains Planning Scheme it has been recommended that controls should apply and will be included in the terms of the lease agreement if a suitable tenant is determined from the EOI process.

The report also recognised that the Shire Hall is in fair-good condition but a number of conservation issues require repair and/or monitoring. These identified issues will be included in the EOI documentation and responsibilities determined as part of lease negotiations once a suitable tenant is determined.

The final and complete heritage report is provided in Attachment 2.

Opteon Solutions inspected the site on Thursday, 12th March and have provided a Valuation Report. A verbal update on the current commercial annual rental income will be provided at the Council Meeting on Tuesday, 24th March 2020.

All submissions that are received as a result of the EOI will be assessed by a panel of Council Officers.

CONSULTATION

It is proposed that an Expression of Interest process be undertaken via public notification in local newspapers, on Councils website and social media for a period of four weeks to allow for equitable opportunity for a commercial operator to be considered for lease of the 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*.

CONFLICT OF INTEREST

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

CONCLUSION

Following the completion of Stage 1 of the Golden Plains Community and Civic Centre (GPCCC), the Bannockburn Shire Hall, 12 High Street, Bannockburn, will no longer be required for Council use. It is recommend Council seek Expressions of Interest to find a suitable commercial tenant.



Department of Environment,
Land, Water and Planning

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Mr Eric Braslis
Chief Executive Officer
Golden Plains Shire Council
PO Box 111
BANNOCKBURN VIC 3331

Attention: Ms Laura Hardiman,

Dear Mr Braslis *Eric*

GOLDEN PLAINS PLANNING SCHEME AMENDMENT C88GPLA.

I refer to amendment C88gpla to the Golden Plains Planning Scheme which was submitted for approval under section 31 of the *Planning and Environment Act 1987*. The amendment rezones 12 High Street, Bannockburn from Public Use Zone 6 - Local Government (PUZ6) to Commercial 1 Zone (C1Z) and amend Planning Scheme Map No.29.

Under the powers delegated to me from the Minister for Planning, I have decided to approve this amendment C88gpla without changes.

The amendment will come into effect when notice of its approval is published in the *Victoria Government Gazette*.

If you have any further queries in relation to this matter please contact Kellie Jantzen, Regional Planner, on 0427 785 340 or email kellie.jantzen@delwp.vic.gov.au.

Yours sincerely

S. Menzies

Stuart Menzies
Director
State Planning Services

13/3/20

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



7.6 REVIEW OF INSTRUMENT DELEGATION - COUNCIL TO MEMBERS OF STAFF

File Number:**Author:** Candice Robinson, Corporate Governance & Risk Coordinator**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** 1. Instrument of Delegation - Council to Members of Council Staff (under separate cover)**RECOMMENDATION**

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Delegation:

1. Adopt the Instrument of Delegation from Council to members of Council staff as shown in Attachment 1, subject to the conditions and limitations specified in that Instrument.
2. Authorise the Chief Executive Officer to execute the instrument of delegation outlined above by affixing the Common Seal.
3. Approve the instrument of delegation to come into force immediately upon execution.
4. Approve that, once the new the instrument of delegation are in force, the previous delegations from Council to the members of Council staff are revoked.
5. Note that the duties, functions and powers set out in the instrument must be performed and executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

EXECUTIVE SUMMARY

The Local Government Act 1989 enables Council to delegate functions, duties and powers, other than exemptions under sections 86(4) and 98(1) of the Act, to the CEO, Council staff and special committees established under Section 86.

A review of the instruments of delegation from Council to members of Council staff has been undertaken. The review included:

- incorporation of changes to the instrument issued by Maddocks Lawyers since the last review; and
- an internal review to ensure alignment with overall organisational requirements, structure and position responsibilities.

The changes are summarised in detail within the report.

The updated instrument of delegation is presented for Council's adoption (Attachment 1).

BACKGROUND

Council is authorised by the Local Government Act 1989 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.

The power of a Council to act by resolution is set out in Part 1:

"3(3B)(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council."

Alternatively, a Council may act by formal delegation to others under Section 98 of the Act, including delegation of powers under other legislation:

"98(1) A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—"

- (a) this power of delegation; and*
- (b) the power to declare a rate or charge; and*
- (c) the power to borrow money; and*
- (d) the power to approve any expenditure not contained in a budget approved by the Council; and*
- (e) any power, duty or function of the Council under section 223; and*
- (f) any prescribed power.”*

Delegation by Council of powers to the CEO and members of Council staff is formalised via written instruments of delegation. Delegation of powers is considered essential to enable day-to-day decisions to be made.

There are several reasons why delegations should be reviewed regularly, including:

- identifying decision-makers to ensure accountability and responsibility for decisions;
- ensuring Council set conditions, limitations and guidelines for decision-makers, including reporting requirements;
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

Delegations must be performed and executed in accordance with any guidelines or policies of Council and position roles and responsibilities. Members of Council whom have delegation are provide with the necessary training and supporting materials to assist them in understanding their roles as a delegated officer.

Council last reviewed and adopted Instrument of Delegation to Members of Council Staff at the 23 July 2019 Ordinary Council meeting.

POLICY CONTEXT

Section 98 of the Local Government Act 1989 governs delegations.

The duties, functions and powers set out in the instruments of delegation must be performed and executed, in accordance with any guidelines or policies of Council.

The proposal to streamline the decision making process for planning permit applications is complementary with the State Government's VicSmart planning permit process in that, when implemented more decisions will be made by officers under delegation and average processing times will decrease.

DISCUSSION

Council subscribes to the Maddocks Lawyers Delegations and Authorisations Service. This service not only assists Council in managing its delegations and authorisations, but also assists members of staff to understand the scope of their powers and avoid any risk of acting outside their delegated authority. This service includes provision of instruments of delegation templates based on the best practice model along with regular updates taking into account any legislative changes to the various acts and regulations included in the delegations.

A review of delegations from Council to members of Council staff has recently been undertaken.

Summary of Changes – Instrument of Delegation from Council to members of Council staff:

- Updates to provisions following legislative changes provided by Maddocks Lawyers.
- Updates to position titles in accordance with current organisational structure.
- Review to ensure alignment with overall organisational requirements, structure and position responsibilities.
- Minor cosmetic changes.

CONSULTATION

Under the Local Government (General) Regulations 2015 Council must make available for public inspection a register of delegations kept under sections 87 and 98 of the Act, including the dates on which the last reviews under sections 86(6) and 98(6) took place.

Changes to the current delegations will be communicated internally.

CONFLICT OF INTEREST

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

CONCLUSION

After a thorough review of Council's Instruments of Delegation to Members of Council Staff, it is now appropriate for Council to adopt the amended Instrument of Delegation. By carrying out a review of the instruments of delegation Council will ensure compliance with legislation and provide a clear framework to ensure the members of Council staff are aware of and acting within their designated levels of authority.

7.7 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

File Number:

Author: Candice Robinson, Corporate Governance Coordinator

Authoriser: Philippa O'Sullivan, Director Corporate Services

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

RECOMMENDATION

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

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Local Law No. 1 of 2019 Council Meeting Procedures & Common Seal.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 25 February 2020 is revoked.

EXECUTIVE SUMMARY

Council last adopted its Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (Instrument) at the 25 February 2020 Ordinary Council Meeting. Since that time, a number of changes have been made to position titles and it is necessary for Council to adopt an amended version. Legal advice recently obtained informed that the Instrument only requires the full legal name of the person to be appointed and not their position title. Accordingly, to prevent this issue in the future, all position titles have been removed from the Instrument.

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

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

BACKGROUND

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

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

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

POLICY CONTEXT

The Local Government Act 1989

The Planning and Environment Act 1987

DISCUSSION

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

The specific authorisations provided through this instrument include:

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

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

- Removal of position titles.
-

Since Council last adopting the Instrument at the 25 February 2020 Ordinary Council Meeting, a number of changes have been made to position titles. Legal advice recently obtained informed that the Instrument only requires the full legal name of the person to be appointed and not their position title. Accordingly, to prevent this issue in the future, all position titles have now been removed from the Instrument.

CONSULTATION

Changes to authorisations are communicated internally.

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

CONFLICT OF INTEREST

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

CONCLUSION

Council last reviewed and adopted its Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* at the 25 February 2020 Ordinary Council Meeting. Since that time, a number of changes have been made to position titles and it is necessary for Council to adopt an amended version. To prevent this issue in the future, all position titles have been removed from the Instrument being deemed unrequired information. By authorising the relevant officers Council will ensure the provision of enforcement under the *Planning and Environment Act 1987*.

8 NOTICES OF MOTION

Nil

9 PETITIONS

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

File Number:**Author:** Phil Josipovic, Director Infrastructure and Development**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** Nil

RECOMMENDATION

1. That Council re-affirm its decision made at the Ordinary Council Meeting on 27 August 2019 not to proceed with the Golden Lake Road bridge replacement project over the Woody Yaloak River, Piggoreet.
2. That Council respond to the lead Petitioner advising of the above decision.

EXECUTIVE SUMMARY

Subsequent to making the above decisions at the 27 August 2019 Ordinary Council Meeting, Council resolved to reallocate \$300k from the Golden Lake Road bridge project to the Franklin Bridge Replacement project (\$200,000) and the remaining \$100,000 (carried over) to the 2020/21 Resealing program. It should also be noted that following the decision made on 27 August 2019, Officers have advised the Federal Department of Infrastructure, Transport, Cities and Regional Development of its decision not to proceed with this bridge replacement project and funding has been withdrawn in accordance with Council's resolution.

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

The petition, containing 93 signatures, states:

Petition summary and background

We are petitioning the Golden Plains Shire to stop the closure of a section of Golden Lake Rd, Piggoreet, known as Christies Bridge, by a local private landowner.

Christies Bridge, Golden Lake Rd, Piggoreet is an essential fire access and emergency vehicle road for the Piggoreet and Scarsdale communities, providing a throughway to Basin Road and surrounding roads.

It is also a part of the Rainbow Bird Trail and a tourist road that is valuable to the district and the Shire as a whole.

The closure of any section of Golden Lake Rd, Piggoreet, would be detrimental not only to landholders, but to wildlife, surrounding towns, wildlife and tourism in general.

Action petitioned for

We, the undersigned want the Shire to stop the closure of Christies Bridge on Golden Lake Rd, Piggoreet.

As an essential emergency services road, a local road, a tourist road and an important environmental area in regard to the Rainbow Bird Trail, the closure of this section of Golden Lake Rd is extremely detrimental. To all concerned.

The petition was formally presented to Council at its Ordinary Council Meeting on 25 February. In accordance with Council's *Local Law No. 1 – Council Meeting Procedures & Common Seal* and the associated *Public Participation in Council Meetings Policy*, no motion (other than a motion to receive the petition) was made on this petition until the next (*ie*, March) Ordinary Meeting of Council.

BACKGROUND

On 27 August 2019, after having undertaken a competitive tender process (Contract No. GPSC-RFT-08-2019) for the Bridge Replacement located on Golden Lake Road, Piggoreet, and having evaluated and assessed the tenders received, officers provided a detailed report on options for Council to consider, being to either proceed with the bridge replacement project or abandon it and reallocate the Council contribution of \$300,000 to another project.

The officers recommended that Council decide against the awarding of any contract for replacement of the bridge.

Council resolved:

1. Not to proceed with the Golden Lake Road bridge replacement project over the Woody Yaloak River, Piggoreet, on the grounds that the submitted tenders were significantly in excess of the available budget for the project.
2. To advise the Federal Department of Infrastructure, Transport, Cities and Regional Development of its decision not to proceed with this bridge replacement project.
3. to commence the formal process, pursuant to section 207A and Clause 9 of Schedule 11 of the *Local Government Act 1989*, giving public notice of Council's intention to permanently close Golden Lake Road to through traffic, such closure to take effect immediately Council determines that the bridge over Woody Yaloak River is no longer safe for any motorised vehicles.
4. To receive a further report on how the \$300k Council funding for this project can best be reallocated to other 2019/20 road and / or bridge renewal projects.

Resolutions 2 and 4 above have now been completed.

Subsequent to Council's August 2019 decision, a petition was received containing 93 signatures which essentially asks Council to stop the closure of Christies Bridge on Golden Gate Road, Piggoreet.

POLICY CONTEXT

This report has been prepared in accordance with Council's Local Law No.1 – Council Meeting Procedures & Common Seal as it relates to responding to petitions.

DISCUSSION

The petition alludes to the proposed road closure of a section of Golden Lake Road (known as Christies Bridge) by a local landowner. As previous sections of this report have highlighted, the decision to close the bridge was a Council decision based on the results of the tender process for the bridge replacement, which resulted in tenders exceeding the available budget.

In addition, the petition suggests that the road (and the bridge) is an essential fire access and emergency vehicle road. Council provides a list of bridges and their load limits on an annual basis to emergency services agencies. The bridge has been closed to heavy vehicles for over 10 years and is therefore not safe to be used by heavy emergency vehicles. While there may be some smaller emergency vehicles that would use the road, this will remain the case until a structural engineer deems the bridge unsafe for vehicles. Further, the road and bridge are not identified as a fire access track or egress road in the Municipal Fire Management Plan, which is developed and reviewed with input from the CFA.

In the event a fire emergency in the area was to occur when Golden Lake Road is closed, all residents still have routes into and out of the area via the primary road networks to the north and south.

The bridge is also part of the Rainbow Bird Trail and it is expected the bridge will remain open and available to pedestrians and cyclists. It is likely to remain open to these users well after it is closed to vehicles. Council will continue to maintain the trail and actively lobby the State Government for funds to upgrade and add new pedestrian/cyclist infrastructure (as part of the Three Trails Project).

CONFLICT OF INTEREST

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

CONCLUSION

The road is not a heavily used road and the bridge load limit has been in place for over 10 years, making it inaccessible for heavier vehicles. The road and bridge form part of the Rainbow Bird Trail and use by pedestrians and cyclists will not be impacted in the short to medium term. Even if the bridge is closed to vehicles, it is likely to remain open to pedestrians and cyclists for the foreseeable future.

It is considered the petition does not provide sufficient justification to reverse Council's decision of 27 August 2019.

10 CONFIDENTIAL REPORTS FOR DECISION

Nil