

AGENDA

Council Meeting

6.00pm Tuesday 21 December 2021

VENUE:
Golden Plains Civic Centre
Council Chambers
2 Pope Street, Bannockburn

NEXT COUNCIL MEETING
6.00pm Tuesday 22 February 2022

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

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

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

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

That the minutes of the Council Meeting held on Tuesday 23 November 2021 as circulated, be confirmed.

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

7 BUSINESS REPORTS FOR DECISION

7.1 DELEGATES REPORT - 23 NOVEMBER 2021 TO 20 DECEMBER 2021

File Number:

Author: Sharon Naylor, Executive Assistant - Chief Executive Officer

Authoriser: Eric Braslis, CEO

Attachments: Nil

RECOMMENDATION

That Council receive and note the Delegates Report – 23 November 2021 to 20 December 2021.

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

Cr Gavin Gamble

| | |
|-----------------|--|
| 24 November | G21-Geelong Region Alliance Integrated Transport Strategy Stakeholder Workshop |
| 26 November | MAV Representatives and CEOs Forum |
| 27 November | Northern Streetscapes engagement |
| 29 November | G21 - Sport & Recreation Pillar meeting |
| 3 December | Central Highlands Councils Victoria meeting |
| 3 December | Peri Urban Group of Rural Councils meeting |
| 4 – 8 December | Rating Strategy Consultation Conversation Posts |
| 6 December | MAV Regional meeting |
| 8 December | Bannockburn Chamber of Commerce Networking Event |
| 9 - 10 December | Mayoral Welcome and Induction MAV |
| 15 December | Hesse Rural Health Annual General meeting |
| 16 December | Presentation of Spring in the Shire awards at Twilight Market |

Cr Brett Cunningham

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| 1 December | Tourism Greater Geelong and Bellarine meeting |
| 9 December | G21 Economic Pillar meeting |

Cr Ian Getsom

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| 16 December | Timber Towns Victoria meeting |
|-------------|-------------------------------|

Cr Helena Kirby

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|-------------|--|
| 24 November | Colac Regional Advisory Group meeting |
| 29 November | Rural Councils Victoria meeting |
| 3 December | Central Highland Councils Victoria meeting |
| 3 December | G21 Board Meeting |
| 6 December | Berrybank Community Engagement Committee meeting |
| 16 December | Active Ageing & Inclusion Advisory Group meeting |

Cr Les Rowe

| | |
|-------------|---|
| 8 December | G21 Education and Training Pillar meeting |
| 16 December | Timber Towns Victoria meeting |

Cr Owen Sharkey

| | |
|------------|--|
| 3 December | Peri Urban Group of Rural Councils Board meeting |
| 6 December | MAV Regional meeting |

Cr Clayton Whitfield

7.2 P21227 17 O'CONNOR ROAD, LETHBRIDGE (2 LOT SUBDIVISION)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. Recommended conditions (under separate cover)**RECOMMENDATION**

That Council resolves to issue a Planning Permit for a two (2) lot subdivision at 17 O'Connor Road, Lethbridge 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 two (2) lot subdivision at 17 O'Connor Road, Lethbridge. The report provides a background to the application and a summary of the relevant planning considerations.

The application has been referred to the Council Meeting for determination because an officer of the Statutory Planning team has a financial interest in the subject site. There are no objections to the application. The Councillors have been provided with a full copy of the application for consideration prior to deciding.

The issue of a Planning Permit is recommended, subject to the conditions attached to this report.

BACKGROUND**Site description**

The subject land is formally known as Lot 2 on Title Plan 016434P and is situated at 17 O'Connor Road, Lethbridge. The site is located in a low density residential zone (LDRZ) of the Lethbridge township. The site contains an existing dwelling and outbuildings and has a total area of approximately 5 hectares. The land is flat and mostly cleared except for planted vegetation. The site is bounded by O'Connor Road to the east and Noyes Road to the south both of which are gravel all-weather roads. The Geelong-Ballarat railway line forms the north-east boundary of the land. There are no restrictive covenants applying to the land.

Site Map



Proposal

The application proposes the development of the land for a two (2) lot subdivision. Proposed lot 1 contains the existing dwelling and outbuildings and has an area of 3.487ha. Proposed lot 2 is a vacant lot with an area of 1.612ha. Lot 1 has frontage and access to O'Connor Road and Lot 2 has frontage and access to both O'Connor & Noyes Roads.

Proposed Plan of Subdivision



CONSULTATION

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the *Planning and Environment Act 1987* to 7 adjoining and neighbouring owners and occupiers. There were no objections to the application. As no objections were received it is considered that the issue of a permit will not cause material detriment to any person.

ASSESSMENT

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

- LDRZ (Clause 35.03-4) A permit is required to subdivide land. The minimum lot size is 4000m².

- DDO5 (Clause 43.02-3) A permit is required to subdivide land.

The application was lodged on 30 June 2021. A further information request was made on 26 August 2021 and the information was received on 19 October 2021.

There are no referral authorities specified in the planning scheme for an application of this type. Under Clause 66.01 of the planning scheme an application for a two lot subdivision is exempt from referral to utility authorities.

The application was internally referred to Council's Environmental Health, Development Engineering and Environment & Sustainability departments. These parties had no objection to the issue of a permit subject to conditions being placed on the permit.

PLANNING SCHEME

Municipal Planning Strategy

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 Lethbridge Structure Plan aims to provide for additional residential land to accommodate future population growth in a managed and sustainable manner that respects the town character of Lethbridge. The subject land was identified in the Structure Plan for future residential development and was re-zoned to Low Density Residential Zone.

Planning Policy Framework (PPF)

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 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 or decision guidelines related to subdivision.

General provisions

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

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

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

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

- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

CULTURAL HERITAGE IMPLICATIONS

This proposal does not require the preparation of a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Regulations* 2018. A CHMP is not required because a two lot subdivision is an exempt activity under the Regulations.

DISCUSSION

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including the Municipal Planning Strategy and Planning Policy Framework, the Low Density Residential Zone, Design & Development Overlay Schedule 5, and Clause 65 of the Victoria Planning Provisions.

The application satisfies the Municipal Planning Strategy including the Lethbridge Structure Plan (Clause 02.04) because the proposed subdivision is in keeping with the character of the area and the proposed lot layout ensures that the land can be further subdivided to provide for additional residential land.

The proposal is supported by the Low Density Residential Zone and local policy for Low Density Residential Subdivision (Clause 15.01-6L) because it creates large lots that can contain on site effluent disposal and maintain the open and spacious character of the area. The proposed subdivision design maintains the character of the area by providing open space and opportunities for landscaping, retaining existing vegetation, avoiding battle-axe access and creating lots of sufficient size to provide setbacks in accordance with the DDO5.

A condition of the permit will require a payment in lieu of public open space being the equivalent of 5% of the site value in accordance with Section 18 of the Subdivision Act 1988. It is considered that as a result of the subdivision there will be an increase in population density (as the land can be further subdivided) which will lead to more intensive use of existing open space and the need to improve existing open space.

The issue of a permit is not considered to cause material detriment to any persons because there were no objections to the application, the application satisfies the requirements of the planning scheme and permit conditions will require the provision of appropriate infrastructure.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | Yes |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | Yes |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | Yes |

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

PUBLIC TRANSPARENCY

As an officer of the Statutory Planning team has a financial interest in the subject site, the application is being forwarded to Council for a decision, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONSOption 1 – Issue a Planning Permit

This option is recommended by officers as the proposed development satisfies the provisions of the Golden Plains Planning Scheme.

Option 2 – Refuse to Grant a Planning Permit

This option is not recommended by officers as the matters which are required to be considered have been, and the application satisfies the provisions of the Golden Plains Planning Scheme.

Option 3 – Defer the matter to another Council Meeting for Consideration

This option is not recommended by officers as there is no outstanding information which would alter the officer recommendation on this matter.

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, particularly the Lethbridge Structure Plan (Clause 02.04) and the Low Density Residential Subdivision policy (Clause 15.01-6L), the provisions of the Low Density Residential Zone, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision maintains the character of the area and the proposed lots are capable of on-site effluent disposal. Permit conditions requiring the provision of associated infrastructure will ensure that the issue of a permit does not cause material detriment to any person.

7.3 AMENDMENT C92GPLA TEESDALE STRUCTURE PLAN - PLANNING PANEL OUTCOME

File Number:**Author:** Geoff Alexander, Strategic Planner**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. C92gpla Ordinance Documents (under separate cover)
2. Teesdale Structure Plan 2021 (under separate cover)
3. C92gpla Panel Report (under separate cover)

RECOMMENDATION

That Council:

1. Adopts Amendment C92gpla in accordance with Attachment 1 to this report.
2. Adopts the modified Teesdale Structure Plan in accordance with attachment 2 to this report.
3. Requests the Minister for Planning approve Amendment C92gpla in accordance with Section 31 (1) of the Planning and Environment Act 1987.

EXECUTIVE SUMMARY

This report outlines the recommendations from the Planning Panel relevant to Amendment C92gpla and proposes an approach and justification for adopting the amendment.

BACKGROUND

In April, 2020 Council adopted the Teesdale Structure Plan and authorised officers to prepare and exhibit an amendment to incorporate the Structure Plan within the Golden Plains Planning Scheme.

Amendment C92gpla was prepared based on the Teesdale Structure Plan.

Specifically, the amendment proposes to undertake the following changes to the Golden Plains Planning Scheme:

- Delete the existing Teesdale Structure Plan map at Clause 02.04 (Strategic Framework Plans).
- Modify Clause 02.03-1 (Settlement) to include a new section on Teesdale providing the key strategic settlement directions for the town
- Include a new local policy Clause 11.03-6L (Teesdale) outlining detailed directions for the future growth of the township and a new Teesdale Structure Plan map
- Update Clause 74.02 (Schedule to Further strategic work) to include the assessments that must be undertaken prior to rezoning any land to the Low Density Residential Zone within the Teesdale Future Growth Investigation Area.
- Modify Clause 72.08 (Schedule to the Background Documents) to include the Teesdale Structure Plan 2021 as a background document.

In March, 2021 following exhibition of the Amendment Council considered the submissions to the amendment and resolved to refer the Amendment to an independent Planning Panel for consideration. The vast majority of submission content was from developers.

On 10 and 11 June 2021 a Planning Panel convened to hear oral submissions from eight parties with an interest in C92gpla. All submitters to C92gpla were given the option of being heard at the panel, however only some parties chose to be heard. The panel considered all written submissions including submissions from parties who did not present at the hearing.

The hearing included representation from developers, community members and the CFA. Key matters raised at the panel included:

- Whether the settlement boundary of Teesdale should be expanded to include sites put forward for future development on the edge of town.
- Supply and demand and the recent fast rate of growth in Teesdale.
- Whether the North East Growth Precinct should be developed, and under what circumstances.
- Bushfire and the stage at which additional bushfire requirements should be considered (for instance, as a part of C92gpla or at the rezoning stage for the North East Growth Precinct).

The Planning Panel was hosted by Council through Zoom. It was also live streamed on Council's YouTube page for the purposes of public access.

The Planning Panel delivered their report to Council on 27 July, 2021.

DISCUSSION

The Planning Panel recommended that the amendment be abandoned. The panel's report is included as attachment 3.

The panels criticisms went somewhat beyond the matters of discussion at the planning panel. For ease of navigation, the panels criticisms are discussed below in relation to the key implementation measures of the Teesdale Structure Plan 2020, which are:

- A. Provides guidance on the form of an amendment to support rezoning in the Teesdale North East Growth Precinct.
- B. Replaces the 1997 Teesdale Framework Plan with the Teesdale Framework Plan 2021 noting no change to the settlement boundary.
- C. Provides future actions for Council/other parties to pursue in Teesdale.
- D. Encourages commercial development.
- E. Encourages infill subdivision.

A. Guidance on the form of an amendment in the Teesdale North East Growth Precinct

The majority of the panel's concerns are focussed on the Teesdale North East Growth Precinct. The key concerns revolve around analysis that the panel believed was warranted for the selection of this growth precinct, but was not included. The Teesdale Structure Plan 2020 supports this growth area, noting that it already exists in the Planning Scheme. The main function of the Teesdale Structure Plan 2020 in relation to the growth area is to establish development requirements that are not currently in existence – such as development contributions and a perimeter road (for bushfire mitigation) and to clarify the circumstances under which Council could consider a rezoning proposal. These requirements were not considered controversial at the Panel Hearing.

The growth area in the Teesdale Structure Plan is substantively the same as the growth area identified as "planned growth area" in the G21 regional growth plan (depicted in Figure 1 below), with a small additional area also included that connects the growth area to Native Hut Creek, and which fulfills a potential drainage purpose. The additional area is in the 1997 Structure Plan (but is not in the G21 plan) and is also currently depicted in the Golden Plains Planning Scheme. The Teesdale Framework Plan (including the growth area) is shown in Figure 2 below.

Figure 1 – Extract from Clause 11.01-R (Settlement G21) of the Golden Plains Planning Scheme.

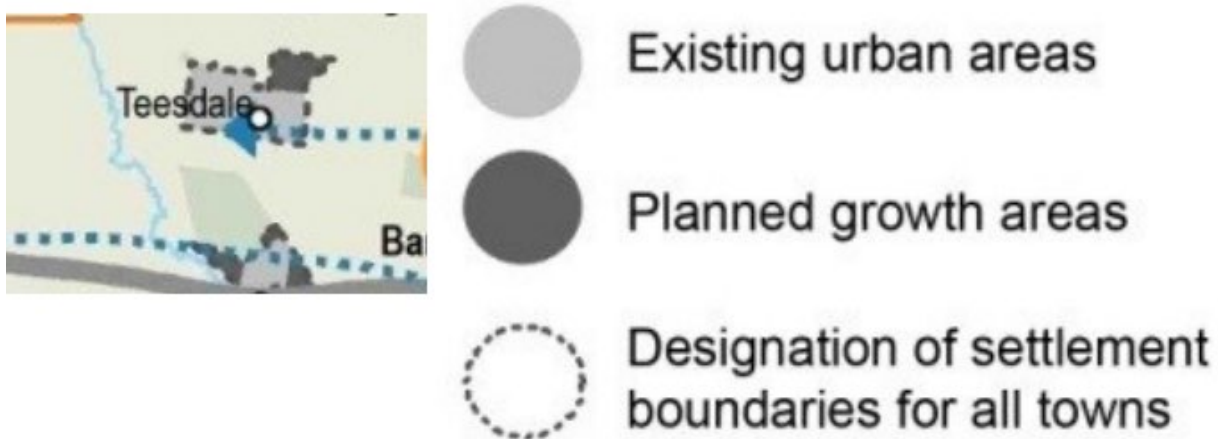
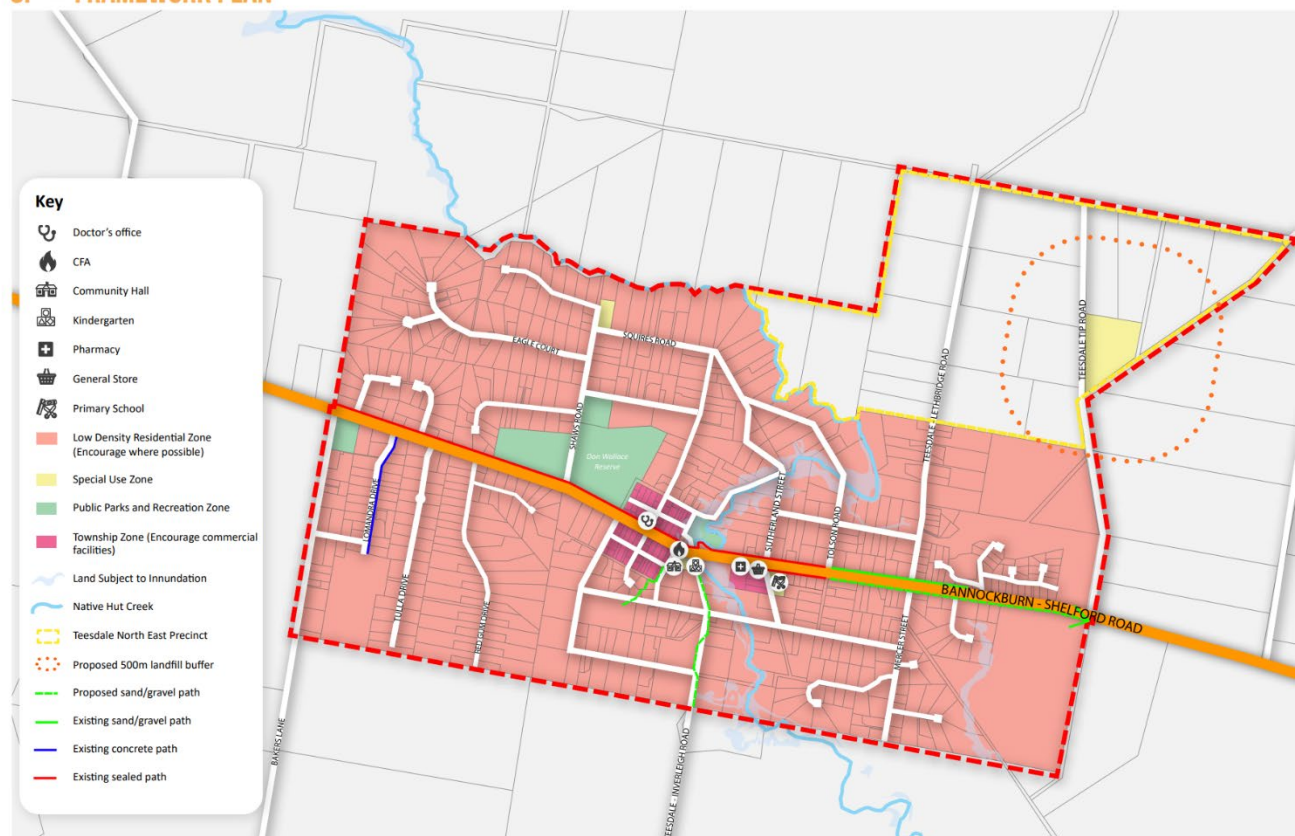


Figure 2 - Teesdale Framework Plan from the Teesdale Structure Plan (2020) as exhibited

8. FRAMEWORK PLAN



Despite already being in the Planning Scheme, the Panel claim on page 22 that “the Panel finds that there is insufficient strategic justification to support the settlement boundary as shown on the Strategic Framework Plan.”

Much of the panel’s report amounts to the identification of analysis for selecting a growth area that the panel has deemed as warranted, including analysis related to:

- Supply and demand for the whole Shire (as opposed to the locally specific assessment in the Planning Scheme).
- Detailed native vegetation assessment.
- Bushfire assessment.
- Flooding assessment.
- Infrastructure analysis
- Sewer servicing
- Community and Social Infrastructure
- Landfill buffer assessment

The above assessments, except for a Shire wide supply-demand assessment have either been completed at a high level that is appropriate for due diligence purposes (in regard to the growth area) or are already recognised in the Structure Plan as required to be completed by the developer prior to rezoning. The panel report suggests more analysis should be done at the current stage, and in the manner and level of detail recommended.

Council officers disagree that it is appropriate to undertake extensive further work to justify the Teesdale Structure Plan. Council officers worked extensively with DELWP planning and environment teams in preparing the Teesdale Structure Plan 2020 and Background Report, including meeting in person and responding to feedback. This was in an effort to ensure the Structure Plan and background report were strategically sound. DELWP also later authorised Amendment C92gpla to proceed. If there was an extensive lack of justification for the Teesdale Structure Plan or Amendment C92gpla, it would have been possible for Council and DELWP to identify that through earlier opportunities.

In essence the difference in approach appears to be the recognition of the G21 regional growth plan existing settlement boundary and designation of the north east of Teesdale as being a “planned growth area”. The panel’s report recommends work that would seem to be appropriate if justifying a growth area without any previous strategic identification.

If the panels interpretation is accepted and if the additional work recommended by the panel is actioned, a relevant question to ask is whether it could lead to a productive end? The “Planned growth area” of Teesdale, and the existing settlement boundary of the town is shown in Clause 11.01-R which is regional policy. Council is unable to modify regional policy within a local amendment such as C92gpla and therefore the potential benefit to Council in return for the substantial investment of undertaking the work is questionable. Whilst the settlement boundary of the town could in theory change, it would need to be through a regional amendment process, requiring a State Government initiated amendment and agreement of the G21 Councils. That is beyond the scope of C92gpla. Until this review, Council officers believe that the G21 Regional Growth Plan was intended to be inflexible in regard to town boundaries as it inserts numerous statements to that effect and includes the boundaries of towns in regional policy – which is difficult to change. This inflexibility was likely intended to provide certainty about where growth would and would not be supported over the long term, and protects towns from ad hoc development proposals, which is considered beneficial and logical.

Council officers have consulted with DELWP seeking a way to move forward with the amendment rather than abandon as recommended by the Panel. DELWP have suggested a way forward which partially recognises the panels concerns and involves changing the designation of “Teesdale North East Growth Precinct” to instead be a “Future Growth Investigation Area”, and to require that the matters listed as dot points on this page are investigated in the manner and level of detail suggested by the panel before the area can be considered for rezoning. This approach is believed to be a sensible and appropriate way forward and will not have an onerous impact on Council resources unlike the panels approach. DELWP have provided this advice without prejudice. It is noted that if Council adopts this approach it does not guarantee the approval of the amendment, which would depend on the Minister for Planning.

Designating the Teesdale North East Growth Precinct as a Future Investigation Area will mean that a developer can undertake much of the work towards the investigation rather than Council being burdened by the cost. Most of it is work that a developer would have been required to do at the rezoning stage regardless, however it would now be brought forward to an earlier stage, and before the area is deemed appropriate for rezoning. Whether the area is ultimately deemed for rezoning or not (in whole or in part) would depend on the outcome of the investigations. Some of the investigations are also being done by Council regardless of the panel's report, for instance Council is undertaking a Shire wide supply-demand assessment as part of the Golden Plains Settlement Strategy. Council has also recently completed a Shire wide community infrastructure assessment.

The panel also suggested extensive policy analysis to justify the growth area, however it is put forward that such analysis would be onerous and in this instance is not necessary given the growth precinct and settlement boundary of Teesdale are already embedded in the planning scheme.

Proposed Changes:

Change 1 - change the designation of "Teesdale North East Growth Precinct" to "Future Growth Investigation Area" in both the Teesdale Structure Plan and Amendment C92gpla.

Change 2 – Detail the requirements for the growth investigation in both the Teesdale Structure Plan and Amendment C92gpla, with the investigation to include analysis of:

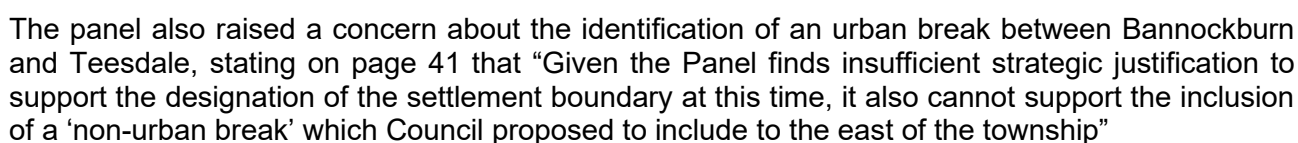
- Supply and demand for the whole Shire (as opposed to the locally specific assessment in the Planning Scheme)
- Detailed native vegetation assessment
- Bushfire assessment
- Flooding assessment
- Infrastructure analysis
- Sewer servicing
- Community and Social Infrastructure
- Landfill buffer assessment

Note: The above changes have been made to the amendment and structure plan, and are included in attachments 1 and 2 of this report.

B. Replaces the 1997 Teesdale Framework Plan with the Teesdale Framework Plan 2021 noting no change to the settlement boundary.

The 1997 Structure Plan is proposed to be replaced with the 2021 version which provides better clarity and has been updated to include modern terminology, for instance by deleting references to a redundant zone. The modified framework plan is depicted below.

8. Framework Plan



The break is not considered to be a significant modification because that area already falls outside of the town settlement boundary and is ineligible for development regardless of such designation. The non-urban break indicates there are some additional values to this area, which primarily include separation from Bannockburn and landscape values. Regardless, officers are happy to support DELWP if they see fit to remove this designation prior to approval of the amendment.

The Panel also noted in page 77 of their report that Council had proposed to change the wording in relation to a 500 metre buffer to the former Teesdale landfill to “landfill investigation area” instead of the previous terminology of “buffer” which was at the request of a submitter through the structure plan exhibition process. This was on the basis that the EPAs policy requires an investigation if land is to be developed within 500 metres of landfills and on the basis of that investigation to require a buffer. The panel have recommended Council seek advice from the EPA if changing the wording. Council officers are satisfied that the wording change can go ahead without issue as the Structure Plan explicitly says that “*The area within 500 metres of the former landfill will require support from the EPA for any rezoning*” which should be sufficient to ensure the EPA are satisfied with any outcome, regardless of the terminology change.

No Change Proposed

C. Provides future actions for Council/other parties to pursue in Teesdale

The panel noted that the future actions section of the Structure Plan included some social and community infrastructure recommendations that were based on officer opinion and the community survey. The panel indicated that “it would be appropriate to undertake a community and social infrastructure needs assessment”.

At the time of preparing the Teesdale Structure Plan 2020 a shire wide Community Services and Infrastructure Plan (CSIP) was being developed, however the timing did not align. Given the Teesdale Structure Plan did not propose to increase the growth areas, or change the development potential of existing growth locations it was considered that the community infrastructure could substantively be planned for separately to the structure plan.

Nonetheless some of the future actions in the Structure Plan are considered community infrastructure related, however major items are left to the CSIP. The main process for identifying future actions for Council/other parties to pursue are described below and considered appropriate. Generally the process comprised:

| Process | Example |
|--|---|
| Analysis and information gathering to understand issues – background report. | Lack of street lighting throughout the vast majority of the town identified as a potential issue. |
| Meetings with relevant Council experts (such as engineers, environment officers) to come up with responses to issues identified. | Meeting with Council engineers to discuss engineering related issues - Engineers propose more street lights. |
| Community survey to all households in Teesdale, including questions related to ideas by Council experts. e.g related to street light preferences, with the community split on whether they were desirable. | Community responses were evenly split on whether more street lights were desirable, with some people sternly opposed. |
| Drafting of Structure Plan future actions section with an appreciation of community preferences and expert opinion. | Actions added to structure plan: Undertake an analysis of the locations where a minimal number of street lights could provide best value from a traffic safety perspective. |

Ideas were also included from agencies and in one case a submitter to the amendment.

No Change Proposed

D. Encourages commercial development.

No particular concern was raised about this matter.

No Change Proposed

E. Encourages infill subdivision

The Structure Plan encourages infill on the basis of a more efficient use of existing land, such as allowing existing residential land closer to town to be subdivided rather than the conversion of agricultural land for residential development (greenfield development). In practice this will mean that a planning permit for subdivision is more likely to be supported (though not in all cases).

Clause 02.03 (Settlement) already loosely encourages infill development in many small towns stating that Settlement Planning in the Shires towns will “Facilitate infill development as shown on each township map at Clause 02.04 [which includes Teesdale]”

CFAs submission to the panel raised concerns that encouraging infill in Teesdale would also encourage infill around the edge of the town, with potentially more development in areas exposed

to bushfire risk. These areas are generally not subject to the Bushfire Management Overlay (not subject to extreme risk) but are still exposed to some risk. Council's bushfire expert describes the town as subject to moderate risk, and developed a potential local policy requirement which would effectively have required dwellings to be set back from bushfire hazard.

"Provide an appropriate setback between a bushfire hazard and/or the rural interface and a building envelope for a dwelling to achieve an acceptable building construction standard not exceeding BAL29 for infill development".

A concern was raised by the panel that the requirement "is not clear, may impose more onerous requirements than State policy and is not supported" which ultimately means the issue is not resolved.

In bushfire affected areas, planning authorities (Council) are obligated by the Planning Scheme to prioritise the protection of human life over all other policy considerations. However on the other hand it is not appropriate for Local Government to impose requirements more onerous than State Policy, which is a limiting factor.

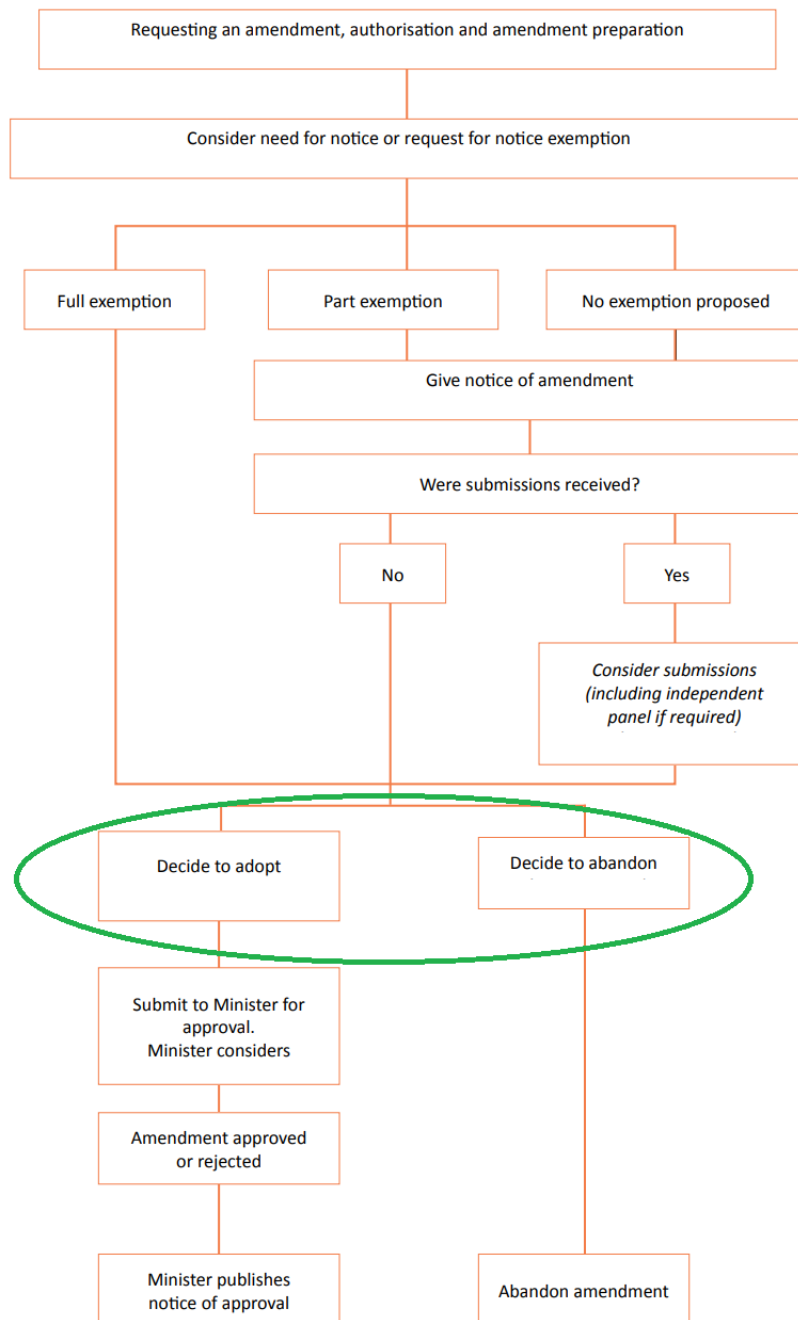
The issue of moderate bushfire risk (below eligibility for the Bushfire Management Overlay), is not something specific to Teesdale. The Bushfire Management Overlay (BMO) effectively requires subdivision and construction to comply with a range of standards to mitigate bushfire risk. Areas not in the BMO (which may still experience some risk, albeit less than extreme) are not subject to these standards.

The State Government has the ability to impose additional requirements on areas of moderate bushfire risk if it deems them warranted, and logically the requirements would apply equally across the State not just to one town. In this context encouraging infill subdivision in Teesdale is considered reasonable and the door is open for the State Government to provide additional bushfire related requirements.

The State Government is responsible for Amendment approvals and could also potentially remove reference to encouraging infill in Teesdale within this amendment if it wishes to take a different stance.

No Change Proposed

The current stage in the amendment process is depicted in figure 4 below. It is now appropriate for Council to make a decision on adopting the amendment and to advise the minister for planning accordingly. The Minister for Planning will then consider whether to approve the amendment or not.

Figure 4 – Outline of the planning scheme amendment process**Figure 2.1: Outline of the planning scheme amendment process**

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The Teesdale Structure Plan and Amendment C92gpla have been developed with the best outcomes for the community in mind.

It is congruent with direction from the G21 regional growth plan, which recognises the growth area now proposed to be formalised within C92gpla.

POLICY/RELEVANT LAW

Amendment C92gpla has been prepared and exhibited in accordance with the requirements of the *Planning and Environment Act 1987*. It has been considered by a Planning Panel in accordance with Section 23 (1b) of the *Planning and Environment Act 1987*.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Teesdale Structure Plan and Amendment C92gpla promote beneficial sustainability implications because infill development is promoted, meaning additional population growth can be accommodated within the existing township as opposed to greenfield areas. This in turn means less farmland being taken up for residential purposes and less future infrastructure to be maintained.

COMMUNITY ENGAGEMENT

Community engagement has been undertaken in accordance with the requirements of the *Planning and Environment Act 1987*, and included activities that exceeded legislative requirements such as a drop in session and website.

The exhibition process included:

- Letters to all land owners and occupiers in Teesdale.
- Newspaper notice in the Geelong Advertiser and the Golden Plains Times.
- Government Gazette Notice.
- Poster at the Teesdale General Store.
- A dedicated Have Your Say Page and updates to the Strategic Planning Page on Councils website.
- After hours online drop in session.
- Officers available to discuss the amendment (any time) and two dedicated after hours phone times.

PUBLIC TRANSPARENCY

Amendment C92gpla and the Teesdale Structure Plan have been prepared in a transparent manner as a result of formal exhibition of the amendment.

Additionally, there was an extensive consultation program in 2019 following development of the Teesdale Structure Plan Background report.

STRATEGIES/PLANS

The Teesdale Structure Plan has been prepared based on the findings of the Background report taking into account community views that were expressed during the background report exhibition process.

FINANCIAL MANAGEMENT

The continued processing of the amendment has mostly been undertaken in-house by Council (with the exception of a bushfire assessment) and therefore generated only limited expenses to date. With the exception of officer time, the amendment is near finalised and no further costs are anticipated except for a standard fee of \$488.50 payable to the Minister for the approval of amendments.

Costs for the amendment progressing to date have included the Panel hearing and expert evidence (bushfire consultant). Planning Panel fees are expected for Planning Scheme Amendments of this size and nature. The costs were accommodated within the Strategic Planning budget.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1– Adopt Amendment C92gpla in the form recommended in this report (which includes changes to the Teesdale Structure Plan) and then apply to the Minister for Planning for approval of the Amendment.

This is the option recommended by Council officers. The Amendment has now been through an exhibition and Planning Panel process, including rigorous examination by the community/interested parties, relevant agencies, the Planning Panel and the DELWP (at the amendment authorisation stage). While the panel recommended abandonment of the amendment, Council officers disagree and have provided reasons.

Option 2 - Abandon the Amendment.

This option is not recommended by Council officers but aligns with the Planning Panels recommendations.

Option 3 - Adopt the amendment in a different form to what is recommended by Council officers.

The merits of this option would depend on the particular nature of the change/reasons for.

CONFLICT OF INTEREST

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

CONCLUSION

Amendment C92gpla is based on the Teesdale Structure Plan and has recently undergone a rigorous exhibition and planning panel process. The Structure Plan itself was developed in consultation with DELWP, other agencies and the community. The main function of the amendment is to establish development requirements for a fragmented existing growth area to the north east of the town, which has involved little controversy through the amendment process.

While the panel have identified major additional investigations it says are needed for the amendment – so major that it has recommended the amendment be abandoned, Council officers believe that this was based on an alternative interpretation of the operation of Regional Policy and believe the Structure Plan is justified. For the reasons offered in this report Council officers disagree with the panels interpretation of how the G21 regional growth plan is intended to operate in the Planning Scheme and the extent of flexibility around this plan.

Planning officers from the DELWP have provided without prejudice advice on a potential way forward which includes some modification of the status of the area to the north east of the town from a growth area to a future investigation area (potential growth area). The approach is considered sensible and is recommended to be adopted, nonetheless if submitted for approval the Minister for Planning would have the final say on whether the amendment is approved and in what form.

7.4 AMENDMENT CXX - REMOVAL OF PLANNING PERMIT TRIGGERS FOR OUTBUILDINGS IN LDRZ AND RLZ

File Number:

Author: Daniel Murrihy, Strategic Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments:

1. Draft Background Report for Amendment to remove shed trigger (under separate cover)
2. Draft Explanatory Report for Amendment to remove shed trigger (under separate cover)
3. Draft Instruction Sheet for Amendment to remove shed trigger (under separate cover)
4. Draft Amendment to Schedule 1 of LDRZ (under separate cover)
5. Draft Amendment to DDO5 (under separate cover)
6. Draft Amendment to Clause 72.03 (under separate cover)
7. Draft Deletion of Schedule to DDO7 (under separate cover)

RECOMMENDATION

That Council authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme to remove the triggers requiring planning permits for outbuildings (sheds) larger than 120 square meters on land in the Rural Living Zone (RLZ) and the Low Density Residential Zone (LDRZ).

EXECUTIVE SUMMARY

The purpose of these changes is to remove the triggers requiring planning permits for outbuildings (sheds) larger than 120 square meters on land in the RLZ and the LDRZ. The amendment is required to remove a low impact matter from the Golden Plains Planning Scheme, which will allow for resources to be directed to more significant applications and improve timeframes.

BACKGROUND

In 2008, Planning Scheme Amendment C39 was incorporated into the Golden Plains Planning Scheme, seeking to correct several ordinance and mapping anomalies, along with seeking to introduce outbuilding controls for properties within the LDRZ and RLZ. The stated purpose of these controls was to maintain the local character and amenity in those zones. The reasoning given for this size requirement was that: *Outbuildings of up to 120 m2 in area are considered to be of a size that is ancillary to a dwelling and can be reasonably expected to be used for domestic purposes.* The explanatory report for this amendment noted: *The introduction of setbacks and outbuilding requirements in the rural residential zones may create the need for some extra permits but the main goal of the proposed changes is to encourage people to build within these specified limits to avoid a planning permit.* It has since been apparent that the permit requirement has not encouraged people to build within the specified limits, but rather has unnecessarily increased the number of planning permit applications.

The Regional Planning Hub is a new program to support rural and regional councils plan and develop their municipalities and shires. The program provides statutory and strategic planning support and resources. Council Officers made a request for assistance to prepare and deliver this amendment which was subsequently supported. The Regional Planning Hub team were immediately able to identify the value in this amendment, and their support is in the way of amendment preparation and support.

An analysis of the permit applications to the Golden Plains Shire found that 35% (146) of all applications in the 2019/20 financial year and 44% (222) in 2020/21 were triggered by these Provisions. However, these applications are uncontroversial, were all approved and the consideration and approval from a planning perspective, does not add any value. The requirement

for these permits places an administrative burden on the Statutory Planning Team. Additionally, the cost impost on residents for the applications has no real benefit to the community. This change would also make the Golden Plains Planning Scheme more in line with neighbouring Councils that do not require a permit for these buildings.

DISCUSSION

The amendment amends and deletes provisions to remove the requirement for a planning permit for outbuildings greater than 120 square metres (sqm) in the LDRZ and RLZ.

Specifically, the amendment:

- Amends Schedule 1 to Clause 32.02 Low Density Residential Zone (LDRZ1) to change the outbuilding permit requirements from '120 square metres' to 'None specified'
- Amends Schedule 5 to Clause 43.02 Design and Development (DDO5) to include an additional decision guideline to read '*Whether the proposed building has been designed to have minimal visual impact by using materials that are non-reflective and with muted tonings*'.
- Deletes Schedule 7 to Clause 43.02 Design and Development Overlay (DDO7) which will remove the permit requirement for outbuildings greater than 120 square metres in Rural Living Zone areas.
- Amend Planning Scheme Maps 3DDO, 4DDO, 5DDO, 6DDO, 7DDO, 10DDO, 13DD and delete 1DDO, 2DDO, 9DDO, 11DDO, 16DDO to reflect the deletion of DDO7.
- Amends the Schedule to Clause 72.03 to remove 1DDO, 2DDO, 9DDO, 11DDO, 16DDO from the list of maps comprising part of the Golden Plains planning scheme.

The amendment is required to remove a low impact matter from the Golden Plains Planning Scheme, which will allow for resources to be directed to more significant applications and improve timeframes.

A review of the planning controls, including why they were introduced and how they are being administered found the visual impacts associated with building setbacks appear to be the key considerations under these provisions, rather than the size of buildings.

Building sizes requiring a permit under LDRZ1 and DDO7 ranging in sizes from 126 square meter to 400 square meters revealed no notable concerns or issues raised throughout the decision-making process, with all applications being approved.

Accordingly, permit triggers based on the size (sqm) of buildings under the LDRZ1 and DDO7 appear to be unnecessary, are placing an administrative and resource burden on the council and resulting in unnecessary red tape for applicants.

The ongoing protection of the municipality's rural amenity and character in areas covered by the Rural Living and Low Density Residential Zones can continue to be provided through the retention of setback requirements under the DDO5 and Schedule to the RLZ.

In making these changes, it is considered that DDO5 requires strengthening to include an additional decision guideline of '*Whether the proposed building has been designed to have minimal visual impact by using materials that are non-reflective and with muted tonings*'. This change will enable the responsible authority to consider materials. Managing materials when setbacks are not met will continue to protect rural and character amenity despite removing triggers relating to scale/size.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

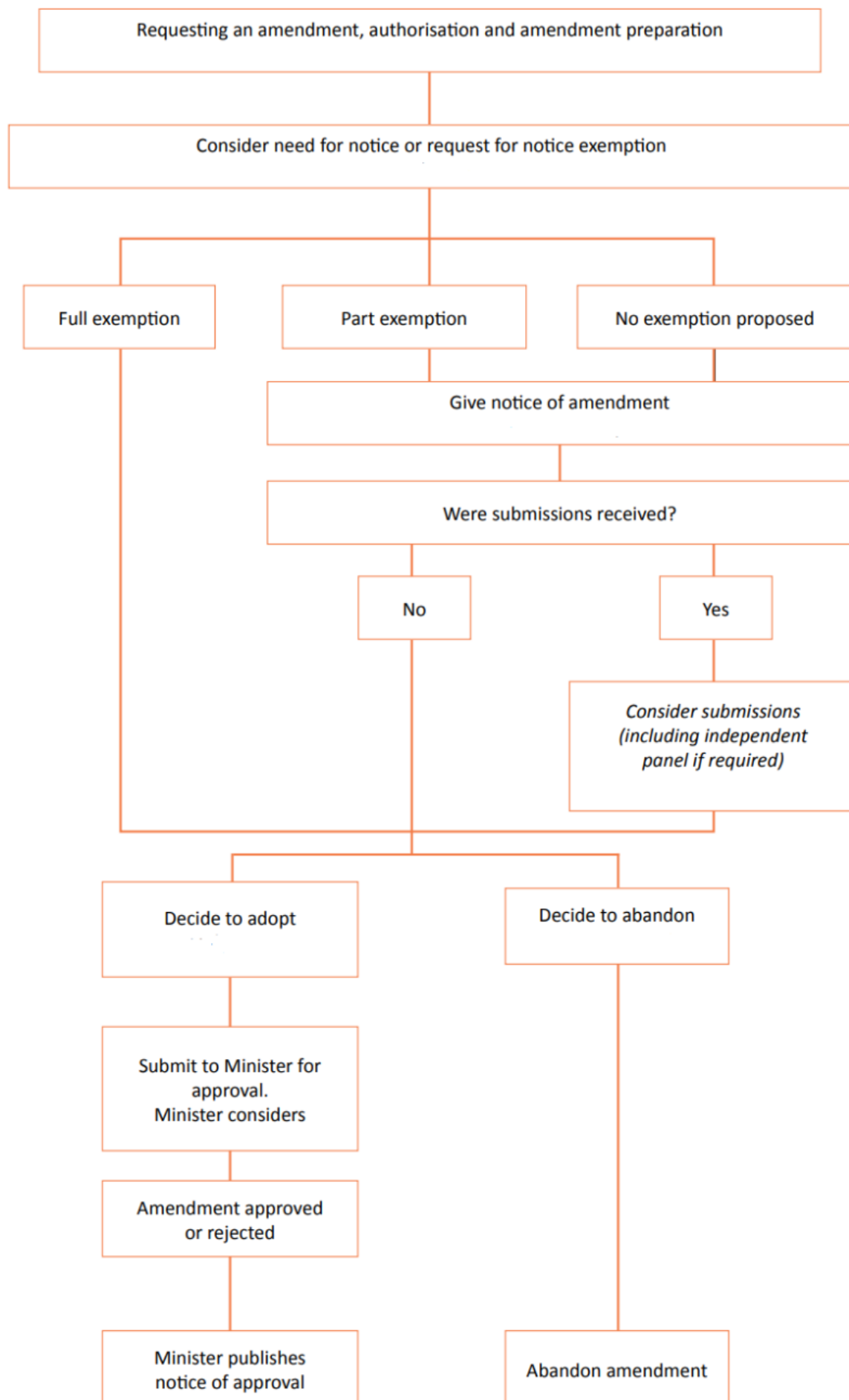
It is considered that the proposed Amendment upholds the governance principles in s.9 of the *Local Government Act 2020*, as it ensures the optimal performance and improved function of the Golden Plains Planning Scheme. The changes proposed through Amendment CXXgpla will

- provide for the fair, orderly, economic and sustainable use, and development of land by streamlining planning processes and reducing regulatory burden and cost to users of the system; and
- balance the present and future interests of all Victorians by reforming Victoria's planning system to make the system more relevant, accessible and transparent for Victorians over time.

The amendment will indirectly implement all objectives by allowing greater focus on applications with greater potential impacts.

POLICY/RELEVANT LAW

Amendment CXXgpla is proposed to proceed in accordance with the provisions of the *Planning and Environment Act 1987*. The steps in the Amendment process are shown below.



ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The amendment is expected to have a number of positive environmental, social and economic effects benefits. In particular it will:

- Reduce the costs to applicants and councils by removing permit triggers for outbuildings greater than 120 square metres.
- Encourage economic development by removing regulatory burden for outbuildings generally associated with dwellings.

Continue to manage the amenity and character of the area by maintaining requirements and permit triggers associated with setbacks

COMMUNITY ENGAGEMENT

The proposed Amendment will be exhibited in alignment with the requirements of Section 19 of the *Planning and Environment Act, 1987*. Those affected by the Amendment will have further opportunity to make submissions through this process.

SERVICE PERFORMANCE

Adoption of this amendment will improve Council's equitable and responsive services in administering the Golden Plains Planning Scheme. Removal of low value permit triggers will make for more efficient and effective use of council planning staff resources by reducing the number of planning permit applications and improve its capacity to consider other applications within prescribed timeframes.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Communication regarding this Amendment will be undertaken during the exhibition period, in alignment with the Planning & Environment Act, 1987.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Authorise the preparation of Amendment CXXgpla to the Golden Plains Planning Scheme

This option is recommended by officers as the removal of the triggers will have positive cost implications for the Council in administering the Golden Plains Planning Scheme. Removal of low value permit triggers will make for more efficient and effective use of council planning staff resources by reducing the number of planning permit applications and improve its capacity to consider other applications within prescribed timeframes.

Option 2 – Abandon the preparation of Amendment CXXgpla.

This option is not recommended by Council officers as there is an increasing burden on Council from the consideration of permit applications

Option 3 - Adopt the amendment in a different form to what is recommended by Council officers.

The merits of this option would depend on the particular nature of the change/reasons. For example rather than the removal of the permit trigger Councillors may suggest increasing the permit trigger size of an outbuilding.

CONFLICT OF INTEREST

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

CONCLUSION

The amendment is required to enable the removal of provisions which require a planning permit for outbuildings greater than 120 square metres (sqm) in the Low Density Residential and Rural Living zones. Analysis of the permit applications over the last two financial years show a significant and growing proportion of applications that are triggered by this control. These permit applications are unnecessary, are placing an administrative and resource burden on the council and resulting in unnecessary red tape for applicants.

7.5 PLANNING SCHEME AMENDMENT C91GPLA - GENERAL AMENDMENT

File Number:

Author: Geoff Alexander, Strategic Planner

Authoriser: Phil Josipovic, Director Infrastructure and Development

Attachments:

1. C91gpla Explanatory Report (under separate cover)
2. C91gpla Zoning and Overlay maps (under separate cover)
3. C91gpla Ordinance Documents (under separate cover)
4. C91gpla Explanation of Changes since December 2020 (under separate cover)
5. Submission from the EPA in relation to C91gpla (under separate cover)

RECOMMENDATION

That Council:

1. Adopts Amendment C91gpla, which corrects a number of zoning and overlay anomalies, removes redundant overlays and schedules, rezones land for public authorities, improves the clarity/legibility of maps in the Planning Scheme, extends an expiry date for certain local policies, modifies zoning and overlay schedules.
2. Requests the Minister for Planning to approve Amendment C91gpla in accordance with section 31 of the *Planning and Environment Act 1987*.
3. Authorise the removal of the site known as PC337580 Cemetery Road, Inverleigh from C91gpla prior to submitting the amendment for approval in accordance with recommendation 2, unless VicTrack can respond to the EPAs submission to C91gpla by January 4, 2022 in a manner deemed satisfactory by the Manager Development and Regulatory Services.

EXECUTIVE SUMMARY

Amendment C91gpla has been through a public exhibition process and no objections (1 submission received from EPA) were received. This report recommends the adoption of the amendment before submitting the amendment to the Minister for Planning for Approval.

BACKGROUND

At its ordinary meeting on 15 December 2020, Council resolved to authorise the preparation and exhibition of an amendment (later titled C91gpla) to correct anomalies, errors and inefficiencies in the planning scheme. The amendment was exhibited between 7 October and 7 November 2021. Exhibition was delayed due to staff changes and numerous drafting modifications to the supporting documentation – especially the explanatory report, which were required by the DELWP.

The amendment is based on the accumulated knowledge of the planning department since approximately 2013 when the last amendment of this nature – primarily focussed on corrections, was undertaken. Some small changes for State Government authorities are also included. Many of the changes are too small to justify a standalone amendment, and so identified issues in the planning scheme were placed into a folder to be actioned together as part of one larger amendment.

The amendment will reduce the resource and administrative costs of Council because it will lead to fewer development plan and planning permit applications.

An explanatory report about the amendment is provided as Attachment 1 to this report, including a list of every change and the reason for it at appendix 1 to that report. All of the rezoning and overlay maps within the amendment are contained within Attachment 2 to this report, whilst all of the ordinance changes are provided in Attachment 3.

Below is an explanation of the two most significant impacts of the amendment.

Development Plan Overlay Removal:

The amendment proposes the removal of redundant Development Plan Overlays (with various schedules) in Bannockburn and Inverleigh.

The proposed areas for removal of the Overlays and their relevant schedule numbers are depicted below:

Figure 1 – Areas for Development Plan Overlay Removal in Bannockburn

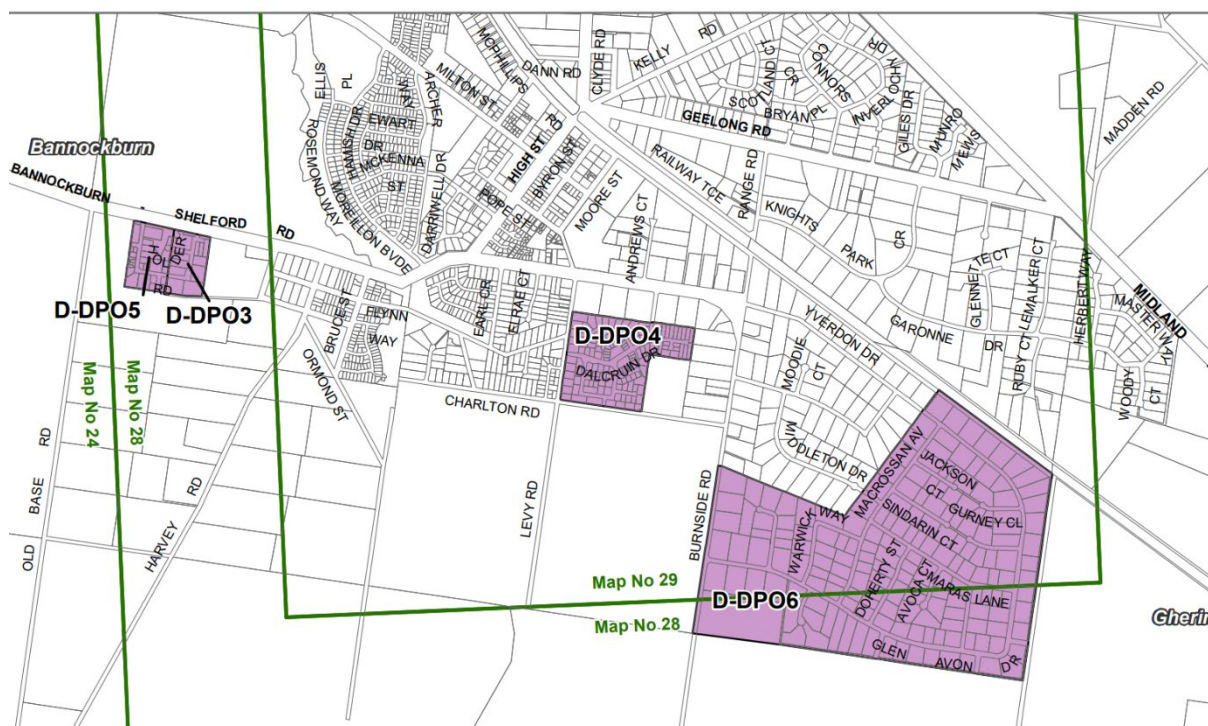


Figure 2 – Areas for Development Plan Overlay (DPO) Removal in Inverleigh

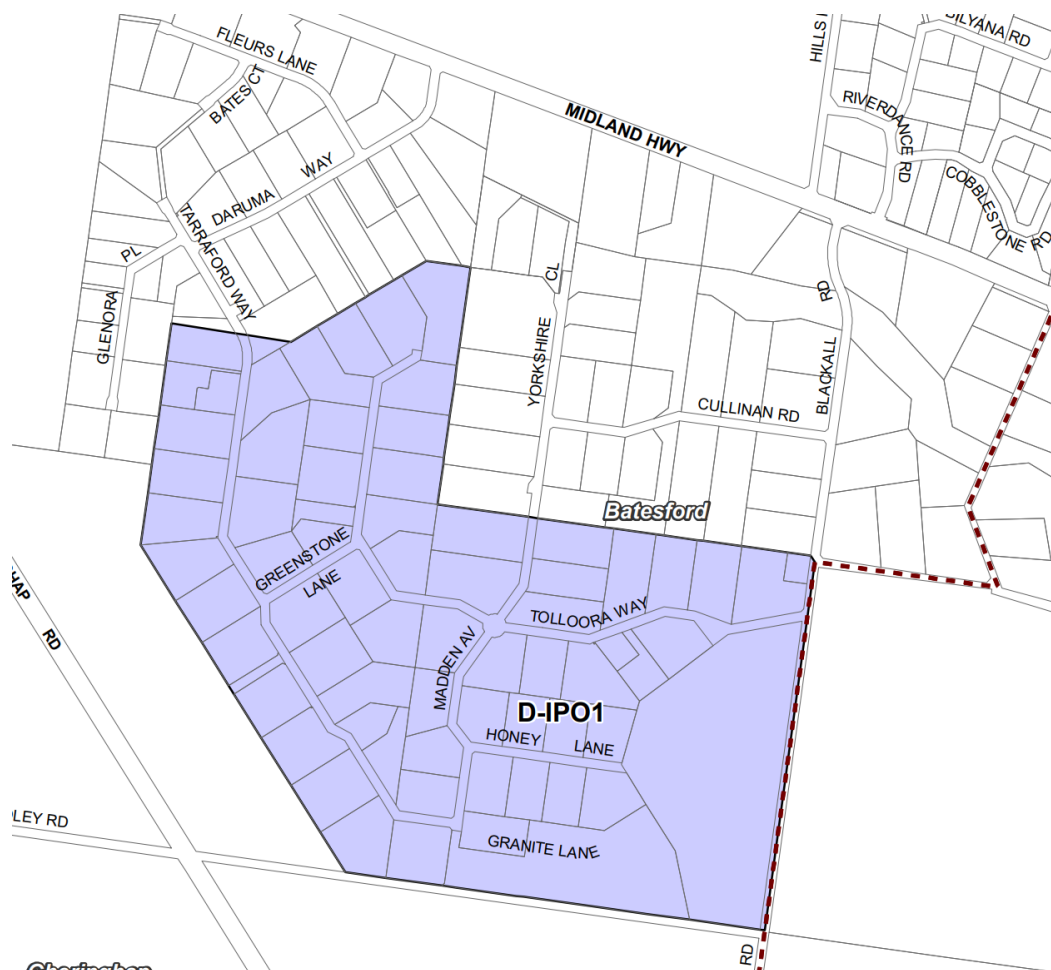
The DPOs were initially applied many years ago when the land was vacant or not substantively developed. The DPOs were intended to guide the initial development of the land to a residential or commercial area. The controls cover matters relevant to a large scale greenfield development such as ensuring an appropriate road network is provided, drainage, open space and the studies needed to support development.

After an estate is developed and the lots are sold on to residents, the Development Plan Overlay is not automatically removed and continues to remain legally in effect until removed through an amendment process. In practice this means that a development plan – which is a similar plan to a subdivision, must be lodged and approved in accordance with the requirements of the Development Plan Overlay, before any small infill subdivisions such as small 2 lot subdivisions can be considered. This means an extra layer of approvals for residents before small subdivisions can occur and makes little sense in the context of the sorts of small infill subdivisions that are possible after the original greenfield estate is developed. The removal of redundant Development Plan Overlays will reduce the resource burden on applicants and Council planning officers who need to assess the Development Plans.

An additional issue with the DPOs is that Development Plans and Subdivisions within DPO affected areas require no public notice and have no third party appeal rights (such as taking a development to VCAT). By removing the Development Plan Overlays from established areas, there will be a requirement for public notice and appeal rights for subdivisions in these areas. This is considered to mitigate the risk of community expectations not being met if neighbouring land is subdivided without notice.

Incorporated Plan Overlay Schedule 1 (IPO1) Removal

The second most widespread impact of the Amendment is the removal of the IPO1 in Batesford. The affected area is shown below:

Figure 3 – Incorporated Plan Overlay removal in Inverleigh

The IPO was applied to Batesford over 20 years ago prior to the development of the land. Like the Development Plan Overlay it was primarily intended to guide development when the land was vacant.

The IPO includes an “Incorporated Plan” into the Planning Scheme and requires future subdivision to be “generally in accordance” with the incorporated plan. The incorporated plan does not contain specific lot boundaries so in practice is limited in meaning for controlling subdivision – nonetheless the requirement could plausibly add unnecessary confusion to anyone seeking a small infill subdivision.

The IPO also requires that new dwelling plans are lodged with Council, but it does not specify this as being through a planning permit process or any recognised application process. It also provides a limited basis for assessing the dwelling plans. The requirement is considered problematic and is likely due to the age of the control. In practice the control has meant that residents have lodged dwelling plans with Council and those plans have been stamped by Council.

Prior to the exhibition of the amendment some minor modifications were made to the amendment. A list of these modifications and the corresponding reasons for them are explained in Attachment 4 to this report.

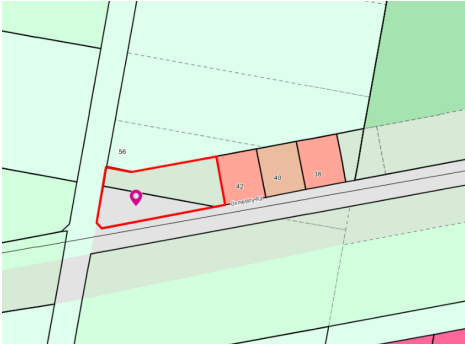
The Amendment was exhibited in accordance with the *Planning and Environment* 1987, between 7 October and 7 November, 2021.

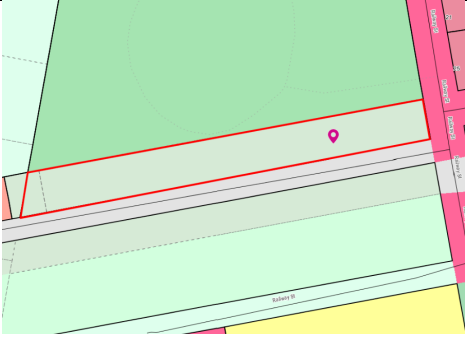
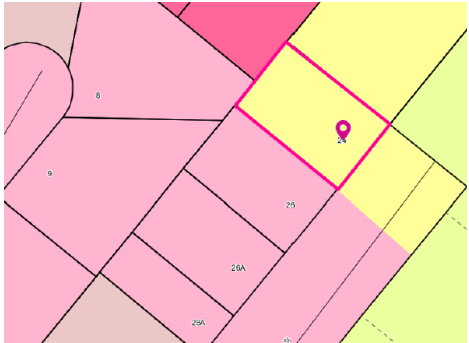
DISCUSSION

The Amendment has proceeded through the exhibition process. Whilst approximately 30 calls about the amendment were received from residents – primarily seeking clarification on how the

amendment would affect them, there was only one submission received which is from the EPA. The EPA submission recommends further interrogation of a number matters within the amendment. Despite the recommendations it is stated in the submission that “the EPA does not object to the amendment” and therefore a planning panel is not required. A summary of the submission recommendations and a response is provided below. The submission has been included as Attachment 5.

EPA have referred to previous advice given (through an informal referral – prior to the exhibition of the amendment) that Council consider the guidance contained within Planning Practice Note 30: Potentially Contaminated Land in relation to three specific sites. The sites referred to, as well as a Council officer response is provided below:

| Site | Officer Response |
|---|--|
| <p>Site 1: PC337580 Cemetery Road, Inverleigh. The proposed rezoning to Low Density Residential Zone (LDRZ)</p>  | <p>VicTrack, who are the site owners, have undertaken a site history review for the land, and from that assessment no sources of contamination have been identified. Photos from 1952 show that the site was also vacant of buildings then – however the land history assessment does not rule out contamination including sources of high contamination potential. EPA wrote a letter to Council in February 2021 expressing a concern about the possibility of high contamination former uses on the site such as “railway yard”, and despite no specific evidence, such uses have not been ruled out.</p> <p>Accordingly, and as the site has been proposed for LDRZ – which would allow a dwelling to be established which is classed as a “sensitive use” in Planning Practice Note 30, the Environmental Audit Overlay has been proposed for the site. This control requires a satisfactory environmental audit to be undertaken prior to the establishment of a dwelling.</p> <p>It is not practicable for the environmental audit or an alternative assessment known as a PRSA to be carried out for the C91gpla process, as auditors can take a long time to engage and the process could delay this amendment at the expense of numerous other changes unrelated to this site.</p> |
| <p>Site 2: CA 19G Cemetery Rd, Parish of Carrah, Inverleigh. The proposed rezoning to Public Park and Recreation Zone (PPRZ)</p> | <p>This is another VicTrack site. The site is potentially contaminated however no assessment has been done to verify this one way or another. Nonetheless no change is anticipated to land use or development of the site as a result of rezoning. Page 8 of Planning Practice Note 30 indicates that where there is no use or development change anticipated for open space, no particular assessment is required.</p> |

| | |
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|  | |
| <p>Site 3: 24 Burns Street, Bannockburn. The proposed rezoning to General Residential Zone (GRZ1).</p>  | <p>The site is a long-established private dwelling which is incorrectly zoned as the Public Use Zone 2, which was the previous zoning of an adjoining school.</p> <p>This site may be potentially contaminated however no particular assessment has been undertaken to verify this one way or another. As the land is already used for an existing dwelling and has been for at least 25 years, no change to land use or development is likely. Page 8 of Planning Practice Note 30 indicates that where there is no change to buildings and works or land uses, no particular assessment is required.</p> <p>The rezoning would theoretically allow the dwelling to be demolished and replaced or the current dwelling extended (which would not be possible in the current zone). The chance that the dwelling could be redeveloped after rezoning may technically trigger a more thorough assessment against planning practice note 30.</p> <p>In the context that the existing land use is long standing, and the rezoning represents correction of an anomaly only - it is not considered reasonable to undertake further assessments, noting that Planning Practice note 30 is a guiding document only and EPA have not objected.</p> |

Council officers have updated the explanatory report (attachment 1) in accordance with the above assessments.

EPA also referred to previous advice given to consider proximity to agriculture and noise from the railway line for site 1, which is the sole remaining matter. VicTrack as site owners have been asked to respond to the EPAs submission. As the response is pending there is consequently one matter still outstanding within the amendment, and a relevant recommendation is included that would allow the site to be removed if the response from VicTrack is not timely and or not satisfactory.

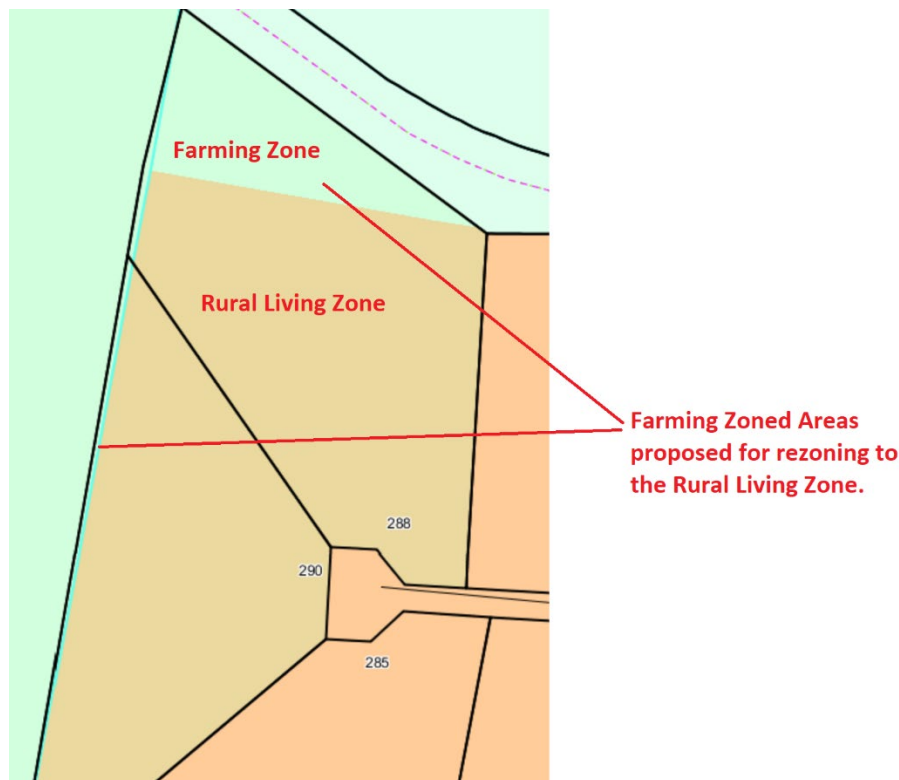
EPA have also referred to two particular sites included in the amendment and have recommended these sites for further assessment. The sites/proposed changes are:

Rezone part of 288 Flagstaff Ridge Road, Linton from the Farming Zone (FZ) to the Rural Living Zone (RLZ).

Rezone part of 290 Flagstaff Ridge Road, Linton from the FZ to the RLZ.

The sites are shown below:

Figure 3 – Areas for Rezoning in Linton under Scrutiny by the EPA



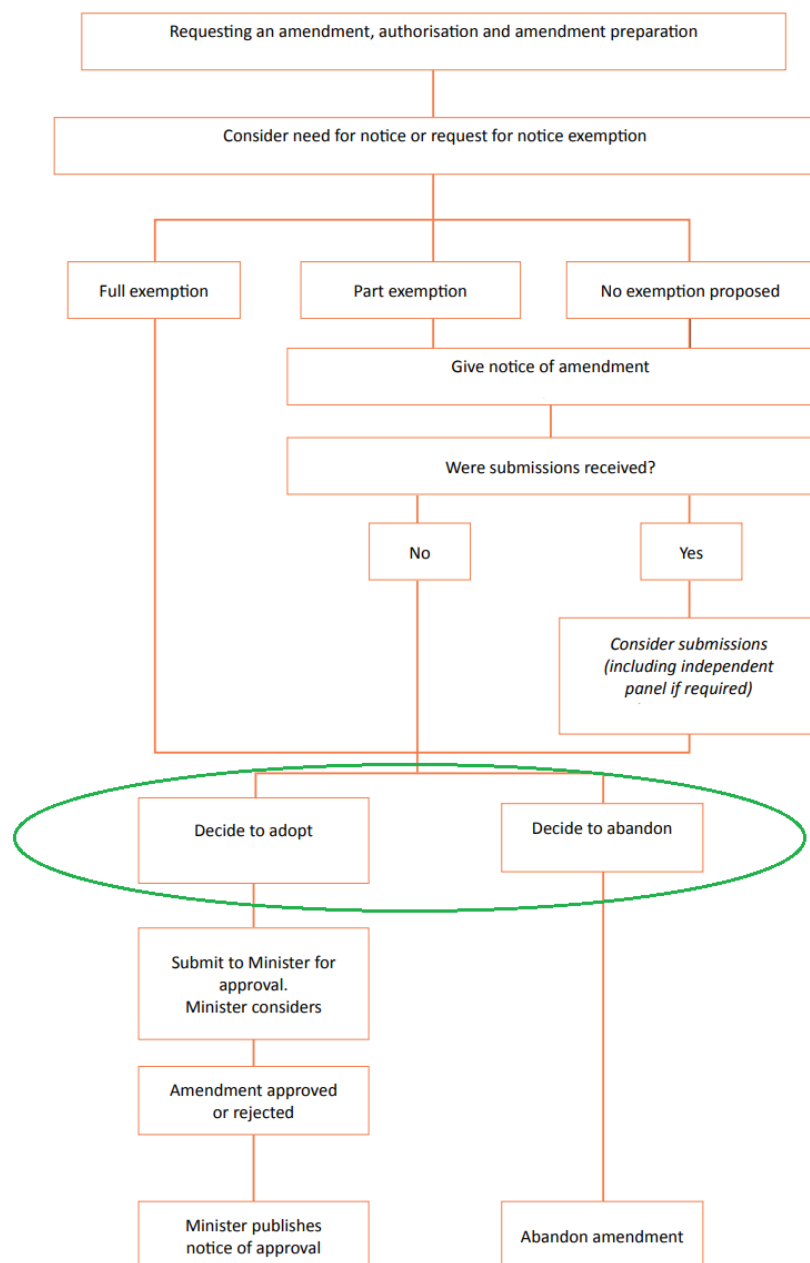
In relation to these sites EPA has stated that:

“PPN30 identifies particular agricultural activities to carry a ‘medium’ potential for contamination. For sites which have a ‘medium’ potential for contamination under PPN30 and where the proposed zoning of the land allows sensitive uses to be established, PPN30 now recommends a Preliminary Risk Screen Assessment (PRSA) to determine the need for an environmental audit, or the environmental audit option applies where certainty regarding contamination already exists.

The advice provided above, in relation to MD1 and the application of the EAO is applicable to these sites.”

The sites are effectively parts of existing backyards and the rezoning is not expected to influence land use or development, and therefore there is no associated concern. Council officers have updated the explanatory report to state that no land contamination assessment is required for the above sites in accordance with Planning Practice Note 30, based on an anticipated absence of any change to land use/development.

Having completed the amendment exhibition process with no objections, Council is now in a position to make a decision on Amendment C91gpla. The current stage of the amendment process is depicted below.

Figure 4 – Current Stage in Amendment Process**REPORTING AND COMPLIANCE STATEMENTS***Local Government Act 2020 (LGA 2020)*

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA) | Yes |

| | |
|---|-----|
| 2020) | |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | No |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | No |
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | No |
| Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020) | No |
| Risk Assessment | Yes |
| Communication | Yes |
| Human Rights Charter | Yes |

GOVERNANCE PRINCIPLES

It is considered that the proposed Amendment upholds the governance principles in s.9 of the Local Government Act 2020, as it ensures the optimal performance and improved function of the Golden Plains Planning Scheme. The changes proposed through Amendment C91gpla will ensure that planning provisions are consistently and correctly applied throughout Golden Plains Shire, resulting in improved outcomes for the community.

POLICY/RELEVANT LAW

Amendment C91gpla has been prepared and exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Amendment will have overall benefits on the environs of Golden Plains Shire, particularly through the corrections of the application of the Environmental Significance Overlay Schedule 2 mapping. By amending this mapping, the Bruce's Creek river environs will be protected by the provisions of this overlay.

COMMUNITY ENGAGEMENT

The Amendment was exhibited in accordance with Section 19 of the *Planning and Environment Act, 1987*. This included direct notice to approximately 700 landowners and occupiers, direct notice to agencies and prescribed ministers, a notice in the Golden Plains Times and the Government Gazette and a webpage containing details of the amendment. Officers received approximately 30 phone calls about the amendment.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1– Adopt Amendment C91gpla in the form recommended in this report and then apply to the Minister for Planning for approval of the Amendment.

This is the option recommended by Council officers.

Option 2 - Abandon the Amendment.

This option is not recommended by Council officers as there is no obvious reason to support abandoning the Amendment.

Option 3 - Adopt the Amendment in a different form to what is recommended by Council officers.

The merits of this option would depend on the particular nature of the change/reasons for change.

CONFLICT OF INTEREST

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

CONCLUSION

Amendment C91gpla updates a considerable amount of content in the Golden Plains Planning Scheme. There are numerous reasons for these changes, many of them are aimed at increasing the efficiency and of the Planning Scheme and correcting errors. A key impact of the amendment will be to reduce the number of applications that need to be approved by Council – particularly for development plans, and to some extent planning permits.

The amendment is based on the accumulated knowledge of the planning department in identifying redundant, anomalous, or inefficient controls. Some State Government agencies are also having land rezoned within this amendment, generally for sites that by themselves do not reach the significance threshold to justify a Planning Scheme Amendment process.

As there are no outstanding objections, it is recommended that Council adopts the amendment and refers it to the Minister for Planning for approval.

7.6 ADOPTION OF DOMESTIC ANIMAL MANAGEMENT PLAN 2022-2025

File Number:**Author:** Matthew Sims, Coordinator Community Safety**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:** 1. GPS - Domestic Animal Management Plan 2022-2025 (under separate cover)

RECOMMENDATION

That Council:

1. Note that the Draft Domestic Animal Management Plan 2022-2025 was exhibited in accordance with Council's previous direction.
2. Note that four (4) submissions were received in response to the exhibition of the Draft Domestic Animal Management Plan 2022-2025.
3. Note that submissions have been considered in the preparation of the final Domestic Animal Management Plan 2022-2025.
4. Adopt the Domestic Animal Management Plan 2022-2025.
5. Provide the Department of Jobs, Precincts and Regions a copy of the Domestic Animal Management Plan 2022-2025.
6. Write to submitters advising of Council's decision.

EXECUTIVE SUMMARY

Councils are required to develop and review a Domestic Animal Management Plan (DAMP) every four years pursuant to the *Domestic Animals Act 1994*. The DAMP is required to be submitted to the Department of Jobs, Precincts and Regions (DJPR) by the end of 2021. The scope of the Plan is limited to domestic dogs and cats. A survey was posted online relating to domestic animals and Council received 327 responses, the results of the survey have assisted the development of the plan.

At the October 2021 meeting, Council endorsed the Draft DAMP for public exhibition. In the three weeks to 17 November 2021, Council received four submissions to the draft.

BACKGROUND

In 2005 the State Government amended the *Domestic Animals Act* (1994) to include section 68A - Domestic Animal Management Plans.

This inclusion requires all councils in Victoria to prepare a Domestic Animal Management Plan and specifies what a Domestic Animal Management Plan must contain. Domestic Animal Management Plans are required to specify in detail how Council will manage domestic animals and promote responsible pet ownership.

DISCUSSION

Prior to updating the DAMP, a domestic animal survey was posted online and linked to in the Golden Plains Times. 327 responses were received.

A number of points to come out of the survey were:

- The community wanting more Animal Management Staff/Community Safety Officers.
- A majority of respondents want a cat curfew.
- 59% of respondents did not know they could loan a humane cat trap from Council.

- 16% of respondents witnessed or were involved in a dog attack.
- Dogs off lead and dog faeces is a problem in the community.
- Over 60% of respondents would use a fenced off dog park.
- Dog poo bins would be welcome in the community.
- Subsidized cat desexing is important.

In late October and November 2021, the Draft Domestic Animal Management Plan was placed on public exhibition for comment. 67 people/residents downloaded the draft DAMP with 4 submissions received.

The four submissions are as follows:

| Town | Response | Officer Comments |
|------------|---|--|
| Teesdale | <i>Looks to be a well-rounded document. Would be interesting to see how many residents are also licensed through DELWP to keep native animals.</i> | This plan only relates to dogs and cats as per the act. |
| Inverleigh | <i>I think the plan and the community is tunnel visioned towards zeroing in on cats rather than the impact of the many dogs that are walked in the area, defecating and owners not being responsible enough to clean up after their pooches. I never see cat faeces but my daily walk is littered as well as outside my home with dog faeces. Also the barking of dogs constantly disrupt the day, morn, noon and night. Can Council not impose stricter guidelines to the noise pollution and provide litter bins and bags for dog poo as provided in other councils. Also please review size of property to amount of cats/dogs allowed without a permit. I have cats on 2.5 acres and pay for a permit even though all of my cats are restricted to my property only. What is the purpose of the permit? And if there is no change to the number and identity of the pets, why do permit fees have to be renewed every 3 years? Most other councils have one off permit fees not every 3 years and for what. No one has EVER visited my premises to check on anything. Number of domestic animals should be tiered to the size of your property. Makes no sense that a unit can own the same amount of cats and dogs as my 2.5 acre block.</i> | <p>There a number of tasks and projects that Council would like to work on over the duration of the plan. Evidence shows that cats leaving the confines of a house has a detrimental effect on the native wildlife. The plans details that, when resources permit, Council will proactively patrol dog walking paths. Under Councils Local Law, all dog walkers are required to carry their own dog poo bags however Council will investigate the installation of dog poo bag dispensers and bins on walking tracks.</p> <p>The size and number of animals permitted is controlled by Council's Local Law No.1 – General Public Amenity. Animals numbers in residential areas is consistent with other Councils.</p> |
| Meredith | <i>The cat policy does not go far enough considering the damage cats do (by stealth). A serious policy would no longer allow new cat ownership unless (as with pools) suitable holding area is at the cat owners property which could be inspected by council to ensure compliance if people need a cat. It may also be worth highlighting the law in relation to wandering cats, I believe if I see</i> | Over the course of the plan, Officers will present to Council a number of options in relation to cat management. Any cat curfew must undergo public consultation and a resolution from Council to implement. The evidence in this survey shows that a majority of residents would like more controls over the keeping of |

| | | |
|-------------|--|---|
| | <i>a cat on my place (rural) I can legally kill it which may motivate owners to be more vigilant with their wandering pests."</i> | cats. If you reside on a property where animals and birds are kept for farming purposes, any person authorised by the owner may shoot and kill a cat (or dog) that has strayed onto the owners land. (Section 30 Domestic Animals Act 1994) |
| Smythesdale | <i>Unfortunately, the draft plan lacks "SMART" actions, there are too many "if resources permit", "investigate" and "evaluate" so called actions. I recognise that it is difficult with the resources available to do everything, however this plan is very thin in relation to achieving meaningful outcomes.</i> | Officers understand this response however the previous plan had many actions that, with the size and capacity of Council was unable to achieve. The Community Safety Team believe that over the duration of the next four years, all actions listed will be attempted. Officers preparing the document are unable to predict if the required funds or staff to implement these actions will be available when requested through the budget process. |

The submissions received were considered, however no changes are proposed to the exhibited draft DAMP.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

| | |
|----------------------|-----|
| Communication | Yes |
| Human Rights Charter | No |

GOVERNANCE PRINCIPLES

Priority is to be given to achieving the best outcomes for the municipal community.

POLICY/RELEVANT LAW

The requirement to produce this document is found in the Domestic Animals Act 1994.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The attacking of livestock and native wildlife was highlighted in the plan and the survey results.

COMMUNITY ENGAGEMENT

Council exhibited the draft DAMP and sought input from the community. Four responses were received. Council undertook a domestic animal survey and received 327 responses.

PUBLIC TRANSPARENCY

Council exhibited the draft DAMP and sought input from the community. Four responses were received. Council undertook a domestic animal survey and received 327 responses. These responses led the actions for the plan.

COMMUNICATION

Council will publish the completed DAMP on the Council website and forward to the Department of Jobs Precincts and Regions.

OPTIONS

Option 1 – Adopts the Domestic Animal Management Plan 2022-2025 and submits to DJPR

This option is recommended by officers as the plan has been written from the results of the survey and has been exhibited to the public and four submissions have been received.

Option 2 – That Council defer the Domestic Animal Management Plan 2022-2025

This option is not recommended by officers as the process is now complete. A survey was conducted and the plan was developed from the results. The draft plan was displayed for three weeks and four submissions were received.

Option 3 – Not do anything with the Domestic Animal Management Plan 2022-2025

This option is not recommended by officers as each Council must complete a Domestic Animal Management Plan every four years.

CONFLICT OF INTEREST

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

CONCLUSION

This DAMP has been prepared as a result of a domestic animal survey that was posted online in August 2021. At the October 2021 Council meeting, Council resolved to display the draft DAMP and four responses were received and the plan was downloaded 67 times. The items listed in the DAMP are achievable and if approved, officers look forward to working with Councillors and the community to implement the actions to improve animal welfare in the shire.

7.7 GOLDEN PLAINS SHIRE RABBIT MANAGEMENT STRATEGY 2021-2031 AND RABBIT MANAGEMENT PLAN 2021-2031

File Number:**Author:** Dale Smithyman, Natural Resources Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Development**Attachments:**

1. Rabbit Management Strategy 2021 - 2031 (under separate cover)
2. Rabbit Management Plan 2021 - 2031 (under separate cover)
3. Rabbit Strategy Communications Report (under separate cover)

RECOMMENDATION

That Council:

1. Notes that the draft Golden Plains Shire Rabbit Management Strategy 2021-2031 and Rabbit Management Plan 2021-2031 have been publicly exhibited with 3 submissions received
 2. Adopts the Golden Plains Shire Rabbit Management Strategy 2021-2031 and adopts the Golden Plains Shire Rabbit Management Plan 2021-203.
-

EXECUTIVE SUMMARY

The Rabbit Management Strategy 2021-2031 and Rabbit Management Plan 2021-2031 have been developed by Council's Environment and Sustainability Team to provide direction for Council's rabbit management program for the next 10 years.

The Rabbit Management Strategy 2021-2031 is a strategic plan that sets out Council's vision and goals regarding the management of rabbits on Council land and across the broader community. Developed in line with industry best practice and research, the Draft Strategy provides historical and legislative context and background information regarding rabbit biology and ecology.

The Rabbit Management Plan 2021-2031 details the actions Council will take over the next 10 years to deliver on the vision and goals of the Rabbit Management Strategy. The Plan provides background on best practice rabbit management methodologies and illustrates Council's current rabbit management program.

Following a period of public exhibition during October 2021, three public submissions were received. Council also received feedback from neighbouring Councils and the Victorian Rabbit Action Network. The submissions have been considered and minor changes made where required.

It is recommended that the Strategy and Management Plan be adopted by Council.

BACKGROUND

The development of the Rabbit Management Strategy and Rabbit Management Plan was undertaken by Council's Natural Resources Officer.

In developing the Strategy and Plan, Council acknowledges the longstanding commitment to pest management over many years and the importance of having a vision and goals to guide this work into the future.

DISCUSSION

Council's Environment and Sustainability Team have a long history of controlling rabbits on Council owned or managed land. The program has evolved over a number of years using an adaptive management approach to take advantage of new learnings and methodologies as they become available.

The approach has not been predicated on an existing plan or strategy and has aimed at simply keeping rabbit numbers reasonably low to meet Council's legislative requirement, minimise the

impact on native vegetation, aid in revegetation efforts and minimise complaints from neighbouring landholders.

The program has resulted in a significant reduction in the number and the size of warrens in most Council reserves with most warrens now reduced from large, old, multi chamber infestations to much smaller warrens.

The control program has been consistently supported by a budget allocation backing the program. Between \$10,000 and \$15,000 of Councils pest plant and animal control budget (\$65,000 in 2019) is expended on rabbit control annually.

Funding is primarily expended on Council conservation and recreation reserves with small allocations to deal with specific roadside rabbit issues as required.

Following participation in a 3-day Rabbit Management Workshop conducted by the Victorian Rabbit Action Network (VRAN) in May 2020, Council's Environment and Sustainability Team developed the Rabbit Management Strategy and Rabbit Management Plan to illustrate the current control program and provide a vision, goals and actions for Council's program over the next 10 years.

The Rabbit Management Strategy 2021-2031 sets out Council's vision and goals regarding the management of rabbits on Council land and across the broader community. Developed in line with industry best practice and research, the Strategy provides historical and legislative context and background information regarding rabbit biology and ecology.

The Rabbit Management Plan 2021-2031 illustrates Council's current rabbit management program and provides background on best practice rabbit management methodologies. It details the actions Council will take over the next 10 years to deliver on the vision and goals of the Rabbit Management Strategy.

The draft Strategy and Plan were made available to the community for public exhibition and submission for 4 weeks ending on Friday 4th November 2021. The documents were promoted by media release and through online social media platforms. A copy of the draft Strategy and Plan were available on Council's Have Your Say page. During the exhibition period, there were 110 unique views with 46 downloads of the Strategy and 38 downloads of the Management Plan. Three submissions were received by Council in response to the process and these submissions have been considered and changes incorporated into the documents where necessary. Council also sought feedback from neighbouring Councils and the Victorian Rabbit Action Network.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | Yes |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | Yes |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | Yes |

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|---|-----|
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | Yes |
| Risk Assessment | Yes |
| Communication | Yes |
| Human Rights Charter | Yes |

GOVERNANCE PRINCIPLES

The Rabbit Management Strategy and Rabbit Management Plan address the governance principles in s.9 of the Local Government Act 2020 through their alignment with Federal and State pest animal management strategies. The Strategy and Plan seek to ensure that funding expended on Council's rabbit management program achieves the best pest animal outcome for the community by applying best practice and innovation.

POLICY/RELEVANT LAW

The Rabbit Management Strategy and Rabbit Management Plan ensure that Council meets its statutory obligations pertaining to the control of a declared pest animal while complying with relevant regulations regarding humane destruction methods and the use of destructive agents (e.g., fumigants, baits, explosives).

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Rabbit Management Strategy and Rabbit Management Plan address the community vision in the Council Plan pertaining to the valuing and preservation of the natural environment. The Strategy and Plan also address a key action regarding invasive species in the Golden Plains Shire Environment Strategy.

COMMUNITY ENGAGEMENT

The Rabbit Management Strategy and Rabbit Management Plan were placed for public exhibition during October 2021 with three public submissions received.

Two submissions were received from residents while the third was received from the Animal Justice Party. The two resident submissions related to local rabbit problems on private land in Dereel and Teesdale. One expressed frustration at lack of local action on private land. As Council does not have responsibility for enforcing rabbit control on private land, particularly in rural areas, there was no change to our Strategy and Plan.

The second sought council assistance for landholders with the purchase of poison bait as an incentive to conduct rabbit control. As rabbit control is a landholders legal responsibility Council has never provided incentives. Additionally, Council's risk exposure in supplying poison baits would be high if residents misused them resulting in off target damage.

The submission from the Animal Justice Party was extensive (21 pages) and reasonably well researched. Targeted at highlighting the inhumane nature of most rabbit control methodologies, it made recommendations seeking to reduce unnecessary pain and suffering. Council officers have always sought the most humane method of destroying rabbits to meet our legislative responsibility and an existing target in the Plan to "adopt new or innovative methods of control" was amended to "adopt new or innovative humane methods of control".

Council also sought and received feedback from neighbouring Councils and the Victorian Rabbit Action Network who strongly supported our Strategy and Plan.

PUBLIC TRANSPARENCY

The Rabbit Management Strategy and Rabbit Management Plan will provide clear guidance regarding decisions relating to the control of rabbits on Council land and within the community.

STRATEGIES/PLANS

The Strategy and Plan align with Council Plan 2021-2025 objectives

- 3.1 - Valuing and protecting nature, cultural heritage and the environment
- 3.3 - Responsibly maintaining and managing natural landscapes and resources.

The Strategy and Plan meets the target of Council's Environment Strategy 2019-2027 to develop an invasive species plan and program.

The Rabbit Management Strategy and Rabbit Management Plan will provide clear strategic direction for Council's rabbit management program for the next 10 years. It draws on the Australian Pest Animal Strategy 2017-2027 and the Victorian Invasive Plants and Animals Policy Framework to guide the strategic direction of Council's program into the future.

FINANCIAL MANAGEMENT

The Rabbit Management Strategy and Rabbit Management Plan will provide the basis upon which Council's pest animal budget allocation will be expended over the next 10 years.

RISK ASSESSMENT

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

The Rabbit Management Strategy 2021-2031 and the Rabbit Management Plan 2021-2031 identifies and addresses risks associated with Council's legislated responsibilities regarding the management of a declared pest animal. It also addressed risk associated with the use of destructive agents (e.g., fumigants, poison, explosives).

COMMUNICATION

On adoption of the Rabbit Management Strategy and Rabbit Management Plan, Council's Environment and Sustainability Team will undertake engagements within Council media to promote the adoption and highlight Council's rabbit management program.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council adopts the Rabbit Management Strategy 2021-2031 and the Rabbit Management Plan 2021-2031

This option is recommended by officers as the Rabbit Management Strategy 2021-2031 and the Rabbit Management Plan 2021-2031 will provide clear direction for Council's rabbit management program into the future.

Option 2 – That Council does not adopt the Rabbit Management Strategy 2021-2031 and the Rabbit Management Plan 2021-2031

This option is not recommended by officers.

CONFLICT OF INTEREST

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

CONCLUSION

The Golden Plains Shire Rabbit Management Strategy 2021-2031 and Rabbit Management Plan 2021-2031 provide a clear direction for Council's rabbit management program into the future.

The Strategy and Plan have undergone public consultation and submissions have been considered and incorporated where necessary and the documents are now presented to Council for adoption.

7.8 COUNCILLOR ENGAGEMENT 2022

File Number:**Author:** Susan Talpey, Coordinator Communications, Engagement and Advocacy**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Acknowledge the success of the Councillor Engagement 2021 program.
 2. Endorse the Councillor Engagement 2022 program as outlined within the report.
-

EXECUTIVE SUMMARY

Reflecting the clear commitment of the Golden Plains Shire councillor group, a successful program of councillor engagement was undertaken in 2021, the first year of the council term.

In 2022, a feature of the second year of Council will be advocacy for the Federal and State Government elections. To balance this commitment, a program of councillor engagement centred on in-person and online Councillor Conversations Posts and the popular Coffee with your Councillors initiative is recommended. Councillors have committed to early engagement on the 2022/23 Council Budget and the proposed engagement program for this year includes the Budget consultation.

BACKGROUND

In 2021, Council adopted its Community Engagement Policy and continued its commitment to quality engagement with local residents and businesses. Council's Community Engagement Register was promoted with a communications campaign to encourage local residents and businesses to join, and the *Engage* e-newsletter was launched, a monthly update featuring all of Council's community engagement opportunities.

In 2020/21, Council completed a significant range of community engagement processes including surveys, in-person and online conversation posts, community reference groups and workshops for 27 key projects, programs and plans. This list included the Council Plan 2021-2025 and Council Budget 2021/22.

In addition to the consultation opportunities presented by the organisation, the Councillor group committed to its engagement program of 2021. In February, as part of the Council Plan 2021-2025 consultation, there was a Councillor Conversation Post at the Smythesdale Arts & Music Fiesta, as well as the first online virtual post; and the first Coffee with your Councillors event, held in Haddon, Ross Creek, Linton, Napoleons, Cape Clear, Meredith, Lethbridge, Teesdale and Inverleigh.

In April, the Draft Council Plan 2021-2025 and Draft Council Budget 2021/22 were endorsed for public exhibition. Councillors held a Conversation Post at the Golden Plains' Farmers' Market in Bannockburn and a second Coffee with your Councillors event, held in Scarsdale, Smythesdale, Garibaldi, Enfield, Dereel, Rokewood, Shelford, Murgheboluc and Batesford. In August, an additional online Councillor Conversation Post was held, with an increase in participation from the first virtual event.

Last year, Council also delivered a new engagement initiative, Connecting Councillors and Community Groups, welcoming expressions of interest from local community groups and associations to host Golden Plains Shire Councillors at a meeting of their group in 2021. From July to December, Councillors attended seven local meetings under this program, adding to the many community group events frequented during the first year of the Council term.

DISCUSSION

Council is dedicated to genuine, open engagement with residents and ratepayers on the decisions that impact their lives and their communities. With its new Community Engagement Policy, Council's commitment to meaningful consultation is embedded in the development of Council's strategies, plans and projects and all community engagement is presented to Council in reports seeking decisions on the relevant activities.

In addition to the extensive community engagement coordinated by the organisation, the Councillor Engagement Program ensures open lines of communication with residents and the opportunity to hear ideas, views and concerns directly from community members. Councillor Conversation Posts and the new Coffee with your Councillors consultations have been popular opportunities for face-to-face, informal engagement, supporting Councillors to be well-informed about the views and concerns of residents, facilitating community conversations around priorities and aspirations, and enabling participatory activity for quality community outcomes.

The proposed Councillor Conversation Post program for 2022 reflects the Councillor commitment to early engagement on the 2022/23 Council Budget and includes events in the north and south of the Shire, as well as two online conversation posts. The Coffee with your Councillors locations have been selected across the Shire.

It is noted that Council has committed to the annual Budget Submissions meeting, which allows all residents the opportunity to speak to their submission on the Draft Council Budget in June.

If any events are unable to proceed due to COVID or other restrictions, an alternative opportunity will be arranged.

| Event / Engagement | Date | Location |
|--|----------------------|--|
| Councillor Conversation Post | Sunday 6 February | Community Arts and Music Fiesta - Smythesdale |
| Council Pre-Budget Workshop (in person and online) | Tuesday 8 February | Golden Plains Civic Centre, Bannockburn |
| Council Pre-Budget Workshop (in person) | Thursday 10 February | The Well, 19 Heales Street, Smythesdale |
| Coffee with Your Councillors | Saturday 19 February | North – Haddon, Ross Creek, Scarsdale Centre – Cape Clear, Berringa, Meredith South – Teesdale, Inverleigh, Lethbridge |
| Draft Council Budget engagement | Saturday 7 May | Golden Plains Farmers' Market - Bannockburn |
| Online Conversation Posts | July and October | Online via Zoom |

In 2021, the establishment of a New Residents' Program was postponed due to the limitations of COVID-19 pandemic restrictions. In 2022, the program will be presented to Council, including the opportunity for face-to-face meet and greet events with Councillors.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | No |
| Policy/Relevant Law | No |

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

COMMUNITY ENGAGEMENT

The Councillor Engagement Program 2022 supports a strategic requirement to consult with the community and also plays an important role in strengthening the relationship between Council and community. These direct consultations provide a chance for an open dialogue with community members and a chance for Councillors to hear first-hand from residents and community members, in line with Council's on-going commitment to quality, open community engagement.

STRATEGIES/PLANS

Community Engagement Policy

Council Plan 2021-2025

Community engagement is an underpinning mechanism for Council to deliver on its Council Plan 2021-2025. In particular, it assists in the delivery of the following Strategic Objectives:

- 1.3.1 Empower and build the capacity of residents and groups to get involved and contribute to communities
- 1.4.1 Value and provide inclusive opportunities for residents of all ages, genders and abilities to meaningfully participate in community life.
- 5.1.1 Provide timely and effective communications about Council Service and activities to community and stakeholders
- 5.1.2 Enhance deliberative engagement to inform and involve community in decision-making

RISK ASSESSMENT

COMMUNICATION

All Councillor Conversation Posts and Coffee with your Councillor sessions will be promoted through varied communications channels including the Gazette, Council News in the Golden Plains Times, Council's website, Council's social media, Council's email newsletters and community newsletters.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Endorse the Councillor Engagement 2022 program as outlined, including Councillor Conversation Posts and Coffee with Your Councillor sessions.

This option is recommended by officers as the two programs support Council's commitment to community engagement and consultation with informal, open engagement at the Councillor Conversation Posts and chat sessions.

Option 2 – Not endorse the Councillor Engagement 2022 program as outlined, including Councillor Conversation Posts and Coffee with Your Councillor sessions.

This option is not recommended by officers as Councillor engagement provides greater understanding and appreciation of the ideas, views and concerns of local residents and support Council's commitment to genuine, open engagement.

Option 3 – Endorse part of the Councillor Engagement 2022 program.

This option is not recommended by officers as the opportunity for further understanding with attendance and quality engagement at meetings of local community groups would be missed.

CONFLICT OF INTEREST

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

CONCLUSION

Following the success of the Councillor Engagement program in the first year of the Council term, it is recommended that Councillors continue in their commitment to open and direct community engagement with the proposed program of in-person and online Councillor Conversation Posts and the Coffee with your Councillors sessions in 2022.

7.9 RATING STRATEGY PROPOSITIONS PAPER SUBMISSIONS

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

That Council:

1. Receive and note the public submissions relating to the Rating Strategy Propositions Paper
 2. Hear the submissions from those requesting to address Council in support of their submission lodge.
-

EXECUTIVE SUMMARY

The *Local Government Act 2020* allows the revenue and rating strategy to be reviewed and Council have been considering different rating options since August 2021 with the aim to develop a rating strategy where the financial burden is shared equitably amongst ratepayers.

Over the past four months a series of workshops were held with Councillors with a total of 22 scenarios modelled by Mach2 Consulting during this process. A propositions paper was developed and placed on public exhibition which included 2 scenarios for consideration.

Submissions from the public were invited with a closing date of 15 December 2021 with a total of 45 submissions received.

BACKGROUND

In accordance with Section 93 of the *Local Government Act 2020*, Council is required to resolve to adopt a four year Revenue and Rating Plan within 12 months of the newly elected Council. Council adopted the rating and revenue plan at the 29 June 2021 Council meeting. The Act allows the revenue and rating strategy to be reviewed and updated any time during the four-year term and as result Council have been considering different rating options since August 2021 with the aim to develop a rating strategy where the financial burden is shared equitably amongst ratepayers.

A series of workshops have been held with Councillors providing a total of 22 modelling scenarios on proposed changes to the Rating Strategy

Although Council's current rating strategy aim is to ensure that the financial burden is shared equitably amongst ratepayers, whilst generating sufficient revenue to meet the increasing demands of future infrastructure and service needs of the Shire, Councillors supported an opportunity to review the current rating strategy with the aim to distribute the rates even more fairly across ratepayers.

DISCUSSION

The two options below were endorsed for community consultation:

- Option 1 – Increase the Business Bannockburn differential from 120% to 130%, increase the Vacant Land (Non-Farm) differential from 200% to 220%, decrease the Municipal Charge from \$310.60 to \$250 and retain the status quo for the other differential rates.
- Option 2 – Increase the Business Bannockburn differential from 120% to 130%, increase the Vacant Land (Non-Farm) differential from 200% to 220%, increase the Farm Broadacre differential from 85% to 90%, increase the Farm Intensive differential from 90% to 95%, decrease the Municipal Charge from \$310.60 to \$250 and retain the status quo for the other differential rates.

At its meeting on 23 November, Council endorsed the Rating Strategy Propositions Paper for community consultation. Submissions on the Paper were open from Wednesday 24 November to 5pm, Wednesday 15 December.

Councillors held a series of Conversation Posts across the Shire for residents to attend the Rating Strategy Consultations and the Rating Strategy Propositions Paper was also made available via Council's website and Council offices.

Forty-five (45) public submission were received, of which seven (7) submitters have requested to be heard. The hearing of submissions will commence at 6.00pm on 21 December 2021, with 5 minutes being allowed for each presentation.

Summary of Submissions

A total of 45 submissions have been received to date, summarised as follows, with 7 submitters requesting to be heard and the order of hearing submissions indicated in the table below.

| Request to be heard / Order | Township | Summary of Submission |
|------------------------------------|-----------------|--|
| | Batesford | Residents in township have seen a \$500 increase in rates in one year yet you still put forward 2 models that see a further increase in our rates when expectations were that our rates would decrease given this significant increase. It is quite alright for you all to increase your wages in your first year but many of our residents cannot understand the continuous increases you impose on us. Who are the residents and townships that have requested a rating review? Why? Who are the residents complaining about their rates at \$500? And what is the justification they need to receive a 10% reduction? We appreciate rates are high are in a township that has high values but the significant yearly increases has not been addressed at all. |
| | Batesford | Municipal charge reduction is welcome. The broadacre and intensive farming discounts were put in for a reason and aligned to existing rate payments 2 years ago, what is the reason for the change now? |
| | Lethbridge | Option 1 better option of the 2. Don't like the fact that we are impacting farmers. |
| | Inverleigh | Where is the analysis in the report as to how the two options address the objectives. This approach seems to take ratepayers as lacking the ability to read and understand the full options or interpret analysis. How can you consider raising the vacant land rate when it is already the highest in the State? There is also no commentary on the benchmarking – why include it if you don't analyse and comment on it? |
| | Batesford | I see all the Batesford residents are being screwed over once again. Please reconsider robbing the Batesford ratepayers for no other reason than to line your greasy pockets. |
| | Batesford | Proceed with option 2 |
| | Batesford | The rates are ridiculously high. I love living in Batesford but we are eventually going to be pushed out because of the high cost of living here. |
| | Batesford | Both options make the Batesford rates even higher with no access to amenities other residents enjoy. I am concerned |

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| | | that the rates for Batesford are disproportionate and subsidising other areas. I cannot see why these proposals continue to have the residents of this area paying so much more. It doesn't seem fair or balanced. |
| | Batesford | Option 1 is the better of the two options. Batesford residents are over charged in their rates. I cannot see why we are so unfairly treated with nothing to show for the highest rates in the municipality. |
| | Batesford | Option 1 the preferred option. It is the fairer and also results in the greatest reduction in Bannockburn rates. Rate increases for businesses too high. Rates much higher than COGG and if continue to get higher will see people leaving as they will be unable to pay. |
| | Batesford | Any increase in Batesford is a disgrace. Year after year we are slugged more than anyone, we are not all millionaires. We get by week by week and you are forcing us to leave this money hungry council. |
| | Batesford | Both options do not fix the fundamental issues with Batesford rates increase. Our rates have gone from \$2,000 to \$5,000 and now expected to rise over \$1,000 again in 2 years while others in the state are seeing reductions. This is seriously affecting our quality of life. Is there really no option to offer a fairness system, e.g. a cap on the maximum you can be charged? |
| | Batesford | Not fair as it affects Batesford more than other areas. Decrease municipal will be directed at Batesford. Now getting closer to retirement worried we will not be able to afford to live here. There have been a number of meetings with legal support. Maybe Batesford joining the Geelong region is our cheapest legal fight. Option 2 preferred if this spreads the bill over more people and keeps everyone's increase stable of lower this is the better deal. |
| | Batesford | All properties should be rated fairly not Batesford residents paying huge amounts while others in the same shire pay less. Please stop increasing our rates. |
| | Batesford | Option 1 poor strategy that unfairly impacts Batesford residents. Option 1 similar to option 1. Leave the current municipal charge that equalizes the rate burden across the shire. Reducing the municipal charge and altering the rating strategy unfairly impacts Batesford. It wouldn't hurt to introduce more user pays systems, especially to Batesford residents that don't receive much in the way of services apart from rubbish collection. |
| | Batesford | Reduction of municipal charge will again increase my rates inequitably. Stop shifting this burden to Batesford to pay. |
| | Batesford | In Batesford our rates are going up too much each year. They increase by \$500 last year and under your proposal will increase another \$700. This is not good enough. |
| | Teesdale | By increasing farms you are using them to gain more money. As shown in your research this shire has the highest rate |

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| | | levels for farms and you want to increase this further. There is more to this shire than Bannockburn but if you want to project everything towards Bannockburn then make them pay for everything not the farms. |
| | Batesford | Both options increase our rates again. I am really concerned how the rate options impact my property in Batesford and if this continues I won't be able to live here. I planned to retire in the house we built but with rates of \$5,000 or more this is not possible. If I had a choice I would like Batesford to fall under the Geelong council which would see a rate drop and an increase in services. |
| | Teesdale | Option 1 preferred, do not penalise farmers. Why do we need to increase, I would rather increase the municipal charge. Don't penalise the farmers or try to force them to subdivide if they are in developing areas. |
| | Inverleigh | Option 1 appears to be the fairest option where business and land bank holders carrying a slightly higher load of the rates. |
| | Inverleigh | Option 1 is the fairest option where business and land bank owners carry a slightly higher load of the rates. |
| | Bannockburn | Option 2 is a fairer solution as it doesn't negatively impact on the farming and business sectors. Increase rates to those sitting on land with the intention of subdividing should have increases. Dedicated working farms should be exempt from major increases. |
| | Batesford | Leave the municipal charge as is to try and even rates out across the shire. Batesford can't be the cash cow for the shire with significant rate increases when others in the shire pay significantly less. |
| | Batesford | Not my preferred for either option. I would like to see a proposal that does not result in an increase in rates for residents living in Batesford. |
| | Batesford | Not satisfactory for either option. Neither of these proposals meet the requirements to share the burden. Batesford is used as a cash cow to collect over inflated rate money with little benefit going to the local community. The whole drainage system needs fixing. Would prefer a proposal be put forward so that Batesford is under COGG as our rates would reduce. |
| | Batesford | Leave the municipal charge as is, Batesford ratepayers are being unfairly penalised and the roads throughout the Dog Rocks estate and Blackall Road need urgent attention. |
| | Batesford | The rates we pay in Riverstone Estate are ridiculous and we pay higher rates than surrounding properties and don't even receive green waste collection and receive no sewerage disposal. Soon it will not be affordable to live here. |
| | Enfield | No rate increase at all, a reduction in fees is required. |
| | Sutherlands Creek | Believe the municipal charge should be increased, both broadacre and intensive farming rates should be decreased in line with other shires as farmers generate jobs. |
| | Batesford | Option 2 better than option 1 and the farming community is a business with more funds than pensioners. We had significant |

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| | | increases in rates last year. The rest of the Shire should be treated with the same increases to share the burden equitably among ratepayers. |
| | Barunah Park | Strongly oppose option 2, run a broadacre farming business and an increase will hurt businesses who create local jobs. |
| | Bannockburn | What does changing the differential even mean? and there isn't a link to access what Council are proposing. Start being honest and properly consulting with all ratepayers in a way that invites genuine community involvement. Stop finding creative ways to bypass the ratecapping limit. |
| Yes - 1 | Sutherlands Creek | Why if you need money do you not acquire it from those that will be using the services, the residents of those communities. Why is the farmer being hijacked to pay for the services of the townsfolk? Rural roads are poorly maintained and why doesn't the money from the farmer fix these roads. |
| Yes - 2 | Batesford | Draft Budget pg 81 states - The municipal charge is used to collect a portion of revenue not linked to property value, but paid equally by all ratepayers. It's function is to ensure that low valued properties pay a fair share of the total rates burden. If Council did not apply a municipal charge the general rate would rise and rates on higher valued properties would increase substantially. Both options offer a reduction in the municipal charge. How can you reconcile a reduction of the municipal charge in view of the statement in the draft budget? |
| | Barunah Park | Strongly oppose option 2 which would increase the broadacre farm differential from 85% to 90%. I run a broadacre farm and we receive very little for our rates with very few of our local roads gazetted for b-double access. |
| Yes - 3 | Wingee | Strongly oppose option 2, run a broadacre farm. Agriculture is the main driver of economic activity in Golden Plains Shire, employing 26% of the Shire's workforce and generating 20% of the economic output. Any move to increase the farm rate differential will represent significant rates shock for the local agricultural community and hurt business growth. Rather than our rates being reinvested in our area we would like to see reinvestment into roads projects such as increasing b-double access on key local roads such as Wingee Road. |
| Yes - 4 | Batesford | Why choose not to consult with the community with zero evidence to support your deliberations on the 22 proposals. I would like to see all 22 proposals and records of deliberations of the 22 proposals. Our rates for a vacant parcel of land is the same as a property that has a house, shed, pool and 2 acres, how is this equitable? How is it equitable to charge higher rates for properties that have CIV increases. I am formally complaining that the land rate is two times other rates. |
| | Barunah Park | Strongly oppose option 2, run a broadacre farm and receive very little value for our rates with few roads gazetted for b-double access or maintained to a satisfactory condition. Any move to increase the farm differential will represent a significant rates shock for the local agricultural community. |
| | various | I believe the full report with all options should have been available for public viewing. Council have to maintain farm |

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| | | roads therefore I support the broadacre differential to be lifted to 90% or higher and raising of the intensive farm rate, as these farms have greater traffic increasing the maintenance costs of these roads. I support the 200% land differential when applied to land bankers, however for those with a planning or building permit should have a trigger applied to recognise the transition arrangement and convert to the residential rate once building has commenced. I supported an increase to the municipal charge however a reduction may be necessary to force a change to the rating system but will create a lot more pain for higher valued properties. The best outcome is to adopt a platform where every property is guaranteed their rates will only rise by the rate cap each year. I believe there is a problem with the disclosure in sections 32 of sales documents as many new buyers are not aware of the undeveloped land differential. |
| Yes - 5 | Inverleigh | Strongly oppose option 2, run a broadacre farm and believe I receive very little for our farm rates, with few local roads gazetted for b-double access. We also farm in Buloke Shire and nearly all roads are gazetted for conditional b-double access. Any move to increase the farm rate differential will represent significant rate shock for the local agricultural community and hurt business growth and productivity. |
| Yes - 6 | various | Applaud step in winding back the municipal charge as it directly counters the equity principles enshrined in our State's rating system, giving high valued properties rate relief at the expense of the lower valued properties. There is a common expectation that wind farm revenue would be directed toward easing the rate burden on residents. I am supportive of methods such as capping rate rises for individual properties which experience rate shock and support investigation into a 'residential development rate' and encourage consideration of a long term residential rate particularly for the pensioner cohort |
| Yes - 7 | various | The Victorian Farmers Federation does not support any option to alter the farm differential rate categories or reduce the municipal charge as Council has not justified the need to adjust farm differentials. Any downward adjustment to the municipal charge would also punish farm businesses relative to the small benefit received by other ratepayers. |
| | Batesford | The unprecedented rise in the value of properties sold in Batesford in the last 18 months may no be sustained. Any move to reduce the farm differential and municipal charge will represent significant rates shock for the local agricultural community. VFF does not support any change to the rating strategy as Council has failed to make a case why farm rates should increase. |
| | Batesford | The Batesford Ratepayers and Residents Association have identified the priority of the future development of the Moorabool River Precinct and request careful and sensitive development of walking track, picnic areas and playground facilities. |

Common themes in submissions received:

- 25 submissions concerned that Batesford rates continue to increase with most submissions objecting to both options as they result in an increase in rates for Batesford ratepayers.
- Batesford ratepayers would prefer that Batesford is included in the COGG area as they believe their rates would reduce.
- Leave the municipal charge unchanged as this helps to share the burden, otherwise rates in Batesford will increase from this change.
- Prefer option 1 as it appears to be the fairest option where business and land bank holders carrying a slightly higher load of the rates.
- 7 submissions strongly oppose option 2 as it would represent significant rate shock for the local agricultural community.
- Support increase to vacant land rate to discourage land banking.
- Shouldn't penalise ratepayers with vacant land who have approval to build and charge a lower rate than the undeveloped land differential.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The Rating Strategy Propositions Paper has been prepared in accordance with the requirements of the *Local Government Act 2020*.

POLICY/RELEVANT LAW

Local Government Act 2020

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2020

Financial Plan

Annual Budget

COMMUNITY ENGAGEMENT

The Rating Strategy Propositions Paper has been placed on public exhibition and made available for inspection and comment up to the 15 December 2021. Any person can make written comment on any proposal contained in the budget. Feedback will be heard at a council meeting on 21 December 2021. Councillors also held a series of Conversation Posts across the Shire for residents to attend the Rating Strategy Consultations and the Rating Strategy Propositions Paper was also made available via Council's website and Council offices.

PUBLIC TRANSPARENCY

The public consultation process facilitates transparency of the Rating Strategy Propositions Paper submitted for consideration and all Council reports are available for the public to access.

STRATEGIES/PLANS

The Rating Strategy Propositions Paper has been prepared ensuring consistency with Council's budget and long term financial plan, and also ensuring alignment with the 2021-2025 Council Plan.

FINANCIAL MANAGEMENT

The Rating Strategy Propositions Paper has been prepared ensuring consistency with Council's 2021-22 budget and long term financial plan, and also ensuring alignment with the 2021-2025 Council Plan.

RISK ASSESSMENT

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

The Rating Strategy Propositions Paper has been prepared in accordance with the requirements of the *Local Government Act 2020* incorporating long term financial plan requirements to ensure financial sustainability over the short and long term.

COMMUNICATION

The Rating Strategy Propositions Paper was endorsed by Council at its meeting on 23 November, for community consultation. Submissions on the Paper were open from Wednesday 24 November to 5pm, to Wednesday 15 December.

Councillors held a series of Conversation Posts across the Shire for residents to attend the Rating Strategy Consultations and the Rating Strategy Propositions Paper was also made available via Council's website and Council offices.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Council note the Rating Strategy Propositions Paper submissions received

This option is recommended by officers as the submissions will be considered at the Council meeting to be held on 21 December 2021.

CONFLICT OF INTEREST

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

CONCLUSION

Public submissions to the Rating Strategy Propositions Paper will be considered at the 21 December 2021 Council meeting and any members of the public who have requested to be heard at the meeting will be provided with a 5 minute time allocation to speak, with responses to public submissions provided following the 21 December 2021 meeting.

7.10 COUNCIL MEETING DATE UPDATE - JUNE 2022**File Number:****Author:** Rosie Wright, Acting Coordinator Governance and Risk**Authoriser:** Philippa O'Sullivan, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council approve changing the June 2022 Council meeting date from Tuesday, 21 June 2022 to Tuesday 28 June 2022 to remain on the 4th Tuesday of the month.

EXECUTIVE SUMMARY

Council adopted the schedule for the 2022 scheduled Council meetings on 16 November 2021. In the approved schedule, the June meeting was scheduled for the third Tuesday of the month, being Tuesday 21 June 2022. This was due to the 2021 National General Assembly (NGA) of Local Government in Canberra being held on the 4th week of June 2021, and Council meetings were adjusted accordingly to allow our Mayor to attend.

The 2022 NGA of Local Government has since been confirmed to be in the 3rd week of June 2022, removing the requirement for the Council meeting to be held in the 3rd week and allowing it to remain in the 4th week, being Tuesday 28 June 2022.

Section 12.4 of Golden Plains Shire Council's Governance Rules states that Council by resolution, may change the date, time and place of any Council meeting and must provide reasonable notice of the change to the public. Therefore, it is recommended that Council resolve to move the council meeting from Tuesday 21 June 2022 to Tuesday 28 June 2022.

BACKGROUND

In accordance with our Governance Rules, Council must fix the date, time and place of all scheduled meetings and any Delegated Committee meetings at the last meeting of the calendar year for the following year.

DISCUSSION

At the time these dates were set, it was assumed that the 2022 NGA of Local Government would be held on the same dates as 2021, requiring the Council meeting to be held on the 3rd Tuesday of June. However, it has now been confirmed that the NGA of Local Government in Canberra will be held from Sunday 19 June to Wednesday 22 June 2022, and the Council meeting may proceed in the 4th week of June.

It is recommended that Council approve to change the June 2022 Council meeting date from Tuesday 21 June 2022 to Tuesday 28 June 2022 in accordance with section 12.4 of the Golden Plains Shire Council's Governance Rules. Being that it is 6 months until the June Council meeting, this will allow ample time for officers to advertise the date change, providing reasonable notice of the change to the public.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law | Yes |

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

GOVERNANCE PRINCIPLES

This report aligns with the overarching governance principles in s9 of the Local Government Act 2020.

POLICY/RELEVANT LAW

Local Government Act 2020

Golden Plains Shire Council's Governance Rules

PUBLIC TRANSPARENCY

Council approving the change of a scheduled Council meeting date 6 months in advance ensures that the public are provided reasonable notice.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Public notice will be provided via the standard advertising means including Council's website,

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – The Council approve the changing of the June Council meeting date from 21 June 2022 to 28 June 2022

This option is recommended by officers as it allows the Mayor to attend and chair the meeting

Option 2 – The Council do not approve the changing of the June Council meeting date from 21 June 2022 to 28 June 2022

This option is not recommended by officers as the Mayor not be able to attend and as the June meeting includes the adoption of key reports for Council including the 2022/23 Budget.

CONFLICT OF INTEREST

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

CONCLUSION

Due to the timing of the 2022 National General Assembly (NGA) of Local Government in Canberra, it is recommended that Council reschedule the June Council meeting from 21 June to 28 June 2022 to avoid a conflict of dates.

8 NOTICES OF MOTION**8.1 NOTICE OF MOTION - PROVIDE A BRIEFING DAY REPORT ON THE REQUIREMENTS OF AN AMALGAMATION OF COUNCILS**

File Number:

Attachments: 1. Notice of Motion

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council being held on 21 December 2021, I intend to move the following motion:-

MOTION

That Council officers provide a briefing day report in the first quarter of 2022 on the process, and legislative requirements involved in an amalgamation of Councils.

RATIONALE

This motion seeks to get a better understanding of the process involved, and the role council can play. If, this process was one that council wanted to venture down. I would like to be able to better answer many residents' questions on this issue. This motion does not suggest in any manner that council holds a position on the issue, it is merely to obtain a detailed understanding of the process and any legislative requirements.

I commend this Notice of Motion to Council.

**NOTICE OF MOTION**

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

A Notice of Motion must be:

- In writing, or sent electronically, and generally be in a form approved by the Chief Executive Officer;*
- Be signed by the Councillor intending to move the motion;*
- Be lodged with the Chief Executive Officer by 5pm 6 days prior to the date of the meeting to allow sufficient time for the Notice of Motion to be included in the agenda for the next Council meeting.*
- Relate to the objectives, role and functions of Council as outlined in the [Local Government Act 2020].*

I, Councillor Owen Sharkey give notice of my intention to move at the Ordinary Meeting of Council to be held on 21 / 12 / 2021 that:

Wording of proposed motion:

That council officers:

1. provide a briefing day report in the first quarter of 2022 on the process, and legislative requirements involved in an amalgamation of councils.

Reasoning for proposed motion:

This motion seeks to get a better understanding of the process involved, and the role council can play. If this process was one that council wanted to venture down, I would like to be able to better answer many residents' questions on this issue. This motion does not suggest in any manner that council holds a position on the issue, it is merely to obtain a detailed understanding of the process and any legislative requirements.

I commend this Notice of Motion to Council.


COUNCILLOR SIGNATURE

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

This notice was received by the Chief Executive Officer at 7:16 am/pm on 14/12/2021.


CEO SIGNATURE

NOM NUMBER: 61

8.2 NOTICE OF MOTION - COUNCIL TO CONDUCT A SURVEY IN FEBRUARY/ MARCH TO ASSES COMMUNITY VIEWS ON AUSTRALIA DAY

File Number:

Attachments: 1. Notice of Motion

I, Councillor Gavin Gamble, give notice that at the next Ordinary Meeting of Council be held on 21 December 2021, I intend to move the following motion:-

MOTION

That Council conduct a survey in February/ March to asses community views on Australia Day, 26 January and the role Golden Plains Shire should have in supporting Australia Day if at all; recognising the Australia Day citizenship ceremony is a Federal Government requirement.

Questions asked to include, but not limited to:

- Should Australia Day remain on 26 Jan or be moved to an alternative date?
- Should Council Community Awards be awarded on 26 January?
- Should Council fund and or support community events on this day?

A report on the survey results is to be presented to council for the 26 April 2022 council meeting.

RATIONALE

To assess community views on 26 January Australia Day and the role of council in recognition, celebration and /or support for the day.

Recognising the 26 January date is contested and difficult for many Australians, including many Golden Plains residents.

To help guide council in future considerations for planning and supporting, or not, Australia Day.

I commend this Notice of Motion to Council.



NOTICE OF MOTION

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

'A Notice of Motion must be:

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

I, CouncillorGavin Gamble.....give notice of my intention to move at the Ordinary Meeting of Council to be held on ...21... / ...12... / 2021... that:

Wording of proposed motion:

Council conduct a survey in February / March to assess community views on Australia Day, 26 January and the role Golden Plains Shire should have in supporting Australia Day if at all; recognising the Australia Day citizenship ceremony is a Federal Government requirement.

Questions asked to include, but not limited to:

- Should Australia Day remain on 26 Jan or be moved to an alternative date?
- Should Council Community Awards be awarded on 26 January?
- Should Council fund and or support community events on this day?

A report on the survey results is to be presented to council for the 26 April 2022 council meeting

Reasoning for proposed motion:

To assess community views on 26 January Australia Day and the role of council in recognition, celebration and /or support for the day.

Recognising the 26 January date is contested and difficult for many Australians, including many Golden Plains residents.

To help guide council in future considerations for planning and supporting, or not, Australia Day.

I commend this Notice of Motion to Council.

COUNCILLOR SIGNATURE

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

This notice was received by the Chief Executive Officer at ...500... am/pm on 15/12/2021.

CEO SIGNATURE

NOM NUMBER: 62

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

RECOMMENDATION

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

10.1 P11143B & P11144A 168, 174 & 225 Lynch Road, Maude (Amendment to permits for extractive industry)

This matter is considered to be confidential under Section 3(1) - k of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information prescribed by the regulations to be confidential information for the purposes of this definition.

10.2 Golden Plains Shire Council Community Awards 2021

This matter is considered to be confidential under Section 3(1) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
