

Council Meeting Minutes

Bannockburn Shire Hall

Tuesday 23 January 2018

4.00pm – 5.58pm

Our Vision

*Golden Plains Shire offers a lifestyle and opportunities that foster social, economic and environmental wellbeing.
In partnership with the community we will provide strong leadership, encourage sustainable development and ensure quality services, to continue to improve the quality of life of residents.*

Opening Prayer

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

Acknowledgement of Traditional Custodians

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

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. PRESENT

Cr Helena Kirby, Mayor
Cr David Evans
Cr Joanne Gilbert
Cr Nathan Hansford
Cr Des Phelan
Cr Les Rowe
Cr Owen Sharkey

Eric Braslis	Chief Executive Officer
Greg Anders	Director Assets & Amenity
Jillian Evans	Director Community Services
Richard Trigg	Director Corporate Services
Mike Barrow	Manager Executive Unit
Tim Waller	Development Manager
Peter O'Brien	Town Planner
Ann Card	Senior Communications & Marketing Officer
Sharon Naylor	Executive Assistant, Chief Executive Officer
Petra Neilson (Minutes)	Council Support Officer

Gallery

Nine members of the gallery

2. APOLOGIES

Nil

3. DECLARATIONS, MINUTES & ASSEMBLIES

DECLARATIONS OF INTEREST

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

Nil

3.1 CONFIRMATION OF MINUTES

Moved Crs Evans/Sharkey

That the Minutes of the Ordinary meeting of Council held 19 December 2017, as circulated, be confirmed.

Carried

3.2 ASSEMBLIES OF COUNCILLORS – 20 DECEMBER 2017 TO 23 JANUARY 2018

File: 02-03-004

Directorate	Chief Executive Office
Unit	Chief Executive Office
Senior Manager	Eric Braslis, Chief Executive Officer
Responsible Manager	Eric Braslis, Chief Executive Officer
Author	Petra Neilson, Council Support Officer
File References	EDMS file: 02-03-004
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future, and advocate for our community
Relevant Council Strategies	N/A
Relevant Policies & Legislative Frameworks	N/A
Attachments	1. Assembly of Councillors Record Form – 27/11/17 2. Assembly of Councillors Record Form – 11/12/17

Declarations of Interest: Councillors & Officers

Eric Braslis: In providing this advice as the senior manager and responsible manager, I have no disclosable interests in this report.

Petra Neilson: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to present to Council written records of Assembly of Councillors in accordance with section 80A of the Local Government Act 1989. .

Background

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

Discussion

The record must include:

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

Community Engagement

A formal consultation process is not required.

Financial & Risk Management Implications

It is considered that there are no risk management implications.

Economic, Social & Environmental Implications

It is considered there are no economic, social or environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

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


Moved Crs Phelan/Hansford

That Council notes the Assemblies of Councillors records, as attached.

Carried




Assembly of Councillors Record

Date of meeting:	Tuesday, 19 December 2017
Time:	2.33pm – 2.44pm
Purpose of meeting:	Investment Taskforce & Local Procurement Briefing
Councillors present:	Cr David Evans, Cr Joanne Gilbert, Cr Nathan Hansford, Cr Des Phelan, Cr Les Rowe and Cr Owen Sharkey
Apologies:	Cr Helena Kirby
Council staff present:	Eric Braslis, Greg Anders, Jillian Evans, Richard Trigg, Mike Barrow, Felicity Bolitho and Petra Neilson
Other people present:	Nil
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	Investment Task Force / Local Procurement
Completed by:	Eric Braslis, Chief Executive Officer 

This form **MUST** be completed by the attending Council Officer and returned immediately to the Council Support Officer for recording in the register.



Assembly of Councillors Record

Date of meeting:	Tuesday, 19 December 2017
Time:	2.44pm – 3.00pm
Purpose of meeting:	Local Government Community Satisfaction Survey 2018 Briefing
Councillors present:	Cr David Evans, Cr Joanne Gilbert, Cr Nathan Hansford, Cr Des Phelan, Cr Les Rowe and Cr Owen Sharkey
Apologies:	Cr Helena Kirby
Council staff present:	Eric Braslis, Greg Anders, Jillian Evans, Richard Trigg, Mike Barrow, David Greaves and Petra Neilson
Other people present:	Nil
Conflict of Interest Disclosures (Councillors)	Nil
Conflict of Interest Disclosures (Officers)	Nil
Matters discussed:	Local Government Community Satisfaction Survey 2018
Completed by:	Eric Braslis, Chief Executive Officer 

This form **MUST** be completed by the attending Council Officer and returned immediately to the Council Support Officer for recording in the register.

4. REPORTS

4.1 CIVIC LEADERSHIP

4.1.1 Order of the Day: Election of Deputy Mayor

Department	Chief Executive
Unit	Governance
Senior Manager	Eric Braslis, Chief Executive Officer
Responsible Manager	Eric Braslis, Chief Executive Officer
Author	Richard Trigg, Director Corporate Services
File References	EDMS file: 30-01-002
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future, and advocate for our community
Relevant Council Strategies	Nil
Relevant Policies & Legislative Frameworks	Local Government Act 1989
Attachments	Nil

Declarations of Interest: Councillors & Officers

Eric Braslis: In providing this advice as the senior manager and the responsible manager, I have no disclosable interests in this report.

Richard Trigg: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to elect a Deputy Mayor of Golden Plains Shire Council from 23 January 2018 to 7 November 2018.

Background

During the Council meeting on 28 November 2017, the following was resolved:

Item 7.1.2 Deputy Mayor

Moved Crs Phelan/Rowe

**That Council consider a nomination for the position of Deputy Mayor at its January meeting.
Carried**

Discussion

Currently, there is no provision in the *Local Government Act 1989 (as amended)* requiring or setting out conditions for a Deputy Mayor however it is common in some Councils particularly larger Councils.

The following should be noted if Council decides to create the position of Deputy Mayor:

1. The position continues to receive the standard Councillor Allowance with no additional allowance attached to the title of Deputy Mayor;
2. The authority of the Deputy Mayor is no different from a Councillor and cannot perform or exercise any power conferred on the Mayor, unless appointed to be Acting Mayor in accordance with section 73 of *The Act*.

3. It should not be assumed that the person holding the position of Deputy Mayor will automatically become the next Mayor. The election of a Mayor at each Annual Special Meeting will still be conducted in accordance with *The Act* and Council's Local Law.

Community Engagement

A formal consultation process is not required.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social and Environmental Implications

It is considered that there are no economic, social or environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

That in accordance with the Council resolution of 28 November 2017, the Mayor should call for nominations for the position of Deputy Mayor.

Recommendation

That nominations be accepted and the person with the most votes be duly elected Deputy Mayor for the determined period.

The Mayor, Cr Helena Kirby, called for nominations for the position of Deputy Mayor. Cr David Evans nominated by Cr Owen Sharkey. Cr Nathan Hansford nominated by Cr Joanne Gilbert. Both Cr Evans and Cr Hansford accepted the nomination. As there were two nominations a vote was taken with Cr Nathan Hansford voted to the position. Cr Nathan Hansford is the Deputy Mayor.

4.1.2 Council Plan 2017-2021 Implementation – Quarterly Report

Department	Corporate Services
Unit	Corporate Services
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Richard Trigg, Director Corporate Services
File References	EDMS file: 01-01-002
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future and advocate for our community.
Relevant Council Strategies	<ul style="list-style-type: none"> ▪ Events, Marketing & Communications ▪ Finance ▪ Municipal Early Years ▪ Youth ▪ Urban Design Frameworks ▪ Organisational Development
Relevant Policies & Legislative Frameworks	N/A
Attachments	Council Plan 2017-2021 Actions Quarterly Report for December 2017 3a Pillar 1 – Health & Connected Communities 3b Pillar 2 – Local Economies 3c Pillar 3 – Natural & Built Environment 3d Pillar 4 – Good Governance & Leadership

Declarations of Interest: Councillors & Officers

Richard Trigg: In providing this advice as the senior manager, responsible manager and author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to update Council on the progress made in completing the 2017-18 actions contained in the Council Plan 2017-2021.

Background

The Council Plan 2017-2021 contains 40 actions framed around 4 Pillars. This is the second quarterly report to Council regarding implementation of the Plan for 2017-18. Council's management team has established an implementation timetable and monitors the organisation's progress of the Plan on a monthly basis to ensure that all of the actions set by Council are achieved by the end of the year. Each of the actions is numbered for ease of reference.

Discussion

The following table indicates the quarter the actions are to be finalised (•) and the quarter they are completed and reported on to Council is shown by a tick (✓).

Pillar 1: Healthy & Connected Communities

Action	Strategy	Sept	Dec	Mar	June	PM Ref
1. Provide and support programs, activities, and spaces to promote and encourage health and wellbeing for people of all ages and abilities	▪ Access & Inclusion				•	1.3.01
	▪ Arts & Culture				•	
	▪ Community Development				•	
	▪ Recreation			•		
2. Develop a longer term vision and planning for an integrated approach to providing quality health and community services infrastructure	▪ Municipal Public Health & Wellbeing Plan				•	1.3.02
3. Support local sporting and community groups to provide participation and engagement opportunities and continue to encourage and value volunteering in our community	▪ Recreation				•	1.1.01
4. Provide and support contemporary and innovative community development programs initiatives and opportunities	▪ Community Development				•	1.2.01
5. Identify, facilitate and advocate for initiatives to increase access to public and community transport	▪ Ageing Well				•	1.2.02
6. Support people at all life stages and abilities to maximise their potential and participation in community life	▪ Municipal Early Years		✓			1.2.03
	▪ Events, Marketing & Communications	✓				
7. Lobby, advocate and work with others to maintain and enhance the safety and security of all people across our community and proactively address family violence	▪ Governance	✓				1.3.03
8. Communicate, consult, and engage with our community to ensure the provision of responsive and effective services and to enable people to increase control over, and to improve, their wellbeing	▪ Community Engagement			•		1.3.04
	▪ Events, Marketing & Communications	✓				
9. Respect, celebrate and protect the history and diversity of our heritage, the arts and community spaces	▪ Arts & Culture				•	1.2.04
10. Implement a range of activities and programs to support young people in our Shire to be healthy, resilient and empowered	▪ Youth		✓			1.3.05

Pillar 2: Local Economies

Action	Strategy	Sept	Dec	Mar	June	PM Ref
11. Implement a strategic approach to support, promote and grow our local business sector, attract new business investment, and build our visitor economy	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		2.1.01
12. Promote and support the development and sustainability of our rural economy	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		2.1.02
	<ul style="list-style-type: none"> ▪ Road 				•	
	<ul style="list-style-type: none"> ▪ Road Management Plan 				•	
	<ul style="list-style-type: none"> ▪ Northern Settlement 				•	
13. Promote and support innovative, environmentally sustainable and value adding approaches and solutions within our business, rural and visitor economies	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		2.1.03
	<ul style="list-style-type: none"> ▪ Environment 				•	
	<ul style="list-style-type: none"> ▪ Events, Marketing & Communications 	✓				
14. Advocate, facilitate and provide built, service and technology infrastructure to support business and industry growth and development	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		2.1.04
	<ul style="list-style-type: none"> ▪ Access & Inclusion 				•	
15. Promote and advocate for education, vocational and lifelong learning opportunities to support skill development and employment opportunities	<ul style="list-style-type: none"> ▪ Youth 		✓			2.1.05
16. Lobby, advocate, collaborate and develop strategic relationships with government, business, community and key stakeholders to facilitate local economic development and job creation	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		2.1.06
	<ul style="list-style-type: none"> ▪ Events, Marketing & Communications 	✓				
17. Encourage greater investment in the Shire through creative industries, local events and festivals	<ul style="list-style-type: none"> ▪ Events, Marketing & Communications 	✓				2.1.07
	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		
	<ul style="list-style-type: none"> ▪ Arts & Culture 				•	

Pillar 3: Natural & Built Environment

Action	Strategy	Sept	Dec	Mar	June	PM Ref
18. Support and encourage community resilience to respond to a changing climate and the impact of natural disasters	▪ Environment				•	3.1.01
19. Define a pathway to achieving carbon neutrality for Council operations	▪ Environment				•	3.1.02
20. Encourage all landholders to more effectively manage the risk of pest and invasive plants across the municipality	▪ Environment				•	3.1.03
21. Implement waste management and minimisation practices that are innovative, effective and reflect best practice	▪ Waste			•		3.2.01
22. Promote and support innovative and environmentally sustainable management of water resources through strategic partnerships	▪ Environment				•	3.1.04
23. Review the existing Road Strategy and Road Asset Management Plan in consultation with the community and continue to advocate for improvements to arterial roads and highways	▪ Road				•	3.3.01
	▪ Road Management Plan				•	
24. Implement our Paths and Trails Strategy to increase safety, connectivity, and active transport networks within and between townships	▪ Paths & Trails				•	3.4.01
25. Progressively review township structure plans and urban design frameworks to effectively manage growth, encourage diversity and maintain township character	▪ Urban Design Frameworks		✓			3.5.01
26. Proactively support and encourage an increase in civic pride and build ownership of place	▪ Community Development				•	3.6.01
27. Invest in maintenance, renewal and improvement of community infrastructure	▪ Bannockburn Community Infrastructure Development Plan			•		3.3.02
	▪ Recreation			•		
	▪ Access & Inclusion				•	
28. Implement the Municipal Fire Management Plan and fire related statutory controls	▪ Environment				•	3.1.05
	▪ Governance	✓				
29. Work with the community and fire agencies to improve community preparedness and resilience	▪ Environment				•	3.1.06

Pillar 4: Good Governance & Leadership

Action	Strategy	Sept	Dec	Mar	June	PM Ref
30. Develop a long term (25 year) community plan outlining a future vision for Golden Plains Shire	<ul style="list-style-type: none"> ▪ Governance 				•	4.1.01
31. Continue long term financial planning that outlines the emerging challenges for the Shire	<ul style="list-style-type: none"> ▪ Finance 	✓				4.2.01
32. Further develop and implement an advocacy framework in partnership with the community	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		4.3.01
33. Maintain active regional partnerships with a focus on economic development, wellbeing, environmental sustainability and shared services	<ul style="list-style-type: none"> ▪ Economic Development & Tourism 			•		4.3.02
34. Provide a consistent coordinated and innovative approach to communicating with the community	<ul style="list-style-type: none"> ▪ Events, Marketing & Communications 	✓				4.4.01
	<ul style="list-style-type: none"> ▪ Access & Inclusion 				•	
	<ul style="list-style-type: none"> ▪ Arts & Culture 				•	
35. Review decision making and governance processes and structures to improve transparency, accountability and progressively implement Council's Community Engagement Strategy	<ul style="list-style-type: none"> ▪ Community Engagement 			•		4.1.02
	<ul style="list-style-type: none"> ▪ Access & Inclusion 				•	
	<ul style="list-style-type: none"> ▪ Arts & Culture 				•	
36. Build commitment to the organisational Customer Service Charter	<ul style="list-style-type: none"> ▪ Customer Service 				•	4.5.01
37. Work towards the application of 'deliberative engagement' processes	<ul style="list-style-type: none"> ▪ Community Engagement 			•		4.1.03
38. Continue to implement Council's commitment to equal employment opportunity and influencing broader access, inclusion and gender equity issues in our community	<ul style="list-style-type: none"> ▪ Organisational Development 		✓			4.6.01
39. The Golden Plains Community and Civic Centre will be a redevelopment of the Bannockburn Customer Service Centre to provide a suite of community, municipal and office spaces to meet the needs of community access to Council, Council governance processes and Council staff delivery of the key pillars of the Council Plan	<ul style="list-style-type: none"> ▪ Governance 				•	4.6.02
40. Provide a workplace that facilitates the highest level of productivity and supports a healthy lifestyle for employees	<ul style="list-style-type: none"> ▪ Governance 				•	4.6.03
	<ul style="list-style-type: none"> ▪ Organisational Development 		✓			
	<ul style="list-style-type: none"> ▪ Community Development 				•	

A detailed explanation of actions can be obtained from Attachments 1a to 1d– Council Plan 2017-2021 Actions Quarterly Report for December 2017.

Community Engagement

A formal consultation process was not required.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social and Environmental Implications

It is considered that there are no economic, social or environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

The implementation timetable adopted by officers is an effective monitoring method to enable Council to complete the 2017-18 actions contained in the 2017-2021 Plan.

Moved Crs Phelan/Gilbert

That Council note the report and achievements attained in the implementation of the actions contained in the Council Plan 2017-2021, as at December 31, 2017.

Carried

4.1.3 Review of Council Policy 4.8: Recognition of Service by Councillors.

Directorate	Corporate Services
Unit	Corporate Services
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Richard Trigg, Director Corporate Services
File References	EDMS file: 34-03-001 and 02-03-005
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future, and advocate for our community
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Council Policy Manual
Attachments	4. Council Policy 4.8 Recognition of Service by Councillors

Declarations of Interest: Councillors & Officers

Richard Trigg, Director Corporate Services: In providing this advice as the senior manager, responsible manager and author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to review and adopt Council Policy 4.8: Recognition of service by Councillors.

Background

Policy 4.8 was first adopted in 1998 and last reviewed in 2013.

This policy was presented to the 28 November 2017 Council meeting where it was recommended that the report lay on the table while Council seeks legal advice.

Discussion

The policy provides clear guidelines on when a Councillor will receive a certificate of service and a gift based on years of service.

A gift to the value of 1% or 2% of the annual allowance for a Councillor has been the policy for some time with the percentage not requiring an increase as the Councillor allowance itself is indexed each year.

For reference, the current value of a 1% gift is \$216.

The policy has served the Council well and no changes are proposed.

Community Engagement

A formal consultation process is not required.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered there are no economic, social and environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

The current policy has served the Council well in the past and no amendments are proposed.

Moved Crs Hansford/Evans

That Council adopt Policy 4.8: Recognition of service by Councillors as attached.

Carried

4.2 ENVIRONMENT & LAND USE PLANNING

4.2.1 Planning Scheme Amendment C75 – Rezoning 385 Common Road, Inverleigh

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Team Leader
Author	Fiona Maw, Strategic Planner
File References	EDMS file: 60-02-075
Council Plan Link	Managing Natural and Built Environments We work to promote, conserve, enhance and protect the natural environment and ensure that growth and change in the built environment is managed for the benefit of all of our community
Relevant Council Strategies	Inverleigh Structure Plan
Overlays	<ul style="list-style-type: none"> ▪ Environmental Significance Overlay Schedule 2 – Watercourse Protection ▪ Floodway Overlay ▪ Land Subject to Inundation
Relevant Legislation	<ul style="list-style-type: none"> ▪ The Golden Plains Planning Scheme ▪ The Planning and Environment Act 1987
Attachments	<ul style="list-style-type: none"> 5. C75 Amendment Documents 6. C 75 Submissions

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Fiona Maw: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to seek Council support to progress amendment C75 to a planning panel. This independent hearing would allow further consideration of Amendment C75, specifically in relation to matters that remain unsolved as a result of submissions to the amendment.

Background

Amendment C75, requested by Ramsey Property Group and prepared by David Lock and Associates, proposes to rezone approximately 85.4 hectares of land at 385 Common Road, Inverleigh (Portions 26, 27, 28 and 29 on Certificate of Title, Volume 10913, Folio 793) from Farming Zone (FZ) to predominantly Low Density Residential Zone (LDRZ). A portion fronting the Leigh River will be rezoned to Public Park and Recreation Zone (PPRZ) – refer to Attachment 5. It also seeks to apply the Design and Development Overlay – Schedule 5 (DDO5) to the area proposed to be rezoned to Low Density Residential Zone.

The amendment will ensure that there is a suitable supply of low density residential land developed in an orderly and timely manner consistent with the Inverleigh Structure Plan Review 2005.



Exhibition of Amendment C75

Amendment C75 was exhibited from the 18 September to the 6 November 2017, with gazettal notice occurring on 5 October 2017. Amendment notices were sent to prescribed Ministers, relevant authorities and affected land owners/occupiers on 15 September 2017. The amendment was advertised in the Geelong Advertiser on 23 September 2017 and the October edition of the Leigh News. The amendment was also advertised on the Department of Environment, Land, Water and Planning (DELWP) and Golden Plains Shire Websites.

The amendment was exhibited in accordance with the requirements of Section 19 of the *Planning and Environments Act 1987*. A copy of the exhibited amendment documents is provided at Attachment 5. Five (5) submissions to the amendment were received during the exhibition period.

Planning process for amendments to a planning scheme

Following the exhibition of an amendment, Council must consider all submissions made within the exhibition period and has three (3) options in dealing with a submission. Council may:

- a) Change the amendment in the manner requested;
- b) Refer the submission to a panel; or
- c) Abandon the amendment or part of the amendment.

Council also has the opportunity to approve parts of the amendment. This option results in the amendment being divided in to parts. These parts then operate as individual amendments.

Submissions

A total of five (5) submissions were received in relation to Amendment C75. The submissions have been summarised and responded to below. A copy of all submissions is provided in Attachment 6.

Submission 1 - CFA

The following submission from the Country Fire Authority (CFA), supports the proposed amendment in its current form, making note of the following:

Bushfire Hazard

- The subject site is predominantly grassland which is adjoining the Inverleigh Common Flora and Fauna Reserve. Parts of the subject land within 150m of the Inverleigh Common Flora and Fauna Reserve have recently been included in the re-mapped Bushfire Management Overlay (BMO).
- The predominant forms of bushfire attack on the subject site will be radiant heat and embers from the trees in the Inverleigh Common Flora and Fauna Reserve and grassfire attack.

Bushfire Mitigation Measures

- A bushfire planning assessment report prepared by Ecotide indicates that the bushfire risk associated with the Inverleigh Common can be managed through adequate setbacks from the site boundary from the north-east and from the Leigh River to the south and by the provision of a number of egress points from the site in appropriate directions to facilitate safe occupant/visitor access/egress.
- Future subdivision design will need to consider lot size and setbacks in areas close to the Inverleigh Common Flora and Fauna Reserve and access/egress routes and connectivity to existing development to the east of the site. Access for fire-fighting appliances along the escarpment above the Leigh River will also be required.

Direction

Recommendations noted. No further action required at this time.

Submission 2 - EPA

The following submission from the Environment Protection Authority (EPA) noted the following:

- Council should ensure that the above planning scheme amendment is consistent with any local residential development policy, to ensure that the proposal meets these objectives. EPA notes that the application states the subject site is identified in the Inverleigh Structure Plan Review (2005) as 'Future Low Density Residential'.

Contaminated Land

- Council should have regard to Ministerial Directions No 1 (Potentially Contaminated Land). Ministerial Direction No. 1 states that 'in preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use'. EPA doesn't have any records of the previous uses of the site and potential for soil contamination. Council will need to determine whether past agricultural uses (eg fuel storage, chemical use) are likely to have resulted in any contamination.

Wastewater Management

- The application notes that reticulated sewerage infrastructure is not available in Inverleigh and each lot will need to be supplied with individual sewerage treatment systems. Onsite wastewater treatment systems must perform effectively and be well managed to minimise risks to public health and the environment. EPA notes that the site is in close proximity to the Leigh River. The Code of Practice – Onsite Wastewater Management (EPA Publication 891.4, July 2016) provides standards and guidance to ensure the management of onsite wastewater (up to 5,000 litres per day) protects public health and the environment and uses our resources efficiently.

Direction

Recommendations noted. No further action required at this time. There are no known contamination issues stemming from the previous and current agricultural use of the land.

Submission 3 - DELWP

The following submission from the Department of Environment, Land, Water and Planning (DELWP) supports the proposed Amendment, noting the following:

- That Common Road separates Inverleigh Flora Reserve and Inverleigh Golf Course from the subject properties. Inverleigh Flora Reserve and Inverleigh Golf Course are managed respectively by Parks Victoria and a committee administered by the Golden Plains Shire Council.

Direction

No further action required

Submission 4 - Bolitho

This submitter recognises that the subject land has been identified as 'Future Low Density Residential' and does not object to the proposal in its entirety. The primary concern of the submitter is the 0.4ha lot size that is proposed. The following are the key concerns of this submission:

- Our concerns would largely be addressed if minimum lot sizes of 1ha were to be mandated by Council in the finalised Amendment C75, or imposed and protected by mandatory covenant, consistent with minimum lot sizes currently contained in the covenants affecting the LDRZ (1ha), in the existing subdivisions north and south of Common Road.
- a requirement that Amendment C75 be deferred consistently with the precedent established by Council's post May 2017 decision to defer a very similar amendment proposal contained in Amendment C74, pending the preparation of the 2017 Inverleigh Structure Plan.
- A holistic approach to all proposed subdivisions in Inverleigh underpins the philosophy of the draft Structure Plan that has been workshopped with residents by Council officers this year. Amendment C75 should not be considered in isolation from C74 given the profound changes they may together create for our community and for the landholders in the existing subdivisions proximate to them.
- Alternatively, in view of the strong concerns of the Inverleigh Community, expressed at the consultation meetings in March and October 2017 respectively, Council's consideration of Amendment C75 should be deferred until the new Inverleigh Structure Plan is finalised, as Council has done with Amendment C74.

Direction

The subject land is identified in the Inverleigh Structure Plan Review 2005 for future low density residential land purposes, specifically 'Longer term growth'. This existing structure plan does not specify lot size controls to this particular site. Therefore, the minimum lot size as set out in the Low Density Residential Zone for unsewered land of 0.4ha, is applicable to this site.

Whilst the submitter draws a correlation between the process applied to Amendment C74, this amendment is currently not proceeding any further due to different circumstances, namely the unresolved issue of the construction of Hopes Plains Road, Inverleigh. To move forward on Amendment C74, Golden Plains Shire Council require agreement from the developer that Hopes Plains Road will be constructed as part of any future subdivision. It was decided to defer the response on C74 until the completion of the Inverleigh Structure Plan as the ISP may provide relevant directions for future infrastructure development.

Submission 5 – Wilson/Shaw

Submitter 5 believes that the Amendment is not supported by local planning policy and makes the following submission:

- If the subject land is rezoned it is submitted this should occur across the entire area identified as long-term growth as a single amendment with the application of a Development Plan Overlay.
- In its current form, the Municipal Strategic Statement of the Golden Plains Planning Scheme does not support rezoning of the land, particularly clauses:
 - Clause 21.02-1 Vision
 - Clause 21.05-1 Residential Land Use
 - Clause 21.05-2 Agriculture

Direction

The amendment is supported by the State Planning Policy Framework, Local Planning Policy Framework and local policies.

The Municipal Strategic Statement seeks to focus residential development within the boundaries of the townships. The subject site is located within the existing growth boundary and is required to be rezoned to meet a shortage of suitably zoned land in Inverleigh.

As part of the assessment of the proposed amendment, all potential environmental matters pertaining to the site and Inverleigh in general have been considered, including: flooding, salinity and wildfire. Reports provided as part of the application indicate that environmental issues can be adequately addressed through careful design at the subdivision stage.

The amendment does not propose to apply a Development Plan Overlay to the subject site though this will be discussed at panel. Furthermore, the amendment pertains only to portions 26, 27, 28 and 29, 385 Common Road, Inverleigh. It is not within the scope of this amendment to address all future residential land through the application of a Development Plan Overlay. Council is currently developing a new Structure Plan for Inverleigh that will holistically consider existing and future residential areas and their corresponding requirements including movement networks to and from the town centre, between developments and beyond, connectivity to services and so on.

Cultural Heritage Implications

The applicant provided cultural heritage information with the application in the form of preliminary advice, prepared by Dig international Pty Ltd Cultural Heritage Management. There are no Aboriginal archaeological sites recorded on the site. No further archaeological investigation is required at this time.

It should be noted, however, that where required, a Cultural Heritage Management Plan (CHMP) will be provided at with the subdivision application.

Financial & Risk Management Implications

The application for this amendment has been made by the Ramsey Property Group, who will bear the costs of the amendment process having completed and signed the 'Acceptance of costs' form signed required by Golden Plains Shire Council. Therefore it is considered that financial implications associated with the planning scheme amendment process are acceptable.

There are not considered to be any risk management implications.

Economic, Social & Environmental Implications

There are not considered to be any economic, social or environmental implications.

Communications

It is not considered that a communication plan is required.

Conclusion

Whilst submissions do not object to Amendment C75, they raise issues that are not able to be resolved at this time. A panel hearing will provide all parties including the responsible authority, with the opportunity to have their submissions heard in detail and considered independently.

The panel will then make a recommendation as to how the amendment should proceed, either with changes, as proposed or to be abandoned. Council has an opportunity to consider the panel's report and subsequently make a further decision on how the amendment should proceed prior to submitting the proposed amendment to the Minister for Planning for approval.

The amendment is considered to be consistent with the Golden Plains Planning Scheme, including the State Planning Policy Framework, Local Planning Policy Framework and the Municipal Strategic Statement.

Moved Crs Hansford/Gilbert

That Council request the Minister for Planning to appoint a panel pursuant to Section 23(1) (b) of the Planning and Environment Act 1987 to consider Amendment C75 and submissions, and make recommendations regarding the amendment.

Carried

4.2.2 Golden Plains Planning Scheme Amendment C77 - Bruce's Creek Reserve, Willowbrae Estate, Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Team Leader
Author	Alicia te Wierik, Senior Strategic Planner
File References	EDMS file: 60-02-077
Council Plan Link	Managing Natural and Built Environments We work to promote, conserve, enhance and protect the natural environment and ensure that growth and change in the built environment is managed for the benefit of all of our community
Relevant Council Strategies	Bannockburn Urban Design Framework
Overlays	<ul style="list-style-type: none"> ▪ Design and Development Overlay Schedule 6 (Willowbrae Development Bannockburn) ▪ Environmental Significance Overlay Schedule 2 (Watercourse Protection) ▪ Land Subject to Inundation Overlay
Relevant Legislation	<ul style="list-style-type: none"> ▪ Golden Plains Planning Scheme ▪ Planning and Environment Act 1987
Attachments	<ul style="list-style-type: none"> 7. Amendment C77 documents 8. Submissions to Amendment C77

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Alicia te Wierik: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

The purpose of this report is to present the submissions of support received for Amendment C77 and to request that Council adopt Amendment C77 and seek approval from the Minister for Planning.

Background

Council resolved to prepare and exhibit Planning Scheme Amendment C77 in February 2017.

Planning Scheme Amendment C77, seeks to rezone land within the Bruce's Creek Open Space Reserve and the Willowbrae Residential Estate in Bannockburn from Farming Zone, by applying the Public Park and Recreation Zone to the Reserve and removing the Design and Development Overlay (Schedule 6) from this land as well as ensuring the adjacent residential lots abutting the reserve are wholly zoned General Residential 1 Zone.

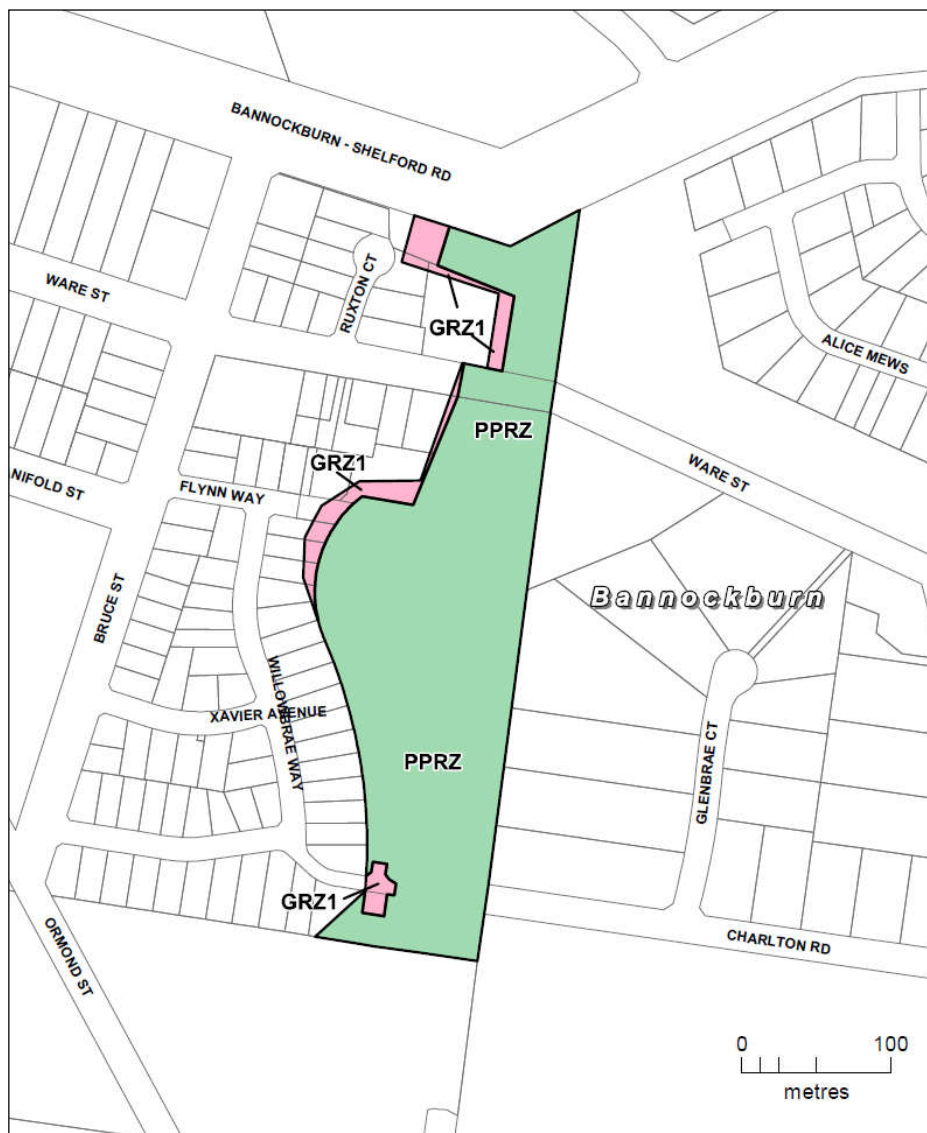
The Amendment is required to rezone land at Bruce's Creek, Bannockburn, which is being transferred from private ownership to Council ownership in accordance with the Section 173 agreement required as a condition of the Willowbrae subdivision permit P07-242C. The developer is required to undertake weed and vermin removal prior to transferring the land to Council. The rezoning from Farming Zone to Public Park and Recreation Zone will ensure the zone reflects the intended use and Council ownership.

The Amendment also corrects the zone alignment on private property adjoining the Bruce's Creek Open Space Reserve. Surveying of the land for the creation of lots has highlighted that a small strip of Farming Zone has been included within the General Residential Zone lots. The residential lots should be wholly zoned General Residential 1 Zone and align with the title boundaries of these lots.

The Amendment applies to Lot RES1 PS711130, Part Lot 13 PS717168, Lot RES1 PS717168, Part Lot 16 PS717168, extension of Ware Street to the east within Bruce's Creek Open Space Reserve; Lot E PS644046 (including the extension of Flynn Way into the Bruce's Creek Open Space Reserve), Part Lot 58, Part Lot 59, Part Lot 60, Part Lot 61 and Part Lot 62 PS644046, the extension of Waterview Lane into the Bruce's Creek Open Space Reserve and Lot RES1 PS613371 and Lot R1 PS640282 Parish of Murgheboluc, Bannockburn.

The land affected by the Amendment is shown on the following map:

Figure 1- Areas to be rezoned to General Residential Zone Schedule 1 (GRZ1) and Public Park and Recreation Zone (PPRZ).



The affected areas comprise approximately 5 hectares of land located in the Willowbrae residential estate in the south west area of the Bannockburn township.

The land includes part of the Bruce's Creek Open Space Corridor, which is a linear open space precinct running in a north-south orientation through the Bannockburn township. The land is currently zoned Farming Zone (FZ) and the Design and Development Overlay Schedule 6, the Environmental Significance Overlay Schedule 2 and Land Subject to Inundation Overlay apply.

A copy of Amendment C77 is provided at Attachment 7.

Proposal

Amendment C77 was exhibited in accordance with Section 19 of the *Planning and Environment Act 1987*, from 4th November 2017 until 11th December 2017.

Notice was provided in the Geelong Advertiser on Saturday 4 November 2017 and the Government Gazette on 9 November 2017. Letters were sent to Ministers and authorities in accordance with the *Planning and Environment Act 1987*.

Letters were also sent to owners and occupiers of land affected and adjoining the subject site.

Four (4) submissions were received in relation to Amendment C77. The submissions all support the amendment and are provided in Attachment 8. A summary of submissions is provided as follows:

Submission No. 1: Department of Economic Development, Jobs, Transport and Resources

The Department supports Council's efforts to incrementally implement its long term land use framework.

Submission No.2: AusNet Services

There are no existing or proposed electricity transmission assets within the area covered by C77. However it is noted that this amendment is part of the Bannockburn Framework Plan. AusNet Transmission Group has a 500kV transmission line running along the southern boundary of the plan. Any proposed development (including roads, earthworks or landscaping) within 60 metres of the easement must be referred to AusNet Transmission Group for approval prior to commencement of any works on site.

Submission No.3: EPA Victoria

EPA has no concerns with the proposed amendment.

Submission No. 4: Department of Environment, Land, Water and Planning

The Department supports the proposed amendment.

Discussion

All submissions received, support Amendment C77, and as such, no changes are required.

A Planning Panel will not be required and Council can proceed to request the Minister for Planning approve the amendment.

Community Engagement

The amendment was exhibited in accordance with the *Planning and Environment Act 1987*.

Notice included a public notice in the Geelong Advertiser and direct mail to owners of the subject land and abutting land. Owners directly affected by the amendment were contacted directly by Council officers to explain the purpose of the amendment.

Cultural Heritage Implications

Cultural Heritage matters were considered as part of the original rezoning, subdivision and residential development of the Willowbrae and De Bonair Estates. There is no development proposed as part of this planning scheme amendment and as such there are no foreseen cultural heritage implications for this amendment.

Financial & Risk Management Implications

The financial implications of this amendment are the standard planning scheme amendment fees applied by the Department of Environment, Land, Water and Planning, to administer planning scheme changes. These are provided for within Council's current budget.

This amendment seeks to apply the appropriate zone to match the intended use of the land. Failure to correct the zone alignment on private lots may have implications on Council whereby owners seek rectification at a later stage. The application of a public zone rather than a farming zone better supports Council's management of Bruce's Creek Open Space Reserve. The management obligations of the open space reserve will be transferred to Council once the land is handed over for public open space as part of the requirements of the subdivision and conditions of the Willowbrae residential estate development.

Economic, Social & Environmental Implications

The amendment addresses the environmental and social considerations of a recreation reserve along Bruce's Creek. The Public Park and Recreation Zone ensures the reserve is zoned for its purpose as an open space reserve along Bruce's Creek, as stipulated in Schedule 6 of the Design and Development Overlay applying to the land, as well as the Bruce's Creek Masterplan 2009 and the Bannockburn Urban Design Framework.

The Amendment prevents any complications and potential negative economic impacts that might arise from having part Farming Zone within the title boundary of residential lots zoned General Residential Zone 1.

Communications

It is considered that a communication plan is not required.

Conclusion

Amendment C77 proposes to change the Golden Plains Planning Scheme by:

- Amending Clause 21.07 to delete reference associated with the Design and Development Overlay being applied to the Bruce's Creek Open Space Reserve in the Willowbrae Residential Estate;
- Changing Zone Map 29 by rezoning the subject site from Farming Zone to Public Park and Recreation Zone and General Residential Zone 1; and
- Removing the Design and Development Overlay Schedule 6 (DDO6) from part of the subject site (where the PPRZ is being applied), by amending Planning Scheme Map 29DDO.

There have been no objections to the proposed amendment and as such, Council can proceed to request that the Minister approve the amendment without the need for changes or for a Panel Hearing.

Moved Crs Hansford/Phelan

That Council adopt Amendment C77, as exhibited and provided in Attachment 7, and forward the amendment to the Minister for Planning for approval in accordance with section 31(1) of the Planning and Environment Act 1987.

Carried

4.2.3 Regional Floodplain Management Strategy 2017 - 2027– Final draft for Endorsement by Council

Department	Assets and Amenity
Unit	Development Unit
Senior Manager	Greg Anders, Director of Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	N/a
Council Plan Link	Managing Natural and Built Environments We work to promote, conserve, enhance and protect the natural environment and ensure that growth and change in the built environment is managed for the benefit of all of our community.
Relevant Council Strategies	Plan, resource and strengthen Council and community capacity to effectively respond to current and future challenges related to the natural environment including climate change, water, biodiversity and emergency management.
Relevant Policies & Legislative Frameworks	N/A
Attachments	9. Draft Regional Floodplain Management Strategy

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager and author, I have no disclosable interests in this report.

Purpose

This report presents the final draft of the Regional Floodplain Management Strategy for formal endorsement by Council.

The Corangamite Regional Floodplain Management Strategy provides a single, regional planning document for floodplain management and a high level regional work program to guide future investment priorities for the Corangamite Catchment Management Authority (CMA) region.

This report provides background information regarding the development of the draft strategy, a summary of the key components relevant to Golden Plains Shire and details regarding strategy implementation.

The final strategy is required to be endorsed by the partner agencies and submitted to the Department of Environment Land, Water and Planning by early February 2018.

Background

The Victorian Floodplain Management Strategy was completed in 2016, and identifies Catchment Management Authorities (and Melbourne Water) as responsible for developing and reviewing regional floodplain management strategies in collaboration with Local Government Authorities (LGA), the VICSES as well as the general public.

In 2017 the Corangamite Catchment Management Authority (CCMA) commenced the process of developing a management strategy for our region. The CCMA have been working closely with Golden Plains Shire, neighbouring Councils, traditional owners, the Victorian State Emergency Service and other regional agencies to prepare the draft Corangamite Regional Floodplain Management Strategy. The strategy aims to achieve the following objectives:

- Build flood resilience – by sharing information about flood behaviour;
- Reduce flood risks – through emergency management, flood mitigation infrastructure works and risk management;
- Avoid future flood risks – through land use planning and building controls;
- Manage residual flood risks – through flood insurance, sharing flood risk information and emergency management;
- Protect floodplains for their ecological and cultural values – by integrating the management of flood risk with protecting the environmental and cultural values of natural floodplains.

The regional strategy provides a starting point for Councils and other stakeholders to identify priority flood management activities, including flood emergency response to local needs, improving flood overlays in land use planning schemes, and dealing with riverine, coastal and urban storm water flooding issues.

The draft regional strategy contain five chapters covering the following areas;

- Introduction and regional context - policy context roles and responsibilities;
- Flooding in the Corangamite region – land use planning, structure mitigation works, flood warning services, emergency management, community education;
- The Strategy – vision, objectives for floodplains management;
- Flood risk and responses – grouped by LGA;
- Implementation – monitoring, evaluation, reporting, governance and accountability.

Discussion

Following a Councillor briefing in October 2017, Council officers worked closely with the CCMA project team to clarify Golden Plains Shire Council priorities and to ensure that local communities had further opportunities to make submissions to the draft strategy document. A number of changes and inclusions were made to chapter 4.6 which contains content specifically relevant to the Golden Plains Shire region.

Chapter 4.6 describes the Golden Plains Shire region and identifies the most significant flood risks impacting local communities. The Shire profile identifies priority flood risks in the townships of Inverleigh, Teesdale and Shelford. A local action plan identifies eight priority actions. Two of the listed actions are specific to the township of Inverleigh whilst the remaining six actions refer to initiatives that will have Shire wide benefits.

The actions outlined within the strategy are considered to be logical and readily achievable within the life of the document. Six of the eight actions will be completed in partnership with the CCMA.

Community Engagement

A formal engagement plan was developed by CCMA project team.

Financial Implications

It is considered that the actions contained within the strategy can be achieved by Council staff working in partnership with the CCMA, largely within existing operating budgets. Council is currently in the process of developing the Inverleigh Flood Study in partnership with DELWP and the CCMA. This project has been facilitated with State Government funding.

Environmental Implications

The consideration of environmental implications has informed the attached draft strategy.

Social Implications

Social implications have been considered in the development of the community engagement program.

Risk Management Implications

A floodplain strategy considers floodplain risks at a regional scale.

Communications

A communications plan was developed by the CCMA project team. Golden Plains Shire Council has assisted with communications regarding key stages in the Strategy's development.

Conclusion

The draft Regional Floodplain Management Strategy represents the culmination of a significant volume of research and consultation work undertaken by the project team and the senior steering committee.

Actions relevant to the Golden Plains Shire region have been developed and refined with inputs gathered from community engagement forums and workshops with the Golden Plains Shire Council.

Officers from the Development Unit will be working closely with the CCMA to ensure that strategy actions are achieved in a cost efficient manner with tangible benefits for Shire residents.

Moved Crs Evans/Hansford

That Council formally endorse the Regional Floodplain Management Strategy 2017-2027 and support the implementation of actions incorporated within the document.

Carried

4.2.4 Planning application P17-163 for a four lot subdivision at 122 Charlton Road, Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Planning Team Leader
Author	Peter O'Brien, Town Planner
File References	Planning Application P17-163
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Four lot subdivision
Land Address	Lot 1 on Title Plan 109829W 122 Charlton Road, Bannockburn
Applicant	Karen Mansell
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ General Residential Zone – Schedule 1 (GRZ1) ▪ No overlays
Attachments	<ul style="list-style-type: none"> 10. P17-163 Copy of application and plans 11. P17-163 Locality map 12. P17-163 Copy of objections

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Peter O'Brien: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for a four lot subdivision at 122 Charlton Road, Bannockburn. The application has been referred to the Council Meeting for determination because there are objections to the application and Council officers do not have delegated powers to decide on an application where there are objections. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes the development of the land for the purposes of a four lot subdivision (refer to Attachment 10 – copy of application and plans). It is proposed to subdivide the land as follows:

- Proposed lot 1 has an area of 471m² and has access from Douglass Court.
- Proposed lot 2 has an area of 567m² and is a 'battle-axe' style lot with access from Douglass Court.
- Proposed lot 3 has an area of 476m² and has access from Charlton Road.
- Proposed lot 4 has an area of 510m². The lot is on the corner of Charlton Road and Douglass Court and access is available from both streets.

The existing dwelling and dependent persons unit will be removed to provide for the subdivision of the land and subsequent development of the lots.

Site Description

The site is located in a residential area of Bannockburn, approximately 1000 metres south of the town centre (refer to Attachment 11 – locality map). There is an existing single storey dwelling and dependent persons unit on the site. The site is flat and mostly cleared except for planted trees and domestic gardens. The total area of the site is approximately 2023m². Surrounding land is in a General Residential Zone except for land on the opposite (south) side of Charlton Road which is currently in a Farming Zone. This land has been identified in the Bannockburn Urban Design Framework for re-zoning and future development for residential purposes.

History

The application was submitted to Council on 5 July 2017. The application was referred under Section 55 of the *Planning & Environment Act 1987* ('the Act') to Barwon Water and Powercor in accordance with Clause 66.01 of the planning scheme. The application was also internally referred to Council's Works Engineer. These parties had no objection to the issue of a permit, subject to conditions being placed on a permit.

Communications

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the Act. Notice was provided by mail to 3 adjoining and neighbouring owners and occupiers. Notice was also carried out by placing a sign on the site.

Summary of Objections

As a result of the public notice two objections were received. A copy of the objections is provided as Attachment 12. The objectors' concerns relate to loss of privacy, car parking, de-valuation, and the height and materials of dwellings constructed on the proposed lots.

A consultation meeting was held on 20 November 2017 to attempt to resolve the objectors concerns and reach a mediated outcome. Only one of the two objectors was able to attend the meeting. There was no resolution or agreement reached at the meeting.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11 Settlement

The State Planning Policy for Settlement seeks to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities. The policy for the Supply of urban land (Clause 11.02-1) seeks to ensure a sufficient supply of land is available for residential and other urban uses. Planning for urban growth should consider, amongst other things, opportunities for the consolidation, re-development and intensification of existing urban areas.

Clause 11.07-1 Regional planning

The objective of this policy is to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable. The principles to be applied to settlement planning in Regional Victoria include the following:

- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and infill redevelopment.
- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.

Clause 11.09 Geelong (G21)

The Geelong (G21) policy applies to the Geelong G21 region which includes the south-east area of Golden Plains Shire. The Planning for growth policy (Clause 11.09-1) aims to optimise infrastructure and consolidate growth by support the growth of Bannockburn as a district town by building on existing and planned infrastructure.

Clause 15.01-3 Neighbourhood and subdivision design

The objective of this policy is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. In the redevelopment of existing residential areas subdivision should be designed to create liveable and sustainable communities by creating compact neighbourhoods that have walkable distances between activities and providing a range of lot sizes to suit a variety of dwelling and household types.

Clause 16.01 Housing

The State Planning Policy for Housing seeks to provide for housing diversity and ensure the efficient provision of supporting infrastructure. The policy for the Location of residential development (Clause 16.01-2) seeks to identify opportunities for increased residential densities to help consolidate urban areas and reduce the pressure for fringe development.

Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement (MSS)

The MSS nominates managing residential growth as one of the key land use and planning issues for the Golden Plains Shire. Managing residential growth is addressed through the Settlement policy (Clause 21.02).

Clause 21.02 Settlement

The objectives of the policy for Settlement patterns (Clause 21.02-1) are to make efficient use of land and to encourage the consolidation of existing township areas. The policy seeks to direct residential development to township areas that have reticulated water, sewerage and stormwater drainage and community services and facilities.

The Townships policy (Clause 21.02-2) aims to provide for a variety of lot sizes to meet the requirements of all age groups, household types, different lifestyles and to provide housing choice. The policy supports medium density housing located in urban areas that have reticulated water and sewerage systems and within walking distance of commercial and retail centres and community facilities.

Clause 21.07-1 Bannockburn

The Local Policy for Bannockburn recognises that continued management of residential growth as a key issue for the town and aims to promote growth in Bannockburn that is sustainable in accordance with the Bannockburn Urban Design Framework Overall Principles Plan. The subject land is shown within a 'Consolidated Residential' area on the Overall Principles Plan.

Zone and overlays

The land is in a General Residential Zone – Schedule 1 (GRZ1). Land surrounding the site is similarly zoned except for land to the south which is in a Farming Zone but has been identified in the Bannockburn Urban Design Framework for re-zoning for residential purposes. The purpose of the GRZ1 is, among other things, to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

A permit is required to subdivide land under Clause 32.08-3 of the General Residential Zone. An application to subdivide land must meet the requirements of Clause 56 of the planning scheme (Rescode). There is no minimum lot size however each lot must be able to contain a building envelope measuring 10 metres by 15 metres.

An application to subdivide land must also ensure that each lot created contains the minimum garden area set out in Clause 32.08-4. Under Clause 32.08-4 lots between 400-500 square metres require a minimum 25% garden area and lots between 501 and 650 square metres require a minimum 30% garden area.

There are no overlays applying to the land.

Particular provisions

Clause 56 Residential subdivision

The purpose of Clause 56, among other things, is to create liveable and sustainable neighbourhoods and achieve residential subdivision outcomes that appropriately respond to the site and its context including for infill sites within established residential areas. An application for a four lot subdivision must meet the objectives and should meet the standards of Clause 56 as specified in the zone. The requirements for a four lot subdivision includes the following:

- Clause 53.03-5 Neighbourhood character. Subdivision should respect the existing neighbourhood character and respond to and integrate with the surrounding urban environment.
- Clause 56.04-2 Lot area and building envelopes. Lots should contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres.
- Clause 56.04-3 Solar orientation of lots. Subdivision must provide good solar orientation of lots and solar access for future dwellings.
- Clause 56.06-5 Walking and cycling network. The walking and cycling network must provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.
- Clause 56.06-8 Lot access. The design and construction of vehicle crossovers should meet the requirements of the relevant road authority.
- Clause 56.07-1 Drinking water supply. The supply of drinking water must be designed and constructed in accordance with the relevant water authority.
- Clause 56.09-2 Electricity, telecommunications and gas. The electricity supply, telecommunication and gas supply systems must be designed and provided to the boundary of all lots in accordance with the requirements of the relevant authorities.

General Provisions

Clause 65 Decision guidelines

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

Before deciding on an application to subdivide land, the responsible authority must also consider, 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 availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

Discussion

Planning Scheme

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including State and Local planning policies, the General Residential Zone and Clause 56, and Clause 65 of the Victoria Planning Provisions. The application is supported by State and Local policies for Settlement which promote the consolidation of existing urban areas that have existing infrastructure and community services and facilities, increased residential densities and the provision of a range of lot sizes. The application is also consistent with the local policy for Bannockburn which identifies the site within an area for consolidated residential development.

The application is considered to meet the requirements of Clause 56 because the proposed subdivision design will have no impact on the character of the area, the lots are of sufficient size to enable the appropriate siting and construction of a dwelling on each lot, provide good solar orientation and will be provided with vehicle access and utilities meeting the requirements of the relevant authorities. In respect to Clause 56.05-5 it is recommended that a condition be placed on the permit for the construction of a pedestrian footpath along the frontage of the land in order to establish a safe and direct walking network for pedestrians.

The construction of a dwelling on each lot will not require a planning permit but must satisfy the siting provisions of the Building Regulations (Rescode) which is designed to ensure that residential development provides reasonable standards of amenity for new and existing residents and addresses such matters as boundary setbacks, overshadowing and overlooking.

Issues raised by objectors

The concerns raised by the objectors to the application are addressed as follows:

Loss of privacy. The subdivision and subsequent development is required to meet the requirements of Clause 56 and the siting provisions of the Building Regulations (Rescode). These provisions are designed to ensure that residential amenity is protected and addresses such matters as privacy and overlooking. The Building Regulations require that windows and balconies of new dwellings must be located and designed to avoid direct views into private open space and habitable room windows of adjoining dwellings.

Car parking. The planning scheme does not contain any specific requirements for the provision of car spaces for the subdivision of residential lots however the proposed lots are considered to be of sufficient size to contain off-street car parking for dwellings.

Devaluation. Property devaluation is not a material planning consideration and Council can only consider the matters that may affect them. VCAT has consistently dismissed property devaluation per se as a valid ground of refusal.

Building height and materials. The objectors have raised concerns regarding the construction of double-storey dwellings on the proposed lots and have suggested that a restrictive covenant be placed on the lots limiting the height of new buildings to one storey. It is considered that such a restriction is unreasonable and cannot be justified given that there are currently no restrictions on building heights in the area and the planning scheme does not contain any policies for height controls in Bannockburn. Any restriction on building materials is also considered to be unwarranted because there are no existing restrictions in the area and the planning scheme does not contain any policies for a preferred neighbourhood character.

Cultural Heritage Implications

It is considered there are no cultural heritage implications. A Cultural Heritage Management Plan is not required for the proposal.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no economic, social or environmental implications.

Conclusion

The application satisfies the provisions of the State and Local Planning Policy Frameworks, General Residential Zone – Schedule 1, Clause 56 (Rescode), and the decision guidelines of the Planning Scheme (Clause 65). The application is supported by State and Local Policies for Settlement which encourage the consolidation of existing urban areas that have existing infrastructure and access to community services and facilities. The construction of dwellings on the proposed lots must comply with the siting provisions of the Building Regulations which will ensure that reasonable standards of amenity are provided for neighbouring residents. For these reasons the application is not considered to cause material detriment to any person.

Moved Crs Phelan/Gilbert

That Council resolves to issue a Notice of Decision to Grant a Permit for the development of a four lot subdivision at 122 Charlton Road, Bannockburn, subject to the following conditions:

Endorsed plans

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

Public open space contribution

- 2. Before the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to Council a sum equivalent to 5% of the site value of all the land in the subdivision in lieu of public open space in accordance with Section 18 of the Subdivision Act 1988.***
- 3. The applicant or owner must pay on demand to Council, the Council's reasonable costs and expenses to provide valuation for payment in lieu of open space.***

Telecommunications

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

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

Expiry

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

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

Golden Plains Shire Works department conditions

7. *Before the construction commences, an Environmental Management Plan must be submitted to and approved by the responsible authority. The plan must outline how issues such as runoff, mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction and post construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.*
8. *Before the certification of the plan of subdivision under the Subdivision Act 1988 and before any construction works associated with the development or subdivision start, detailed construction plans and specifications to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Construction plans must be to Golden Plains Shire standards and specifications as detailed in the current Infrastructure Design Manual (IDM).*
9. *Before the issue of a statement of compliance under the Subdivision Act 1988, the following drainage works must be completed to the satisfaction of the responsible authority:*
- a) *Provide piped underground drainage discharging to the nominated legal point of discharge*
- b) *Provide a discharge point to each lot in the subdivision.*
- c) *Provide drainage retardation to limit peak flow rates to pre-development levels.*
- d) *Provide stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines or alternatively pay the responsible authority an agreed amount.*
10. *Before the commencement of works associated with the subdivision, detailed plans to the satisfaction of the responsible authority must be provided which show:*
- a) *Provide full drainage analysis and design of minor (5 Year) and major storm (100 year) events considering all contributing external and internal catchments areas detailing how the site is to be drained in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM).*

- b) *Provide full drainage analysis considering all contributing external and internal catchments areas and detailing how peak flow rates from the development are retarded to pre development levels in accordance with the requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM).*
 - c) *Provide analysis and computations demonstrating storm water discharge quality from the development meets current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines and in accordance with the requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM).*
11. *Before the issue of a statement of compliance under the Subdivision Act 1988, vehicle access to each lot must be provided in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) to the satisfaction of the responsible authority.*
 12. *Before the issue of a statement of compliance under the Subdivision Act 1988, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the responsible authority.*
 13. *Before the issue of a statement of compliance under the Subdivision Act 1988, construct road works, drainage and other civil works, in accordance with approved plans and specifications and in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) to the satisfaction of the Responsible Authority.*
 14. *Before the issue of a statement of compliance under the Subdivision Act 1988, a 1.5m wide concrete footpath must be constructed along the frontage of Charlton Road and Douglass Court in accordance with the requirements of Golden Plains Shire Council contained in Infrastructure Design Manual Version 5.01 Standard Drawing SD205 and SD206, to the satisfaction of the responsible authority.*
 15. *Before the issue of a statement of compliance under the Subdivision Act 1988, fire hydrants must be provided:*
 - a) *A maximum distance of 120 metres from the rear of each lot.*
 - b) *No more than 200 metres apart.*
 - c) *Compatible with the relevant fire service equipment or to the satisfaction of the CFA*
 16. *Before the issue of a statement of compliance under the Subdivision Act 1988, the existing buildings must be removed to the satisfaction of the Responsible Authority.*
 17. *Before the issue of a statement of compliance under the Subdivision Act 1988, drainage 'as constructed' plans must be provided to the satisfaction of the responsible authority.*
 18. *Before the issue of a statement of compliance under the Subdivision Act 1988, a Maintenance Bond of 5 per cent of the cost of work must be lodged with Council for the term of the Defects Liability Period.*
 19. *Before the issue of a statement of compliance under the Subdivision Act 1988, a supervision fee must be paid to the responsible authority pursuant to Section 17(2)(b) of the Subdivision Act 1988 and Clause 8 of the Subdivision (Permit and Certification Fees) Regulations 1989. The prescribed maximum fee for supervision of work shall be up to 2.5 per cent of the cost of constructing those works, which are subject to supervision.*
 20. *Before the issue of a statement of compliance under the Subdivision Act 1988, an engineering plan checking fee must be paid to the responsible authority pursuant to Section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 9 of the Subdivision (Permit and Certification Fees) Regulations 1989. The prescribed maximum fee for checking engineering plans shall be 0.75 percent of the estimated cost of constructing the works proposed on the engineering plan.*

21. ***Before the issue of a statement of compliance under the Subdivision Act 1988, all existing and proposed easements and sites for existing or required utility services, drainage and roads on the land must be set aside on the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is created.***
22. ***A twelve months Defects Liability Period will apply to all assets that are to be vested in Council.***

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

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

BARWON WATER CONDITIONS

General

23. ***The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision.***
24. ***The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.***
25. ***The creation of a minimum 1.0m wide expressed easement for Sewerage purposes along the north boundary of Lot 2 in favour of Lot 1 and along the north boundary of Lot 3 in favour of Lot 4.***
26. ***The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.***

Water

27. ***The provision and installation of individual water services to all lots in the subdivision. A dimensioned plan showing location of all services relative to the allotment boundaries is to be submitted.***
28. ***The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.***
29. ***Additional tappings are to be supplied to service the proposed development. Note that tappings and services are not to be located under existing or proposed driveways.***
30. ***Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.***

Sewer

31. ***The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building***

Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).

- 32. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).**
- 33. Reticulated sewer main extension is required to service the proposed development. This work must be designed by a Barwon Water accredited Consulting Engineer and constructed by a Barwon Water accredited Contractor following the "Developer Works" process.**
- 34. Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected by a licensed plumber. They are required to submit a 'CCTV Inspection Form' with the video. If the property connection branch is not deemed satisfactory for use or is no longer required, it is to be decommissioned in accordance with Barwon Water's "Property connection decommissioning process". Details of this process are available on Barwon Water's website under the business -> property connections section. Also any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole is to be constructed with the new property connection branch connected to this structure.**

Note: The developer is to apply to Barwon Water for details relating to costs and conditions required for the provision of water supply and sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L014534.

POWERCOR CONDITIONS

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

Amendment

Moved Cr Evans

That the applicant apply a covenant that single story dwellings are only built on the site.

Amendment lapsed for want of a seconder

The original motion was put and carried

4.2.5 Planning Application P17-178; Variation to restrictive covenant V971478S by allowing no more than 2 dwellings on 120 Tolloora Way, Batesford

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Planning Team Leader
Author	Leigh Page, Town Planner
File References	Planning Application P17-178
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Variation of the restrictive covenant V971478S by allowing no more than two (2) dwellings on the lot.
Land Address	120 Tolloora Way, Batesford
Applicant	Rodney Martin & Associates
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Low Density Residential Zone ▪ Design and Development Overlay 5 ▪ Incorporated Plan Overlay 1
Attachments	<ul style="list-style-type: none"> 13. P17-178 Locality Plan 14. P17-178 Title and Covenant V971478S 15. P17-178 Objections

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application seeking the variation of restrictive covenant V971478S. This covenant currently states, that the proprietor shall not erect or build any more than one single dwelling house. This application seeks to vary this restrictive covenant to allow the construction of not more than two (2) dwellings on the lot at 120 Tolloora Way, Batesford.

The application has been referred to the Planning Committee for determination as there are three (3) objections to the proposed variation to the restrictive covenant. This report provides background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes a variation to the restrictive covenant V971478S affecting the land located at 120 Tolloora Way, Batesford, to allow two dwellings on the lot.

The applicant is seeking to alter section (i) of part (a) from:

- (b) *Shall not at any time hereafter erect or build or cause or suffer to be erected or built on the lot or any part thereof:*
- (i) *Any more than **one** single dwelling house*

To:

- (a) *Shall not at any time hereafter erect or build or cause or suffer to be erected or built on the lot or any part thereof:*
- (i) *Any more than **two** single dwelling houses*

It is noted that although this application does not seek subdivision, there is the possibility that an application to this effect could be lodged at a later date. The restrictive covenant makes no reference to subdivision.

Site Description

The subject site is located at 120 Tolloora Way, Batesford, known as Lot 22 on Plan of Subdivision 410842N. The 1.5 hectare allotment is rectangular in shape. The site is currently developed with a dwelling and outbuilding located centrally onsite, with two rows of cypress trees planted around the perimeter of the entire lot.

The site is situated within the Dog Rocks Estate located on the western outskirts of the Batesford Township, this estate was established 15 to 20 years ago. The estate is characterised by larger lots typically with an area around 1 hectare. Most properties are developed with a dwelling and associated shed. The shape of lots are responsive to the road layout. Many of the lots in the central area around Yorkshire Close are heavily vegetated around the perimeter and across the sites.

The covenant which is the subject of this application was created on 5 November 1999.

The land is located within the Low Density Residential Zone and is covered by the Design and Development Overlay Schedule 5 and the Incorporated Plan Overlay Schedule 1.

History

The application was received 17 July 2017 and a preliminary assessment of the application was undertaken. On 21 July 2017, a further information request was made requesting a copy of the titles for all the allotments benefitted by the covenant. Further Information was received 28 August 2017. No referral authorities were required to be notified in this instance.

Communications

Notice of the application was given in accordance with Section 52 (1) of the *Planning and Environment Act 1987*. Notice was provided by mail to owners and occupiers of land benefitting from the covenant. Notice was carried out by placing a sign on the site and by placing an advertisement in the Saturday edition of the Geelong Advertiser newspaper, for one (1) week.

Summary of Objections

Three objections to the application were received by Council (refer to Attachment 15). None of the objectors were beneficiaries to the covenant.

The objections were made on the following grounds:

- Increase in vehicles within the neighbourhood;
- Impact on road standards and safety;
- Reduction of water pressure created by subdivision;
- Issues with Telstra connections;
- Loss of privacy;
- Impacts on neighbourhood character and privacy; and
- Loss of land values.
- Impact on fauna.

Council arranged a consultation meeting with the applicant and the objectors which was held on 22 November 2017. The consultation meeting was unable to resolve the concerns of the objectors who maintained their objection to the proposed development.

Additional information regarding restrictive covenants

Owners of land within the same subdivision are not all necessarily beneficiaries of a covenant, or they may not all be beneficiaries of the *same* covenant.

What lots and hence what landowners benefit from a particular covenant is dependent upon the wording of the covenant and the date each lot was transferred from the parent title – this varies with each stage of a subdivision.

Given the varying nature of covenants, a restriction may apply to every lot within a subdivision or only selected lots, which also determines who the beneficiaries are. Beneficiaries are identified on the title of the land and a title search is required to establish the entitlements of each lot within the original subdivision.

Restrictive covenants such as this, which may stipulate a single dwelling, no further subdivision or perhaps what materials can be used for dwelling construction, are applied by developers. Prospective purchasers are often not aware of the full extent of said restriction/s, or that application can be made to vary or remove them.

Golden Plains Planning Scheme

Particular Provisions

Clause 52.02 – Easements, restrictions and reserves

A planning permit is required pursuant to Clause 52.02 to create, vary or remove an easement of restriction.

The purpose of the clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. A permit is required before a person proceeds under Section 23 of the *Subdivision Act 1988* to create, vary, or remove a restriction. Before deciding on an application, the responsible authority must consider the interests of affected people.

General Provisions

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

- The matters set out in Section 60 of the Act
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay, or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within an existing 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.

Section 60 of the *Planning and Environment Act 1987*

Section 60 of the Act specifies a number of matters that the responsible authority must consider before deciding an application. Under Section 60(2) of the Act for covenants listed post 1991, Council must satisfy itself that the owners of any land benefitted by a covenant will be unlikely to suffer detriment of any kind. Section 60(2) states the following;

The responsible authority must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that the owner of any land benefitted by the restriction will be unlikely to suffer:

- (a) *financial loss; or*
- (b) *loss of amenity; or*
- (c) *loss arising from change to the character of the neighbourhood; or*
- (d) *any other material detriment:–*

as a consequence of the removal or variation of the restriction.

Therefore if an objection is received from a person benefitting from the covenant, Council must not grant a permit unless they are satisfied that the grant of a permit is unlikely to cause detriment to the person/s benefitted by the covenant.

Discussion

Planning Scheme

Notice of the application was carried out in accordance with the Act and there were no objections to the variation of the *covenant from persons benefitted by the covenant*. Therefore, in accordance with Section 60(2) of the Act, as there are no objections from any persons benefitted by the covenant it is considered that the grant of a permit will not cause detriment to any person benefitted by the covenant.

It is considered that under Section 57(1)(a), an objector who is not benefitted by the covenant is not deemed to be a person affected by the grant of a permit. Although the restrictive covenant applies to this estate, it was applied with each stage, so the objectors to this application *are not beneficiaries of this particular restrictive covenant*.

As has been established, the application is only for the variation to the restrictive covenant, and not subdivision of the land; the restriction does not relate to subdivision. Concerns raised by the objectors relate to subdivision of the land. A separate application is required to be lodged if and when subdivision is sought.

However, consideration has still been given to relevant decision guidelines, though it is noted that there are limited specific policy and decision guidelines within the Planning Scheme for consideration of applications seeking to vary or remove a restrictive covenant. Therefore, the general decision guidelines at Clause 65, and Section 60 of the *Planning and Environment Act 1987*, as previously listed, are particularly pertinent.

As a starting point, it is noted that the purpose of the Low Density Residential Zone (LDRZ) is to provide for low density residential development on lots, which in the absence of reticulated sewerage, can treat and retain all wastewater. This is a large lot of 1.5ha (15,000 m²) which will be capable of treating wastewater for a second dwelling and meeting the minimum lot size of 0.4ha should it be further subdivided in the future.

The road network can accommodate vehicles associated with a second dwelling on site and the site is capable of being drained. There are no flooding or bushfire management overlays which may present difficulties in regard to further development of the site.

Although there is no native vegetation on site and landscaping is generally limited to cypress trees on the property boundaries, objector concerns were taken into consideration regarding the potential impact additional dwellings on this site, or in the area, may have on fauna and associated habitat. It is noted that there remains ample room on this site for more landscaping to provide habitat and promote fauna linkages (corridors).

In terms of neighbourhood character, there will still be generous spacing between dwellings and boundaries (DDO5 applies which provides provisional setback requirements), spacious lots and ample room for landscaping. The restrictive covenant requires certain building materials requirements to be met – this is not proposed to alter, therefore neighbourhood character in terms of built form will be maintained. Any financial loss as a result of such changes associated with the variation to the covenant are considered to be speculative.

Section 60 of the *Planning and Environment Act 1987* takes into account matters including loss of amenity or changing character, which as discussed above, are not considered to be applicable in this instance.

State and local policy supports appropriate infill and development to make sure of existing infrastructure and more efficient land use. Specifically, Clause 22.09 of the Golden Plains Planning Scheme, provides a local planning policy for low density residential subdivision. This policy encourages appropriate infill development, with the minimum lot size of the Low Density Residential Zone being smaller than it was at the time this estate was created, due to a planning scheme amendment by the State.

The proposed alteration is considered to satisfy the relevant policies and decision guidelines contained within the Golden Plains Planning Scheme.

On balance, consideration and assessment of these matters tend to favour variation of restrictive covenant V971478S. The variation and potential for future development and subdivision is considered orderly planning when taking into account the decision guidelines and matters set out in the Act.

Cultural Heritage Implications

It is considered there are no cultural heritage implications.

Financial & Risk Management Implications

It is considered there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no economic, social or environmental implications.

Conclusion

Notice of the application was provided to all persons benefitting from the covenant and no objections were received from beneficiaries of this covenant. The application has been assessed against all relevant planning policies and decision guidelines and is not considered to cause loss of amenity or material detriment to any person.

Moved Crs Phelan/Hansford

That Council resolves to issue a Notice of Decision to Grant a Permit for the variation of a restrictive covenant at 120 Tolloora Way, Batesford.

The wording of the restrictive covenant will change from:

a) Shall not at any time hereafter erect or build or cause to suffer to be erected or built on the lot or any part thereof:

i) any more than one single dwelling house;

To:

Restrictive covenant V971478S is to have the following restriction:

a) Shall not at any time hereafter erect or build or cause to suffer to be erected or built on the lot or any part thereof:

i) any more than two dwelling houses

This permit will expire if the covenant is not varied within two (2) years of the date of this permit. The responsible authority may extend this period if a request is made in writing before the permit expires or within 6 months afterwards.

Therefore, the Notice of Decision to Grant a Permit for the variation of a restrictive covenant at 120 Tolloora Way, Batesford is to have the following conditions:

- 1) Restrictive covenant V971478S is to have the following restrictions:***
 - a) Shall not at any time hereafter erect or build or cause to suffer to be erected or built on the lot or any part thereof:***
 - i) any more than two dwelling houses***
- 2) This permit will expire if the covenant is not varied within two (2) years of the date of this permit. The responsible authority may extend this period if a request is made in writing before the permit expires or within 6 months afterwards.***

Carried

4.2.6 Planning Application P17-217 for a dwelling and shed at Lot 1 Title Plan 352919L Glenelg Highway, Linton

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Sarah Fisher, Planning Team Leader
Author	Peter O'Brien, Town Planner
File References	Planning Application P17-217
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Dwelling and shed
Land Address	Lot 1 on Title Plan 352919L Glenelg Highway, Linton
Applicant	Julie Lee, NR Links Pty Ltd
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Farming Zone (FZ) ▪ Abutting Road Zone, Category 1 (RDZ1) ▪ Bushfire Management Overlay (BMO)
Attachments	<ul style="list-style-type: none"> 16. P17-217 Copy of application and plans 17. P17-217 Locality map

Declarations of Interest: Councillors & Officers

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Sarah Fisher: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Peter O'Brien: In providing this advice as the author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for a dwelling and shed at Lot 1 on Title Plan 352919L Glenelg Highway, Linton. The application has been referred to the Council Meeting for determination because Council officers' consider that the application does not satisfy the provisions of the planning scheme and should be refused.

Proposal

The application proposes the use and development of the land for a dwelling and shed (refer to Attachment 16 – copy of application and plans). The dwelling is proposed to be located towards the rear of the property with a setback distance of approximately 260m from the front (Glenelg Highway) boundary and 31m from the side (western) property boundary. Professionally drawn plans of the dwelling were not submitted with the application. The proposed dwelling is a two bedroom residence with a total floor area of 93.5m². The proposed shed has a floor area of 72m² and the external materials consist of colourbond.

The application describes the proposed dwelling as a manager's residence which will enable the owner to reside on site to manage environmental issues. The environmental issues identified in the land management report submitted with the application are the removal of weeds, including pine wildings, and pest control. The report states that the owner purchased the property with the intention of building a dwelling that provided a lifestyle opportunity and privacy.

Site Description

The subject land is situated on the Glenelg Highway, Linton and is formally described as Lot 1 on Title Plan 352919L (refer to Attachment 17 – locality map). The total area of the site is approximately 8 hectares. The site is vacant and contains remnant bushland. There is an existing clearing where the dwelling is proposed to be sited. The site is undulating with a small watercourse running through the southern part of the lot. Access to the site is from the Glenelg Highway which is a road in a Road Zone, Category 1.

The site is located to the east of the Linton township and adjoins the township boundary. Adjoining land to the west is in a Low Density Residential Zone (LDRZ), land to the north and east is in a Farming Zone (FZ) and is predominately used for timber production and land to the south is in a Public Conservation & Resource Zone (PCRZ) and consists of Crown Land for conservation and public recreation purposes.

History

The application was received by Council on 25 August 2017 and a preliminary assessment of the application was undertaken. The application was referred under Section 55 of the *Planning & Environment Act 1987* to the CFA and VicRoads in accordance with the provisions of the Bushfire Management Overlay and Clause 52.29 of the planning scheme respectively. The CFA and VicRoads had no objection to the issue of a permit subject to conditions being placed on a permit.

Communications

Notice of the application was not required to be given in accordance with Section 52 of the Act because Council officers' considered that the proposal would not cause material detriment to any person due to the development having adequate setbacks to adjoining properties and being screened by existing vegetation.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.07-2 Peri-urban areas

The policy for Peri-urban areas (Clause 11.07-2) seeks to manage growth in peri-urban areas to protect and enhance their identified valued attributes such as landscapes and agricultural activities. This policy includes strategies to strengthen and enhance the character and identities of towns, prevent dispersed settlement and establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Clause 11.08 Central Highlands

The policy for agricultural productivity (Clause 11.08-8) aims to support long-term agricultural productivity by identifying land for primary production and protecting key agricultural assets from incompatible uses. The Central Highlands Regional Growth Plan (Clause 11.08-10) shows the site within a broad acre cropping and grazing area with areas of high value terrestrial habitat.

Clause 14.01-1 Protection of agricultural land

The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context. The policy seeks to limit new housing development in rural areas by directing housing growth into existing settlements and discouraging development of isolated small lots in the rural zones from use for single dwellings. Factors to be considered for a proposal to develop agricultural land include the impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values.

Clause 16.02-1 Rural residential development

This policy aims to identify land suitable for rural residential development to avoid or significantly reduce adverse economic, social and environmental impacts. This is to be achieved in part by discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses, minimising or avoiding property servicing costs carried by local and State governments and by encouraging consolidation of existing isolated small lots in rural zones.

Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement (MSS)

According to the Municipal Profile (Clause 21.01) the main use of land in the shire is for primary production including grazing and broad acre cropping. Agricultural industries generate approximately \$44 million worth of product and 14% of the workforce is employed in primary industry.

Clause 21.01-7 identifies managing residential growth, economic growth and maintaining and encouraging viable agricultural industries as major issues affecting the Shire's land use planning and development. The policy states that the Shire contains a relatively large number of small townships and that Council seeks to focus residential development within the boundaries of these townships. It is recognised that there is pressure for development outside these townships particularly for hobby farm development therefore the urban-rural interface needs to be managed appropriately. The policy also recognises timber production is an important industry in the shire with production mainly from pine plantations, but there is a growing demand for land for hardwood plantations.

The vision for the Shire contained in Clause 21.02 includes, among other things, recognising a prosperous agricultural industry. This will be achieved in part by focusing urban development into existing townships, sustainable management and protection of natural resources, facilitating productive agricultural, forestry and mining activities and protecting rural areas.

Town structure plans have been prepared for most settlements and establish a basis for future strategic planning decisions in each town. The Linton Structure Plan (Figure 21.02G) shows the subject land located outside the township boundary. The Structure Plan encourages infill residential development within the existing township.

The Settlement policy (Clause 21.03) states that the Shire is characterised by a number of small towns located in the midst of productive agricultural areas and the maintenance of a clear distinction between urban and rural areas is essential to continued agriculture and efficient township development. Historic subdivisions have left a legacy of fragmented landholdings in the north-west of the shire. The policy contains strategies which seek to direct residential development to township areas provided with water, sewerage and social infrastructure, establish an urban edge to all settlements by using zoning to provide a clear urban growth boundary, and protect land in agricultural production from adjoining uses and development inconsistent with normal farming practices.

The Agriculture policy (Clause 21.05-2) emphasises the economic importance of agricultural industries to the Shire, including timber production however this is potentially threatened by the fragmentation of land for non-agricultural purposes, including rural residential development and conflict between sensitive uses and agricultural practices. The policy aims to ensure that agricultural land is protected and used as an economically valuable resource and to maintain farm size to allow for viable agriculture. This will be achieved by ensuring that the use and development of rural land is both compatible and complementary to agricultural activities and by avoiding the fragmentation of land for non-agricultural purposes, including rural residential development.

Rural land use strategy

The Golden Plains Rural Land Use Strategy was adopted by Council in 2008 and is a reference document to the planning scheme. The strategy is designed to guide future land use and development across the Shire's rural areas. The strategy recognises the existence of inappropriate subdivisions containing small lots located in broad acre farming areas. These areas have limited access to social and physical infrastructure that would be required for residential development. The strategy states that although these lots can be sold individually no provision should be made for their development. The strategy recognises that the loss of agricultural land through conversion of land to rural living is a significant issue and that these changes have created conflicts between agricultural and non-agricultural uses and caused the inflation of rural land values thereby preventing farmers from purchasing land for agriculture.

Zone and overlay provisions

Farming Zone

The site and surrounding area is in a Farming Zone. The purpose of the Farming Zone is, among other things, to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The schedule to the Farming Zone specifies that a permit is required for a dwelling where the lot area is less than 100 hectares.

Before deciding on an application Council must consider, among other things, the decision guidelines for dwellings which are as follows:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Bushfire Management Overlay (BMO)

The land is affected by the Bushfire Management Overlay. The BMO seeks to ensure that the development of land prioritises the protection of human life and to ensure that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. A permit is required for a dwelling and an application must be referred to the CFA under the provisions of the BMO.

Particular provisions

Clause 52.29 Land adjacent to a Road Zone, Category 1

A permit is required under this clause to create or alter access to a road in a Road Zone, Category 1. An application to create or alter access must be referred to VicRoads under Section 55 of the Act. The application was referred to VicRoads and VicRoads had no objection to the issue of a permit subject to conditions being placed on the permit.

General provisions

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

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

- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Discussion

The proposed dwelling is not considered to satisfy the relevant policies and decision guidelines contained within the Golden Plains Planning Scheme. An assessment against the relevant provisions of the planning scheme is provided as follows:

State and local planning policies

The State and Local Planning Policy Frameworks and Rural Land Use Strategy recognise the importance of agricultural industries to State and local economies and aim to avoid the loss of productive agricultural land. The policies referred to in this report seek to direct residential development to existing townships and discourage the development of isolated small lots in rural areas for single dwellings. Residential development should be contained within existing townships to avoid conflict between agricultural and non-agricultural uses and maximise use of existing infrastructure.

The subject land is located outside the Linton township boundary and additional development outside the township boundary will further increase servicing costs to Council including physical services such as road maintenance and garbage collection. In recent years Council has refused 5 applications for dwellings on small lots in the Farming Zone in the Linton district. The approval of this application would set an undesirable precedent which may lead to the development of other small lots in the area and result in the loss of valuable farmland.

Farming Zone

The planning scheme seeks to maintain viable farm sizes and sets a minimum lot size of 100 hectares in the Farming Zone. The subject land has an area of only 8 hectares and the proposed dwelling is not related to any agricultural use.

The decision guidelines of the Farming Zone relevant to this application are addressed as follows:

Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses. The use of the land for a dwelling is considered to be inappropriate because it is inconsistent with agricultural uses in the surrounding area and may result in land use conflicts that constrain 'as of right' agricultural uses on nearby land. The surrounding area contains a number of timber plantations which have existing use rights. The use of the land for a dwelling has the potential to result in conflicts with nearby agricultural uses including timber harvesting operations.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture. The site is one of many similar small lots located in the farming area surrounding the Linton township. Many of the small vacant lots are contained in larger farming parcels however the lots could be individually sold and developed. The approval of a dwelling on such a small lot would set an undesirable precedent which would lead to pressure for residential development of similar small lots in the area, the inflation of land values preventing farmers purchasing land for agriculture and resulting in the loss of productive agricultural land.

VCAT reviews

VCAT has consistently refused applications for dwellings on small lots in the Farming Zone where the dwelling is not directly related to an agricultural use (see *Parry v Moorabool SC [2015] VCAT 1570*). Where dwelling approvals have been granted by VCAT there have been clear reasons established regarding the need for a dwelling based on the agricultural use and the context of the site. One such example within our Shire was *Parkin v Golden Plains SC [2016] VCAT 1391* where Senior Member Hewet cited the following reasons as the basis for his decision to allow a dwelling on a small lot in the Farming Zone:

1. That the dwelling was necessary for the establishment of the proposed agricultural use.
2. That the property was located in an area that had assumed a rural residential character. The site was one of many small lots in the area and that the majority of these lots contained a dwelling.

The application before Council fails on both of these counts. Firstly, the proposed dwelling is not related to an agricultural use. The application states that the owner purchased the property with the intention of living on the property for lifestyle purposes. It is claimed that the dwelling will enable the owner to reside on site to manage environmental issues including weeds and pest animals. It is considered that weed and pest control measures on such a small lot (8ha) do not adequately justify the need for the owner to permanently reside on site. Secondly, the rural area surrounding Linton contains very few dwellings and mainly consists of farmland, timber plantations and bushland reserves. Residential uses are generally confined within the township boundary and areas zoned for rural living purposes.

Impact of approval

Council has maintained a clear and consistent approach to its assessment of applications for dwellings within the Farming Zone by refusing those that are not reasonably required for an agricultural use. Officers are of the opinion that a dwelling is not reasonably required for the proposed use of the land and the approval of this application would set an undesirable precedent which would lead to a proliferation of dwellings in the area. This would result in the following impacts:

- The loss of productive agricultural land through the inflation of land values thereby preventing farmers from purchasing land for agricultural use.
- Introducing impediments to the establishment of agricultural industries which require substantial buffers and creating land use conflicts between existing farm operations and dwellings that are not related to agriculture.
- Increasing the demand for services and infrastructure away from existing townships which will increase costs to Council.

Cultural Heritage Implications

It is considered that there are no cultural heritage implications.

Financial & Risk Management Implications

It is considered that there are no financial or risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no economic, environmental and social implications.

Conclusion

The application is not considered to satisfy the provisions of the planning scheme including State and Local Planning Policies relating to Agriculture, the Rural Land Use Strategy and the decision guidelines of the Farming Zone. The use of the land for a dwelling has the potential to lead to a proliferation of dwellings in the area, affect the operation of nearby agricultural uses and result in the loss of productive agricultural land. It is therefore recommended that the application be refused.

Recommendation

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a dwelling at Lot 1 Title Plan 352919L Glenelg Highway, Linton for the following reasons:

- 1. The proposal is inconsistent with the State Planning Policy Framework (Clauses 11.07-2, 11.08, 14.01-1 & 16.02-1) which aims to protect productive agricultural land and minimise or avoid property servicing costs carried by local and State governments by directing housing to existing settlements and discouraging the development of small lots in rural areas for dwellings.***
- 2. The proposal is contrary to the Local Planning Policy Framework in particular Clauses 21.01, 21.02, 21.03, 21.05-2 and the Rural Land Use Strategy which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and by containing residential development within existing town boundaries.***
- 3. The proposal does not satisfy the provisions of the Farming Zone, because the dwelling is not reasonably required for the proposed use of the land and the proposal has the potential to lead to a proliferation of dwellings in the area, affect the operation of nearby agricultural uses and result in the loss of productive agricultural land.***

Moved Crs Gilbert/Rowe

That Council suspend standing orders to hear a submission from Julie Lee.

Carried

It is recorded that Council suspended Standing Orders at 5.17pm.

Moved Crs Hansford/Rowe

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing Orders at 5.35pm.

Moved Cr Evans

That Council grant a Planning Application P17-217 for a dwelling and shed at Lot 1 Title Plan 352919L Glenelg Highway, Linton with a Section 173 Agreement for the owner to remove noxious weeds.

The motion lost for want of a seconder.

Moved Crs Hansford/Gilbert

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a dwelling at Lot 1 Title Plan 352919L Glenelg Highway, Linton.

The motion was lost for want of a seconder.

Moved Crs Rowe/Sharkey

That Planning Application P17-217 for a dwelling and shed at Lot 1 Title Plan 352919L Glenelg Highway, Linton be deferred to the February 2018 Council meeting.

Carried

4.3 FINANCIAL MANAGEMENT

4.3.1 Contract GPS-T23/2017 – Supply of Electricity for Large Buildings, Facilities & Unmetered Public Lighting

Directorate	Corporate Services
Unit	Finance
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Carolynne Roberts, Acting Finance Manager
Author	Julie Brown, Contract and Procurement Officer
File References	EDMS file: 39-158-001 Contract Number: GPS-T23/2017
Council Plan Link	
Relevant Council Strategies	NIL
Relevant Policies & Legislative Frameworks	NIL
Attachments	18. Confidential GPS-T23/2017 supply of electricity

Declarations of Interest: Councillors & Officers

Richard Trigg: In providing this advice as the senior manager, I have no disclosable interests in this report.

Carolynne Roberts: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Julie Brown: In providing this advice as the author, I have no disclosable interests in this report.

Purpose:

This report seeks Council approval to award a contract for the Supply of Electricity to the Bannockburn Customer Services Centre and nominated Public Lighting facilities throughout the Shire as the total estimated cost is in excess of the of the CEO's delegation of \$150k (inc GST) for goods and services.

Background

Councils existing electricity supply contract expired on the 31 December 2017. The existing provider is ERM Energy.

A competitive tendering process for the supply of Electricity was conducted by the MAV on behalf of member councils, of which Golden Plains Shire was an active participant. Trans Tasman Energy Group (TTEG) were engaged by MAV to undertake technical analysis and conduct the evaluation of the tender responses.

The table below summarises the tenders that were received.

No.	Tenderers	Rate	6 Mths	12 Mths	24 Mths	36 Mths	48 Mths
Large Buildings & Facilities							
1	AGL Energy	Stepped	x	x	x	x	
2	Energy Australia	Stepped	x	x	x	x	x
3	ERM Power	Stepped	x	x	x	x	x
4	ERM Power	Flat				x	
5	Origin Energy	Stepped	x	x	x	x	x
Unmetered Public Lighting							
1	AGL Energy	Stepped		x	x	x	x
2	Energy Australia	Stepped		x	x	x	x
3	ERM Power	Stepped		x	x	x	x
4	ERM Power	Flat				x	
5	Origin Energy	Stepped		x	x	x	x

Discussion

Further detail on pricing is included in the confidential attachment.

Tender Evaluation:

The Tender Evaluation was undertaken by the Trans Tasman Energy Group on behalf of the MAV. Reference: RFT: EC8310-2018.

As per the total analysis undertaken by TTEG, the flat rate offer for 36 months submitted by ERM Power was deemed to provide 'best overall value for money'.

The total value of the agreement over three years is \$170,937.00 (ex GST). Whilst this contract does not offer savings compared to the previous contract pricing, the current contract has expired and the MAV evaluation process has identified the best current pricing Council can achieve.

Community Engagement

A formal consultative process was not required.

Financial & Risk Management Implications

The cost of the current contract is provided for in the budget.

Please note, the following figures relating to the costings are GST **exclusive**.

Anticipated Expenditure	ex GST
ERM Power – Flat Rate, Buildings & Facilities (36 Month Agreement)	\$ 82,033.00
ERM Power – Flat Rate, Unmetered Public Lighting (30 Month Agreement)	\$ 88,904.00
TOTAL	*\$ 170,937.00

* All costs are GST exclusive and include wholesale energy, retailer supply, environmental scheme and metering charges.

All costs exclude Network and Regulated Market Charges, as these are passed through regulated costs consistent across all retailers.

It is considered that there are no risk management implications.

Economic, Social & Environmental Implications

It is considered that there are no social or environmental implications.

Communications

It is considered that a communications plan is not required.

Conclusion

Using Council's membership of MAV has enabled access to technical expertise to evaluate the best value outcome for Council.

The best opportunity to contain costs is to take up the electricity supply contract with ERM Energy for 3 years ending 31 December, 2020.

To continue the retail supply of electricity to the Bannockburn Customer Service Centre and nominated Unmetered Public Lighting up to and including 31 December, 2020.

Moved Crs Phelan/Gilbert

That Council resolves to award the Contract for the Supply of Electricity for Large Buildings, Facilities & Unmetered Public Lighting to ERM Energy at a total cost of \$170,937.00 (ex GST) over three years.

Carried

5 NOTICES OF MOTION

Nil

6 PETITIONS

Nil

7 OTHER BUSINESS

7.2 MAYOR'S REPORT

Cr Helena Kirby, Mayor
File: 02-03-003

The Mayor reported on a range of meetings and activities that she was engaged in over the past month.

Date	Details
4/12/17	End of Year Volunteer celebration
7/12/17	Mayoral Induction Day
13/12/17	Councillors to meet Chief Executive Officer
14/12/17	Meeting with Ballarat Mayor Samantha McIntosh

7.3 MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT

Cr Nathan Hansford, MAV Delegate
File: 03-05-001

No report.

7.4 COUNCILLOR REPORTS

Cr Evans

- Bannockburn Police station is manned by four officers until 10.00pm and one officer is on 24 response. Also crime is down in the area.

Cr Sharkey

- Councillors are looking forward to working with Mr Eric Braslis, Chief Executive Officer in 2018.

7.5 IN CAMERA MEETING

Nil

8 ATTACHMENTS

Attachment 1	Item 3.3.1	Assembly of Councillors Record Form – 27/11/17
Attachment 2	Item 3.3.1	Assembly of Councillors Record Form – 11/12/17
Attachment 3a	Item 4.2.2	Pillar 1 – Health & Connected Communities
Attachment 3b	Item 4.2.2	Pillar 2 – Local Economies
Attachment 3c	Item 4.2.2	Pillar 3 – Natural & Built Environment
Attachment 3d	Item 4.2.2	Pillar 4 – Good Governance & Leadership
Attachment 4	Item 4.2.3	Council Policy 4.8 Recognition of Service by Councillors
Attachment 5	Item 4.2.1	C75 Amendment Documents
Attachment 6	Item 4.2.1	C75 Submissions
Attachment 7	Item 4.2.2	Amendment C77 documents
Attachment 8	Item 4.2.2	Submissions to Amendment C77
Attachment 9	Item 4.2.3	Draft Regional Floodplain Management Strategy
Attachment 10	Item 4.2.4	P17-163 Copy of application and plans
Attachment 11	Item 4.2.4	P17-163 Locality map
Attachment 12	Item 4.2.4	P17-163 Copy of objections
Attachment 13	Item 4.2.5	P17-178 Locality Plan
Attachment 14	Item 4.2.5	P17-178 Title and Covenant V971478S
Attachment 15	Item 4.2.5	P17-178 Objections
Attachment 16	Item 4.2.6	P17-217 Copy of application and plans
Attachment 17	Item 4.2.6	P17-217 Locality map
Attachment 18	Item 4.3.1	Confidential GPS T23/2017 supply of electricity

Attachments are available upon request.

9 CLOSE OF MEETING

Assemblies of Councillors

Council is advised that Assemblies of Councillors meetings will be held on Tuesday 13 February 2018 at the Bannockburn Shire Hall. The meeting is not open to the public.

Next Ordinary Meeting

The next Ordinary meeting of Council will be held on Tuesday 27 February 2018 at the Linton Customer Service Centre. The meeting is open to the public.

Close of Meeting

It is recorded that the meeting closed at 5.58 pm.

10 CERTIFICATION

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Council meeting have been confirmed as a true and correct record.

Confirmed, Mayor, Cr Helena Kirby

Date