



# Council Meeting Minutes

**Linton Customer Service Centre**

**Tuesday 24 October 2017  
4.00pm – 6.22pm**

## **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.

## Table of Contents

<b>1. PRESENT .....</b>	<b>6</b>
<b>2. APOLOGIES.....</b>	<b>6</b>
<b>3. DECLARATIONS, MINUTES &amp; ASSEMBLIES .....</b>	<b>7</b>
3.1. DECLARATIONS OF INTEREST .....	7
3.2. CONFIRMATION OF MINUTES.....	7
3.2.1 Special (Emergency) Meeting of Council: Appointment of a New Chief Executive Officer (13 October 2017) .....	7
3.3. ASSEMBLIES OF COUNCILLORS.....	9
3.3.1 Site Visit: Planning (25 September 2017) .....	9
3.3.2 Council Briefing: VicRoads Midland Highway Duplication Options (26 September 2017) .....	9
3.3.3 Council Briefing: Gheringhap Structure Plan (26 September 2017) .....	10
3.3.4 Council Briefing: Golden Plains Community & Civic Centre (26 September 2017).....	11
3.4. ADVISORY COMMITTEES OF COUNCIL .....	12
3.4.1 Audit & Risk Committee .....	12
3.4.2 Confidential: Chief Executive Officer (CEO) Review Committee.....	12
<b>4. REPORTS.....</b>	<b>13</b>
4.1. KEY RESULT AREA – CITIZEN & CUSTOMER SERVICE .....	13
4.2. KEY RESULT AREA – CIVIC LEADERSHIP .....	14
4.2.1 Order of the Day: Mayor Elect .....	14
4.2.2 Council Plan 2017-2021 Implementation – Quarterly Report .....	16
4.3. KEY RESULT AREA – ECONOMIC DEVELOPMENT .....	22
4.3.1 Economic Development & Tourism Strategy 2017-2021.....	22
4.4. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING.....	26
4.4.1 Review of Council Policy 10.6 Gaming .....	26
4.4.2 Domestic Animal Management Plan 2017-2021 .....	30
4.5. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING .....	34
4.5.1 Planning Application P17-098 for the use and development of the land for a veterinary centre, and animal boarding (cats) and associated buildings and works at 12 Milton Street, Bannockburn .....	34
4.5.2 Planning application P16-065 for a nine lot subdivision and associated native vegetation removal at Crown Allotments 10 & 11 Lightwood Park Road, Smythesdale.....	46
4.5.3 Municipal Fire Prevention Officer.....	64
4.6. KEY RESULT AREA – FINANCIAL MANAGEMENT .....	66
4.6.1 Golden Plains Shire Council Annual Report 2016-17.....	66
4.6.2 Road Naming: New Road in Staffordshire Reef.....	74
4.6.3 Golden Plains Shire Council – Audit & Risk Committee Charter.....	76
4.7. KEY RESULT AREA – HUMAN SUPPORT SERVICES .....	80
4.8. KEY RESULT AREA – RECREATION & COMMUNITY DEVELOPMENT.....	80

4.9.	KEY RESULT AREA – ROADS & STREETS INFRASTRUCTURE .....	81
4.9.1	Contract GPS-T18/2017: Milton Street Bannockburn School Access .....	81
4.10.	KEY RESULT AREA – WASTE MANAGEMENT .....	85
<b>5.</b>	<b>NOTICES OF MOTION .....</b>	<b>86</b>
<b>6.</b>	<b>PETITIONS .....</b>	<b>86</b>
<b>7.</b>	<b>OTHER BUSINESS .....</b>	<b>87</b>
7.1.	MAYOR’S REPORT .....	87
7.2.	MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT .....	87
7.3.	COUNCILLOR REPORTS .....	88
7.3.1	Geelong Regional Library Corporation .....	88
7.4.	IN CAMERA MEETING .....	88
<b>8.</b>	<b>ATTACHMENTS .....</b>	<b>89</b>
<b>9.</b>	<b>CLOSE OF MEETING .....</b>	<b>90</b>
<b>10.</b>	<b>CERTIFICATION .....</b>	<b>90</b>

## 1. PRESENT

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

Rod Nicholls	Chief Executive Officer
Greg Anders	Director Assets & Amenity
Jillian Evans	Director Community Services
Richard Trigg	Director Corporate Services
Mike Barrow	Manager Executive Unit
Jason Clissold	Finance Manager
David Greaves	Works Manager
Sarah Fisher	Planning Team Leader
Tracy Simmons	Town Planner
Peter O'Brien	Town Planner
Martin Roberts	Environment Services Team Leader
Petra Neilson (Minutes)	Council Support Officer

### Gallery

Five members of the gallery

## 2. APOLOGIES

Nil

### 3. DECLARATIONS, MINUTES & ASSEMBLIES

#### 3.1. DECLARATIONS OF INTEREST

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

Cr Helena Kirby declared for report 4.6.1 Golden Plains Shire Annual Report 2016-17 that as an owner of the Rokewood Takeaway she has a direct interest, but not a conflicting interest to the nature of her business.

#### 3.2. CONFIRMATION OF MINUTES

*Moved Crs Gilbert/Rowe*

- 1. That the Minutes of the Ordinary meeting of Council held 26 September 2017, as circulated, be confirmed, and**
- 2. That the Minutes of the confidential Special (Emergency) meeting of Council held 13 October 2017, as circulated, be confirmed.**

*Carried*

##### 3.2.1 Special (Emergency) Meeting of Council: Appointment of a New Chief Executive Officer (13 October 2017)

Meeting type and name	Special (Emergency) Meeting of Council
Meeting date and time	4.30pm, Friday 13 October 2017
Matters discussed	Appointment of a New Chief Executive Officer
Councillor information	Nil
Councillors	Cr Des Phelan, Mayor Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer
Guests	Nil
Declarations of Interest	Nil

The purpose of this report is to inform Council of the circumstances for calling a Special (Emergency) Meeting. In accordance with clause 12(2) of the Local Law, the Chief Executive Officer must submit a full written report to the next Ordinary Meeting of Council.

Council administered a recruitment process to appoint a new Chief Executive Officer with the intention of having that person in position by 13 December 2017. The recruitment process was conducted in accordance with s94 of the Act.

On 9 October 2017, assisted by Nick Kelly (McArthur) and Terry Bramham (Macquarie Lawyers), Council interviewed shortlisted candidates and determined its preferred candidate.

In order to formally appoint a new Chief Executive Officer, Council is required to ratify its decision in a formal Council meeting. The Mayor advised the Chief Executive Officer that the Council meeting was required urgently to ensure a timely appointment and to allow the preferred candidate to submit their resignation to effect a commencement date of 13 December 2017.

Delaying the formal appointment to the next scheduled Council meeting on 24 October 2017 would not have achieved Council's timelines. The Mayor requested the Chief Executive Officer call a Council meeting. Therefore, in accordance with clause 12(1) of the Local Law, the Chief Executive Officer called a Special (Emergency) Meeting of Council which was held on Friday 13 October 2017 at 4.30pm. The meeting was closed to the public in accordance with s89 of the Act to consider a personnel and contractual matter.

With regard to public notice, in accordance with clause 12(1) of the Local Law, clauses 8 to 11 of the Local Law do not apply provided that reasonable attempts were made to notify every Councillor. Councillors were notified of the Special (Emergency) Meeting by phone and email on 11 October 2017. In accordance with s89(4A) of the Act, Council must specify the urgent or extraordinary circumstances which prevented it from complying with s89(4) in the minutes. This report details those urgent circumstances.



### 3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

#### 3.3.1 Site Visit: Planning (25 September 2017)

Meeting type and name	Site Visit: Planning
Meeting date and time	9.15am Monday 25 September 2017
Matters discussed	P15-191 for the use and development of land for a transfer station, refuse disposal and materials recycling at 1560 Hamilton Highway, Stonehaven
Councillor information	Nil
Councillors	Cr Des Phelan Cr David Evans Cr Les Rowe Cr Owen Sharkey
Apology	Cr Joanne Gilbert Cr Helena Kirby
Staff	Greg Anders, Director Assets & Amenity Tim Waller, Development Manager Leigh Page, Town Planner
Guests	Nil
Declarations of Interest	Nil

#### 3.3.2 Site Visit: Planning (26 September 2017)

Meeting type and name	Site Visit: Planning
Meeting date and time	9.15am Monday 26 September 2017
Matters discussed	P15-191 for the use and development of land for a transfer station, refuse disposal and materials recycling at 1560 Hamilton Highway, Stonehaven
Councillor information	Nil
Councillors	Cr Joanne Gilbert Cr Nathan Hansford
Apology	Nil
Staff	Leigh Page, Town Planner
Guests	Nil
Declarations of Interest	Nil

### 3.3.3 Council Briefing: VicRoads Midland Highway Duplication Options (26 September 2017)

Meeting type and name	Council Briefing: Midland Highway Duplication Option
Meeting date and time	12.45pm Tuesday 26 September 2017
Matters discussed	Midland Highway duplication option
Councillor information	Midland Highway upgrade option plan
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Jason Clissold, Acting Director Corporate Services Mike Barrow, Manager Executive Unit David Greaves, Works Manager Tim Waller, Development Manager Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Richard Troeth, Senior Communications & Marketing Officer Petra Neilson, Council Support Officer
Guests	Sam Pirrotta, Manager Planning VicRoads Theresa Hamilton, Senior Planning Projects Engineer, VicRoads
Declarations of Interest	Nil

### 3.3.4 Council Briefing: Gheringhap Structure Plan (26 September 2017)

Meeting type and name	Council Briefing: Gheringhap Structure Plan
Meeting date and time	1.30pm Tuesday 26 September 2017
Matters discussed	Gheringhap Structure Plan
Councillor information	1. Clause 21.07.06 2. Map
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Jason Clissold, Acting Director Corporate Services Mike Barrow, Manager Executive Unit David Greaves, Works Manager Tim Waller, Development Manager Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Richard Troeth, Senior Communications & Marketing Officer Steph Chapman, Communications & Marketing Officer Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

### 3.3.5 Council Briefing: Golden Plains Community & Civic Centre (26 September 2017)

Meeting type and name	Council Briefing: Golden Plains Community & Civic Centre
Meeting date and time	2.00pm Tuesday 26 September 2017
Matters discussed	Golden Plains Community & Civic Centre
Councillor information	1. Business Case 2. Communications plan
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Jason Clissold, Acting Director Corporate Services Mike Barrow, Manager Executive Unit David Greaves, Works Manager Tim Waller, Development Manager Felicity Bolitho, Executive Unit Team Leader Helena Charles, Senior Economic Development Officer Richard Troeth, Senior Communications & Marketing Officer Steph Chapman, Communications & Marketing Officer Petra Neilson, Council Support Officer
Guests	Mark Davies, Principal Consultant, Financial Performance Solutions
Declarations of Interest	Nil

*Moved Crs Hansford/Kirby*

***That Council notes the record of assemblies of Councillors:***

- 1. Site visit: Planning (25 September 2017)***
- 2. Site visit: Planning (26 September 2017)***
- 3. Council Briefing: VicRoads Midland Highway Duplication Option (26 September 2017)***
- 4. Council Briefing: Gheringhap Structure Plan (26 September 2017)***
- 5. Council Briefing: Golden Plains Community & Civic Centre (26 September 2017)***

***Carried***

### **3.4. ADVISORY COMMITTEES OF COUNCIL**

#### **3.4.1 Audit & Risk Committee**

No meeting held.

#### **3.4.2 Confidential: Chief Executive Officer (CEO) Review Committee**

No meeting held.

## **4. REPORTS**

### **4.1. KEY RESULT AREA – CITIZEN & CUSTOMER SERVICE**

No report.

## 4.2. **KEY RESULT AREA – CIVIC LEADERSHIP**

### 4.2.1 **Order of the Day: Mayor Elect**

Directorate	Chief Executive
Unit	Governance
Senior Manager	Rod Nicholls, Chief Executive Officer
Responsible Manager	Rod Nicholls, Chief Executive Officer
Author	Richard Trigg, Director Corporate Services
File References	EDMS files: 02-03-004 and 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	<ul style="list-style-type: none"> <li>▪ Local Government Act 1989</li> <li>▪ Local Law No 1</li> </ul>
Attachments	Nil

#### ***Declarations of Interest: Councillors & Officers***

Rod Nicholls: In providing this advice as the senior manager and 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 nominate a Mayor Elect for consideration at the Special Meeting to be held on 8 November 2017.

#### ***Background***

In past years, it has been the practice for Council to nominate a Mayor Elect prior to the Special Meeting.

#### ***Discussion***

Section 71 of the *Local Government Act 1989* (the Act) provides that the Councillors must elect a Councillor to be the Mayor of the Council. The Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year, or as soon as possible after any vacancy in the office of Mayor occurs. Before a Mayor is elected, the Council may resolve to elect a Mayor for a term of two years.

Section 72 of the Act provides that the office of Mayor becomes vacant at 6 a.m. on the day of the election of the Mayor, or if he or she dies or ceases to be a Councillor, or if he or she resigns in writing which is given at a Council meeting or to the Chief Executive Officer, or if he or she is ousted from office. Any Councillor is eligible for election or re-election to the office of Mayor.

#### ***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 or environmental implications.

### *Communications*

It is considered that a communication plan is not required.

### *Conclusion*

Whilst Council will consider Mayor Elect at this meeting, it is still required to conduct an election at the Special Meeting on 8 November 2017. The fact that nominations are made at a meeting prior to the Special Meeting, does not preclude further nominations coming forward at the Special Meeting.

### *Recommendation*

***That Council determine the Mayor Elect.***

**Cr Rowe nominated Cr Kirby. Cr Kirby accepted the nomination. There were no further nominations.**

#### 4.2.2 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: 01-01-014
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future, advocate for our community
Relevant Council Strategies	Council plan 2017-2021
Relevant Policies & Legislative Frameworks	Local Government Act 1989
Attachments	Council Plan 2017-2021 Actions Quarterly Report for September 2017 1a - Pillar 1, Health & Connected Communities 1b - Pillar 2, Local Economies 1c- Pillar 3, Natural & Built Environment 1d - 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 first 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				•	
	▪ Youth		•			
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	▪ Economic Development & Tourism			•		2.1.01
12. Promote and support the development and sustainability of our rural economy	▪ Economic Development & Tourism			•		2.1.02
	▪ Road				•	
	▪ Road Management Plan				•	
	▪ Rural Land Use		•			
	▪ Northern Settlement		•			
13. Promote and support innovative, environmentally sustainable and value adding approaches and solutions within our business, rural and visitor economies	▪ Economic Development & Tourism			•		2.1.03
	▪ Environment				•	
	▪ Events, Marketing & Communications	✓				
14. Advocate, facilitate and provide built, service and technology infrastructure to support business and industry growth and development	▪ Economic Development & Tourism			•		2.1.04
15. Promote and advocate for education, vocational and lifelong learning opportunities to support skill development and employment opportunities	▪ 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	▪ Economic Development & Tourism			•		2.1.06
	▪ Events, Marketing & Communications	✓				
17. Encourage greater investment in the Shire through creative industries, local events and festivals	▪ Events, Marketing & Communications	✓				2.1.07
	▪ Economic Development & Tourism			•		

<b>Pillar 3: Natural &amp; Built Environment</b>						
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
	▪ Urban Design Frameworks		•			
27. Invest in maintenance, renewal and improvement of community infrastructure	▪ Bannockburn Community Infrastructure Development Plan			•		3.3.02
	▪ Recreation			•		
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	▪ Governance				•	4.1.01
31. Continue long term financial planning that outlines the emerging challenges for the Shire	▪ Finance	✓				4.2.01
32. Further develop and implement an advocacy framework in partnership with the community	▪ Economic Development & Tourism			•		4.3.01
33. Maintain active regional partnerships with a focus on economic development, wellbeing, environmental sustainability and shared services	▪ Economic Development & Tourism			•		4.3.02
34. Provide a consistent coordinated and innovative approach to communicating with the community	▪ Events, Marketing & Communications	✓				4.4.01
35. Review decision making and governance processes and structures to improve transparency, accountability and progressively implement Council's Community Engagement Strategy	▪ Community Engagement			•		4.1.02
36. Build commitment to the organisational Customer Service Charter	▪ Customer Service				•	4.5.01
37. Work towards the application of 'deliberative engagement' processes	▪ 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	▪ 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	▪ Governance				•	4.6.02
40. Provide a workplace that facilitates the highest level of productivity and supports a healthy lifestyle for employees	▪ Governance				•	4.6.03
	▪ Organisational Development		•			

A detailed explanation of actions can be obtained from Attachments 1a to 1d– Council Plan 2017-2021 Actions Quarterly Report for September 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 Hansford/Gilbert***

***That Council note the report and achievements attained in the implementation of the actions contained in the Council Plan 2017-2021.***

***Carried***

### 4.3. KEY RESULT AREA – ECONOMIC DEVELOPMENT

#### 4.3.1 Economic Development & Tourism Strategy 2017-2021

Directorate	Chief Executive
Unit	Executive Unit
Senior Manager	Mike Barrow, Manager Executive Unit
Responsible Manager	Mike Barrow, Manager Executive Unit
Author	Felicity Bolitho, Team Leader Executive Unit
File References	EDMS file: 52-01-0609 Economic Development Strategy
Council Plan Link	Enhancing Local Economies We work with business, government and community partners to sustain a diverse, resilient, prosperous and socially responsible economy, through investment attraction, supporting local business, and tourism development.
Relevant Council Strategies	Economic Development Strategy 2013 - 2017
Relevant Policies & Legislative Frameworks	Council Plan 2017-2021
Attachments	2. Economic Development and Tourism Strategy 2017-2021 (including amendments)

#### ***Declarations of Interest: Councillors & Officers***

Mike Barrow. In providing this advice as the senior manager I have no disclosable interests in this report.

Felicity Bolitho. In providing this advice as the author I have no disclosable interests in this report.

#### ***Purpose***

The purpose of this report is to present Council with the final Economic Development and Tourism Strategy 2017 – 2021 recommending that the strategy, which includes minor amendments based on feedback received during the period of public comment, now be adopted.

#### ***Background***

Over the past four years Council's economic development activities were guided by the Economic Development Strategy 2013 – 2017. As this strategy expired, Council developed a new strategy to guide economic development and tourism development activities over the next four years.

In developing the Strategy, Council has undertaken an assessment of the current and future needs of business and industry within Golden Plains Shire. This involved conducting a range of stakeholder engagement activities; through online surveys, workshops and interviews with key Council staff from Council's planning, economic development, environment and tourism teams.

The development also utilised pertinent community feedback from the Council Plan 2017-21 and Community Engagement Strategy engagement listening posts. Council has directly contributed to the new strategy through workshoping key issues in the Councillor Induction process and through the development of the Council Plan 2017-2021. The Economic Development Strategy is directly related to Strategic Direction "Enhancing Local Economies".

Supplementary and supportive research included a comprehensive literature review which included internal reports, market research, regional strategies and a range of external publications and are included in the draft strategy's Part B - Research and Findings.

As a result of a comprehensive review and analysis of the findings, the strategy encompasses five key pillars which are identified as significant in the delivery of the economic development and tourism functions of Council. Each pillar represents a strategic goal, a series of priorities and the methods Council will use to determine success in this area. The key pillars identified are:

1. Investment attraction
2. Business support
3. Tourism development
4. Lobbying and advocacy
5. Partnerships

A resourced Action Plan; representing the programs and activities that will be undertaken with respect to each pillar in each of the four years is included in the strategy.

### *Discussion*

At the 22 August Council meeting, Council determined to release the draft Economic Development and Tourism Strategy 2017-21 for public comment for a period of 30 days.

The draft strategy was placed on Council's corporate website and promoted via social media, the EDQ business e-newsletter. Council officers also attended a Listening Post at the Golden Plains Farmers' Market on 2 September. 22 people stopped to learn about the draft strategy and 15 copies of the draft strategy were distributed. The draft strategy was also made available in hard copy at all customer service centres.

Four items of strategy feedback were received during the 30 day period. The following table outlines the three (3) proposed changes to be made in the strategy in response to the feedback received. Please note; the proposed changes are included and highlighted in yellow in the attachment to this report.

Feedback received	Proposed action
Caravan "dump points" requested.	A new item be placed on page 16 and in the action plan on page 20 to address this feedback: <b>Page 16:</b> Investigate improvements to tourism infrastructure <b>Page 20:</b> Investigate improvements to tourism infrastructure, eg caravan and camping infrastructure, signage, lookout points, trail networks.
Access to camping and van infrastructure (especially noted; dump points, access to cheap power, public toilets, showers and parking areas).	As above, a new item be placed on page 16 and in the action plan on page 20 to address this feedback: <b>Page 16:</b> Investigate improvements to tourism infrastructure <b>Page 20:</b> Investigate improvements to tourism infrastructure, eg caravan and camping infrastructure, signage, lookout points, trail networks.
Include a response to the recently completed G21 Sustainable Agribusiness Strategy.	In response to the recent completion of the regional strategy 'G21 Sustainable Agribusiness Strategy 2017-2022' a new item to be placed in the Action Plan on page 20 to address this: <b>Page 21:</b> Participation in the implementation of the G21 Sustainable Agribusiness Strategy 2017-2022.

Feedback received	Proposed action
<p>“Thank you for providing this comprehensive draft strategy for the region. I will watch on with great earnest to see how thoroughly this is executed in the future, as it will be tremendous for the growth and development of Golden Plains. A place that is loved, enjoyed and visited by so many.</p>	<p>Positive comment received with thanks.</p>
<p>As a medium sized agricultural business within the area, who happens to be a Pasture Raised egg farm, I was very intrigued to read the statistics of agriculture and egg producers in the region and just what a significant role we play in the economy, including employment and potentially the agri-tourism sector of the Golden Plains Shire. I understand that supporting all business sectors is incredibly important, but based on the statistics of this report it is vital that the agricultural sector is certainly supported well into the future.</p>	<p>Feedback received with thanks</p>
<p>My feedback that I have to date on this draft is, I think there is a little way to go in relation to this support.</p> <p>Up until the last few months, we have had great experiences with council, however in the past few months we have been trying to get the support of the Golden Plains Farmers Market to no avail. They are supporting an egg producer from 2 hours away, when to my knowledge there are 3 eggs producers with the shire. Like my business, providing jobs and paying our rates. This is by no means a protest, just incredibly disappointed. As your strategic plan is all about the importance of incubating, supporting and growing local businesses I feel the mark has been hugely missed here.”</p>	<p>This final comment is an operational matter and not for inclusion in the strategy: this feedback will be forwarded to the relevant officer/s for their attention and action.</p>

### ***Community Engagement***

The Economic Development and Tourism Strategy 2017-21 is the result of a strong consultation and engagement process. Consultation was conducted during the planning and development stage and again a second period of consultation enabled community and business to review the draft strategy and provide input before the final strategy is recommended to Council for adoption.

### ***Financial & Risk Management Implications***

The Action Plan included in the draft strategy comprises activities that are considered core business and expected to be provided for within the respective annual operating budget for each of the four years of the draft strategy. Actions that would require additional funding or would be contingent on other contributions have not been included.

### ***Economic, Social & Environmental Implications***

The economic, social and environmental implications are explained in the Strategy.



### *Communications*

The public exhibition of the draft strategy was promoted at a listening post (Bannockburn), published in the EDQ e-newsletter and posted on Council's website and social media accounts Facebook and Twitter. The draft strategy was made available as a web link and in hard copy at all customer service centres.

The adopted strategy will be made available on Council's website and promoted through a range of media and communication channels such as the Gazette and social media.

### *Conclusion*

The Economic Development and Tourism Strategy 2017-2021 provides a comprehensive and contemporary approach to meeting the economic development and tourism needs of Golden Plains Shire residents, business owners and key stakeholders both within and external to the Shire.

### *Moved Crs Evans/Kirby*

***That Council resolve to adopt the Economic Development and Tourism Strategy 2017-2021.***

***Carried***

## 4.4. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING

### 4.4.1 Review of Council Policy 10.6 Gaming

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	EDMS file: 32-07-002
Council Plan Link	Delivering Good Governance and Leadership We will govern with integrity, plan for the future and advocate for our communities
Relevant Council Strategies	N/A
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> <li>▪ Council Policy 10.6 – Gaming</li> <li>▪ Clause 52.28 – Golden Plains Planning Scheme</li> </ul>
Attachments	<ul style="list-style-type: none"> <li>3. Council Policy 10.6 – Gaming</li> <li>4. Clause 52.28 of the Golden Plains Planning Scheme</li> </ul>

#### ***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 findings of a review of Council Policy 10.6 – Gaming. The existing policy provides a basic framework to guide Council's approach to the assessment of an application for Electronic Gaming Machines (EGM) within the Golden Plains Shire. This report provides background relevant to the development of the original policy, details recent local developments related to EGM and in conclusion explains why the current policy remains relevant for future reference.

#### ***Background***

Council resolved to prepare a Council policy in relation to Electronic Gaming Machines (EGMs) at its 25 October 2011 meeting.

Council Policy 10.6 was then adopted in relation to gaming applications within the municipality. The policy seeks to achieve the following objectives:

- To ensure that Council owned facilities do not house EGMs;
- To avoid the risk of exacerbating problem gambling;
- To ensure that the installation or use of electronic gaming machines will not have a detrimental impact on the amenity, culture or character of a community;
- To protect the amenity of existing uses surrounding gaming venues; and
- To define how Council will respond to applications for EGMs and other gaming matters.

## State Gaming Framework

The *Gambling Regulation Act* 2003 established the Victorian Commission for Gambling Regulation (VCGR) to administer Victoria's gambling laws.

The VCGR is now referred to as the Victorian Commission for Gambling and Liquor Regulation (VCGLR) in response to changes to legislation to incorporate liquor into its jurisdiction (early 2012).

VCGLR is the statutory authority within the Department of Justice which conducts inspections of venues and gambling operations, and maintains a scrutiny of EGM throughout the State. The Act stipulates that a maximum of 30,000 gambling machines may operate within Victoria. At least 20% of machines must be situated outside Melbourne. Gambling operators must apply to the VCGLR for approval of a hotel or club as a gambling venue and for the addition or removal of machines from an approved venue.

The installation of EGM in the Golden Plains Shire requires an application be made to the VCGLR and Council. To operate EGMs a venue operator must:

- Hold a current club or hotel venue operator's licence; and
- Have gaming machine entitlements; and
- Have access to an approved premises'.

A copy of the VCGLR approvals must be given to Council for issue of a planning permit to install an EGM. The application must be lodged with Council (under the *Planning and Environment Act* 1987). In addition to making an application, the onus is on the applicant to prove that no net community disadvantage will result from the installation of EGMs.

No more than 127 EGMs may operate within the municipal boundaries at any one time. Of the 127 EGM that are permitted, no EGM are currently in operation. The VCGLR website indicates there are no current EGM entitlements owned by any individual or business located within the Shire.

## Discussion

Numerous Councils in Victoria have a gaming policy. Policies vary widely in their content and approach to gambling issues. To date Council has not received an application for a planning permit to allow EGM operations.

The gaming policy (non-incorporated) sets out a range of information which should be taken into account in assessing and responding to applications for venues or machines. Consideration in responding to applications for venues or machines includes:

- local community views
- measures to protect local amenity from noise, traffic and patrons behaviour
- compatibility with surrounding land use
- need to limit patrons or hours of operation
- possible adverse effects upon the community, or upon the prevalence of gambling problems
- potential for economic growth

Opposition is expressed to:

- Placement of EGMs in disadvantaged areas, or movement into disadvantaged areas
- Venues in close proximity to places frequented by children or adolescents
- Placement of EGMs within the vicinity of shopping strips

Support may be given on condition that:

- The applicant agrees to undertake initiatives to promote responsible gambling
- The applicant supports VCGR's 'Responsible Gambling Codes of Conduct' and Council's gaming policy

VCGLR cautions that a Council policy which opposes all applications for venues or machines has several disadvantages as it:

- May appear to commit Council to the costly process of opposing all applications, regardless of the applicant's prospect of success at VCAT;
- Has no legal force as it sits outside the Planning Scheme;
- May prevent Council from using its policy to have an influence upon the location of a venue as it might have its policy specify criteria such as local EGM density, disadvantage or land uses which would guide the Council's response to the application.

### **Current Council Policy 10.6**

Council Policy 10.6 articulates Council's role under the relevant Acts and provides guidance to officers on the assessment of a planning permit application for EGMs. The policy is based on the overall goal to minimise and reduce potential impacts of gambling on EGMs and meet the regulatory legislation in which the policy operates. The gaming policy applies to all applications which require a permit to install or use a gaming machine, or use land for the purpose of gaming under clause 52.28 of the Golden Plains Planning Scheme.

The absence of a policy to guide Council's statutory framework presents a moderate risk in the event an application is received. A recommendation made with the adoption of the policy in 2012 encouraged the development of an Incorporated Local Planning Policy and an amendment to the Municipal Strategic Statement (MSS). At the time it was acknowledged that this approach would require the preparation of a comprehensive Social Impact Assessment Study combined with extensive community consultation to test assumptions about EGMs in the community.

### **Review findings**

A review of Council Policy 10.6 Gaming reveals that there have not been any applications for EGM installation within the Shire since the adoption of the policy. The most recent EGM related activity within the region occurred in 2014 with the redevelopment of the Fyansford Hotel. Forty (40) poker machines were installed requiring the surrendering or transfer of machine licences from three Geelong venues.

There have been no fundamental changes to gaming control legislation or planning policy related to gaming since the adoption of the Council Policy.

### ***Community Engagement***

A formal consultation process is not required.

### ***Financial Implications***

It is considered that there are no financial implications associated with the recommendations from the policy review.

There would be significant costs associated with the development of Social Impact Assessment Study on gaming within Golden Plains Shire.

### ***Environmental Implications***

It is considered that there are no environmental implications.

### ***Social Implications***

Council Policy 10.6 seeks to address the significant social impacts associated with the operation of Electronic Gaming Machines.

### ***Risk Management Implications***

It is considered that there are no risk management implications.

### ***Communications***

It is considered that a communication plan is not required.

### ***Conclusion***

Council officers will continue to monitor EGM related activity within the G21 region. Due to the number of strategic projects currently underway the planning team is unlikely to commence the development of an incorporated policy on gaming in the foreseeable future. A significant project budget bid would be required to fund the development of a Social Impact Assessment Study.

It is considered that the existing Council Policy and the current planning scheme provisions (found under Clause 52.28) provide an adequate framework for the initial assessment of a proposal, in the event that an application for EGM installation was received by Council. It is therefore recommended that the policy be re-adopted in its current form.

***Moved Crs Hansford/Sharkey***

***That Council adopts Council Policy 10.6 – Gaming as attached to this report.***

***Carried***

#### 4.4.2 Domestic Animal Management Plan 2017-2021

Department	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Martin Roberts, Environment Services Team Leader
File References	EDMS file: 59-02-015
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	Council Plan 2017-2021
Relevant Policies & Legislative Frameworks	<i>Domestic Animals Act</i> (1994)
Attachments	5. Revised Domestic Animal Management Plan

#### ***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.

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

#### ***Purpose***

The purpose of this report is to seek the Council adoption of the revised Domestic Animal Management Plan attached to this report.

#### ***Background***

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

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

A copy of the recommended Domestic Animal Management Plan is attached for Council's reference.

#### **In summary, the Act requires a Municipal Domestic Animal Management Plan to:**

1. Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of the Act and the Regulations;
2. Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of the Act in Council's municipal district;

3. Outline programs, services and strategies which Council intends to pursue in its municipal district to:
  - a. promote and encourage responsible pet ownership
  - b. ensure people comply with the Act and Regulations
  - c. minimise the risk of dog attacks
  - d. address over population and high euthanasia rates for dogs and cats
  - e. encourage dog and cat registration and microchipping
  - f. minimise the potential for dogs and cats to create a nuisance
  - g. identify all dangerous, menacing and restricted breed dogs and ensure they are kept appropriately;
4. Provide for a review of Local Laws dealing with the management of dogs and cats;
5. Provide for periodic evaluation of programs, services and strategies outlined in the plan.

The Act also requires each council to:

1. review its plan annually and amend if appropriate;
2. provide the Secretary for the Department of Primary Industries with a copy of the plan or any amended plans;
3. publish an evaluation of the plan in the Council Annual Report.

The attached draft of the new Golden Plains Shire Domestic Animal Management Plan is based on a Department of Primary Industries template and structured so as to address the above requirements as specified in the Act.

Each council is required to completely re-write its Domestic Animal Plan every four years. The attached revised Domestic Animal Management Plan is the current iteration of the inaugural plan that was prepared in 2009.

### *Discussion*

The development of a Domestic Animal Management Plan is a legislative requirement. Golden Plains Shire has a consistent track record in its approach to domestic animal management and has well developed processes and procedures.

Golden Plains Shire has domestic animal management problems that reflect the rural nature of the Shire and the dispersed nature of settlement throughout the municipality. Of particular concern is the level of dog attacks on livestock. Council's commitment to dealing with this problem is reflected in the plan.

In a shift from the previous plan, this version incorporates a comprehensive approach to managing cats, increasing cat and dog registrations, and empowering the community to work with Council to achieve responsible pet ownership throughout the municipality. The plan promotes a consistent and considered approach to domestic animal management; improved community engagement; and the need to advocate for improved resourcing. There is continued effort being placed on capturing and analysing data to better support decision making in the future.

The revised Golden Plains Shire Domestic Animal Management Plan (DAM Plan) has been developed using internal Council data, community survey data, and property audit data. Whilst acknowledging the finite resources available, additional activities have been included to the extent considered necessary to meet the requirements of the legislation. Where activities achieve multiple benefits, they have been listed in repetition, under the relevant headings, to reinforce this positive impact

With improved community engagement the operational activities identified in the DAM Plan do not contribute any significant additional costs to Council or place demands on existing resources. The bulk of the costs associated with implementing this plan revolve around the time taken to monitor and record activities, complaints and outcomes, evaluate the effectiveness of the plan, report to the Secretary on the implementation of the plan and conduct reviews of the plan.

The impact of the growth experienced by Council during the previous DAM Plan is reflected in the data collected. Coupled with the expected growth for the duration of the new plan, advocating for resourcing to address the impacts of growth is required.

There are benefits to be gained by maintaining better records as this will enable Council to make informed planning and service delivery decisions based on specific data relevant to Golden Plains Shire.

The new plan provides more comprehensive detail than the previous version. This includes many activities that are already implemented by Council but were not identified in the previous plan. Therefore, while there are a significant number of additional actions identified in the new plan, many of these are already being implemented and are ongoing.

In summary, the changes of note that have been incorporated into the new draft of the DAM Plan include:

- conducting more activities directed specifically at improving the level of responsible dog and cat ownership;
- the use of 'SMS' to remind residents of pet registration renewal times;
- increased community engagement via online surveys, newspaper articles and social media;
- promotional activities to raise awareness of the social and financial impacts of pet ownership;
- promoting the service provided by Council's Community Protection Officers and the benefits of registration;
- providing information to residents on how to effectively and humanely capture cats;
- developing and advocating for a cat de-sexing subsidy scheme for new registrations;
- auditing to confirm compliance with laws for keeping dangerous, menacing and restricted breed dogs;
- increased property registration audits to inform performance evaluation indicators;
- securing 84Y agreements with animal shelters and pound service providers to improve data collection and communication, especially in relation to impoundments, euthanasia rates and animal fostering;
- consistent and considered approach to issuing infringement notices and failure to renew registration notices.

### ***Community Engagement***

There is no requirement under the provisions of the *Domestic Animals Act* 1994 for councils to give formal public notification of the preparation of a Domestic Animal Management Plan and to invite submissions.

The inaugural DAM Plan, which Council adopted in 2009, was not subjected to a community engagement and consultation process, and it is considered that the nature of the changes that are proposed to be made in the new draft plan are not of sufficient community interest to warrant a formal public exhibition and submission process.

The revised plan included a community engagement process to improve on the previous plan. In addition to the 1038 property registration audits completed, 1450 registered pet owners were engaged to complete an online survey, resulting in 281 responses, a statistically high response rate with 38.7% completing the survey. The information provided in these responses significantly contributed to the development of the new plan and was positively received by the community.

### ***Financial Implications***

The proposed plan can be implemented with the current resourcing levels. Notwithstanding, with the growth that Golden Plains Shire has experienced, and continues to experience, advocating for improved resourcing is necessary and will contribute significantly to addressing growth impacts, including emerging negative trends in registration rates and dogs at large issues.



***Environmental Implications***

Implementation of the plan is expected to contribute towards improving the environment.

***Social Implications***

The DAM Plan will contribute towards improving the social environment by providing for improved pet ownership.

***Risk Management Implications***

It is considered that there are no risk management implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

The attached plan meets the provisions detailed within the *Domestic Animals Act* (1994).  
The plan has minimal budget implications for Council.

The plan is due to be delivered to the Secretary for the Department of Primary Industries by 3 November 2017.

***Moved Crs Evans/Gilbert***

***That Council;***

- 1. Adopt the revised Domestic Animal Management Plan, as attached to this report; and***
- 2. Forward the Plan to the Secretary for the Department of Primary Industries pursuant to the provisions of the Domestic Animals Act (1994).***

***Carried***

## 4.5. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING

### 4.5.1 Planning Application P17-098 for the use and development of the land for a veterinary centre, and animal boarding (cats) and associated buildings and works at 12 Milton Street, 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	Tracey Simmons, Town Planner
File References	Planning Application P17-098
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Use and development of the land for a veterinary centre and animal boarding (cats) and associated buildings and works
Land Address	12 Milton Street, Bannockburn Crown Allotment 1 Section 6, Parish of Wabdallah
Applicant	Golden Plains Vet Practice
Zone and Overlay Summary	Commercial 1 Zone (C1Z) Design and Development Overlay Schedule 9 (DDO9)
Attachments	6. P17-098 Copy of the application and plans 7. P17-098 Locality Map. 8. P17-098 Copy of objection letter.

#### *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.

Tracey Simmons: 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 the use and development of land for a veterinary centre and animal boarding (cats) and associated buildings at 12 Milton Street Bannockburn.

The application has been referred to the Council Meeting for determination because there is an objection to the application and Council officers do not have delegated powers to decide 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*

This application proposes the use and the development of the land for a veterinary centre, animal boarding (cats only) and associated building and works. Specifically, the primary use of the site will be to provide a veterinary service for domestic pets, such as dogs, cats, rabbits, guinea pigs, birds and other small animals. As part of the veterinary treatments, sick animals may at times be held overnight.

The application also proposes to provide longer term boarding for cats (only) at the upper floor level of the building on the site. As per the application, the boarding cages for the proposed cattery, will be designed specially to fit cats only and will not be designed for dogs. This application proposes that the animal boarding will accommodate a maximum of ten (10) cats at any one time.

All veterinary services are proposed to be located and operated within the internal structure of the proposed renovated building. Insulation and acoustic treatment is proposed to be incorporated into the building fabric (walls and ceilings).

The proposed hours of operation are as follows:

- Monday–Friday ..... 8:00 am – 6:00 pm
- Saturday ..... 9:00 am – 5:00 pm
- Sunday ..... Closed to Public
- After-hours emergency calls.

The application proposes to redesign and renovate the existing shed exterior, with a more modern contemporary urban design, including paved allocated car-parking, landscaped gardens, new signage and lighting. Part of the proposal also intends to remove the existing high cyclone fencing along the western site boundary, for the purpose of providing greater street appeal and improved integration of the site's pathways and surrounds.

Golden Plains Vet Practice proposes to share the tenancy of the property with the owners of B & S Stock Feeds. The existing stockfeed business proposes to reduce their current retail floor space by approximately 30%, and operate on the eastern side of the site.

Golden Plains Vet Practice seeks to use and develop sections to the west of the site, by means of extending current floor space of the shed towards Burns Street, a further 3.15 metres, creating an extra 55 m<sup>2</sup> floor space (*Refer to Attachment 2, Plan TP06, section noted -addition*). Additionally, proposing an upper floor level, to create an extra 116 m<sup>2</sup> in floor area.

The proposed ground floor will consist of the following:

An open plan reception and waiting room, three (3) consulting rooms, administration room, two (2) radiology rooms, animal pharmacy storage area, theatre room, separate cats and dog recovery rooms, works area, utility room and storage.

The proposed upper floor level will consist of the following:

An open plan staff kitchen and meals area, an administration room, enclosed cattery section and storage room.

The application proposes three (3) veterinary practitioners to operate, at any one time, from the premises in association with support staff. The development re-design, successfully reflects the nominated three (3) practitioners by proposing only three (3) consultation rooms within the Vet Centre.

The application proposes twelve (12) carparks, including one (1) dedicated disabled carpark, access with another two (2) extra carparks to remain for B & S Stock Feed staff members. The proposed layout shows sixteen (16) car spaces in total for the site (*Refer to Attachment 7, Plan TP06*).

The existing drive through access in the centre of the building, from Milton Street is proposed to remain and be available for B & S Stock Feed and for both businesses to access car-parking, which will be located to the north of the site. The existing crossover on Burns Street is to remain unchanged, proving an entry and exist point to the site.

Some business identification signage is proposed, predominantly on the southern (facing Milton Street) and western (facing Burns Street) facades.

The applicant, Golden Plains Vet Practice, own and operate two local veterinary practices in the Shire. One practice is located at 2 Bruce Street, Bannockburn on the outskirts of the town. This practice provides services for small domestic animals, such as dogs and cats (P13-298 permit). The other veterinary practice, is located at 179 Tall Tree Road, Lethbridge, this practice focuses on larger animals, such as horses, cattle and sheep and other farm related animals (P16-097 permit).

Should this proposal be issued a planning permit, and after the completion of proposed building and works, Golden Plains Vet Practice intends to relocate from the Bruce Street site (zoned General Residential Zone Schedule 1 - GRZ1) and operate at the new location of 12 Milton Street (zoned, Commercial 1 Zone- CZ1).

### ***Site Description***

The subject site is located at 12 Milton Street, Bannockburn. The site is situated in the Bannockburn town centre, within the existing commercial activity area.

The subject site trades as a retail business, specifically in stock and pet supplies, known as B & S Stock Feeds.

The subject site has a total area of 2020.8 m<sup>2</sup> and contains a large colorbond building, with a footprint of 648 m<sup>2</sup>. The site has onsite car-parking, two attached water tanks, boundary fencing and along the northern rear boundary some basic landscaping of small trees and shrubs abutting along the timber paling fence line.

The subject site is zoned Commercial Zone Schedule 1 (CZ1), and is subject to the Design and Development Overlay Schedule 9 (DDO9).

This site is also identified within the Bannockburn DDO9, Precinct A –Retail Development Precinct.

Adjoining properties to the subject site, to the south-east at 22 Milton Street, and to the western boundary at 13 Burns Street (objectors address), are both occupied as residential properties. These properties are however located within the same zoning at the subject site, Commercial Zone Schedule 1.

To the north and east of the subject site, on the other side of Burns Street, exists residential dwellings, within the General Residential Zone Schedule1 (GRZ1).

### ***Processing of the Application***

The current application (P17-098) was received by Council on 21/04/2017.

An assessment of the application was carried out including a site inspection.

There are no referral authorities specified in the planning scheme for an application of this type. The application was internally referred to Council's Environmental Health Department and Works Department.

### ***Communications***

Notice of the application was given in accordance with Section 52(1) (a) and (d) of the Planning and Environment Act 1987 ('the Act'). Notice was sent by mail to adjoining and neighbouring owners and occupiers and two signs were placed onsite facing Milton Street and Burns Street.

One (1) objection to the application proposal was received by Council on 07/07/2017. (*Refer Attachment 8. – Copy of objection letter*).

The grounds of the objection relate to the following:

1. Potential increase in noise level;
2. After hours lighting;
3. Shading;
4. Odour;
5. Maintaining existing privacy;
6. Car-parking; and
7. Concerns that the proposed use and development will impact local property values and suggesting it should operate within an industrial location (zone) in the area

A consultation meeting, involving the objector, applicant and the architect of the plans was held on 10/08/2017, but no resolution was reached.

### *Golden Plains Planning Scheme*

#### **State Planning Policy Framework (SPPF)**

Clause 17.01-1 - Economic Development:

The key objective to this State Planning Policy is to encourage development, which aims to meet the communities' needs in retail, entertainment, office and other commercial services, whilst providing net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

#### **Municipal Strategic Statement (MSS)**

Clause 21.01-4 Economy:

Clause 21.06-2 Urban Design:

This detailed strategic statement covers a number of objectives and strategies for the municipality, such as, economy and urban design.

Clause 21.01-4, Economy:

This policy acknowledges the importance of supporting local agricultural industries and rural employment and states that current employment opportunities within the shire are limited and many residents travel to work outside the shire.

Clause 21.06-2, Urban Design:

This policy specifically relates to urban design. Most relevant to this application is the following objective and strategy:

**Objective 1:** *To provide a high quality urban environment within existing township areas.*

**Strategy 1.1:** *Encourage improvements to urban design within shopping, main street and public precincts.*

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

Clause 21.07-1 Local Areas – Bannockburn:

This Local Planning Policy identifies the significant growth in the area and outlines the objectives and strategies to appropriately plan for and guide future development for the Bannockburn Township. In particular, the need to enhance and encourage local business opportunities, employment, expenditure and town centre activity. Further, addressing the need to guide commercial growth and manage change as the town expands.

Most relevant to this application is the following objective and strategy:

**Objective 2:** *To create a prosperous and sustainable Bannockburn town centre.*

**Strategy 2.2:** *Facilitate expansion of retail and service activities to meet the growth projections of Bannockburn and district.*

## **Zone**

### **Clause 34.01-1, Commercial 1 Zone (C1Z)**

A permit is required for the use and development of the land for a veterinary centre and animal boarding in C1Z.

The key purposes of the zone are as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Decision guidelines relevant to this proposal, include but are not limited to:

- The interface with adjoining zones, especially the relationship with residential areas;
- The effect that existing uses may have on the proposed use;
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.

## **Overlay**

### **Clause 43.02-2, Design and Development Overlay Schedule 9 (DDO9) Bannockburn Town Centre:**

A permit is required to construct or carry out works to a building in the DDO9.

Design objectives relative to this application include but are not limited to:

- Providing a comprehensive and coordinated framework to facilitate the development and expansion of the Bannockburn Town Centre;
- Encouraging development that enhances and is in keeping with the character and appearance of the Bannockburn Town Centre;

Objectives that relate to this application within a Precinct A – Retail Development Precinct, include but are not limited to:

- Respond to the design, height and built form of existing buildings;
- Respond to the need for active frontages to roads and public spaces;
- Incorporate design techniques to articulate all visually exposed facades;
- Have a high standard of design that positively contributes to the character of Bannockburn; and
- Provide integration between the open spaces and the retail precinct in the form of inviting access ways and entrance points.

### **Particular Provisions**

Clause 52.06-5, Car Parking:

In accordance with Clause 52.06-5, car-parking requirements for a veterinary centre, with three (3) vet practitioners operating from the premises, at any one time, must provide the following:

- A minimum of eleven (11) car spaces.

The application proposes thirteen (13) car spaces (including a disable car space) and another two extra car spaces will remain for B & S Stockfeed staff. The application in total will provide the following:

- Providing sixteen (16) car spaces within the subject site.

There is no rate specified in car-parking for animal boarding. The application satisfactorily complies with the car park provisions of the clause.

### **General Provision**

Clause 65.01- Decision Guidelines

Before deciding on the application, the Responsible Authority must consider matters relevant to the application, including but not limited to:

- 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, overlays or other provision;
- Any matter required to be considered in the zone, overlay or other provision;
- The orderly planning of the area; and
- The effect on the amenity of the area.

### ***Discussion***

#### **Planning Scheme:**

The proposal is considered to be well supported by State and local planning policy. The proposal makes good use of an existing building located within 'Precinct A' – the Retail Development Precinct as identified in the DDO9.

This proposal would allow the expansion of an existing Bannockburn business to a more suitable location, zone and size. The veterinary centre will cater to the community's need for vet care and includes provision for a restricted cat boarding operation. Clause 21.07-1 Local areas – Bannockburn recognises the significant growth of the Bannockburn area and in particular the need to enhance and encourage local business opportunities, employment, and expenditure and town centre activity.

This proposal is considered to do all of these things. The refurbishment of the existing buildings is not only a good reuse of existing infrastructure which makes environmental sense; it enhances this prominent corner site giving it more street appeal. The proposal will allow two existing businesses to remain in Bannockburn, and in doing so will keep employment in the Golden Plains Shire. Furthermore, the proposal will cater to a community need, preventing the associated expenditure from going elsewhere.

The re-use of this building proposes an upgrade to elements of the existing façade and a minor increase in footprint. The refurbishment as well as improvements to car parking and landscaping arrangements are considered to somewhat revitalise this prominent commercial corner in central Bannockburn, which is in line with Clause 21.06-2 Urban design, specifically one of the strategies *encourages improvements to urban design within shopping, main street and public precincts*.



## Zone

This proposal is considered to align with the purpose of the Commercial 1 zone. This zone looks to support a vibrant mixed use of commercial type businesses, among other things. The veterinary centre sharing an existing pet and stock feed supplies business is considered to be a complimentary fit.

Careful consideration has been given to the interface with adjoining zones, including the General Residential zone on the western side of Burns Street. The application provides detailed information in relation to how the site is proposed to be run. Car parking requirements have been met, traffic movement into and out of the site is considered to be acceptable and lighting will be kept to a minimum, save, for low level security, identification and car park bollard lighting which is appropriate in a commercial setting and also keeps the street activated, but to an appropriate level.

Some additional matters are proposed to be addressed via recommended permit conditions, if a permit should be issued, including specified hours of operation, waste management and repair to the existing lattice component on the timber paling fence and a general amenity condition.

## Overlay

The proposal is also considered to meet the objectives of the Design and Development Overlay (Schedule 9 – Bannockburn Town Centre). The application is considered to respond well to the key purposes of this overlay by providing well designed updates and expansion to the site. This is considered to improve the activation of this prominent street corner through well considered urban design which is respectful to the site and surrounds, and complemented by updated and formalised car parking and landscaping.

## Main Grounds of the Objection

### 1. Potential increase in noise level

It is considered that the application has addressed the concerns of any potential increase in noise by introducing insulation and acoustic treatments to be incorporated into the building fabric (walls and ceilings). Such treatments do not currently exist in the building. In addition the proposed construction of additional internal walls and ceilings will further reduce the impacts of any noise.

All operations of the proposed veterinary centre and boarding facility have been designed to be conducted inside the building and not outside. Further noting, that the animal boarding component of the application will only allow the boarding of cats and to the maximum number of no more than 10 cats at any one time. It is considered that cats, which generally do not generate high levels of noise. Except for times of afterhours emergency calls, where parking will take place on Milton Street, the operation of the veterinary centre will be within normal trading times which is appropriate in a Commercial Zone.

A number of conditions to the permit have addressed potential noise issues. In particular Condition 11, *states the operation of the business must be in compliance with the Environment Protection Authority "Noise from Industry in Regional Victoria" Publication 1411.*

### 2. After-hours lighting

The applicant has provided a plan, showing the location of all proposed lights, including security lights, their direction and expansion, and provided light spillage data. The proposed limited number of security lights, their locations and design will ensure there are no adverse impacts on the amenity of adjoining and surrounding properties.

Permit Condition 5 c) states *that all external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land.*

### 3. Shading

The application proposed building and works will not change the existing height of the shed, nor will the current setback between the building and the northern boundary that adjoins the objector's property change therefore shading, will not alter or increase.



#### **4. Odour**

The proposed veterinary centre must comply with the Veterinary Practitioners Registration Board of Victoria Standards of Veterinary Premises Guidelines. The two Golden Plains Vet Practices have a successful track record of operating long-term professional, clean and environmentally responsible operations. The long-term boarding of cats within the confines of the building and to the limitations of 10 cats at any one time; should not cause issues of odour. It is in the best interests of the operators of the proposed veterinary centre to operate hygienic and well maintained premises; not only to comply with the Veterinary Standard Codes of Practice, but also to provide a pleasant environment to visit and work within.

Conditions to the permit have addressed potential odour issues. In particular, Condition 5 b) states that the use and development must not detrimentally affect the area by emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. In addition, Condition 12 & 16 will reduce the risk, if any, of potential smell.

#### **5. Maintaining existing privacy**

The application seeks to increase the privacy of adjoining properties by replacing current old lattice fencing extensions and replacing them with new ones at the same height (entirely at the applicants/developers own cost) along the northern boundary fence that adjoins the objector's property.

Conditions to the permit, in particular, Condition 9 & 10 will address the current concerns of previous landscaping for the objector and the new landscape plans will encourage effective vegetation screening along the northern fence that will enhance and maintain privacy for the objector.

#### **6. Car-parking**

The application has proposed thirteen (13) car spaces to be allocated for the use of the veterinary centre, in accordance with Clause 52.06-5, car-parking requirements for a veterinary centre, with three (3) vet practitioners operating from the premises, at any one time, must provide a minimum of only eleven (11) car spaces. Therefore the proposal not only satisfactorily complies with the planning provision, but is providing an extra two car spaces.

Another two car spaces will remain for B & S Stockfeed staff. The application in total will provide sixteen (16) car spaces within the subject site.

The proposed design of the development includes a suitably located disabled access car-space and the area is to be treated with an on all-weather sealed surface and clearly identified and marked.

Conditions to the permit have addressed objectors concerned with parking, in particular Condition 1 f) and h), and 14.

#### **7. Concerns that the proposed use and development will impact local property values and suggested it should operate within an industrial location (zone) in the area**

Council is required to consider the application, as proposed, including subject site and cannot nominate a preferred location.

The proposed subject site of the application is within a Commercial Zone (CZ1) area, the same zoning applies to the adjoining property of the objector. The zoning of the subject site supports the proposal as an appropriate use and development of land.

The proposal supports two existing local businesses; catering to the needs of the community. Supporting this proposal will allow these businesses to continue to provide such services and remain within Bannockburn.

In regard to property values this is not a material planning consideration and Council can only consider matters that may affect properties, such as amenity issues which are addressed above. VCAT has consistently dismissed property devaluation as a valid ground of refusal.

### ***Cultural Heritage Implications***

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

### ***Conclusion***

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Commercial 1 Zone (C1Z) and Design and Development Overlay Schedule 9 (DDO9), Clause 52.06-5 (Car parking) and the decision guidelines of the Planning Scheme (Clause 65). It is considered that the proposed use and associated buildings and works are appropriate and satisfy the relevant zoning provisions that apply to the subject land. The placement of conditions on the permit to protect the amenity of the area will ensure that the proposal will not cause material detriment to any person.

### ***Moved Crs Hansford/Evans***

***That Council resolve to issue a Notice of Decision to grant a permit for the use and development of the land for a veterinary centre and animal boarding (cats) and associated buildings and works, at 12 Milton Street, Bannockburn (Crown Allotment 1 Section 6, Parish of Wabdallah) subject to the following conditions:***

#### **Amended plans conditions**

- 1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
  - a) The location of external plant and equipment including but not limited to service units for heating and cooling, hot water, solar panels, ventilation systems, communication devices, as applicable. Such plant and equipment must not be visually prominent from the public realm. Where appropriate, screening is to be applied;***
  - b) Deletion of car parking space number 13;***
  - c) The location of all external lighting including security lighting including details of lux level;***
  - d) The location of skip and/or bin storage;***
  - e) Delete 'dog runs' from ground floor plan and re-label to reflect indoor dog exercise and/or enclosure;***
  - f) A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres;***
  - g) New lattice extensions on top of existing timber paling fences, to match the heights of existing lattice that is to be replaced.***
  - h) The location of one (1) allocated disabled car-parking to be designed in accordance with Australian Standard AS2890.6-2009 and the Building Code of Australia.***

#### **Endorsed plans**

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. No more than three (3) veterinary practitioners are permitted to practice at the site at any one time, unless written approval is first obtained from the Responsible Authority.**

#### **Hours of operation**

- 4. The use may only operate within the following hours, except in the event of emergency treatment being required.**
  - Monday to Friday 8:00 am – 6:00 pm**
  - Saturday: 9:00 am – 5:00 pm**

#### **Amenity**

- 5. The amenity of the area must not be detrimentally affected by the use or development for any reason to the satisfaction of the Responsible Authority. Including the following:**
  - a) Appearance of any building, works or materials;**
  - b) Emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
  - c) All external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land;**
  - d) Security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service;**
  - e) Presence of vermin; and**
  - f) Transport of materials, goods or commodities to or from the land.**
- 6. The loading and unloading of goods must only be carried out on the subject site and must not disrupt the circulation and parking of vehicles on the land.**
- 7. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.**
- 8. The maximum number of cats boarding at the site at any one time is no more than ten (10), unless otherwise approved by the Responsible Authority.**

#### **Landscaping**

- 9. Before the development starts, landscaping plan/s, prepared by a suitably qualified or experienced landscaping professional, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan/s will be endorsed and will then form part of this permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan/s must show:**
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed including on the adjoining street frontages;**
  - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;**
  - c) Landscaping and planting within all open areas of the site;**
  - d) Details of surface finishes including driveways;**
  - e) Existing vegetation along the northern and eastern property boundaries is to have any plants which are in poor condition or dead removed and replaced with suitable plants;**
  - f) The existing garden beds along the northern and eastern property boundaries to have new mulch applied; and**
  - g) Existing lattice on top of timber paling fences, to be replaced to the existing height.**

**All species selected must be to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including any dead, diseased or damaged plants to be replaced.**

- 10. Landscaping, including replacement lattice on boundary fencing must be completed prior to the commencement of the use. Replacement lattice is to be at the full cost of the permit holder.**

**Golden Plains Shire Environmental Health Department – Conditions**

- 11. The operation of the business must be in compliance with the Environment Protection Authority “Noise from Industry in Regional Victoria” Publication 1411.**
- 12. All waste water generating fixtures on the allotment/s must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lots in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**

**Golden Plains Shire Works Department – Conditions**

- 13. The applicant must ensure that appropriate measures are implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the Responsible Authority.**
- 14. Prior to the commencement of the use, the area set aside for parking of vehicle and access lanes as shown on the endorsed plans must be to satisfaction of the Responsible Authority as follows:**
- a) provided with an all-weather sealed surface;**
  - b) drained;**
  - c) line marked to indicate each car space and all access lanes;**
  - d) provided with signage directing drivers entry and exist points and the areas set aside for car parking;**
  - e) car spaces, access lanes and driveways must be kept available for these purposes at all times; and**
  - f) car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.**
- 15. Prior to the commencement of the use, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground piped or open drains to the satisfaction of the Responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council’s stormwater drainage system.**
- 16. Wash down runoff must not be disposed to stormwater drainage. This includes:**
- a) All solids (faeces, straw, hair/fur, food scraps, bedding etc.) are collected before wash down of any indoor animal enclosure and disposed appropriately;**
  - b) Disposal of wastewater is in accordance with Barwon Minor Water Trade Wastes Guidelines;**
  - c) Waste waters and other wastes are not permitted to enter the stormwater system; and**

**All to the satisfaction of the Responsible Authority.**

- 17. Prior to the commencement of any road, drainage or landscaping works associated with the development, the applicant must submit detailed construction plans to the responsible authority. When approved, these plans will be endorsed and then form part of the permit. The plans must show:**
- a) Detailed construction information in relation to the construction of the car park;**
  - b) All works must be constructed or carried out in accordance with the approved plan; and**

**All to the satisfaction of the Responsible Authority.**

## **Expiry**

**18. This permit will expire if one of the following circumstances applies:**

- a) The development is not started within two years of the date of issue.**
- b) The use is not started and the development is not completed within four years of the date of issue.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (or twelve months after the permit expires for a request to extend the time to complete the development).**

**Note: This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.**

**Note: A Works on Road Reserves Permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.**

**Note: The premises must comply with the Veterinary Practitioners Registration Board of Victoria Standards of Veterinary Premises Guidelines.**

***Carried***

#### 4.5.2 Planning application P16-065 for a nine lot subdivision and associated native vegetation removal at Crown Allotments 10 & 11 Lightwood Park Road, Smythesdale

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 P16-065
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Nine lot subdivision and associated native vegetation removal
Land Address	Crown Allotments 10 & 11 Section 1A Parish of Carngham (Lightwood Park Road, Smythesdale)
Applicant	Seison Pty Ltd
Zone & Overlay Summary	<ul style="list-style-type: none"> <li>▪ Rural Living Zone (RLZ)</li> <li>▪ Bushfire Management Overlay (BMO)</li> <li>▪ Design &amp; Development Overlay Schedule 7 (DDO7)</li> </ul>
Attachments	9. P16-065 Copy of application and plans 10. P16-065 Locality map 11. P16-065 Copy of referral responses 12. P16-065 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 nine lot subdivision and associated native vegetation removal at Crown Allotments 10 & 11 Lightwood Park Road, Smythesdale. 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 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 subdivision of the land into nine lots with associated native vegetation removal (refer to Attachment 9 – copy of application and plans). The proposed subdivision will create eight lots with an area of 2-3 hectares and one lot containing the balance of the land (22.73ha). Lots 1-4 will have access from Miners Hut Road and Lots 5-9 will have access from a proposed internal road. The first section of road will be constructed within an existing (unmade) road reserve and the second section will consist of a new road reserve within the property.



The application also involves the removal of native vegetation for the proposed road, building envelopes and boundary fencing. The total extent of vegetation removal is 10.413ha.

The applicant has indicated that the subdivision will be completed in two stages for financial reasons. The first stage will create lots 1-4 on Miners Hut Road and the second stage will consist of Lots 5-9 and involve the construction of the proposed internal road.

### *Site Description*

The subject land is formally described as Crown Allotments 10 & 11 Section 1A Parish of Carngham and has a total area of 43ha. The site is located in a rural residential area between Smythesdale and Haddon, approximately 4km west of the Haddon town centre and 4km north of the Smythesdale town centre (refer to Attachment 10 – locality map).

The site is vacant and contains bushland. There is a large dam located on Crown Allotment 11. The land is undulating and has a gradual fall from south to north. There are a number of small gullies/watercourses that run across the land. The site has frontage to Lightwood Park Road on the western boundary and Miners Hut Road on the northern boundary. Lightwood Park Road is an unformed road and Miners Hut Road is an all-weather gravel road managed by Council.

Surrounding land to the north and east is in a Rural Living Zone and contains rural residential development with most lots having an area of 2ha. Adjoining land to the south is Crown Land and is in a Public Conservation & Resource Zone (PCRZ). Adjoining land to the west consists of bushland and farmland and is in a Farming Zone (FZ).

### *History*

The application was received by Council on 26 February 2016. The application originally proposed the subdivision of the land into ten lots with a longer internal road. The application was amended in response to concerns raised by Council officers regarding native vegetation impacts and bushfire risk. As a result the subdivision was re-designed with the number of lots reduced from ten to nine and the proposed internal road shortened by approximately 300m.

The application was referred under Section 55 of the Planning & Environment Act 1987 ('the Act') to Central Highlands Water and Powercor in accordance with Clause 66.01 of the planning scheme, to the CFA in accordance with the provisions of the Bushfire Management Overlay, and to the Department of Environment, Land, Water & Planning (DELWP) in accordance with Clause 66.02-2 of the planning scheme (Native vegetation). The application was also internally referred to Council's Works Engineer regarding roads and drainage and Environmental Health Officer regarding wastewater. These parties had no objection to the issue of a permit subject to conditions being placed on a permit. A copy of the referral responses is provided as Attachment 11.

### *Communications*

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the Planning and Environment Act 1987 ('the Act'). Notice was provided by mail to 15 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 nine objections were received. A copy of the objections are provided as Attachment 12. The main grounds of objection are summarised as follows:

**1. Roads and traffic.** The objectors are concerned that the existing road network which includes narrow and gravel roads is not adequate for the increased traffic that will result from the proposed development. Concerns were also raised about potential traffic impacts such as noise, safety and car headlights.

**2. Drainage.** The objectors have raised concerns regarding poor drainage in the area and are concerned that the development will exacerbate drainage problems.

**3. Utilities.** The objectors have stated that existing electricity, water and telecommunications services in the area are unreliable and are concerned that these services will deteriorate as a result of additional demand from the proposed development.

**4. Environment.** Concerns are held regarding the impacts of the development on native flora and fauna and erosion resulting from vegetation clearance.

**5. Bushfire risk.** Some of the objectors have claimed that the proposed development will increase the bushfire risk because new residents will not maintain their properties and that the existing road network is not safe in the event of a fire.

**6. Wastewater.** Concerns are held that some of the proposed lots are not adequate for the treatment and retention of wastewater.

All objectors and the applicant were invited to a consultation meeting held on 15 August 2017. There was no resolution or agreement reached at the meeting.

### *Golden Plains Planning Scheme*

#### **State Planning Policy Framework (SPPF)**

##### **Clause 12.01 Biodiversity**

The State Planning Policies for the Protection of Biodiversity (Clause 12.01-1) and Native Vegetation Management (Clause 12.01-2) seek to assist the protection and conservation of Victoria's biodiversity and ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

##### **Clause 13.05 Bushfire**

The objective of this policy is to strengthen community resilience to bushfire. The overarching strategies are to prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire and where appropriate, apply the precautionary principle when assessing the risk to life, property and community infrastructure from bushfire. In areas identified in the planning scheme as being affected by the bushfire hazard, a site-based assessment must be undertaken to identify appropriate bushfire protection measures for development.

New development should only be permitted where:

- The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.
- The risk to existing residents, property and community infrastructure from bushfire is not increased.

##### **Clause 16.02-1 Rural residential development**

This policy aims to identify land suitable for rural living and rural residential development. Planning for rural living should avoid or significantly reduce adverse economic, social and environmental impacts.

##### **Clause 19.03-2 Water supply, sewerage and drainage**

The objective of this policy is to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. Planning should ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.



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

### **Clause 21.01 Municipal Strategic Statement (MSS)**

The MSS identifies key land use planning and development issues which includes managing residential growth and protecting and enhancing the natural and built environment. The north-west area of the Shire is recognised as an area that reflects a rural residential character, centred on communities of interest. This is distinct from other residential areas of the shire where urban type development is focussed around townships.

### **Clause 21.03-4 Subdivision for dwellings outside townships**

This policy recognises that there is a considerable amount of potential infill rural residential development within the rural living zoning of the north-west area. Strategies include requiring new subdivision to recognise and maintain the surrounding lot configurations and lot size, and to provide appropriate infrastructure including on-site effluent disposal.

### **Clause 21.04 Environment and natural resources**

The local policies for the environment include policies relating to Bushfire. The Bushfire policy (Clause 21.04-4) recognises that fire risk is an issue in areas such as Smythesdale and Haddon. It is a strategy of this policy to ensure that development in areas of high wildfire risk does not increase the potential for fire risk to built assets and human life.

### **Clause 21.07-4 North-west area**

The north-west area of the Shire contains a mix of township areas, rural living and rural areas. It is policy that proposed subdivisions and new development is designed and located so as to ensure recognition of existing rural amenity and character, land and environmental management including the retention of native vegetation, the disposal of effluent, and manage potential threats from wildfire hazards.

## **Zones and overlays**

### **Clause 35.03 Rural Living Zone (RLZ)**

The site and surrounding land is in a Rural Living Zone (RLZ). The primary purpose of the RLZ is to provide for residential use in a rural environment.

A permit is required to subdivide land under the provisions of the RLZ. The schedule to the RLZ specifies that each lot created must be at least 2ha.

Before deciding on an application the responsible authority must consider the decision guidelines of the RLZ, including the following matters:

- Any impact caused by the proposal on soil and water quality.
- The impact of the development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

### **Clause 43.02 Design & Development Overlay – Schedule 7 (DDO7)**

The land is affected by a Design and Development Overlay – Schedule 7 (DDO7). A permit is required for subdivision under the provisions of the DDO however the schedule relates to the construction of outbuildings and sheds. The decision guidelines of the DDO require Council to consider whether development resulting from the subdivision will be in keeping with the character and appearance of the area.

## **Clause 44.06 Bushfire Management Overlay (BMO)**

The land is affected by the Bushfire Management Overlay (BMO). 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 subdivision and an application must be referred to the CFA under the provisions of the BMO.

### **Particular provisions**

#### **Clause 52.17 Native vegetation**

A permit is required under Clause 52.17 to remove, destroy or lop native vegetation. The application involves the removal of native vegetation for the proposed road, building envelopes and boundary fences. The purpose of Clause 52.17 is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is to be achieved by avoiding and minimising native vegetation removal and where native vegetation is permitted to be removed, ensure that an offset is provided. The application is classified as being in the moderate risk-based pathway under the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). An application in the moderate risk-based pathway must be referred to DELWP under Clause 66.02-2 of the planning scheme.

#### **Clause 52.47 Planning for bushfire**

The provisions of this clause apply to an application in the Bushfire Management Overlay. An application for subdivision must satisfy the bushfire protection objectives set out in the clause. These objectives include ensuring that development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape, development is sited to minimise the risk from bushfire, and development is sited to provide safe access for vehicles, including emergency vehicles.

### **General provisions**

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

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

## *Discussion*

### **Planning Scheme**

The application is considered to satisfy the relevant provisions of the planning scheme including State and Local planning policies, the Rural Living Zone, Design & Development Overlay Schedule 7, Bushfire Management Overlay, Clause 52.17 & 52.47, and Clause 65 of the Victoria Planning Provisions.

The application satisfies the Local Policy for the North-West Area (Clause 21.07-4) and Rural Living Zone because the proposed subdivision will maintain the amenity and character of the area by creating lots similar in size to those in the surrounding area, provides appropriate infrastructure such as drainage and roads, and provides for on-site effluent disposal. The provisions of the Rural Living Zone allow the subdivision of lots down to 2 hectares in this area. The subject land has an area of approximately 43 hectares therefore the land could potentially be subdivided into as many as 21 lots. The proposed number of lots has been reduced to 9 lots in order to reduce native vegetation impacts and bushfire risk and to respond to the character and amenity of the area.

The State planning policies related to Native Vegetation including Clause 52.17 and the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* allow the removal of native vegetation subject to an offset being provided to ensure there is no net loss of biodiversity. The application proposes to set aside a large portion of the site (10.4ha) as an offset for conservation purposes. DELWP as the relevant referral authority in respect to the removal of native vegetation has consented to the issue of a permit subject to conditions being placed on the permit regarding the establishment and ongoing protection of the offset.

The State and Local planning policies related to Bushfire and the Bushfire Management Overlay seek to prioritise the protection of human life over other policy considerations and ensure that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. Clause 52.47 of the planning scheme sets out the requirements and standards for assessing whether the risk to a proposed development from bushfire is acceptable and the conditions under which new development may be permitted. The Bushfire Management Plan submitted with the application demonstrates that the subdivision has been designed to reduce bushfire risk to an acceptable level and incorporates bushfire protection measures, including provision of defensible space, water supply and access and egress in accordance with the standards set out in Clause 52.47.

### **Objectors' concerns**

The concerns raised by the objectors are addressed as follows:

**1. Roads and traffic.** The existing road network provides adequate access to the proposed subdivision. The site has access from two directions with sealed road access available via Miners Hut, Lightwood Park and Haddon Preston Hill Roads. As a condition of the permit the developer will upgrade and seal the section of Miners Hut Road fronting the site which will make a significant contribution to the improvement of the existing road network. The upgrade of the existing road and construction of the proposed internal road must meet the Council's Infrastructure Design Manual which includes appropriate traffic safety measures. The sealing of these roads will also reduce traffic noise and dust.

**2. Drainage.** A condition of the permit will require that a full drainage design is approved by Council's Works Engineer ensuring that stormwater runoff is maintained at pre-development levels and does not impact downstream properties.

**3. Utilities.** The provision of electricity, water and telecommunications services must meet the requirements of the relevant utility authority and is not within the control of Council. It is normal that the utility authorities will seek to ensure that a new development contributes to the upgrade of existing infrastructure to ensure that existing service levels are maintained and are not reduced as a result of the development.

**4. Environment.** A large portion of the site will be permanently protected to offset the removal of native vegetation resulting from the development. The protection of this vegetation will assist in continuing to provide habitat for native wildlife. Conditions of the permit will require that the construction plans incorporate appropriate erosion and sediment control measures.

**5. Bushfire risk.** The proposed subdivision has been designed to reduce bushfire risk and includes bushfire protection measures including provision of defendable space, water supply and access. The site is not currently managed however as a result of the development bushfire risk will be reduced due to property owners maintaining their properties and reducing fuel levels.

**6. Wastewater.** Council's Environmental Health Officer has reviewed the application and has confirmed that the proposed lots are of adequate size to treat and retain all wastewater.

### *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, social or environmental implications.

### *Conclusion*

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Rural Living Zone, Design & Development Overlay Schedule 7, Bushfire Management Overlay, Clauses 52.17 & 52.47, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision will have no adverse effect on the character of the area because it creates lots of similar size to those in the surrounding area, there is appropriate infrastructure including sealed roads, native vegetation removal will be offset to ensure there is no net loss of biodiversity and the subdivision design and implementation of bushfire protection measures will ensure that bushfire risk is reduced to an acceptable level. For these reasons the issue of a permit is not considered to cause material detriment to any person.

### *Recommendation*

***That Council resolve to issue a Notice of Decision to Grant a Permit for the development of a nine lot subdivision and associated native vegetation removal at Crown Allotments 10 and 11 Lightwood Park Road, Smythesdale, subject to the following conditions:***

- 1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan.***
- 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.***
- 4. Before the issue of a statement of compliance under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:***
  - a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Golden Plains Planning Scheme.***
  - b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.***
  - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.***

***The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.***

5. ***All waste water must be treated and retained within the lot/s in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.***
6. ***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.***
7. ***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.***
8. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
9. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
10. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
11. ***This permit will expire if:***
  - a) ***the plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or***
  - b) ***the plan of subdivision for any subsequent stage is not certified within 2 years of the date of certification of the previous stage of the subdivision.***
  - c) ***the registration of any stage of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.***

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

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



**Golden Plains Shire Works Department conditions**

- 12. Before the certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. Such plans must generally be in accordance with proposed Plan of Subdivision dated 7/2/2017 prepared by St. Quentin Pty Ltd but amended so that court head is enlarged generally in accordance with GPSC plan dated 16 December 2016 to the satisfaction of the responsible authority.**
- 13. Before the development starts a Construction 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 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.**
- 14. 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, drainage computations 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 current Infrastructure Design Manual (IDM). The plans must include:**
  - a) Details of any proposed earthworks;**
  - b) Details of any proposed filling;**
  - c) 4.0m wide sealed pavement with 1.5m full depth crushed rock shoulders extending from Miners Hut Road to proposed court head in accordance with IDM Standard Drawing SD 615 "Rural Access Road";**
  - d) Table drains;**
  - e) Piped drains**
  - f) Drive entries;**
  - g) Signage details;**
  - h) Pavement details;**
  - i) Line marking details;**
  - j) Fencing details;**
  - k) Overland flow paths;**
  - l) Court bowl with circular pavement trafficable area of minimum 10m radius (excluding shoulders);**
  - m) Detailed construction notes;**
  - n) Other as detailed in Infrastructure Design Manual (IDM) Appendix D**
- 15. 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, drainage analysis considering all contributing external and internal catchments detailing how the site is to be drained in accordance with requirements of current Infrastructure Design Manual (IDM) must be submitted to and approved by the responsible authority.**
- 16. Before the issue of a statement of compliance under the Subdivision Act 1988, vehicle crossing to each lot must be provided or existing vehicle crossings upgraded by provision of a crushed rock drive entry, reinforced concrete pipe culvert and mountable end walls conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of responsible authority.**
- 17. Before the approval of the Construction Plan a Pavement Investigation and Design Report must be submitted to and approved by the Responsible Authority. All geotechnical testing must be undertaken by a NATA registered testing laboratory in accordance with requirements of Golden Plains Shire Council contained in**

***Infrastructure Design Manual (IDM) and to the satisfaction of the responsible authority. As part of report the pavement investigation must determine whether proposed pavement subgrade is expansive as defined in VicRoads Publication Code of Practice RC500.20 "Assignment of CBR and Percent Swell to Earthworks, Fill and Pavement materials."***

- 18. Before the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must construct road works, drainage and other civil works, in accordance with approved plans and specifications and in accordance with current Infrastructure Design Manual (IDM).***
- 19. A twelve months Defects Liability Period will apply to all assets that are to be vested in Council.***
- 20. Before the issue of a statement of compliance under the Subdivision Act 1988, a Maintenance Bond of 5% of the cost of work must be lodged with Council for the term of the Defects Liability Period.***
- 21. Before the issue of a statement of compliance under the Subdivision Act 1988, a supervision of work 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 fee for supervision of work shall be up to 2.5 per cent of the cost of constructing those works.***
- 22. Before the issue of a statement of compliance under the Subdivision Act 1988, a 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.***

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

#### **CFA CONDITIONS**

- 23. The Bushfire Management Plan (attachment 3, page 18, and dated 22/12/2016) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.***
- 24. Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.***

#### **DEPARTMENT OF ENVIRONMENT, LAND, WATER & PLANNING (DELWP) CONDITIONS**

- 25. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.***
- 26. Before works start, a plan to the satisfaction of Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.***

27. *To offset the removal of 10.413 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation — Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:*

*A general offset of 0.943 general biodiversity equivalence units with the following attributes:*

- a) be located within the Corangamite Catchment Management Authority boundary or Golden Plains Shire Council municipal district; and*
- b) have a strategic biodiversity score of at least 0.082.*

28. *Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:*

- a) a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or*
  - b) an allocated credit extract from the Native Vegetation Credit Register.*
- If a security agreement is entered as per condition 4 (a) the applicant must provide the annual offset site condition report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.*

29. *Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre BMO assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).*

#### **CENTRAL HIGHLANDS WATER CONDITIONS**

30. *Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.*
31. *A reticulated water supply must be provided to each lot (Lots 1 to 9) by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.*
32. *The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed water facilities within the proposal.*
33. *The owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements are required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.*
34. *If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.*

#### **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 (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.***

***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.***

- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.***
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.***
- d) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.***

***Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.***

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.***
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- g) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- h) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- i) 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.***

***Note: It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.***

***Moved Crs Evans/Hansford***

***That Council suspend standing orders to hear a submission from Daniel Prior.***

***Carried***

It is recorded that Council suspended Standing Orders at 5.04pm.

***Moved Crs Hansford/Rowe***

***That Council resume Standing Orders.***

***Carried***

It is recorded that Council resumed Standing Orders at 5.11pm.

***Moved Crs Evans/Sharkey***

***That Council resolve to issue a Notice of Decision to Grant a Permit for the development of a nine lot subdivision and associated native vegetation removal at Crown Allotments 10 and 11 Lightwood Park Road, Smythesdale, subject to the following conditions:***

- 1. The layout of the subdivision and the size and dimensions of the proposed lots must conform generally with the endorsed plan.***
- 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.***
- 4. Before the issue of a statement of compliance under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:***
  - a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Golden Plains Planning Scheme.***
  - b) Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.***
  - c) State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.***

***The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.***
- 5. All waste water must be treated and retained within the lot/s in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.***
- 6. 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.***

7. ***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.***
8. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
9. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
10. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
11. ***This permit will expire if:***
  - a) ***the plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or***
  - b) ***the plan of subdivision for any subsequent stage is not certified within 2 years of the date of certification of the previous stage of the subdivision.***
  - c) ***the registration of any stage of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.***

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

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

***Golden Plains Shire Works Department conditions***

12. ***Before the certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. Such plans must generally be in accordance with proposed Plan of Subdivision dated 7/2/2017 prepared by St. Quentin Pty Ltd but amended so that court head is enlarged generally in accordance with GPSC plan dated 16 December 2016 to the satisfaction of the responsible authority.***
13. ***Before the development starts a Construction 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 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.***

- 14. 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, drainage computations 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 current Infrastructure Design Manual (IDM). The plans must include:**

  - a) Details of any proposed earthworks;**
  - b) Details of any proposed filling;**
  - c) 4.0m wide sealed pavement with 1.5m full depth crushed rock shoulders extending from Miners Hut Road to proposed court head in accordance with IDM Standard Drawing SD 615 "Rural Access Road";**
  - d) Table drains;**
  - e) Piped drains**
  - f) Drive entries;**
  - g) Signage details;**
  - h) Pavement details;**
  - i) Line marking details;**
  - j) Fencing details;**
  - k) Overland flow paths;**
  - l) Court bowl with circular pavement trafficable area of minimum 10m radius (excluding shoulders);**
  - m) Detailed construction notes;**
  - n) Other as detailed in Infrastructure Design Manual (IDM) Appendix D**
- 15. 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, drainage analysis considering all contributing external and internal catchments detailing how the site is to be drained in accordance with requirements of current Infrastructure Design Manual (IDM) must be submitted to and approved by the responsible authority.**
- 16. Before the issue of a statement of compliance under the Subdivision Act 1988, vehicle crossing to each lot must be provided or existing vehicle crossings upgraded by provision of a crushed rock drive entry, reinforced concrete pipe culvert and mountable end walls conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255 to the satisfaction of responsible authority.**
- 17. Before the approval of the Construction Plan a Pavement Investigation and Design Report must be submitted to and approved by the Responsible Authority. All geotechnical testing must be undertaken by a NATA registered testing laboratory in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) and to the satisfaction of the responsible authority. As part of report the pavement investigation must determine whether proposed pavement subgrade is expansive as defined in VicRoads Publication Code of Practice RC500.20 "Assignment of CBR and Percent Swell to Earthworks, Fill and Pavement materials."**
- 18. Before the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must construct road works, drainage and other civil works, in accordance with approved plans and specifications and in accordance with current Infrastructure Design Manual (IDM).**
- 19. A twelve months Defects Liability Period will apply to all assets that are to be vested in Council.**
- 20. Before the issue of a statement of compliance under the Subdivision Act 1988, a Maintenance Bond of 5% of the cost of work must be lodged with Council for the term of the Defects Liability Period.**

21. *Before the issue of a statement of compliance under the Subdivision Act 1988, a supervision of work 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 fee for supervision of work shall be up to 2.5 per cent of the cost of constructing those works.*
22. *Before the issue of a statement of compliance under the Subdivision Act 1988, a 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.*

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

#### **CFA CONDITIONS**

23. *The Bushfire Management Plan (attachment 3, page 18, and dated 22/12/2016) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*
24. *Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.*

#### **DEPARTMENT OF ENVIRONMENT, LAND, WATER & PLANNING (DELWP) CONDITIONS**

25. *Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.*
26. *Before works start, a plan to the satisfaction of Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.*
27. *To offset the removal of 10.413 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation — Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:*  
  
*A general offset of 0.943 general biodiversity equivalence units with the following attributes:*
  - a) *be located within the Corangamite Catchment Management Authority boundary or Golden Plains Shire Council municipal district; and*
  - b) *have a strategic biodiversity score of at least 0.082.*
28. *Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. The offset evidence can be:*
  - a) *a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or*
  - b) *an allocated credit extract from the Native Vegetation Credit Register.**If a security agreement is entered as per condition 4 (a) the applicant must provide the annual offset site condition report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of*



**10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.**

- 29. Unless otherwise agreed in writing by the Country Fire Authority and the Department of Environment, Land, Water and Planning, offsets must not be located within the 150 metre BMO assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).**

#### **CENTRAL HIGHLANDS WATER CONDITIONS**

- 30. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.**
- 31. A reticulated water supply must be provided to each lot (Lots 1 to 9) by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.**
- 32. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed water facilities within the proposal.**
- 33. The owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements are required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.**
- 34. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.**

#### **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 (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed. 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.**
  - b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
  - c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
  - d) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**

***Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.***

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.***
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- g) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- h) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- i) 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.***

***Note: It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued). Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.***

***Carried***

### 4.5.3 Municipal Fire Prevention Officer

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	EDMS files: 53-01-001 and 55-01-004
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	N/A
Relevant Policies & Legislative Frameworks	<i>Country Fire Authority Act 1958</i>
Attachments	Nil

#### ***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***

The purpose of this report is to appoint a new Municipal Fire Prevention Officer due to the recent appointment of Council's Emergency Management Officer.

#### ***Background***

Section 96A of the *Country Fire Authority Act 1958* requires each Municipal Council to appoint a person to be the Fire Prevention Officer for the purposes of the Act.

#### ***Discussion***

Following the recent appointment of Mr Matthew Sims to the position of Emergency Management Officer, Council is now being requested to formally appoint Mr Sims to the role of Municipal Fire Prevention Officer. The responsibilities and duties of Council's Municipal Fire Prevention Officer are included in the Position Description for the role of Emergency Management Officer.

#### ***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 or environmental implications.

#### ***Communications***

It is considered that a communication plan is not required.



***Conclusion***

As Council needs to appoint a Municipal Fire Prevention Officer under section 96A of the *Country Fire Authority Act 1958*, Mr Matthew Sims should be appointed to fulfil this position.

***Moved Crs Kirby/Rowe***

***That Council appoint Mr Matthew Sims (Emergency Management Officer) to the role of Municipal Fire Prevention Officer.***

***Carried***

## 4.6. KEY RESULT AREA – FINANCIAL MANAGEMENT

### 4.6.1 Golden Plains Shire Council Annual Report 2016-17

Directorate	Corporate Services
Unit	<ul style="list-style-type: none"> <li>▪ Finance</li> <li>▪ Organisational Development</li> </ul>
Senior Manager	Rod Nicholls, Chief Executive Officer
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Jason Clissold, Finance Manager
File References	EDMS file: 78-06-001
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"> <li>▪ Council Plan 2013-2017</li> <li>▪ Strategic Resource Plan</li> <li>▪ Annual Budget 2016-17</li> </ul>
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> <li>▪ Local Government Act 1989 (LGA)</li> <li>▪ Local Government (Planning and Reporting) Regulations 2014</li> </ul>
Attachments	13. Annual Report

#### *Declarations of Interest: Councillors & Officers*

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

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

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

#### *Purpose*

The purpose of this report is for Council to receive and consider the 2016-17 Annual Report.

#### *Background*

Section 131 of the LGA requires Council to prepare an Annual Report containing:

1. a Report of Operations of the Council;
2. an audited Performance Statement;
3. audited Financial Statements;
4. a copy of the auditor's report on the Performance Statement prepared under section 132;
5. a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
6. any other matter required by the regulations.

Both the 'Report of Operations' and 'Performance Statement' contained in the Annual Report have been prepared based on the 'Better Practice Guide' developed by the Department of Environment, Land, Water and Planning (DELWP).

The Financial Statements have been prepared utilising the Local Government Model Financial Report, as required by the regulations.

Section 132 to 134 of the LGA provides the following:

- The Annual Report must be submitted to the Minister by 30 September each year;
- Council must pass a resolution giving its approval in principle to the Performance Statement and Financial Statements;
- Council must authorise 2 Councillors to certify the Performance Statement and financial statements in their final form, after any changes have been made following the audit; and
- Council must hold a publically advertised meeting to discuss the Annual Report as soon as practicable after it has been sent to the Minister.

Council has complied with all these requirements.

### *Discussion*

The following is an extract from the Annual Report that highlights Council's major achievements over the past year. These are just some of the achievements that contributed to Council completing all of its actions allocated to 2016-17, within the Council Plan 2013-2017. Please refer to 'Highlights and achievements' from pages 5 to 7 of the Annual Report for a more detailed list of achievements.

#### **TECH, TEA AND TALES**

16 young job seekers were employed as 'Tech and Story helpers', helping 32 older community members learn how to use technology, and recording their life stories and experiences of older people.

#### **BUSINESS TRAINING**

Held 17 business mentoring and training sessions across the Shire, attended by 79 business owners and operators.

#### **H30 CHALLENGE**

Golden Plains residents were challenged to replace sugary drinks with water for 30 days, with many sporting clubs also signing up to this VicHealth initiative.

#### **WESTERN BULLDOGS YOUTH LEADERSHIP**

15 Golden Plains young people were selected to participate in this program, to build their confidence, make new friends and develop skills that will enable them to become future leaders in their community.

#### **COMMUNITY SAFETY**

Council inspected 62 pools across the Shire, significantly increasing community awareness regarding the need for owners to maintain swimming pool safety barriers.

#### **ROAD SAFETY**

Council received \$2.1M in Federal Government funding to support four nominated road safety programs across the Shire.

#### **STATUTORY PLANNING**

Council received 404 applications for planning permits and approved/issued 289 permits. The average time for assessment was 67 days.

#### **WASTE MANAGEMENT**

Council, with funding from Sustainability Victoria, developed a Resource Recovery Centre at the site of the old Rokewood Tip. Improvements include designated areas for the separation and transportation of waste and recycling.

#### **SMYTHESDALE OVAL**

A full refurbishment of the oval was completed, including a new playing surface, cricket wicket, drainage, fencing and improvements to the irrigation system.

#### **COMMUNITY CENTRES**

Council's four Community Centres in Smythesdale, Haddon, Dereel and Bannockburn registered over 26,000 attendances for their programs.

#### **COUNCIL PLAN**

The Council Plan 2017-2021, incorporating the Municipal Public Health and Wellbeing Plan and the Council Budget was adopted at the June Council meeting.

#### **COMMUNITY PLANNING**

89% of respondents in the annual survey indicated they believed their community was better or stronger as a result of the community planning program.

### **Council Plan**

Council's performance for the 2016-17 year has been reported against each strategic objective to demonstrate how Council performed in achieving the 2013-2017 Council Plan. Performance has been measured as follows:

- Results achieved in relation to the strategic indicators in the Council Plan.
- Progress in relation to the major initiatives identified in the Budget.
- Services funded in the Budget and the persons or sections of the community who are provided these services.
- Results against the prescribed service performance indicators and measures.

In order to be more responsive to ratepayer issues, reduce duplication of effort and to gather better data for the newly elected Council, some improvements to the 2016-17 community satisfaction survey were made. However, these improvements resulted in some Council Plan indicators not being reported on as they related to survey questions that were no longer deemed relevant or informative.

In relation to reducing the duplication of effort, these changes to the survey were also influenced by the introduction of the Local Government Performance Reporting Framework (LGPRF) in 2014-15. Included in the 2016-17 Annual Report are a total of 54 performance measures, covering all service areas, as prescribed by the framework.

13 of the 24 strategic indicators contained in the Council Plan 2013-17 were able to be reported on. Of these, 8 met the target set out in the Council Plan.

All three major initiatives identified in the 2016-17 budget were completed. These were:

1. Implement Community First Strategy;
2. Implement Community Engagement Strategy; and
3. Establish a waste and resource recovery facility in the Shire

Further detail of these indicators, measures, initiatives and services is contained in the 'Council Plan' section of the Annual Report beginning on page 24.

## Statements

The 'In Principle' Performance Statement and Financial Statements were presented, along with the Auditor's Management Letter and Closing Report, to Council's Audit and Risk Committee at its meeting held 12 September 2017.

Having considered the Audit Closing Report and Management Letter, the Committee resolved:

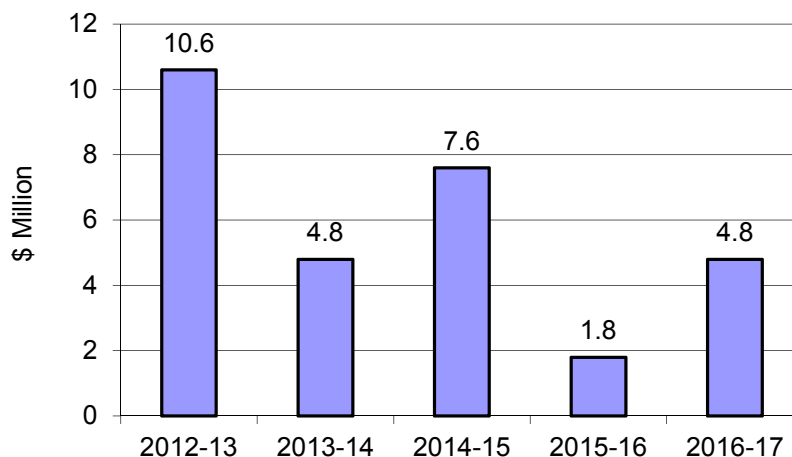
1. That the Audit and Risk Committee, having delegated power to act and in accordance with section 132 of the Local Government Act (1989) give its approval in principle to the performance statement and financial statements and submit the statements to the auditor for reporting on the audit.
2. That, as authorised by Council, the Mayor (or his deputy) and Cr Helena Kirby, representative of the Audit and Risk Committee, certify the performance statement and financial statements in accordance with the regulations.

The following key indicators provide a brief overview of Council's financial performance for the year, including graphs which visually demonstrate the recent trend of each.

## Operating Result

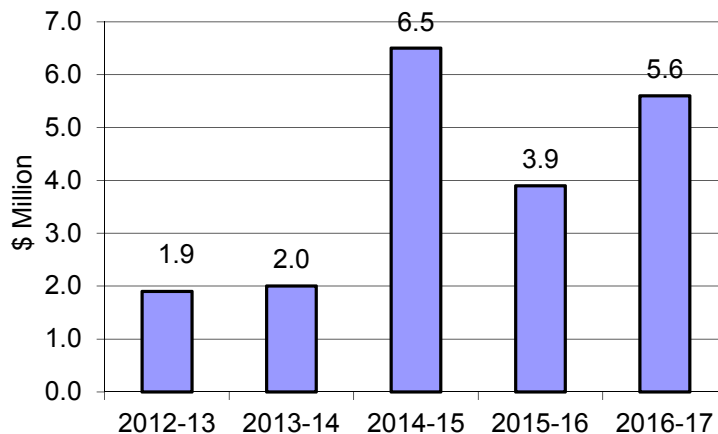
The operating result shows Council's overall performance for the year. The surplus for 2016-17 totalled \$4.8 million, which is \$340 thousand less than budget. However, this 'headline' figure can be misleading. The 'Adjusted Underlying Result', which removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other contributions to fund capital expenditure from the result, is actually a surplus of \$2.8 million.

Both the operating and adjusted underlying result for 2016-17 were positively impacted by the Federal Government's decision to once again re-implement the practice of making 50% of Financial Assistance Grant available in the June prior (increasing income for the year by \$2.7m).



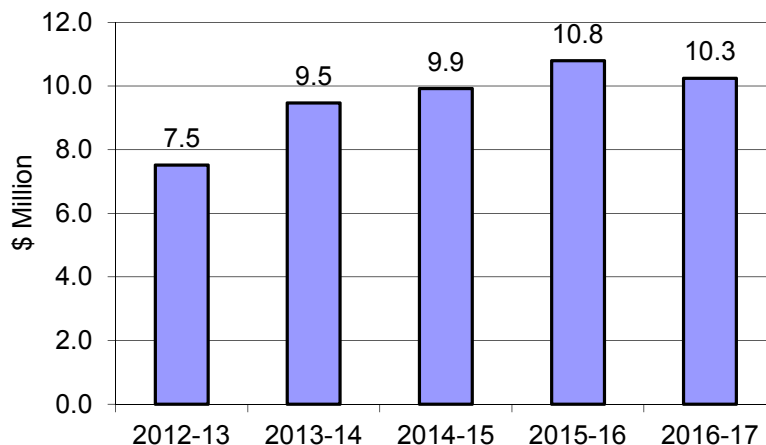
### Discretionary Retained Earnings

Discretionary Retained Earnings is the surplus funds that Council has available to take advantage of unexpected opportunities. These are primarily utilised to match grants offered by third party funding. Council has been able to maintain a healthy balance for the past five years. It should be noted that the 2016-17 balance of \$5.6 million includes \$2.7 million of 2017-18 Federal Assistance Grants received in advance during June 2017 and \$1.5 million in profits held from the sale of Bakers Lane. It is planned that the profits from Bakers Lane will be utilised to fund the capital investment required for the fourth, and final, stage of the same development.



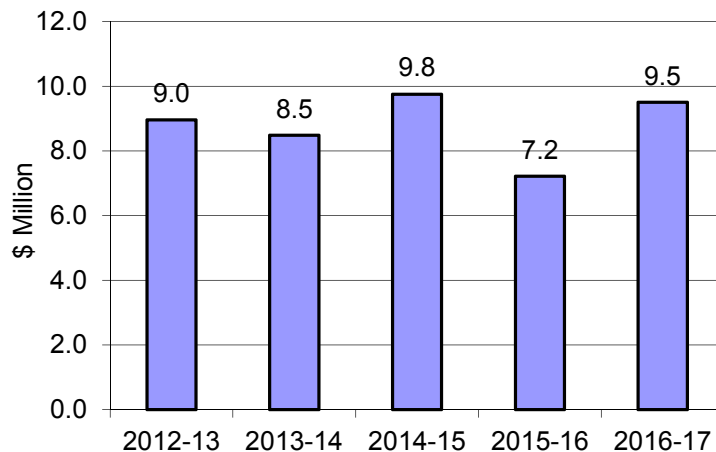
### Capital Expenditure

The capital program for 2016-17 of \$10.3 million, takes Council's total capital expenditure over the last three years to \$31 million. These programs have been consistent with Council's Strategic Resource Plan and have been funded by a combination of government grants, borrowings and discretionary retained earnings (as outlined above).



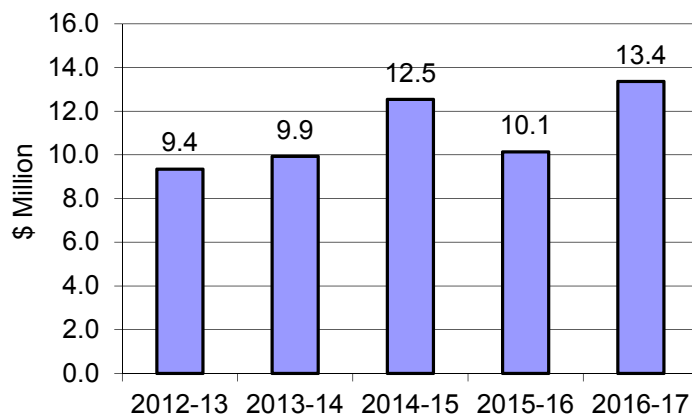
## Working Capital

Working Capital is the amount by which current assets exceed current liabilities. This is a measure of Council's ability to meet its short term obligations. At 30 June 2017 the surplus is \$9.5 million compared to a budget of \$5.4 million. This large working capital surplus is primarily a result of a higher than anticipated cash balance, which is explained below.



## Cash Balance

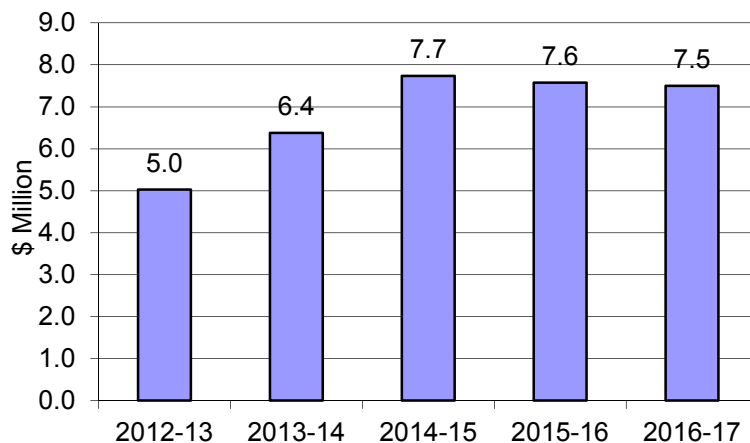
Council's cash balance at 30 June 2017 totalled \$13.4 million, which is \$6 million favourable to budget and an increase of \$3.2 million from the previous year. The balance is greater than anticipated primarily due to the \$2.7 million of 2017-18 Federal Assistance grants received in advance during June 2017, \$3.36 million being held to complete funded and capital works projects from prior years and recent operating surpluses.



## Borrowings

Borrowings have decreased by \$81 thousand from the previous year to a total of \$7.5 million. New borrowings of \$150 thousand were undertaken to fund Council's capital program. These amounts are in accordance with Council's Strategic Resource Plan.

Council has structured borrowings to ensure costs are spread fairly over current and future years. Council has also availed itself of the benefits from the Municipal Association of Victoria's Local Government Funding Vehicle which has seen the cost of borrowing reduce for Victorian Councils.



The overall financial position remains strong and continues to be consistent with that depicted in Council's Strategic Resource Plan. This is further supported by the following table which compares the key financial indicators from the 2016-17 actual results with the original budget and the levels Council considers best practice.

Indicator	Actual 2016-17 \$'000	Budget 2016-17 \$'000	Variance \$'000	Best Practice \$'000
Operating Surplus	4,833	5,173	(340)	> 0
Adjusted Underlying Result	2,836	498	2,338	> 0
Working Capital* (%)	234%	217%	17%	> 100%
Disc. Retained Earnings*	5,629	4,783	846	> 1,000
Borrowings (% of Rates and charges)	36%	37%	1%	< 60%
Cash and Investments*	13,358	7,400	5,958	> 0
Rate Determination	2,283	(832)	3,115	> 0

\*Actual and budget figures for these indicators include \$2.7m and \$2.6m respectively relating to 50% of the 2017-18 Federal Assistance Grants that were received in advance.

While these indicators generally reflect a very positive financial position, it is important to note that the variances largely relate to the timing of grant income and capital expenditure. As mentioned earlier, after taking these timing issues into consideration Council's financial position is consistent to that depicted in the Strategic Resource Plan.

Please refer to pages 110 and 111 of the Annual Report to view the 12 Financial Performance Indicators prescribed within the LGPRF.

Given the introduction of the 'Fair Go Rates' system (rate capping), Council will need to continually review the strategies contained within its Council Plan, Strategic Resource Plan and Long term Financial Plan to ensure it continues to deliver the services required by a growing municipality, whilst remaining financially sustainable.



### **Auditor General's Reports**

No material changes have been made to the financial statements since the adoption of the in principle statements. The audit provides a positive reflection of the quality of Council's staff, its financial management policies and procedures, good governance and strong internal controls. Pages 103 and 114 of the Annual Report contain the Auditor's Report on the Financial Statements and the Auditor's Report on the Performance Statement respectively. Both audit opinions are unqualified.

### ***Community Engagement***

As this agenda item is part of a legislative compliance process 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 & Environmental Implications***

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

### ***Communications***

As required under the Act, public notice was given informing stakeholders that the Annual Report is available on Council's website and available for inspection at Council's customer service centres and that the report will be discussed at this Council meeting.

### ***Conclusion***

The achievements and financial result contained within the 2016-17 Annual Report is further evidence of how Council's discipline in adhering to its four year Strategic Resource Plan, has allowed Council to sustainably deliver the projects and services being demanded from a rapidly growing community. This is a challenge that Council has been able to meet through responsible planning and implementation of such plans.

The objectives set out in the Council Plan, along with the other outcomes described in the Annual Report, were delivered within the parameters established in Council's Strategic Resource Plan.

This outcome has only been achieved through the team work, dedication and professionalism of Councillors, staff, volunteers and the community, as well as the unique partnerships that have been formed over many years between Council, other levels of Government and community service providers. The 2016-17 Annual Report is therefore a testament to the efforts of everyone that has been involved in making Golden Plains a shire where opportunities grow.

The support Council staff and Councillors provide each other is critical in continuing this culture within the organisation and the wider community. This culture will be vital in ensuring Council is able to meet the challenges it faces in managing the growing population and the increased demand for services, within the new rate capping and variation framework.

### ***Moved Crs Kirby/Hansford***

#### ***That Council:***

- 1. Notes the completion of the 2016-17 Annual Report document and process.***
- 2. Notes the Auditor's unqualified reports on the Performance Statement and Financial Statements.***
- 3. Notes that the Annual Report was submitted to the Minister for Local Government by 30 September 2017.***
- 4. Endorses, by way of receiving and considering, the 2016-17 Annual Report as presented in accordance with sections 132 and 134 of the Local Government Act 1989.***

#### ***Carried***

#### 4.6.2 Road Naming: New Road in Staffordshire Reef

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: 35-01-001
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	
Attachments	14. Track map 15. Location map 16. Mines map

#### ***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 seek Council approval to advertise the proposed name of a road to be formed in Staffordshire Reef.

#### ***Background***

This road is required to be formed and named following a Road Proclamation by the Department of Environment, Land, Water and Planning received recently.

#### ***Discussion***

Council's Works Department staff have been liaising with DELWP officers for the purposes of providing legal and practical access to the property and residence described as Crown Allotment 4, section B, Parish of Clarkesdale.

Currently, legal access is via the unmade and unused Government Road that adjoins the boundary of Crown Allotment 5 and extends from Dales Road to the south-eastern end of Crown Allotment 4 (marked in yellow). The practical access is the gravel track shown on the plan as "2031, 1021m2 Road" – attachment 14.

After providing all the necessary documentation to DELWP to have the existing unmade and unused road (2034) closed, DELWP decided not to close this road, but did grant to create a new area, Crown Allotment 2031, Parish of Clarkesdale as a Government Road and access to the property.

Care and maintenance of this area of road now falls under the responsibility of Golden Plains Shire and therefore the procedure to name the road also needs to be undertaken.

Staffordshire Reef was a very active mining area in the 1860s and after checking the history and the list of mines in the area, Alpha Lane was chosen for the name for the new road.

Extract from Public Record Office Victoria, Piggoreet A Township Built on Gold:

In September 1859 the earliest deep-lead alluvial company, the Try Again, acquired a forty-nine-acre lease in the Devil's Kitchen, and drove the first tunnel into the cliffs. The Try Again and the **Alpha** companies together occupied a total of sixty or so acres enclosed by the 'frowning, rugged, moss-covered walls' by September 1864.

The Alpha Gold Mining Company was regarded as one of the principal mines in the area in March 1865.

Under Geographic Names – Naming rules for places in Victoria, Lane is defined as "a narrow way between walls, buildings or a narrow country or city roadway". This new area matches this description, therefore Lane has been used as the extension for the name.

### ***Community Engagement***

Council will advertise its intention to name the road and invite submissions on the matter.

### ***Financial and Risk Management Implications***

The financial implications will be minimal and can be accommodated within existing budgets. It is considered that there are no risk management implications.

### ***Economic, Social and Environmental Implications***

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

### ***Communications***

If this recommendation is adopted by Council, a public notice will be placed in The Ballarat Courier detailing Council's intention to name this road and inviting submissions.

### ***Conclusion***

Following the submission period, Council will consider relevant matters before naming the road. The naming of the road is important for identification by emergency services and others.

### ***Moved Crs Hansford/Rowe***

#### ***That Council:***

- 1. Advertise its intention to name the unnamed section of road Alpha Lane.***
- 2. Consider any submissions received following the advertised period and if no objections received, proceed with the gazettal process.***

#### ***Carried***

#### 4.6.3 Golden Plains Shire Council – Audit & Risk Committee Charter

Directorate	Corporate Services
Unit	Finance Organisational Development
Senior Manager	Rod Nicholls, Chief Executive Officer
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Jason Clissold, Finance Manager
File References	EDMS file: 78-06-001
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	<ul style="list-style-type: none"> <li>▪ Local Government Act 1989 (LGA)</li> <li>▪ Local Government (Planning and Reporting) Regulations 2014</li> <li>▪ Financial Management Act 1994</li> </ul>
Attachments	17. Amended Audit and Risk Committee Charter

#### ***Declarations of Interest: Councillors & Officers***

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

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

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

#### ***Purpose***

The purpose of this report is to review and adopt amendments to Council's Audit and Risk Committee Charter

#### ***Background***

The current Audit and Risk Committee Charter was first adopted on 9 October 2012 and last reviewed and adopted by the Audit and Risk Committee at its 22 November 2016 meeting.

The Charter was developed having regard to: 'Audit Committees – A Guide to Good Practice for Local Government', January 2011 issued by the Minister of Local Government. The governance principles contained in this guide are still considered current and can be viewed at <https://www.localgovernment.vic.gov.au/council-governance/how-we-regulate-councils>

In keeping with this guidance it is the responsibility of Council to establish an appropriate Charter for the Committee.

#### ***Discussion***

Since its adoption, the existing Charter has served Council well. However there are some improvements that should be made to make it simpler to interpret, and to ensure it is more consistent with relevant guidance and what is considered 'Best Practice'.

The major improvement to the Charter relates to the composition of the Audit and Risk Committee, which has been updated to ensure the committee consists of a majority of independent members. Hence, five members, comprising two councillors, of which the Mayor will be one, and three independent members.

The reason for having a majority of independent members on the committee is to maintain the required level of independence and to ensure the correct balance of professional skills, knowledge and technical experience is achieved.

In 2011, as part of its audit, the Victorian Auditor-General's Office (VAGO) recommended that Council appoint two independent members to ensure it met directive 2.2 (f) of the Standing Directions of the Minister for Finance under the Financial Management Act 1994. These Standing Directions are used as a guideline for councils as to Best Practice regarding the composition of Audit Committees.

Directive 2.2 (f) then read *'At least two members of the audit committee must be independent and these members are to be identified as independent in the public sector agency's annual report'*

However, in 2016 these Standing Directions were reviewed and updated by the Minister for Finance. Section 3.2.1.3 (f) of the Standing Directions has been updated to reflect Best Practice and now states:

***'The Audit Committee must be independent, with:***

- I. at least three members, the majority being independent members (where the Responsible Body is a statutory board, at least three members must be non-executive directors of the board);***
- II. an independent member as Chair (this must not be the Chair of the Responsible Body);'***

The full Standing Directions document can be accessed using the following URL:

<http://www.dtf.vic.gov.au/Publications/Government-Financial-Management-publications/Standing-Directions-of-the-Minister-for-Finance-2016/Standing-Directions-2016-publications>

The Victorian State Government has indicated that the exposure draft of the revised Local Government Act will also reflect the requirement to have a majority of independent members. Direction 96 of the Local Government Act review proposes to:

*'require the audit and risk committee to include a majority of independent members and include councillors, but not council staff.'*

The proposal to have a majority of independent members is further evidenced in the three documents summarised below.

#### **Audit Committee Governance – Victorian Auditor-General's Office (August 2016)**

This was a review of Audit Committees' level of governance within the State Government Sector, in relation to the Standing Directions of the Minister for Finance, which came into effect on 1 July 2016.

Key requirements of the Standing Directions expect audit committees to:

- *have a charter that outlines the committee's roles and responsibilities*
- *be independent and have the appropriate skills to discharge committee responsibilities*
- *oversee risk management, the internal audit function and the implementation of management actions in response to internal and external audit recommendations*
- *undertake annual self-assessments and review committee membership at least once every three years*

The full report can be accessed using the following URL.

<https://www.audit.vic.gov.au/sites/default/files/20160831-Audit-Committees.pdf>

#### **Public Sector Audit Committees – Australian National Audit Office (March 2015)**

This document is a Better Practice Guide for Commonwealth Entities, issued by the Australian National Audit Office (ANAO) in March 2015.

It specifically notes the following:

*Given the wide diversity in the size, nature and complexity of Commonwealth entities, there is no optimum size or composition of an Audit Committee. Nevertheless, a membership of three or five members (with a committee of three having two independent members; and a committee of five having three independent members) could be expected to be adopted by most entities.*

*'From 1 July 2015, the majority of committee members are required to be external, i.e. not officials of the entity (in the case of non-corporate entities).'*

Section 3 of the guide provides further information on 'Membership of the Audit Committee'. The full guide can be accessed using the URL below.

<https://www.anao.gov.au/work/better-practice-guide/public-sector-audit-committees-independent-assurance-and-advice>

### **Audit Committees: A Guide to Good Practice for Local government – Local Government Victoria (January 2011)**

As mentioned above, the existing charter was developed based on this guide. The section of this guide titled 'Getting the Right Membership Balance' states:

*'The composition of the audit committee should include a balance of professional skills, knowledge and technical experience, sufficient capacity, independence and objectivity to discharge its responsibilities as defined in its charter.*

*Good practice suggests the audit committee is structured so that it:*

- *consists of a majority of independent members*
- *is chaired by an independent member*
- *has at least three members.*

*This structure recognises that the LGE is a policy making body that is accountable to its electorate for its policies and in meeting its associated responsibilities, and that this process is strengthened by an independent (and appropriately skilled) review and advisory function.*

*Independent members bring to the audit committee skills, knowledge and experience that may not otherwise be available from within the LGE, and a facility for a perspective which is independent to the primarily internal/operational focus of other members. In this regard, LGE members are not regarded as independent as they are part of the policy and decision-making process, and have responsibilities within the LGE's internal processes which will be subject to review by the audit committee.'*

### **Implementation**

The proposed amendments would take effect on 8 November 2017 at Council's Special Meeting, with the additional independent member position being filled as soon as possible.

Given the strong field of applicants Council experienced when advertising for the most recent independent member, there is a strong probability of attracting a highly qualified and experienced member that will assist the committee to grow.

### **Community Engagement**

It is considered that there is no community engagement required

### **Financial & Risk Management Implications**

The 2017-18 budget provides for a total of \$7,588 for two Independent members of the Audit and Risk Committee. Given absences and the low level of disbursements to date, it is expected that this amount will be sufficient to cover a third independent member for the remaining two meetings for 2017-18. I.e. February and May. The expected budget for 2018-19 would be \$10,000.

It is expected that by appointing a third suitably skilled and experienced independent member to the Audit and Risk Committee it will further reduce Councils risk exposure and contribute to stronger governance.

***Economic, Social & Environmental Implications***

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

***Communications***

It is considered that there is no requirement for a communications plan.

***Conclusion***

The current Charter has successfully been in operation for five years and outlines the purpose, authority, composition and responsibilities of the committee.

The proposed changes to the Charter are to further clarify the Charter and to ensure it is consistent with both Best Practice and to meet the requirements of the updated Standing Directions of the Minister for Finance under the Financial Management Act 1994.

***Moved Crs Hansford/Gilbert***

***That Council:***

- 1. Adopt the amended Audit and Risk Committee Charter, as attached; and***
- 2. Begin the process to appoint a third independent member of the Audit and Risk Committee.***

***Carried***



**4.7. KEY RESULT AREA – HUMAN SUPPORT SERVICES**

No report.

**4.8. KEY RESULT AREA – RECREATION & COMMUNITY DEVELOPMENT**

No report.

## 4.9. KEY RESULT AREA – ROADS & STREETS INFRASTRUCTURE

### 4.9.1 Contract GPS-T18/2017: Milton Street Bannockburn School Access

Directorate	Assets and Amenity
Unit	Works
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	David Greaves, Works Manager
Author	Tony Talevski, Team Leader Roads & Waste Services
File References	Contract Number: GPS-T18/2017
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	<ul style="list-style-type: none"><li>▪ Road Strategy</li><li>▪ Road Management Plan</li></ul>
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"><li>▪ Local Government Act 1989</li><li>▪ GPSC Procurement Policy</li></ul>
Attachments	18. GPS-T18/2017 Tender Evaluation Summary (confidential)

#### *Declarations of Interest: Councillors & Officers*

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

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

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

#### *Purpose*

This report seeks Council approval for the awarding of a contract for the provision of the infrastructure required in Milton Street to accommodate the new Bannockburn P-12 School in 2018, as it is in excess of the CEO's delegation of \$200k for construction.

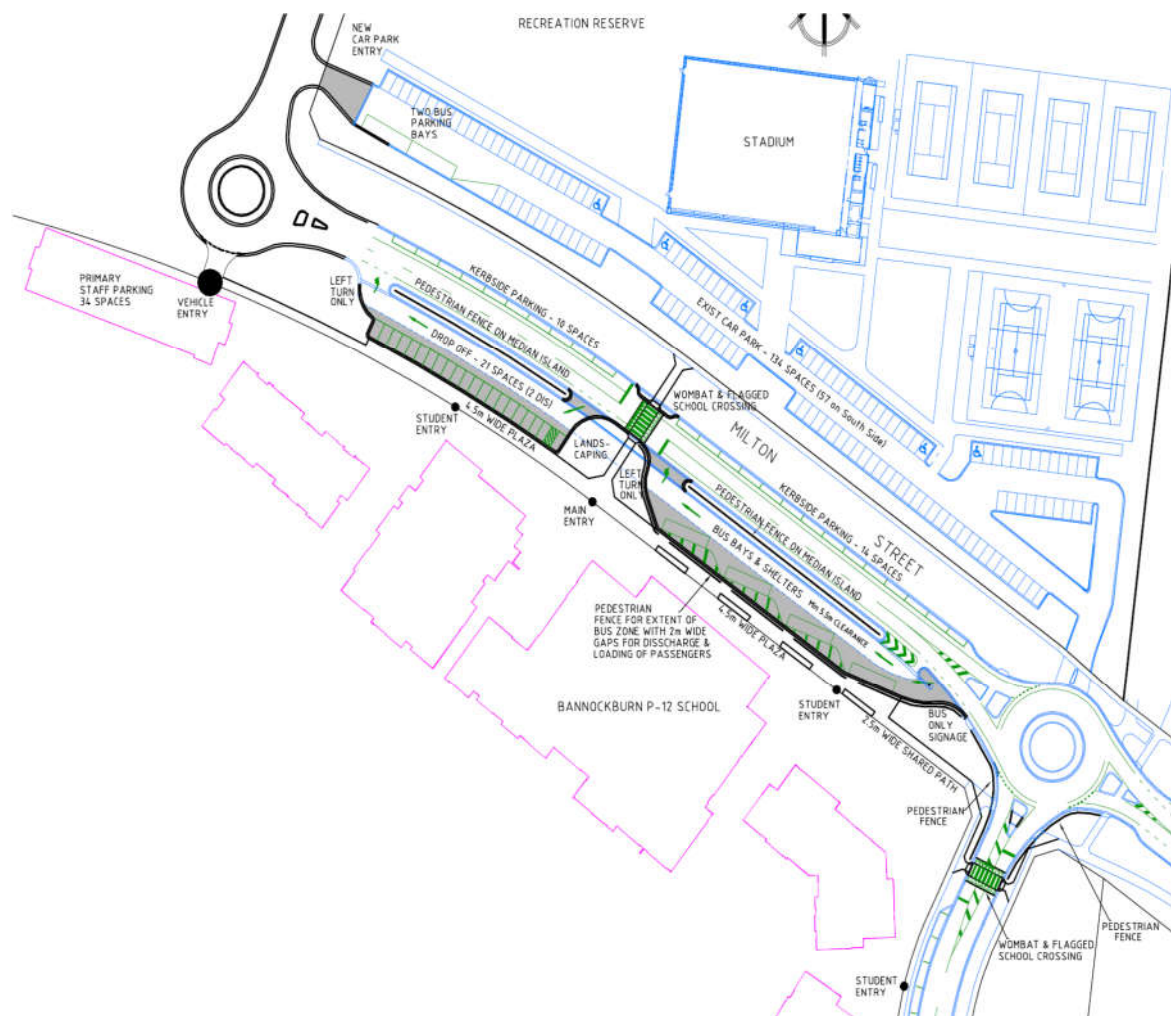
#### *Background*

As part of Council's obligations to provide road associated infrastructure in preparation for the opening of the new Bannockburn P-12 School in 2018, Golden Plains Shire Council committed to undertaking and funding the works described below to meet the anticipated traffic and pedestrian needs:

1. Bus zone for four buses in sawtooth pattern adjacent to Milton Street service road;
2. Two bus parking bays reserved in the western end of the existing recreation reserve car park;
3. A combined "Wombat" and "Flagged School Crossing" on Milton Street opposite to the main school entry, linking the school with the recreation reserve;
4. A combined "Wombat" and "Flagged School Crossing" on Moreillon Boulevard situated approximately 36m away from the roundabout at Milton Street intersection;
5. Car park for school drop-off and pick-up on south side of Milton Street between new school crossing and proposed roundabout;
6. Shared path across the Milton Street school frontage;
7. New entry at western end of recreation reserve car park for access to a future development road (north of proposed roundabout);
8. Safety fencing channelling children away from vehicles.

The specification called for all civil works to complete the scope of works as defined in the construction drawings and the schedule of quantities. The specification also required the successful contractor to complete the works in an extremely short time frame to meet commencement of first term in 2018. The reason for the short time frame is related to the Department of Education contractors occupying the designated construction area until the start of November 2017.

The proposed works are detailed in the following layout plan.



### *Tender Description*

This tender process was conducted by public tender due to the expected costs.

### **Tenders Received**

As summarised in the following table, there were a total of three tenders received, two conforming and one non-conforming from Bitu-mill Pty Ltd.

No.	Tenderers
1	Enoch Civil P/L
2	Harcom Pty Ltd
3	Bitu-mill Civil Pty Ltd

Further detail on pricing is included in the confidential tender evaluation summary attached.

## Tender Evaluation:

The Tender Evaluation Panel (TEP) was formed by the following personnel:

1. David Greaves, Works Manager
2. Jason Clissold, Finance Manager
3. Tony Talevski, Team Leader Roads and Waste

Chairperson: Joanne Bettiol, Contract & Procurement Officer

In determining best value for money, tenders were rated using the following criteria and weightings:

<b>A</b>	<b>Compulsory Criteria</b>	<b>Weighting</b>
	OH & S	Pass/Fail
	Insurance	Pass/Fail
	Risk Management Policy	Pass/Fail
	Quality Policy and Management System	Pass/Fail
	Registered VicRoads Contractor	Pass/Fail
<b>B</b>	<b>Qualitative Assessment</b>	
	Capability – Scope of Works	30%
	Capability - Experience	30%
<b>C</b>	<b>Quantitative Assessment</b>	
	Pricing	40%

The five items under Compulsory criteria must all be met for tenders to be considered conforming. This is a pass/fail process. Any tenders that fail one or more of these items is considered non-conforming and no further assessment is completed.

The inclusion of VicRoads pre-qualification provides Council with an extra level of assurance regarding the successful contractor being able to deliver the project on time and on budget. VicRoads are the Participating Authority in the National Prequalification System (NPS) established by Austroads. This harmonised framework for road and bridge construction contracts ensures the promotion of best practice in the road and bridge construction industry. The benefits to Council of using VicRoads prequalified contractors for road and bridge construction include:

- Assurance as to contracting party, their legal name and status
- Assessment of financial and technical capabilities
- Certification to Australian and International standards in management systems for quality, occupational health and safety and environment

Weighting of assessment criteria is a critical aspect of the tender evaluation process. It must balance the quality of service being delivered to ratepayers with the cost, to ensure value for money.

### Qualitative Assessment

To ensure best value for Council, a total of 60% weighing was attributed to the Qualitative Assessment. This weighting is critical in reducing the risks of engaging a contractor who is not capable of completing the project to a satisfactory standard or within the desired timeframe. The capability criteria was split between Scope of Works (30%) and Experience (30%)

### Capability – Scope of Works

Given the timeframes, location and visibility of this project it was critical that contractors were able to demonstrate their capability to deliver all facets of the project to a high standard, on time and with minimal disruption to the public.

### **Capability – Experience**

In addition to documenting their capability of delivering the scope of works, contractors were required to support this through providing evidence of where they have achieved this with past construction projects of similar size and nature. Previous work completed for Council was also considered.

### **Quantitative Assessment**

Of the three assessment criteria, pricing was given the highest weighting of 40% to ensure that, above all else, the project could be delivered at a competitive price.

### **Scoring**

The tender evaluation panel conducted a thorough evaluation of all tenders. The evaluation panel determined a consensus for each weighted criteria to allow an evaluation score for each tender, out of ten.

Further detail is included in the confidential tender evaluation summary attached.

Should Council require additional information or discussion on the financial details of this tender contained in the confidential attachment then this is to be discussed in camera as per below:

“Council, in accordance with Section 89 of the Local Government Act 1989, close the meeting to members of the public to discuss contractual matters”

### ***Community Engagement***

Residents impacted by the constructions works will be given formal notification prior to work commencing.

### ***Financial & Risk Implications***

The tendered price from Enoch Civil P/L of 528,945.95 (Inc GST) is within the available budget for this project.

Council has already received \$50,000 for this project from the Department of Economic Development Jobs, Transport and Resources (DEDJTR). This funding was provided from the Department's Transport Investing in Regions initiative as a contribution towards the costs of providing the school bus infrastructure facilities at the site.

The Department of Education and Training has also committed to providing a maximum contribution of 50% of the costs to deliver concrete footpaths along the border of the school site. This contribution will be in the order of \$40,000.

The risks associated with a construction project of this nature are largely mitigated by the process in establishing and applying the evaluation criteria to ensure only suitably qualified, experienced and accredited contractors are considered. Hence, reducing such risks as public injury, poor workmanship, Council reputation and cost and time overrun.

### ***Economic, Social & Environmental Implications***

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

### ***Communications***

It is considered that a communication plan is not required.

### ***Conclusion***

Based on the tender information received and the detailed assessment by the tender evaluation panel Enoch Civil was deemed to provide Best Value to Council with a weighted score of 8.8/10.

### ***Moved Crs Hansford/Kirby***

***That Council resolves to award Contract GPS-T18/2017, for Milton Street Bannockburn School Access to Enoch Civil P/L for the tendered amount of \$528,945.95 (including GST).***

### ***Carried***

**4.10. KEY RESULT AREA – WASTE MANAGEMENT**

No report.

## **5. NOTICES OF MOTION**

File: 02-03-004 &

Nil

## **6. PETITIONS**

Nil



## **7. OTHER BUSINESS**

### **7.1. MAYOR'S REPORT**

Cr Des Phelan, Mayor  
File: 02-03-003

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

<b>Date</b>	<b>Details</b>
28/9/17	Simon Ramsay MP meeting
3/10/17	Richard Riordan MP meeting
9/10/17	G21 Environment Pillar meeting
10/10/17	Sarah Henderson MP meeting
10/10/17	Committee for Ballarat AGM
12/10/17	Emergency Management Committee Special meeting
13/10/17	Peri Urban Group of Rural Councils Mayors and CEOs Forum
13/10/17	Gayle Tierney MP meeting and Bannockburn Cricket Nets project opening
15/10/17	Linton Primary School 150 <sup>th</sup> anniversary
17/10/17	Reception in recognition of service to Local Government
18/10/17	City of Ballarat networking breakfast at Parliament House
18/10/17	Rural Councils Victoria
19/10/17	MAV Annual Conference
20/10/17	Central Highlands Mayors and CEOs meeting
20/10/17	Geoff Howard MP meeting

### **7.2. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT**

No report.

### 7.3. COUNCILLOR REPORTS

#### **Cr David Evans**

- Noted some financial points from the Geelong Regional Library Corporation Annual Report.
- Mr Tim Waller, Development Manager, will provide information on the Lethbridge Structure Plan allotment sizes and the location of the NBN tower at Lethbridge.

#### 7.3.1 Geelong Regional Library Corporation

*Moved Crs Evans/Sharkey*

***That Council write to the Geelong Regional Library Corporation regarding their financial position.***

*Carried*

#### **Cr Les Rowe**

- Mr Waller, Development Manager, advised that the Gheringhap Structure Plan does have a Section 173 in place.
- Mr Rod Nicholls, CEO, advised that the EB negotiations have not been finalised and Council is waiting on a response from the union.

#### **Cr Owen Sharkey**

- Suggested that the Gazette include information on the Golden Plains Community and Civic Centre. The information is included on the website and via social media.

### 7.4. IN CAMERA MEETING

Nil

## 8. ATTACHMENTS

Attachment 1a	Item 4.2.2	Pillar 1 – Health & Connected Communities
Attachment 1b	Item 4.2.2	Pillar 2 – Local Economies
Attachment 1c	Item 4.2.2	Pillar 3 – Natural & Built Environment
Attachment 1d	Item 4.2.2	Pillar 4 – Good Governance & Leadership
Attachment 2	Item 4.3.1	Economic Development and Tourism Strategy amended
Attachment 3	Item 4.4.1	Council Policy 10.6 – Gaming
Attachment 4	Item 4.4.1	Clause 52.28 of the Golden Plains Planning Scheme
Attachment 5	Item 4.4.2	Draft Domestic Animal Management Plan
Attachment 6	Item 4.5.1	P17-098 application and plans
Attachment 7	Item 4.5.1	P17-098 locality map
Attachment 8	Item 4.5.1	P17-098 objection letter
Attachment 9	Item 4.5.2	P16-065 application and plans
Attachment 10	Item 4.5.2	P16-065 locality map
Attachment 11	Item 4.5.2	P16-065 referral responses
Attachment 12	Item 4.5.2	P16-065 objections
Attachment 13	Item 4.5.1	Annual Report
Attachment 14	Item 4.5.2	Track map
Attachment 15	Item 4.5.2	Location map
Attachment 16	Item 4.5.2	Mines map
Attachment 17	Item 4.6.3	Amended Audit and Risk Committee Charter
Attachment 18	Item 4.9.1	GPS-T18/2017 Tender Evaluation Summary (confidential)

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 14 November 2017 at the Bannockburn Shire Hall. The meetings are not open to the public.

### *Special Council Meeting*

A Special Meeting of Council will be held at 4.00pm on Wednesday 8 November 2017 at the Bannockburn Shire Hall. The meeting is open to the public.

### *Next Ordinary Meeting*

The next Ordinary meeting of Council will be held at 4.00pm on Tuesday 28 November 2017 at the Bannockburn Shire Hall. The meeting is open to the public.

### *Close of Meeting*

It is recorded that the meeting closed at 6.22pm.

## 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.

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**Confirmed, Mayor, Cr Des Phelan**

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**Date**

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