



Council Meeting Minutes

Bannockburn Shire Hall

**Tuesday 27 September 2016
4.00pm-4.55pm**

Our Vision

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

Opening Prayer

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

Acknowledgement of Traditional Custodians

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

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

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

BEHAVING WITH INTEGRITY

We Councillors will:

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

MAKING COMPETENT DECISIONS

We Councillors will:

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

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1. PRESENT

Cr Des Phelan, Mayor
Cr Jenny Blake
Cr Andrew Cameron
Cr Nathan Hansford
Cr Helena Kirby
Cr Bill McArthur
Cr Greg Vaughan

Rod Nicholls
Greg Anders
Jillian Evans
Richard Trigg
Mike Barrow
Tim Waller
Ann Card
Lisa Shaw
Petra Neilson (Minutes)

Chief Executive Officer
Director Assets & Amenity
Director Community Services
Director Corporate Services
Manager Executive Unit
Development Manager
Senior Communications & Marketing Officer
Farmers Market Officer Left chamber 4.27pm
Council Support Officer

Gallery

Owen Sharkey

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*.

Nil

3.2. CONFIRMATION OF MINUTES

Moved Crs McArthur/Kirby

- 1. That the Minutes of the Ordinary meeting of Council held 23 August 2016, as circulated, be confirmed.**
- 2. That the Minutes of the 'In Camera' meeting of Council held 23 August 2016, as circulated, be confirmed.**

Carried

3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

3.3.1 Site Visit: Haddon Oval (23 August 2016)

Meeting type and name	Site Visit Haddon Oval
Meeting date and time	11.00am Tuesday 23 August 2016
Matters discussed	Inspection of the condition of the Haddon Oval
Councillor information	Nil
Councillors	Cr Des Phelan Cr Andrew Cameron Cr Nathan Hansford Cr Bill McArthur Cr Greg Vaughan
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Peter Cameron, Works Manager
Guests	Nil
Declarations of Interest	

3.3.2 Council Workshop: Local Government Act Review (23 August 2016)

Meeting type and name	Council Workshop: Local Government Act Review
Meeting date and time	12.20pm Tuesday 23 August 2016
Matters discussed	Local Government Act Review
Councillor information	1. Local Government Act – fact sheets 2. Submission template
Councillors	Cr Des Phelan Cr Jenny Blake Cr Andrew Cameron Cr Nathan Hansford Cr Helena Kirby Cr Bill McArthur Cr Greg Vaughan
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

3.3.3 Council Briefing: Bannockburn Men's Shed (23 August 2016)

Meeting type and name	Council Briefing: Bannockburn Men's Shed
Meeting date and time	1.15pm Tuesday 23 August 2016
Matters discussed	Bannockburn & District Men's Shed
Councillor information	1. Joint objection 2. Site plans A, B and C
Councillors	Cr Des Phelan Cr Jenny Blake Cr Andrew Cameron Cr Nathan Hansford Cr Helena Kirby Cr Bill McArthur Cr Greg Vaughan
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

3.3.4 Council Workshop: Local Law Review (23 August 2016)

Meeting type and name	Council Workshop: Local Law Review
Meeting date and time	1.20pm Tuesday 23 August 2016
Matters discussed	Local Law Review
Councillor information	1. Draft Local law 2: General Public Amenity 2. Harwood Andrews Retrospective Issues advice 3. Website Reference – Domestic Waste and Recyclable Material 4. Website Reference – Noxious Weeds and Vermin
Councillors	Cr Des Phelan Cr Jenny Blake Cr Andrew Cameron Cr Nathan Hansford Cr Helena Kirby Cr Bill McArthur Cr Greg Vaughan
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Tim Waller, Development Manager Petra Neilson, Council Support Officer
	Nil
Declarations of Interest	Nil

3.3.5 Council Workshop: MSS Draft Provisions (23 August 2016)

Meeting type and name	Council Workshop: MSS Draft Provisions
Meeting date and time	2.07pm Tuesday 23 August 2016
Matters discussed	Municipal Strategic Settlement (MSS) and Local Planning Policy Framework (LPPF) rewrite
Councillor information	1. Draft MSS and LPPF Provisions
Councillors	Cr Des Phelan Cr Jenny Blake Cr Andrew Cameron Cr Nathan Hansford Cr Helena Kirby Cr Bill McArthur Cr Greg Vaughan
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Tim Waller, Development Manager Alicia te Wierik, Strategic Planner Petra Neilson, Council Support Officer
Guests	Cazz Reading
Declarations of Interest	Nil

3.3.6 Council Workshop: Firewood Collection (23 August 2016)

Meeting type and name	Council Workshop: Firewood Collection
Meeting date and time	2.49pm Tuesday 23 August 2016
Matters discussed	Firewood Collection from Crown Land or Council Owned or Management Land and Roadsides
Councillor information	Nil
Councillors	Cr Des Phelan Cr Jenny Blake Cr Andrew Cameron Cr Nathan Hansford Cr Helena Kirby Cr Bill McArthur Cr Greg Vaughan
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Jillian Evans, Director Community Services Richard Trigg, Director Corporate Services Dale Smithyman, Natural Resource Officer Petra Neilson, Council Support Officer
	Nil
Declarations of Interest	Nil

3.3.7 Meeting of Audit and Risk Committee members (5 September 2016)

Meeting type and name	Selected members of Audit and Risk
Meeting date and time	Monday 5 September 2016, 2.30pm
Matters discussed	Preliminary review of in principle performance statement and financial statements for year ending 30 June 2016, prior to certification and signing on Tuesday 13 September
Councillor information	1. 'In Principle' Performance Statement for year ended 30 June 2016 2. 'In Principle' Financial Statements for the year ended 30 June 2016. 3. Victorian Auditor-General's Office - Closing Report for Year ended 30 June 2016 (incorporating Final Management Letter at appendix B)
Councillors	Cr Des Phelan, Mayor (Chairperson) Cr Nathan Hansford
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Richard Trigg, Director Corporate Services Jason Clissold, Finance Manager
Guests	Mr Peter Bollen, Chair of Audit and Risk Committee
Declarations of Interest	Nil

3.3.8 Site Visit: Planning Committee (13 September 2016)

Meeting type and name	Site Visit
Meeting date and time	8.45am Tuesday 13 September 2016
Matters discussed	Planning Application P16-127 for the use and development of the land for an outdoor recreation facility at Lot 2 PS 326994 Teesdale Tip Road Teesdale
Councillor information	Nil
Councillors	Cr Jenny Blake Cr Bill McArthur
Apology	Nil
Staff	Tim Waller, Development Manager Laura Wilks, Planning Team Leader Luke Gavin, Planning Officer
Guests	Nil
Declarations of Interest	Cr Andrew Cameron declared an indirect interest due to residential amenity.

Moved Crs Cameron/Blake

That Council notes the record of assemblies of Councillors:

1. **Site Inspection: Haddon Oval (23 August 2016)**
2. **Council Workshop: Local Government Act Review (23 August 2016)**
3. **Council Briefing: Bannockburn Men's Shed (23 August 2016)**
4. **Council Workshop: Local Law Review (23 August 2016)**
5. **Council Workshop: MSS Draft Provisions (23 August 2016)**
6. **Council Workshop: Firewood Collection (23 August 2016)**
7. **Meeting of the Audit and Risk Committee members (5 September 2016)**
8. **Planning Site Inspection: Teesdale Tip Road, Teesdale (13 September)**

Carried

3.4. SPECIAL COMMITTEES OF COUNCIL

3.4.1 Planning Committee (13 September 2016)

Cr Bill McArthur, Chairperson

File: 02-01-005

Meeting type and name	Planning Committee Meeting
Meeting date and time	9.15am Tuesday 13 September 2016
Matters discussed	<ol style="list-style-type: none"> 1. GPS approach to VCAT appeal submissions 2. Planning Application P16-123 Development of the land for a Dam and Native Vegetation Removal at Davies Road Meredith 3. Planning Application P16-127 for the use and development of the land for an outdoor recreation facility at Lot 2 PS 326994 Teesdale ?Tip Road Teesdale 4. Amendment C67 South West Landscape Assessment Study 5. 2016 Bushfire Mapping and Policy Update
Councillor information	<ol style="list-style-type: none"> 1. P16-123 application 2. P16-123 locality plan 3. P16-127 application and plans 4. P16-127 locality plan 5. P16-127 objections 6. Part 1 – SLO 1 and 15 instruction Sheet, Explanatory Report, Submissions Received, conditional withdrawal of submissions including new map for proposed Rowsley Scarp Environs 7. Part 2 – SLO 14 8. BMO Review Map
Councillors	<p>Cr Bill McArthur, Chairperson Cr Des Phelan, Mayor Cr Jenny Blake Cr Andrew Cameron Cr Helena Kirby Cr Greg Vaughan</p>
Apology	Cr Nathan Hansford
Staff	<p>Rod Nicholls, Chief Executive Officer Richard Trigg, Director Corporate Services Jill Evans, Director Community Services Greg Anders, Director Assets & Amenity Mike Barrow, Manager Executive Unit Tim Waller, Development Manager Laura Wilks, Planning Team Leader Leigh Page, Planning Officer Sarah Fisher, Strategic Planner Luke Gavin, Planning Officer Petra Neilson, Council Support Officer</p>
Guests	<p>Murray Ellis, President Miniature Aircraft Club Peter Ashbury</p>
Declarations of Interest	Cr Andrew Cameron declared an indirect interest due to residential amenity in item 4.1.3 P16-127 for the use and development of land for an outdoor recreation facility at Lot 2 PS326994 Teesdale Tip Road, Teesdale.

3.5. **ADVISORY COMMITTEES OF COUNCIL**

3.5.1 **Audit & Risk Committee (13 September 2016)**

Richard Trigg, Director Corporate Services

File: 02-01-001

Meeting type and name	Audit & Risk Committee Meeting
Meeting date and time	10.15am Tuesday 13 September
Matters discussed	<ol style="list-style-type: none"> 1. Self-Assessment – Audit and Risk Committee 2. Quarterly risk Management Report 3. Biannual Risk Profile Monitoring Report 4. Occupational Health and Safety and Risk Management Annual Performance Report 5. Completion of Charter – Audit and Risk Committee 6. Internal Audit – Rates Management 7. Quarterly Finance Report – 30 June 2016 8. In Principle Performance Statement and In Principle Financial Statements for the year ended 30 June 2016
Councillor information	<ol style="list-style-type: none"> 1. Self-assessment Results 2015-16 2. Quarterly Risk Management Report 3. Charter Completion Report 4. Rates Management 5. Internal Audit Progress Report as at 30/6/16 6. Vision Super Letter re Defined Benefit Plan VBI 7. Recent Reports and Publications of Interest 8. 'In Principle' Financial Statements for the year ended 30/6/16 9. Victorian Auditor-General's Office – Closing Report for Year Ended 30/6/16 (incorporating Final Management Letter at appendix B)
Councillors	Peter Bollen, Independent Chairman John McDonald, Independent member Cr Des Phelan, Mayor Cr Andrew Cameron Cr Nathan Hansford
Apology	Nil
Staff	Rod Nicholls, Chief Executive Officer Richard Trigg, Director Corporate Services Jill Evans, Director Community Services Greg Anders, Director Assets & Amenity Mike Barrow, Manager Executive Unit Jason Clissold, Finance Manager Kim Manley, Organisational Development Manager Petra Neilson, Council Support Officer
Guests	John Gavins, Crowe Horwath
Declarations of Interest	Nil

Moved Crs Kirby/McArthur

That Council notes the Audit and Risk Committee meeting minutes 13 September 2016.

Carried

3.5.2 Confidential: Chief Executive Officer (CEO) Review Committee

Cr Des Phelan, Chairperson
File: 02-01-002

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 **Review of Council Policy 4.6: Council Seal Authority of CEO to use Common Seal**

Directorate	Corporate Services
Unit	Corporate Services
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Richard Trigg, Director Corporate Services
File References	BluePoint: 34-03-001 and 02-03-005
Council Plan Link	Nil
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> ▪ Council Policy 4.6: Council Seal – Authority of CEO to Use Common Seal ▪ Local Law No. 1 – 2009 Processes of Municipal Government (amended)
Attachments	1. Council Policy 4.6

Declarations of Interest: Councillors & Officers

Richard Trigg, Director Corporate Services: In providing this advice as the senior manager, responsible manager and author, I have disclosable interests in this report.

Purpose

The purpose of this report is to review and adopt Council Policy 4.6: Council Sea – Authority of CEO to use Common Seal

Background

This policy was adopted by Council in March 1997 and has been subsequently reviewed with amendments in February 2009 and September 2011. It is now due for review again.

Discussion

This policy has served Council well in the past and there is no need for any amendments.

Community Engagement

A formal consultation process is/ 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 and environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

As there are no changes to this policy, Council should adopt Council Policy 4.6 which will be reviewed again in 5 years, unless there is a need to amend earlier.

Caretaker Statement

The recommended decision is not a 'Major Policy Decision', as defined in Section 93A of the *Local Government Act* 1989, or a 'Significant Decision' within the meaning of the Code of Conduct.

Moved Crs Hansford/Blake

That Council adopts the reviewed Council Policy 4.6: Council Seal – Authority of CEO to use Common Seal as presented.

Carried

4.3. KEY RESULT AREA – ECONOMIC DEVELOPMENT

4.3.1 Golden Plains Farmers Market

Directorate	Chief Executive
Unit	Executive Unit
Senior Manager	Mike Barrow, Executive Unit Manager
Responsible Manager	Mike Barrow, Executive Unit Manager
Author	Felicity Bolitho, Executive Unit Team Leader
File References	BluePoint: 78-04-007
Council Plan Link	To facilitate the growth of the local economy particularly in township development and rural based industries
Relevant Council Strategies	<ul style="list-style-type: none"> ▪ Economic Development Strategy 2013-17 ▪ Golden Plains Farmers' Market Business Plan 2012 (Updated 2016)
Relevant Policies & Legislative Frameworks	
Attachments	<ol style="list-style-type: none"> 2. Integrity Committee Meeting Minutes, 10 March 2016 3. Email from CEO Rod Nicholls to Geelong Landcare Network, 1 August 2016 4. Golden Plains Farmers' Market Guidelines and Code of Conduct, February 2016 5. Integrity Committee Meeting Minutes, 8 September 2016

Declarations of Interest: Councillors & Officers

Mike Barrow: In providing this advice as the senior and responsible 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

This report is chiefly to brief Council on issues related to a request from Geelong Landcare Network for a review of Golden Plains Farmers' Market fees structure.

Background

Golden Plains Shire Council held a food and wine festival in 2007 which was so successful that in 2008 a feasibility study was undertaken on the development of a regular farmers' market in Bannockburn. The study indicated a monthly market would be feasible, a small budget was allocated and \$20,000 funding was secured from RDV and the Golden Plains Farmers' Market commenced on the first Saturday in December 2009.

The first market had 14 stallholders and the numbers quickly grew to an average of 30 stallholder attendees within a couple of years and by 2016 the market is peaking at 50+ stallholders during the summer months.

The market was established with an external market manager (Visionary Events) however this structure was not successful and after six months operation under this structure the market management was brought in-house.

The market was established with the intention of becoming a VFMA (Victorian Farmers' Market Association) accredited market; a status which it achieved in early 2012 and has maintained ever since.

The market was then successful in securing two further grants from RDV in 2011 and 2016. It was also awarded the 'Judges Award' at the Geelong Business Excellence Awards in 2012 and the 'Best Regional Business' at the Geelong Business Excellence Awards in 2013.

The vision of the Golden Plains Farmers' Market is to provide a genuine farmers' market experience for visitors and residents that strengthens opportunities for local growers and producers, and provides customers with access to quality, nutritional and healthy products in a relaxed and fun environment.

The market is currently a lynchpin element in Council's bid to secure funding for the Bannockburn Civic Heart Development Project. It is also a primary pillar of Council's external marketing to potential visitors and attract new residents.

A formal Service Review and Planning process is currently underway and Council will be presented with a full report into all aspect of market operations however this report responds to two recently raised issues, the fee structure for community groups and the attendance of dogs at the market.

Fee Structure for Stallholders

Council charges a market day fee to stallholders attending the market. There are a range of fees; a standard site, a powered site and a discounted community group site. The site fees are reviewed with each annual budget process and were increased for the first time in three years in the 2016/17 budget, with community groups to pay \$29 (incl. GST) per market or if attending each event \$348 (incl. GST) per annum.

Council Fee Schedule (incl. GST) 1 September 2016	2015-16	2016-17
Non-Powered Site	\$55.00	\$57.00
Powered Site	\$71.50	\$75.00
Community Service Site	\$27.50	\$29.00

The fees include an accreditation fee of \$3 per stallholder which is paid to the Victorian Farmers' Market Association (VFMA) by Golden Plains Shire Council.

List of current community group stallholders:

Name	Category	Activities	Fee (incl gst)
Marg's Cakes and Cookies	*NFP	Donates all her takings to charity	\$29
Bannockburn Arts Group	NFP	Kids arts activities facilitate higher numbers and increased length of time in attendance	Nil
Bannockburn and District Lions Club	NFP	BBQ using stallholder products promotes and encourages market buying	Nil
Geelong Landcare Network	NFP	Nil activities that support the market	\$29
CFA/SES	NFP	Nil activities that support the market	\$29

*NFP Not for profit

All attending community groups are required to pay the relevant fee however historically this policy has been inconsistently applied. This matter was discussed in March 2016 at the community steering committee for the market, the Golden Plains Farmers Market Integrity Committee and a decision was made that all community groups attending the market would be required to pay a market day fee with the exception of those who provide a service to the market, for example the local Arts Group who provide free arts activities for the children at each market. The fee structure was adopted unanimously by the Market Integrity Committee (See attachment 2).

Of the not-for-profit stallholders three stallholders; Geelong Landcare Network, the Bannockburn CFA and the Bannockburn SES, went from being non-fee paying stallholders to discounted community group fee paying stallholders.

The Bannockburn CFA and Bannockburn SES are occasional attendees at the market (dependent on fire and emergency commitments). Each attended twice in 2015/16 and Geelong Landcare Network has attended almost all markets for the past few years.

Geelong Landcare Network lodged a complaint with Council in July for the decision to be reviewed. A response was forwarded to Geelong Landcare Network on 1 August (see Attachment 3) which outlined the decision making process and that the fee would apply to Geelong Landcare Network from 1 July 2016 onwards.

The issue, as raised by Geelong Landcare Network, was tabled again at the Golden Plains Farmers' Market Integrity Committee on 8 September 2016. A unanimous decision was made that Geelong Landcare Network was required to comply with the guidelines, unless they are providing an in-kind service to the market. (See Attachment 5).

Dogs at the Market

The 'Golden Plains Farmers' Market Guidelines and Code of Conduct' (see attachment 4) allows for dogs to attend the market under the 7.4 Dog Policy which states that "Dogs are not discouraged within the market site" and "they are the responsibility of the owner and must be supervised and on a leash at all times."

Customer and stallholder survey feedback has not recorded any issues regarding dogs (or dog faeces) and dogs are seen generally as adding character to the market. A key deliverable of the Golden Plains Farmers' Market is to provide a relaxed and family friendly environment and to build community connectedness. Dogs are seen as a positive addition to the market environment each month.

Discussion

Fee Structure for Stallholders

There are over 60 stallholders on the list of active market attendees. While it is proposed that the fee schedule for stallholders, set from 1 July 2016, will not be amended; it is submitted to Council that this group has three options:

1. Pay the discounted community group fee each month \$29 (incl. GST) or if attending each event \$348 (incl. GST) per annum.
2. Not pay the fee and no longer attend the market as a stallholder.
3. Work with Market Management to look at providing a service to the market to abrogate the community group fee. A service this group could possibly offer might be to provide free composting or plant guide workshops at a number of market per year or managing an onsite compost system using stallholder vegetable refuse etc.

Community Engagement

A formal consultation process was not required as Council officers have had numerous conversations with Geelong Landcare Network over this issue and it had been discussed extensively by the Market Integrity Committee.

Financial & Risk Management Implications

It is considered that there are no financial implications except that if Council decided that community groups need not pay the market fee there is a loss of income at the rate of \$348 per stallholder per annum.

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, however Geelong Landcare Network and the Market Integrity Committee will be formally advised of the Council's decision.

Conclusion

The Golden Plains Farmers' Market is a very successful enterprise of Council. The market provides a genuine farmers' market experience for visitors and residents that strengthens opportunities for local growers and producers, and provides customers with access to quality, nutritional and healthy products in a relaxed and fun environment and is the lynchpin element in Council's bid to secure funding for the Bannockburn Civic Heart Development Project.

A review of fees in 2016 has led to a review of community groups attending the event and it was determined by the Market Integrity Committee that fees must be paid except by those who provide a service to the market. Geelong Landcare Network requested a review of the new fee schedule and this report, in response, this report identifies three possible options for resolution.

1. Pay the discounted community group fee each month \$29 (Incl. GST) or if attending each event \$348 (plus GST) per annum.
2. Not pay the fee and no longer attend the market as a stallholder.
3. Work with Market Management to look at providing a service to the market to abrogate the community group fee.

Caretaker Statement

The recommended decision is not a 'Major Policy Decision', as defined in Section 93A of the *Local Government Act 1989*, or a 'Significant Decision' within the meaning of the Code of Conduct.

Recommendation

That Council endorses the three options and requests that Council Officers work with Geelong Landcare Group to reach a solution satisfactory to both Council and Geelong Landcare Group.

Moved Cr Cameron

That Golden Plains Farmers Market do not charge any voluntary group who attend the market Eg volunteers CFA SES and landcare group

Withdrawn

Moved Crs Cameron/Blake

That Golden Plains Farmers Market charge any voluntary group who attend the market a minimal fee of no more than \$10.00 per annum.

Motion was lost

Moved Cr McArthur/Hansford

That Council endorses the three options and requests that Council Officers work with Geelong Landcare Group to reach a solution satisfactory to both Council and Geelong Landcare Group.

Carried

4.4. KEY RESULT AREA – ENVIRONMENT & LAND USE PLANNING

4.4.1 Local Laws Review – Public Notification

Directorate	Assets and Amenity
Unit	Assets and Amenity Development
Senior Manager	Greg Anders, Director of Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	N/a
Council Plan Link	Environment & land Use Planning: Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	N/a
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none">▪ Local Government Act 1989▪ Local Law No. 2 – General Public Amenity
Attachments	6. Draft Local Law – General Public Amenity

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 seeks Council endorsement to place the draft of Local Law No. 2 – General Public Amenity on public exhibition in accordance with the requirements of the Local Government Act 1989. The report also provides a summary of changes and inclusions made to the draft following the most recent Council workshop, a summary of the next steps in the process and a recommendation for Council's consideration.

Background

Council's current Local Law No. 2 came into operation on the 25 January 2007. Pursuant to Section 122 of the Local Government Act 1989 Local Law No. 2 ceases to be operational on 24 January 2017.

Under section 111 of the *Local Government Act 1989*, a Council has powers to make local laws for or with respect to any act, matter or thing under which the Council has a function or power in accordance with the following general limitations:

- The local law must relate to a power or function Council has under legislation;
- A local law must not be inconsistent with any Act or regulation;
- If a planning scheme is in force in the municipal district of a Council, the Council must not make a local law that duplicates or is inconsistent with the planning scheme;
- A Council must have regard to any guidelines made by the Minister under section 111A of the *Local Government Act 1989* when making local laws; and
- A Council must comply with any prescribed details relating to the preparation and content of local laws when making local laws.

Given that the current local law ceases to be operational on 24 January 2017, Council's Assets and Amenity Directorate began internal workshops on drafting the potential new local law in February of this year. To date, several workshops have been conducted involving the Environment Services, Works, Planning, Local Laws and Environmental Health teams of the directorate as the main internal users of the current Local Law No. 2.

These workshops investigated the current local law inefficiencies, areas of concern and potential solutions as guided by current local laws in use at municipalities with similar characteristics to Golden Plains Shire. This resulted in a number of inclusions, removals and revisions to the current local law, producing the draft that is now presented to Council.

In addition to the internal workshops, Harwood Andrews Solicitors were engaged to undertake a review and assessment of Council's draft Local Law No. 2 (General Public Amenity) and provide a report on the draft local law.

At the Council workshop held on the 23 August 2016 Councillors were presented with a second draft of the revised Local Law No. 2. A number of issues were recorded by officers as requiring further attention prior to public notification. Primarily there were issues related to animal keeping restrictions and shipping container permit requirements. Changes have been incorporated into the draft local law which is now considered to be ready for public notification.

Discussion

At the August workshop Councillors were supportive of the majority of amendments incorporated into the latest version of the draft local law. Concerns were however raised regarding the proposed animal keeping guidelines relevant to properties located in the Township Zone. It was suggested that the permitted animal allowances did not reflect the rural character of many of the smaller settlements where the Township Zone applies and therefore it would not be appropriate to apply the same restrictions proposed for the higher density General Residential Zone areas. It was however accepted that all properties smaller than 1000 square metres should be the subject of stricter animal keeping requirements. In response officers have moved land parcels greater than 1000 square metres in the Township Zone and Low Density Residential Zone from the Category A (strictest control) classification to the Category B column of the animal keeping table. In effect the reclassification within the table would allow property owners to keep larger numbers of various animals without the need for a local law permit.

Councillors also discussed the potential for issues when considering local law permits for existing shipping containers located on private land. It was explained that retrospective permits would be sought in those instances where a shipping container is discovered in the process of compliance investigations resulting from complaints. It was suggested by Councillors that a condition of approval for any newly permitted shipping container should require all new shipping containers to be externally painted in muted tones. The requirement for muted tones has been incorporated into the draft local law as one of the criteria to be considered prior to the granting of a permit.

Community Engagement

A formal consultation process is required. With Council's approval a public notice will be published in the Government Gazette, Geelong Advertiser and Ballarat Courier inviting submissions and comments. Copies of the draft local law will be made available for viewing at the two customer service centres. Submitters to the draft local law who wish to be heard will be invited to address the Councillors at the Ordinary Council Meeting to be held on 20 December 2016.

Details regarding the local law review process will be published in the Gazette and made available on Council's website.

Financial & Risk Management Implications

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

Economic, Social & Environmental Implications

Economic implications associated with the public notification process have been considered and can be appropriately met within existing operating budgets.

Council's local laws have social implications for residents. Residents will be afforded the opportunity to consider and comment on the proposed draft.

It is considered that the local laws serve to protect the environmental values of Council.

Communications

A communications plan has been prepared. Communications will be undertaken through Council's publications and website in addition to the notices placed in the Geelong Advertiser and Ballarat Courier.

Conclusion

In accordance with the requirements of the Local Government Act 1989, Council's current Local Law No. 2 – Public Amenity, Roads and Streets is due for review. The revised draft is the result of a comprehensive process of document development and review. The draft local laws have been informed by internal workshops and officer records detailing common complaints, investigations and general compliance activities. The draft local laws were reviewed and formatted by Harwood Andrews Lawyers and have been considered at two recent Councillor workshops. The draft local laws are now considered to be appropriate for consideration through a public notification process.

Caretaker Statement

The recommended decision is not a 'Major Policy Decision', as defined in Section 93A of the *Local Government Act* 1989, or a 'Significant Decision' within the meaning of the Code of Conduct.

Recommendation

That Council:

- 1. Gives public notice of its intention to make Local Law No2 – General Public Amenity pursuant to sections 119 and 223 of the Local Government Act 1989.***
- 2. Publish public notice of its intention to make Local Law No 2 – General Public Amenity in the Victorian Government Gazette, the Geelong Advertiser, the Ballarat Courier and on Council's website.***
- 3. Hear from persons who have requested to be heard in support of their submissions at the Ordinary Meeting to be held on 20 December 2016.***

Moved Crs McArthur/Blake

That Council:

- 1. Gives public notice of its intention to make Local Law No2 – General Public Amenity pursuant to sections 119 and 223 of the Local Government Act 1989.***
- 2. Publish public notice of its intention to make Local Law No 2 – General Public Amenity in the Victorian Government Gazette, the Geelong Advertiser, the Ballarat Courier, on Council's website, community noticeboards and community newsletters.***
- 3. Hear from persons who have requested to be heard in support of their submissions at the Ordinary Meeting to be held on 20 December 2016.***

Carried

4.5. KEY RESULT AREA – FINANCIAL MANAGEMENT

No report.

4.6. KEY RESULT AREA – HUMAN SUPPORT SERVICES

No report.

4.7. KEY RESULT AREA – RECREATION & COMMUNITY DEVELOPMENT

No report.

4.8. KEY RESULT AREA – ROADS & STREETS INFRASTRUCTURE

No report.

4.9. 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.

Date	Details
25/8/16	Golden Plains Business Breakfast
25/8/16	Peri Urban Group of Rural Councils
26/8/16	G21 Board meeting
26/8/16	Meeting with Richard Riordan MP
29/8/16	Woody Yaloak Recreation Reserve Female Change Facilities and the Woody Reserve BMX Upgrade official opening by Geoff Howard MP
5/9/16	Dereel Men's Shed project opening with Geoff Howard MP and Sarah Henderson MP
5/9/16	Official opening of the Redevelopment of Fuel Infrastructure at Lethbridge Airport Project with Sarah Henderson MP
7/9/16	Rural Councils Victoria and CEOs Forum
8/9/16	MAV Annual Conference and dinner
9/9/16	MAV State Council
9/9/16	Inverleigh Cricket Nets project opening with Gayle Tierney MP
14/9/16	Journey to the 'G' Mullagh book handover to Ballarat City Council
16/9/16	MAV Emergency Management Committee
19/9/16	Linton & District Historical Society AGM
20/9/16	Launch of 'War at Sea' exhibition
23/9/16	G21 Board Meeting

7.2. CHIEF EXECUTIVE OFFICER'S REPORT

Rod Nicholls, Chief Executive Officer
File: 02-03-004

No report.

7.3. **MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT**

Cr Nathan Hansford, MAV Delegate

File: 03-05-001

Cr Bill McArthur, reported on a range of MAV information including:

- MAV Power to the People Conference
- MAV Annual meeting:
 - Minister Wynne attended and provided a review of planning fees
 - Advocating for Maternal Child Health at annual conference
 - Funding for SES
 - School crossing funding
 - Cost savings for Local Government

7.4. **COUNCILLOR REPORTS**

Cr Jenny Blake

- Peri Urban meeting
- MAV dinner - received a 20 year service recognition certificate
- Dereel Men's Shed Project opening
- Prompt response by staff to flooding within shire and in particular blocked culverts.
- Culverts at entrances to properties could alleviate major flooding. Need a partnership with landowners to replace and provide safe travel for the public
- Building and planning departments to note concerns with flooding with a house in Teesdale
- Noted passing of Fred Smith a previous building inspector with the Shire of Leigh
- Works by VicRoads on the bus shelter in Bannockburn is causing concern.

Cr Andrew Cameron

- Golden Plains Business breakfast
- G21 Environment Pillar board meeting
- Prompt response by staff to flooding within the shire
- Load limit on Coopers Bridge over Moorabool River: Mr Anders, Director Assets & Amenity, advised that the current load limit is 5 ton. Low cost remedial works would increase the limit to 20 ton. Funding has been sought. Permits are an option.
- Teesdale Tip site: Mr Anders, Director Assets & Amenity advised that this site has been closed for some time. Council is waiting on a response from the EPA on rehabilitation works.

Cr Nathan Hansford

- MAV Transport Infrastructure Committee
- Dereel Men's Shed Project opening
- Redevelopment of Fuel Infrastructure at Lethbridge Airport official opening
- Rural Councils Victoria Forum
- MAV Annual Conference
- MAV State Council
- Golden Plains Business breakfast
- Woody Yaloak Recreation Reserve Female Change Facility and the Woody Yaloak Recreation Reserve BMX Upgrade official opening
- Bannockburn Chamber of Commerce AGM
- Floods at Shelford and Inverleigh. River peaked at 7.3m.

Cr Helena Kirby

- Woody Yaloak Recreation Reserve Female Change Facility and the Woody Yaloak Recreation Reserve BMX Upgrade official opening
- Dereel Men's Shed project opening
- Corindhap Recreation Reserve COM AGM
- Inverleigh Cricket Nets project opening
- Golden Plains Business breakfast
- Dereel Co-Op meeting

Cr Bill McArthur

- Woody Yaloak Recreation Reserve Female Change Facility and the Woody Yaloak Recreation Reserve BMX Upgrade official opening
- Woody Yaloak Equestrian Centre COM AGM

Cr Greg Vaughan

- Access to sand at designated locations would assist with quick access to combat flooding within the shire.
- Telecom – lack of mobile phone and computer access is also a safety concern.

7.5. **IN CAMERA MEETING**

Should Council wish to consider any matters in camera, in accordance with Section 89 of the Local Government Act 1989, it may resolve to close the meeting to members of the public if the meeting is discussing:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

8. ATTACHMENTS

Attachment 1	Item 4.2.1	Council Policy 4.6
Attachment 2	Item 4.3.1	Integrity Committee Meeting Minutes, 8 March 2016
Attachment 3	Item 4.3.1	Email from CEO Rod Nicholls to Geelong Landcare Network, 1 Aug 2016
Attachment 4	Item 4.3.1	Golden Plains Farmers' Market Guidelines and Code of Conduct, Feb. 2016
Attachment 5	Item 4.3.1	Integrity Committee Meeting Minutes, 8 Sep. 2016
Attachment 6	Item 4.4.1	Draft Local Law – General Public Amenity

Attachments are available upon request.

9. CLOSE OF MEETING

The meeting closed at 4.55 pm.

10. CERTIFICATION

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

Confirmed, Mayor, Cr Des Phelan

Date

Distribution	
Agendas (total printed).....	14
Councillors.....	7
CSO.....	2
Gallery.....	5
Soft copy (web, portal, intranet, box).....	0
Attachments (total printed).....	2
Soft copy (web, portal, intranet, box).....	2
Minutes (total printed).....	1
Soft copy (website, portal, intranet, box).....	1