



Council Meeting Minutes

Bannockburn Shire Hall

**Tuesday 28 March 2017
4.00pm – 5.16pm**

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 David Evans
Cr Joanne Gilbert
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
Felicity Bolitho	Acting Manager Executive Unit
Tim Waller	Development Manager
Sarah Fisher	Acting Planning Team Leader
Peter O'Brien	Planning Officer
Leigh Page	Planning Officer
Petra Neilson (Minutes)	Council Support Officer

Gallery

11 members of the gallery

2. APOLOGIES

Cr Nathan Hansford

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 Des Phelan declared an indirect interest by close association for report 7.5 Contract CH002 – Bituminous Resealing Program. Cr Phelan declared he sub-contracts for Fulton Hogan who has provided a tender for this contract.

3.2. CONFIRMATION OF MINUTES

Moved Crs Kirby/Gilbert

That the Minutes of the Ordinary meeting of Council held 28 February 2017, as circulated, be confirmed.

Carried

3.3. ASSEMBLIES OF COUNCILLORS

File: 02-03-004

3.3.1 Council Briefing: Tall Tree Road Planning Proposal (28 February 2017)

Meeting type and name	Council Briefing: Tall Tree Road Planning Proposal for a Composting Facility
Meeting date and time	Tuesday 28 February 2017 10.30am
Matters discussed	Councillor Briefing regarding the Ausnovus Pty Ltd Proposal at 798 Tall Tree Road, Lethbridge
Councillor information	1. Minutes from July Planning Committee Meeting
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe
Apology	Cr Owen Sharkey
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Tim Waller, Development Manager Petra Neilson, Council Support Officer
Guests	Mark Frechevil, Director Ausnovus Pty Ltd Rick Steffanutti, Director Ausnovus Pty Ltd
Declarations of Interest	Nil

3.3.2 Council Briefing: Geelong Regional Library Corporation (28 February 2017)

Meeting type and name	Council Briefing: Geelong Regional Library Corporation
Meeting date and time	Tuesday 28 February 2017 11.08am
Matters discussed	Golden Plains Shire Library Services Briefing
Councillor information	1. Geelong Regional Library Corporate Plan 2013-2017
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe
Apology	Cr Owen Sharkey
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Tim Waller, Development Manager Petra Neilson, Council Support Officer
Guests	Patti Manolis, CEO Geelong Regional Library Corporation Ian Phillips,
Declarations of Interest	Nil

3.3.3 Council Briefing: Bannockburn Customer Services Centre Redevelopment (28 February 2017)

Meeting type and name	Council Briefing: Bannockburn Customer Services Centre Redevelopment
Meeting date and time	Tuesday 28 February 2017 11.50am
Matters discussed	Bannockburn Customer Service Centre Augmentation
Councillor information	1. Bannockburn Customer Services Centre Redevelopment Concept Plans
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe
Apology	Cr Owen Sharkey
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Tim Waller, Development Manager Petra Neilson, Council Support Officer
Guests	John Clarke, Baumgart Clark Architects Marcus Baumgart, Baumgart Clark Architects
Declarations of Interest	Nil

3.3.4 Council Briefing: WestWind Energy (28 February 2017)

Meeting type and name	Council Briefing: WestWind Energy on GP Wind Farm Proposal
Meeting date and time	Tuesday 28 February 2017 1.35pm
Matters discussed	Bannockburn Customer Service Centre Augmentation
Councillor information	1. Project overview – Golden Plains Wind Farm 2. Map of proposed site boundaries for the GP wind farm
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe
Apology	Cr Owen Sharkey
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Tim Waller, Development Manager David Greaves, Works Manager Felicity Bolitho, Executive Unit Team Leader Petra Neilson, Council Support Officer
Guests	Paige Ricci, Communications & Stakeholder Engagement Manager Ashley Clifton, Assistant Project Manager
Declarations of Interest	Nil

3.3.5 Council Briefing: Local Government Investigations & Compliance Inspectorate (28 February 2017)

Meeting type and name	Council Briefing: Local Government Investigations and Compliance Inspectorate
Meeting date and time	Tuesday 28 February 2017 2.08pm
Matters discussed	Bannockburn Customer Service Centre Augmentation
Councillor information	Nil
Councillors	Cr Des Phelan Cr David Evans Cr Joanne Gilbert Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe
Apology	Cr Owen Sharkey
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Mike Barrow, Manager Executive Unit Jason Clissold, Finance Manager David Greaves, Works Manager Felicity Bolitho, Executive Unit Team Leader Petra Neilson, Council Support Officer
Guests	David Wolf, Chief Municipal Inspector Tess Cowdry, LG Investigations & Compliance Inspectorate
Declarations of Interest	Nil

3.3.6 Council Workshop: Rating Strategy 2017-2021 (14 March 2017)

Meeting type and name	Council Workshop: Rating Strategy 2017-2021
Meeting date and time	Tuesday 14 March 2017 9.00am
Matters discussed	Multi Purpose Room, Bannockburn Family Services Centre
Councillor information	Golden Plains revenue Review – Options Paper Vrs 2
Councillors	Cr Des Phelan Cr David Evans Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Cr Joanne Gilbert
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Felicity Bolitho, Acting Manager Executive Unit Jason Clissold, Finance Manager Di Quigley, Customer Service & Rates Team Leader Petra Neilson, Council Support Officer
Guests	Glenn Lamont, Macroplan consultant Brian Haratsis, Macroplan consultant
Declarations of Interest	Nil

3.3.7 Council Workshop: Development of the Strategic Resource Plan (14 March 2017)

Meeting type and name	Council Workshop: Development of the Strategic Resource Plan
Meeting date and time	Tuesday 14 March 2017 10.00am
Matters discussed	Multi Purpose Room, Bannockburn Family Services Centre
Councillor information	Nil
Councillors	Cr Des Phelan Cr David Evans Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Cr Joanne Gilbert
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Felicity Bolitho, Acting Manager Executive Unit Jason Clissold, Finance Manager Petra Neilson, Council Support Officer
Guests	Nil
Declarations of Interest	Nil

3.3.8 Council Workshop: Council Plan 2017-2021 & Municipal Public Health Plan (14 March 2017)

Meeting type and name	Council Workshop: Council Plan 2017-2021 & Municipal Public Health Plan
Meeting date and time	Tuesday 14 March 2017 11.00am
Matters discussed	Multi Purpose Room, Bannockburn Family Services Centre
Councillor information	Nil
Councillors	Cr Des Phelan Cr David Evans Cr Nathan Hansford Cr Helena Kirby Cr Les Rowe Cr Owen Sharkey
Apology	Cr Joanne Gilbert
Staff	Rod Nicholls, Chief Executive Officer Greg Anders, Director Assets & Amenity Richard Trigg, Director Corporate Services Felicity Bolitho, Acting Manager Executive Unit Jason Clissold, Finance Manager Petra Neilson, Council Support Officer
Guests	Yvonne Crouch, mach2 Craig Kenny, mach2
Declarations of Interest	Nil

Moved Crs Kirby/Evans

That Council notes the record of assemblies of Councillors:

- 1. Tall Tree Road Planning Proposal Briefing (28 February 2017)**
- 2. Geelong Regional Library Corporation Briefing (28 February 2017)**
- 3. Bannockburn Customer Services Centre Redevelopment Briefing (28 February 2017)**
- 4. WestWind Energy on GP Wind Farm Proposal Briefing (28 February 2017)**
- 5. Local Government Investigations & Compliance Inspectorate Briefing (28 February 2017)**
- 6. Rating Strategy 2016-2021 Workshop (14 March 2017)**
- 7. Development of the Strategic Resource Plan Workshop (14 March 2017)**
- 8. Council Plan 2017-2021 & Municipal Public Health Plan (14 March 2017)**

Carried

3.4. ADVISORY COMMITTEES OF COUNCIL

3.4.1 Audit & Risk Committee

Richard Trigg, Director Corporate Services
File: 02-01-001

No meeting held.

3.4.2 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 Delegation: Chief Executive Officer – Section 98 Local Government Act 1989 (As Amended)**

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: 02-04-001
Council Plan Link	
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Local Government Act 1989
Attachments	1. Current Delegation – Council to CEO

Declarations of Interest:

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 ensure the Delegation from Council to the Chief Executive Officer is current.

Background

Under s.98 (6) of the *Local Government Act 1989*, a Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council.

The Delegation to the Chief Executive Officer from Council is one of these delegations and needs to remain current and up to date and ensure it covers all relevant provisions, so it is vital that the Delegation is reviewed regularly. The last review took place in January 2016.

Discussion

Council engages Maddocks Lawyers to provide an updating service for delegations. They recommend that Council reviews and remakes the Instrument of Delegation from Council to CEO, on a regular basis.

The Delegation has been reviewed and no changes have been advised by Maddocks.

Community Engagement

A formal consultation process is not required.

Financial & Risk Management Implications

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

Economic, Social and Environmental Implications

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

Communications

It is considered that a communication plan is not required.

Conclusion

To guarantee that the Delegation to the Chief Executive Officer from Council is current, it is necessary to remake the Delegation on a regular basis, even if there are no changes required.

Moved Crs Evans/Sharkey

That Council:

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Golden Plains Shire Council (Council) RESOLVES THAT –

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
- 5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***

Carried

4.2.2 Review of Delegation – Council to Council Staff – Section 98 Local Government Act 1989 (as amended)

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: 02-04-001
Council Plan Link	
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Local Government Act 1989
Attachments	2. Instrument of Delegation – Council to Council Staff with changes marked

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 the Delegation from Council to Council Staff.

Background

Under the *Local Government Act 1989*, a Council must review its delegations regularly to ensure they are current.

The delegation from Council to Council Staff relates to various Acts and Regulations (or specific parts of those Acts or Regulations) which contain a specific power of delegation.

Following recent updates received from Maddocks Lawyers, this delegation needs to be amended and a review has been undertaken.

Discussion

Maddocks Lawyers have provided the most recent updates for the Authorisations and Delegations which make revision of the previous delegations necessary.

As there are no cemeteries which Golden Plains Shire Council is responsible for, this section is irrelevant and therefore not delegated.

The new provisions and changes to the delegations include:

1. Minor amendments to provisions of the *Road Management Act 2004* relating to bus stopping points and infrastructure: and
2. The *Planning and Environment (Fees) Regulations 2016* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2015*.

Community Engagement

A formal consultation process is not required.

Financial & Risk Management Implications

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

Economic, Social and Environmental Implications

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

Communications

It is considered that a communication plan is not required.

Conclusion

To ensure the delegations remain current, the recent updates from Maddocks Lawyers should be incorporated into the document.

Moved Crs Rowe/Kirby

That Council:

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to Council staff and schedule, Golden Plains Shire Council (Council) RESOLVE THAT –

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council resolves to vary or revoke it.***
- 3. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

Carried

2.2.3 Review of Protected Disclosure Procedures

Directorate	Corporate Services
Unit	Corporate Services
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Richard Trigg, Director Corporate Services
Author	Richard Trigg, Director Corporate Services
File References	EDMS file: 34-01-003
Council Plan Link	
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	Council Policy 4.15 Protected Disclosure
Attachments	3. Protected Disclosures Procedures of Golden Plains Shire Council (with track changes)

Declarations of Interest: Councillors & Officers

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

Purpose

The purpose of this report is to update Golden Plains Shire Council Protected Disclosure Procedures following changes in the Independent Broad-based Anti-corruption Commission Act 2011.

Discussion

The updated Independent Broad-based Anti-corruption Commission Act 2011 includes minor changes relating to an expanded definition of *corrupt conduct* to now include conduct intended to adversely affect the effective performance of a public officer or public body in their functions or powers and misconduct in public office.

As of 1 December 2016, relevant principal officers (RPO) of public bodies must notify IBAC of any suspect corrupt conduct as soon as they become aware of it. RPOs include the Chief Executive Officers of a local council.

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 & 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

Golden Plains Shire Council implemented its Protected Disclosure Procedures in 2013, reviewed the document in 2015 and following receipt of updated guidelines from IBAC, propose these amendments to ensure the document is current.

Moved Crs Kirby/Sharkey

That Council adopts the amended Golden Plains Shire Council Protected Disclosure Procedures.

Carried

4.3. **KEY RESULT AREA – ECONOMIC DEVELOPMENT**

No report.

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

4.4.1 **Planning Application P16-197 The Use and Development of the Land for a Restaurant and Access from a Road Zone Category 1 (1132 Bannockburn-Shelford Road, Teesdale**

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, Acting Planning Team Leader
Author	Leigh Page, Town Planner
File References	P16-197
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for restaurant, access from a road zone category 1, and business identification signage.
Land Address	1132 Bannockburn-Shelford Road, Teesdale (Crown Allotment 3, Section 3, Township of Teesdale, Parish of Carrah)
Applicant	Manoj Payal
Zone & Overlay Summary	Township Zone
Attachments	4. P16-197 Application Documents and Layout Plans 5. P16-197 Locality Plan 6. P16-197 Objections

Declarations of Interest: Councillors & Officers

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

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

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

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

Purpose

This report relates to a planning permit application for the use and development of the land for restaurant, access from a road zone category 1, and business identification signage at 1132 Bannockburn-Shelford Road, Teesdale. The application has been referred to the Council Meeting for determination as refusal of the proposal is recommended. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes the use of the land for restaurant, access from a road zone category 1, and business identification signage (refer to attachment 4).

The existing building (previously used as a dwelling) is proposed to be internally renovated to convert it into a restaurant. External changes will include alterations and extensions to the existing garage along the east side of the building. The garage will be completely renovated to serve as the restaurant's kitchen and food preparation area. No planning permit is required for the internal alterations to the existing building. The additions to the building will include a walk in freezer attached to the south side of the kitchen and a walk in cool room being attached to the north side of the kitchen. A treated pine screen fence is proposed to be constructed around the freezer to screen it from the front of the property.

The use of the restaurant proposes that it will open:

- Lunch from midday to 3pm - Thursday to Sunday,
- Dinner from 6pm to 11pm - Tuesday to Sunday.

Takeaway will also be available from the premises during these hours. The restaurant will seat 20 patrons and includes a disabled toilet, a unisex toilet, a storeroom, staff room, staff change room and toilet, kitchen, and dining area.

The application proposes a total of 16 car parking spaces, 7 spaces at the front of the site with access from the service road off Bruce Street, and 9 spaces at the rear of the site with access directly from Willis Street.

Two business identification signs are proposed as part of the application.

- Sign one will be located at the front of the premises attached above the existing verandah, this sign will be 2.3 metres x 1.5 metres, totalling 3.45 square metres, and will display the business name and logo.
- Sign two will be located at the rear of the site along the boundary, this sign will be 2.3 metres x 1.5 metres, totalling 3.45 square metres. The sign will be attached to a 2.7 metre high frame that will be concreted into the ground. The bottom edge sign will be 1.2 metres above ground level, it will display the business name and logo.

Site Description

The subject site is located at 1132 Bannockburn – Shelford Road, Teesdale. The lot is located within the Township Zone and is surrounded by this zoning with a Road Zone Category 1 (Bannockburn-Shelford Road) abutting the southern boundary. There are two dwellings within close proximity to the proposed restaurant site. A dwelling to the west of the site which is approximately 11 metres from the proposed restaurant building, and a dwelling to the east which is approximately 15 metres from the proposed restaurant building.

The lot is rectangular in shape, and has a total area of 2032.8 square metres. Road access is provided via the service road at the front of the site and Willis Street at the rear. The lot contains an existing building previously used as a dwelling. There are no Overlays on the land (refer to attachment 5).

History

The planning permit application was received on 2 August 2016 and a preliminary assessment of the application was undertaken. The application was referred to VicRoads as access to the site was required within the Road Zone Category 1. The application was also referred internally to Council's Works Department and Environmental Health Department for their comments relating to the proposal.

Both VicRoads and Council's Works Department have reviewed the proposal and provided comments. VicRoads have no objections to the planning permit being issued with no conditions requested. Council's Works Department have advised that they do not object to the permit being issued subject to conditions being included in the planning permit.

The initial application and site plan proposed maximum seating for 40 patrons within the restaurant, as well as 15 car parking spaces at the rear, positioned along the western boundary with the access driveway at the rear of the carparks (towards the centre of the lot). The application was modified as a result of the revised Land Capability Assessment required by Council's Environmental Health Department.

Council's Environmental Health Department raised concerns related to the calculations and details contained with the submitted Land Capability Assessment (LCA). An amended LCA was required to be submitted that addressed these issues. The subsequent LCA has been reviewed by Council's Environmental Health Department. The Environmental Health Department again identified concerns relating to the proposed method of waste disposal onsite and the area required for effluent. A further amended LCA was requested and subsequently reviewed.

The Environmental Health Department have advised that the final LCA addresses previous concerns relating to the lands capability to contain and treat the effluent waste. It was however noted that the maximum number of patrons to be seated in the restaurant per day would be limited to 40. Amended plans were submitted that reduced the patron seating within the restaurant from 40 to 20, with alterations to the car parking layout at the rear of the site to accommodate the area required for the effluent field.

Communications

Notice of the application was given in accordance with Section 52 (1) (a) of the Planning and Environment Act 1987 ("the Act"). Notice was provided by mail to 6 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 14 objections were received (refer attachment 6). The objections relate to:

- Traffic impacts, including dust and the increase in traffic to the area
- Inadequate car parking provided and the standards of the access roads
- Car parking accessibility
- Effluent disposal containment and contamination of adjoining allotments
- The premises having a liquor licence
- Detrimental impact on the amenity of the area, including noise and odours impacts
- Neighbourhood safety
- Impacts on wildlife
- Loss of privacy and overlooking issues
- Rubbish and waste from the site
- Increase in vermin
- Impacts on neighbouring pets
- Signage not in keeping with the area
- Changing the character of the area.
- Policing of patronage limits
- Visual impact of car parking at the front of the site
- Negative property values
- Impacts of the extraction fan
- Anti-social behaviour from patrons
- Security of adjoining and nearby dwellings
- On-street and onsite lighting

A consultation meeting was held on 18 January 2017 to discuss the proposal. No agreement was reached in regards to the issues raised.

Golden Plains Planning Scheme

State Planning Policy Framework

Clause 13.04 Noise Abatement

The objective of the noise abatement policy is to assist the control of noise impacts on sensitive land uses through noise reduction requirements. Noise abatement is applied to ensure that community amenity is not impacted by noise emissions. This is commonly negated by the way buildings are designed as well as by separating sensitive land uses from uses with adverse amenity potential.

Clause 15.01-5 Cultural Identity

The objective of the cultural identity policy is to recognise and protect cultural identity, neighbourhood character and sense of place. Development should consider the existing sense of place and cultural identity and ensure that proposals recognise the current urban forms and layouts.

Local Planning Policy Framework

Clause 21.03-2 Township Areas (Settlement)

The objective of this local policy is to direct commercial and retail development to appropriate locations. Commercial and retail services should be directed to be located near existing similar businesses or commercial centres.

Zone & Overlay Provisions

Clause 32.05 Township Zone

The site is in a Township Zone with no overlays on the land. The purpose of the township zone, among others, is to provide for residential development and a range of commercial, industrial, and other uses in small towns, as well as encouraging development that respects the existing neighbourhood character of the area.

Decision Guidelines

- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- Any other decision guidelines specified in a schedule to this zone.

Particular Provisions

Clause 52.05 Advertising Signs (Category 3 – High Amenity Areas)

The purpose of the advertising signage provision is to provide for signs that are compatible with the amenity and visual appearance of an area and to ensure that signage does not contribute to excessive visual clutter.

The application proposed two business identification signs as described previously in this report, both being 3.45 square metres in size.

Signage within the high sensitivity area is required to be assessed against the character and sensitivity of the surrounding lands. Given the high amenity of the area, this proposed signage would create a poor visual aspect to the surrounding neighbourhood.

Clause 52.06 Car Parking

The purpose of the car parking provision, among others, is to provide for car parking that is appropriately designed and located, and ensure car parking does not adversely affect the amenity of the area. This provision outlines the number of car parking spaces needed for particular uses and requires that Council considers the appropriate car parking requirements for any new proposed use.

This Clause outlines that 0.4 parking spaces are required per patron for a restaurant, with no specified numbers for takeaway parking. Given the seating provides for 20 patrons, the proposed use for a restaurant would require 8 parking spaces to comply with the clause (20 patrons x 0.4 = 8 spaces). Given the 15 parking spaces proposed, this carpark would allow for the patrons of the restaurant, staff parking, and allow for the take away parking needs.

Clause 52.29 Land Adjacent to a Road Zone Category 1

The purpose of this particular provision is to provide appropriate access to identified roads. Applications that abut the Road Zone Category 1 are referred to VicRoads for their comments and requirements. VicRoads have offered no objection or requirements/conditions to the access roads for this change of use.

Clause 65 Decision Guidelines

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

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

Discussion

The application is not considered to satisfy the provisions of the State and Local Planning Policy Framework, the Township Zone, or the Clause 65 of the Victoria Planning Provisions.

The State and Local Planning Policies as outlined previously in this report seek to ensure that the amenity and character of the area is not impacted by new uses and developments. Given the close proximity of existing dwellings to the proposed site, it is considered that the use of a restaurant will create potential amenity impacts and is not in keeping with the existing character of the area.

The decision guidelines of the Township Zone requires that Council assess the potential effects that the existing uses will have on the proposed use. Some uses other than residential are permissible in the Township Zone, subject to approval, however they need to meet the decision guidelines. One of the main concerns being the impact on amenity. The use as a restaurant will increase the noise within this area through additional vehicle traffic to and from the premises, and noise generated by patrons for both the dine in restaurant and takeaway. Given the above, there is potential for continued complaints from the adjoining owners based on amenity impacts.

The character of this area is residential, with this site being previously used as a dwelling and dwellings on all lots in the surrounding area. The decision guidelines of the Township Zone look at the protection and enhancement of the character of the surrounding area. Given this area is of a residential nature, it is considered that a commercial use would impact this existing character. A commercial business within this township would be more suited to an area where late night trading would not impact adjoining and nearby residences.

The physical character of the site would also be impacted by the addition of a commercial level of car parking, including parking in the front setback, which is not characteristic to the Township Zone, and the addition of two business identification signs.

The revised version of the Land Capability Assessment (LCA), as submitted via further information, now meets the EPA Code of Practice as assessed by Council's Environmental Health Department. The amended LCA required that the maximum number of patrons to be served in one day be limited to 40 persons to meet the EPA Code of Practice. Amended plans were submitted which reflected the reduced maximum seated patronage for the day by only having 20 seats within the restaurant. This would only allow 20 persons to be seated for lunch and 20 persons to be seated for dinner.

The calculations of effluent waste contained within the LCA are assessed against the number of patrons using the washroom as well as the preparation of food and cleaning. The assessment provided within the LCA does not take into consideration the staff using the washroom or the takeaway cooking and cleaning component of the business as this is not a requirement within the EPA Code of Practice. There are concerns from a Council perspective of our capacity to continually monitor any condition limiting the number of patrons seated at the restaurant in one day to 40.

Clause 65 provides decision guidelines that Council must consider before making a determination on an application for use and development. These decision guidelines include the orderly planning of the area and the effect on the amenity of the area. The Supreme Court defines orderly planning as 'in a way which is disciplined, methodical, logical, and systematic', the change of use and renovation of a dwelling to a restaurant within a residential area is not considered to be in keeping with the orderly planning of the area.

Discussion of Objections

Council received 14 objections, raising many concerns including, but not limited to noise, dust, odour, and smell from the site. These amenity impacts must be considered as part of Clause 65 of the decision guidelines provision.

The application proposes that from Tuesday to Sunday the restaurant would operate from 6pm until 11pm. The State Environment Protection Policy (SEPP) for noise does not currently consider noise from crowds, even when a crowd is making noise on a business premises. A review of the

current SEPP for noise identifies that business operators cannot easily control the maximum noise levels from a crowd of people on its premises.

This limits Council's capacity to limit or restrict the potential noise emanating from the site through conditions on a planning permit, and would require the reduction of the restaurants hours of operation. With a reduction in the hours of operation, the effect on the restaurants viability could be impacted.

In the assessment on patron noise from the site (as above), this does not consider the noise generated by the external mechanical exhaust system operating while the kitchen is open, the cool room and the freezer, or the noise from vehicle traffic moving to and from the premises. In regards to odours from the site, this could be controlled by a condition that would manage filters on exhaust systems. Garbage collection would be conditions to ensure that waste did not remain onsite for extended periods of time.

In response to car parking, traffic, and dust, Council's Works Department have provided advice for their requirements in accordance with the adopted Infrastructure Design Manual. A minimum of 75 vehicle movements per day would be the minimum count for Council to consider the requirement of upgrading of the access roads.

The proposed car parks would be required to be constructed of an all-weather asphalt or a seal coat, this would reduce the dust impacts from the car park but would leave potential for vehicles to create dust using the access roads. The Works Department have also taken into consideration the accessibility, manoeuvrability, and safety impacts of vehicles within this area. They have determined that there are no such detrimental impacts.

Further consideration to the design and screening of the car parks would be required from the applicant to provide for landscaping and screening from abutting roads.

The impacts proposed on wildlife and neighbourhood pets is not considered to be relevant consideration in the assessment of a planning application.

In relation to anti-social behaviour concerns and security of adjoining premises, there is no evidence that would indicate that patrons leaving the premises would undertake in anti-social behaviour.

Given that the proposal does not include a liquor licence, it is deemed that patrons would depart the premises in an orderly manner. The applicant has advised that they do not intend to allow or serve alcohol on the premises. The owner may wish to apply for a liquor licence from the Victorian Commission for Gambling and Liquor Regulations. This may require a planning permit for the liquor licence depending on the type of licence they are applying for.

Council cannot consider property devaluation as it is not a planning consideration and cannot be considered in the assessment of this application.

Cultural Heritage Implications

This proposal does not require the preparation of a Cultural Heritage Management Plan under the Aboriginal Heritage Regulations 2007.

Financial & Risk Management Implications

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

Economic, Social & Environmental Implications

It is considered that the application does not present economic implications.

If approved, the proposal may have a negative impact on the environment as well as social implications. The proposal would allow the concentration of effluent waste on a parcel of land which may not be of sufficient size to be able to effectively contain waste products.

Given the incompatibility of the proposal with adjoining residential development, there could be social implications if the proposal were to be approved.

Conclusion

The application fails to satisfy the provisions of the State and Local Planning Policy Framework, the Township Zone, and the decision guidelines of the Planning Scheme (Clause 65). It is therefore recommended that the application be refused.

Recommendation

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a restaurant, access from a road zone category 1, and business identification signage at 1132 Bannockburn-Shelford Road, Teesdale, for the following reasons:

- 1) The proposal is not consistent with the provisions of the State and Local Planning Policies or the purpose of the Township Zone.***
- 2) The proposed use is inconsistent with the surrounding land use.***
- 3) The proposed use would have the potential to create adverse amenity impacts on the adjoining occupiers.***

Moved Crs Gilbert/Evans

That Council suspend standing orders to hear submissions from Carole Hill, Eric Frew and Jack Lenoble .

Carried

It is recorded that Council suspended Standing Orders at 4.17pm.

Carole Hill addressed the council between 4.17pm and 4.20pm.

Eric Frew addressed the council between 4.20pm and 4.26pm.

Jack Lenoble addressed the council between 4.26pm and 4.27pm.

Moved Crs Evans/Gilbert

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing orders at 4.27pm.

Moved Crs Evans/Rowe

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of a restaurant, access from a road zone category 1, and business identification signage at 1132 Bannockburn-Shelford Road, Teesdale, for the following reasons:

- 1) The proposal is not consistent with the provisions of the State and Local Planning Policies or the purpose of the Township Zone.***
- 2) The proposed use is inconsistent with the surrounding land use.***
- 3) The proposed use would have the potential to create adverse amenity impacts on the adjoining occupiers.***

Carried

4.4.2 Planning application P16-224 for a four lot subdivision and associated native vegetation removal at 437 Sebastopol-Smythesdale Road, Ross Creek

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 P16-224
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Four lot subdivision and associated native vegetation removal
Land Address	437 Sebastopol-Smythesdale Road, Ross Creek (Crown Allotment 22 Section 14A Parish of Smythesdale)
Applicant	Natural Resource Link Pty Ltd
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Rural Living Zone (RLZ) ▪ Design & Development Overlay – Schedule 7 (DDO7) ▪ Part Bushfire Management Overlay (BMO) ▪ Part Salinity Management Overlay (SMO)
Attachments	<ul style="list-style-type: none"> 7. P16-224 Copy of application and plans 8. P16-224 Locality map 9. P16-224 Copy of objection

Declarations of Interest: Councillors & Officers

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

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

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

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

Purpose

This report relates to a planning permit application for a four lot subdivision and associated native vegetation removal at 437 Sebastopol-Smythesdale Road, Ross Creek. The application has been referred to the Council for determination because an objection to the application has been received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application proposes the development of the land for a four lot subdivision and associated native vegetation removal (refer to Attachment 7 – copy of application and plans). It is proposed to subdivide the land as follows:

- Proposed lot 1 is a vacant lot with an area of 8.13ha and a road frontage of 107.22m
- Proposed lot 2 contains the existing dwelling, cottage and outbuildings, has an area of 8.04ha and frontage of 141.38m
- Proposed lot 3 is a vacant lot with an area of 8.5ha and frontage of 91.87m
- Proposed lot 4 is a vacant lot with an area of 8.17ha and frontage of 126.04m

Each lot will have frontage and vehicle access to Sebastopol-Smythesdale Road. Building envelopes will be located in the southern section of the land which is cleared and located outside the Bushfire Management Overlay and Salinity Management Overlay. The application also proposes the removal of native vegetation for the construction of fences along the lot boundaries. There is an existing vehicle crossover to lot 2 and new vehicle crossovers will be constructed to lots 1, 3 & 4.

Site Description

The subject land is situated at 437 Sebastopol-Smythesdale Road, Ross Creek and is formally described as Crown Allotment 22 Section 14A Parish of Smythesdale. The land is not affected by any restrictive covenants. The site is located in a rural residential area of Ross Creek, approximately 2km west of the Ross Creek township (refer to Attachment 8 – locality map). The site contains an existing dwelling, cottage and outbuildings and has a total area of approximately 33 hectares. There is a large dam located in the middle of the lot. The land is undulating and falls to the south and east. The northern section of the land contains native vegetation and the southern section is mostly cleared. Access to the site is available from Sebastopol-Smythesdale Road which is a sealed road managed by Council.

History

The application was received by Council on 5 September 2016 and a preliminary assessment of the application was undertaken. 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 the provisions of the Salinity Management Overlay and Clause 66.02-2 of the planning scheme (Native vegetation). The application was also internally referred to Council's Works Engineer. These parties had no objection to the issue of a permit subject to conditions being placed on a permit.

Communications

Notice of the application was given in accordance with Section 52 (1)(a) of the Act. Notice was provided by mail to 10 adjoining owners and occupiers.

Summary of Objections

As a result of the public notice one objection was received. A copy of the objection is provided as Attachment 9. The objector has concerns regarding increased rates, the treatment and retention of wastewater and the risk of contamination of their land, fire risk, native wildlife and the layout of the subdivision.

A consultation meeting with the objector and the applicant was held on 7 February 2017 to attempt to resolve the objectors concerns and reach a mediated outcome. 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 areas at risk from bushfire and where appropriate, apply the precautionary principle when assessing the risk to life, property and community infrastructure from bushfire.

Clause 14.02-1 Catchment planning and management

This policy seeks to assist the protection of catchments, waterways and groundwater and is to be implemented by requiring the use of appropriate measures to restrict sediment discharges.

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 Catchment Management, Salinity & Bushfire. The policy for Catchment Management (Clause 21.04-1) seeks to protect significant habitats, remnant vegetation, water catchments and to improve water quality and reduce water pollution. The Salinity policy (Clause 21.04-3) states that it is important that new development and subdivision recognises and undertakes appropriate risk management strategies to avoid damage from salinity on built structures and infrastructure. This will be achieved by avoiding areas of salinity impact when planning for new rural residential development and subdivision. The Bushfire policy (Clause 21.04-4) recognises that fire risk is an issue in areas such as Ross Creek. It is a strategy of this policy to ensure that development in areas of high wildfire risk does not increase the potential for the 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 residential, rural living and rural areas. The predominant characteristic of the area however is based on larger lot rural residential development. 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 and salinity hazards.

Clause 22.10 Salinity

The local policy for salinity seeks to avoid and minimise the impacts of salinity on development, subdivision and infrastructure assets. It is policy that the responsible authority considers the benefit of protective measures to mitigate the impacts of salinity including the careful siting of development and infrastructure to avoid saline affected soils.

Zones and overlays

Clause 35.03 Rural Living Zone (RLZ)

The site and surrounding land is in a Rural Living Zone. 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 subject land is in the 8 hectare minimum lot area specified in the schedule to the zone. 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. 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 and removal of vegetation will be in keeping with the character and appearance of the area.

Clause 44.02 Salinity Management Overlay (SMO)

Part of the land near the southern (Sebastopol-Smythesdale Road) boundary is affected by the Salinity Management Overlay. A permit is required for subdivision and an application must be referred to DELWP under the provisions of the SMO. The SMO seeks to ensure development is compatible with site capability and the retention of vegetation.

Clause 44.06 Bushfire Management Overlay (BMO)

The land is partly affected by the Bushfire Management Overlay. The BMO applies to the northern section of the land that contains native vegetation. 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 to construct fences along the proposed lot boundaries. 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 high 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 high 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, Salinity Management Overlay, Bushfire Management Overlay, Clauses 52.17 & 52.47, and Clause 65 of the Victoria Planning Provisions.

The proposed subdivision satisfies the local policy for the North-west area (Clause 21.07-4) and Rural Living Zone because it creates large lots that are consistent with lot sizes in the surrounding area and are capable of treating and retaining all wastewater. The subdivision also provides building envelopes that avoid native vegetation removal and salinity impacts and reduces fire risk to an acceptable level.

The removal of native vegetation has been avoided and minimised and an offset will be provided to ensure there is no net loss of biodiversity. DELWP as the relevant referral authority in respect to the removal of native vegetation and the Salinity Management Overlay has consented to the issue of a permit. In regard to the provisions of the BMO the CFA has consented to the issue of a permit and the subdivision is considered to satisfy the fire protection objectives of the BMO & Clause 52.47.

Objector's concerns

The objector has concerns regarding increased rates, the treatment and retention of wastewater and the risk of contamination of their land, fire risk, native wildlife and the layout of the subdivision.

In regard to the impact on rates, rates are based on property values which is not a material planning consideration. There are many factors affecting property values and VCAT has consistently dismissed property devaluation as a valid ground of refusal.

One of the main concerns of the objector relates to effluent disposal and the potential contamination of watercourses. The proposed subdivision creates large lots which are more than adequate to treat and retain all wastewater. All effluent disposal systems must comply with the EPA Code of Practice – Onsite Wastewater Management which includes minimum setbacks to watercourses and boundaries to ensure there is no risk of contamination.

The proposed subdivision is not considered to increase fire risk to the surrounding area and the provision of building envelopes outside the Bushfire Management Overlay and close to the existing road will ensure there is safe access and bushfire risk is minimised.

In regard to native wildlife, the bushland section of the property will form the offset for the proposed native vegetation removal and be permanently protected via a Section 173 agreement. The protection of this vegetation will assist in continuing to provide habitat for native wildlife. Finally, the proposed subdivision design satisfies all planning scheme requirements in regards to lot size and provides adequate space for building envelopes with setbacks to adjoining properties.

Cultural Heritage Implications

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007*.

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, Salinity Management Overlay, Bushfire Management Overlay, Clauses 52.17 & 52.47, and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision design will have no adverse effect on the character of the area because it creates large lots that are consistent with lot sizes in the surrounding area and are capable of treating and retaining all wastewater, and the proposed building envelopes will avoid native vegetation removal and salinity impacts. For these reasons the issue of a permit is not considered to cause material detriment to any person.

Moved Crs Kirby/Gilbert

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of a four lot subdivision and associated native vegetation removal at 437 Sebastopol-Smythesdale Road, Ross Creek (Crown Allotment 22 Section 14A Parish of 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. 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.***

3. 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.**

4. 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.

5. 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.

6. 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.

7. This permit will expire if:

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

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

Note: 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

8. 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. The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted but modified to show:

- a) **Position of proposed building envelopes and proposed effluent envelope clear of waterways and stormwater runoff flow paths.**
- b) **Existing dam and embankments wholly contained within lot 2.**

9. Before the certification of the plan of subdivision under the Subdivision Act 1988, provide all necessary drainage easements to the satisfaction of the responsible authority.

10. Before the certification of the plan of subdivision under the Subdivision Act 1988, and before any construction works associated with the development or subdivision starts, 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 shall be to Golden Plains Shire standards and specifications as detailed in current Infrastructure Design Manual (IDM).

- 11. Before the issue of a statement of compliance under the Subdivision Act 1988, construct open drain from existing dam to Sebastopol-Smythesdale Road table drain or approved discharge location such as to provide overland flow path for surcharge from existing dam so that open drain collects and prevents stormwater runoff discharging to adjacent lots in accordance with requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) and to the satisfaction of the responsible authority. Where required open drains must be contained within a suitable sized drainage easement which must be set aside on the Plan of Subdivision for this purpose.**
- 12. Before the issue of a statement of compliance under the Subdivision Act 1988, vehicle crossing to each lot must be provided and existing vehicle crossing must be upgraded by provision of a crushed rock drive entry, 900 x 450 reinforced concrete box culvert and driveable end walls conforming to requirements of Golden Plains Shire Council contained in Infrastructure Design Manual (IDM) standard drawing SD 255 and to the satisfaction of responsible authority.**
- 13. Before the issue of a statement of compliance under the Subdivision Act 1988, services to the existing retained house must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant.**

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

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

POWERCOR CONDITIONS

14. 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.

15. 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.**
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
- e) 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.**
- f) 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.**
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**

- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- i) 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.**
- j) 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).

DELWP CONDITIONS

- 16. 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.**
- 17. Before works start, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified native 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 plans.**
- 18. To offset the removal of 0.602 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 (DEPT 2013) as specified below:**

A general offset of 0.067 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**
- b) have a strategic biodiversity score of at least 0.080**

- 19. 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 either:**

- 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**

A copy of offset evidence will be endorsed by the Responsible Authority will form part of this permit.

- 20. In the event that a security agreement is entered into as per condition 19 (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 the period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.**

- 21. 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 150 metre of Bushfire Management Overlay assessment area in accordance with the Planning for Bushfire Victoria, Guidelines for Meeting Victoria's Bushfire Planning Requirements (CFA 2012).**

Carried

4.4.3 Council's Environment Strategy: Completion, Review and Development

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Simon Howland, Environment Services Team Leader
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	The Environment Strategy 2011-2016
Relevant Policies & Legislative Frameworks	<ul style="list-style-type: none"> ▪ Environment Protection and Biodiversity Conservation Act 1999 ▪ Flora and Fauna Guarantee Act 1988 ▪ Planning and Environment Act 1987 ▪ Biodiversity Conservation Strategy 2013 ▪ Catchment and Land Protection Act 1994 ▪ Climate Change Act 2010
Attachments	10. The Environment Strategy (2011-2016) Activity Summary

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.

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

Purpose

The purpose of this report is to inform Council on the completion and review of actions associated with Council's Environment Strategy (2011-2016) and the proposed process for development of Council's new Environment Strategy (2017 - TBC).

Background

Adopted in 2011, the Environment Strategy (2011-2016) has provided an integral framework guiding Council's environmental programs over the past five years. The Strategy aimed to focus on actions Council could undertake to make a difference locally and in doing so, contribute to addressing sustainability issues on a broader scale. These included:

- Promoting the sustainability of Shire communities
- Advocating on behalf of the community for improved environmental and sustainability outcomes
- Providing leadership in sustainable planning and policy
- Promoting development of sustainable industry, business and agriculture
- Promoting and supporting sustainability initiatives in the community
- Guiding Council participation in Federal and State sustainability initiatives
- Promoting partnerships with other agencies and organisations
- Incorporating sustainability outcomes into Council projects, programs and service delivery
- Improving the sustainability of Council's operations and service delivery

In order to achieve its aims the Strategy focused its activities and outcomes on eight delivery areas spread across two broad categories:

- The Living Environment:
 - Water
 - Amenity
 - Economic Land Use
 - Emissions Management

- The Natural Environment
 - Biodiversity
 - Fire
 - Pest Plants and Animals
 - Sustainable Farming

With the current Strategy officially reaching its end of life, the continued strong growth across the municipality and a revived interest in sustainability and environmental issues within the community, it is timely for Council to review its current progress in the environmental field and ensure that the development of a new Environment Strategy provides clear direction for the issues Council will face in the future.

Discussion

Review of the Environment Strategy Actions (2011 – 2016)

Council's Strategy consisted of 136 activities across eight key areas (see above). These actions were related directly to operational, advocating, and communication actions; policy and project development; and strategic objectives.

Of the 136 activities Council was required to undertake, 124 activities are considered completed or completed and ongoing and 12 activities have been considered incomplete and ongoing. As such, 91% of the activities developed through the Environment Strategy are considered completed and/or completed and ongoing (please see attachment for full Strategy activity summary).

Development of a new Environment Strategy (2017 – TBC)

Council has a significant opportunity to develop a progressive Environment Strategy for its community, which identifies, summarises and proposes a future path for the protection and enhancement of the municipality's significant environmental assets.

Over the last five years Council has developed several key environmental management plans, detailing required actions over a variety of themes (e.g. pest plant and animal control, biodiversity conservation, climate change etc). It is proposed that the new Environment Strategy would best serve as:

- a long term overarching document which presents Council's aspirational objectives over an eight or ten year period;
- references each relevant plan (existing or to be developed) for more detailed management objectives;
- highlights significant gaps and guides the development of specific management plans that address these areas of concern; and
- provides a concise action plan (to be reviewed biannually) from all the current management plans as a single point of reference for works to be undertaken over a two year period (see Figure 1 for graphical representation).

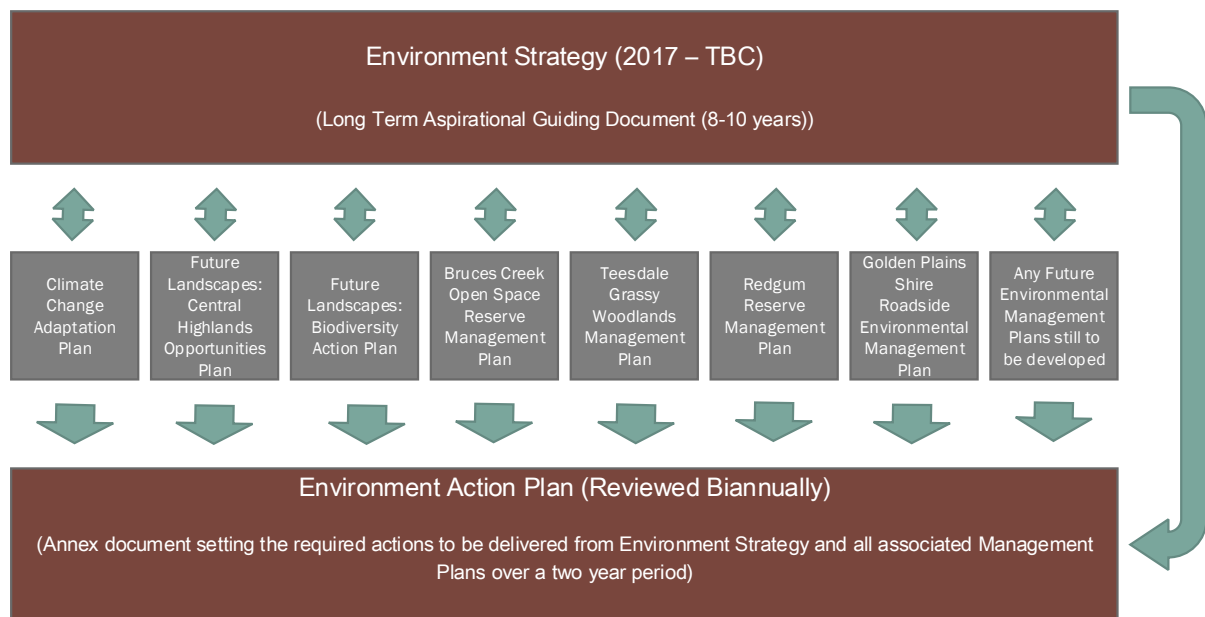


Figure 1: Proposed Environment Strategy structure

Officers recommend that a consultant be engaged to undertake the significant community consultation required and draft the future strategy. It is proposed to fund this process from the 2016/17 and 2017/18 environmental management budgets.

To help oversee the strategy's development it is proposed that a steering committee be formed. The committee should consist of 8 – 10 representatives from a range of government and non-government organisations with involvement in natural resource management and sustainability. Ideally, this committee would also have representation from a Councillor who would help guide the communities interests in the strategy's development. It is proposed that the "Terms of Reference" for the committee also include one or more community representatives with skills and knowledge in natural resource management and sustainability.

Community Engagement

Community engagement is considered an integral part of the development of the Strategy. As such a formal community engagement plan would be developed under the guidance of the steering committee. It is envisioned that consultation would include community surveys and workshops.

Financial & Risk Management Implications

It is considered that there are no financial implications.

The development of an Environment Strategy will help to negate potential risk of non-compliance with State and Federal legislation, by formally identifying Council's roles and responsibilities in regards to a wide range of Environmental issues and providing adequate planning to meet those responsibilities.

Economic, Social & Environmental Implications

It is considered there are no economic implications.

A recent community survey undertaken for the development of the future Council Plan highlighted that a key area of social concern from the community was protecting the Natural Environment. Council would be advancing its recent progress within the environmental field through the development of a Strategy that will help guide its future activities.

This purpose of this project is to help build environmental resilience and capacity for natural assets, agriculture and our future communities across the municipality.

Communications

An official communications plan will be developed in line with the community consultation plan.

Conclusion

Council's Environment Strategy (2011-2016) has reached its end of life. Of the 136 activities Council was required to undertake 91% of these activities are considered completed and/or completed and ongoing. Council now has a significant opportunity to develop a progressive Environment Strategy for its community, which builds on the successes of the previous Strategy and identifies, summarises and proposes a future path for the protection and enhancement of the municipality's significant environmental assets.

It is proposed that a long term overarching Environment Strategy be developed with a biannually reviewed action plan. It is advised that a steering committee, comprised of relevant government and nongovernment organisations and community and Council representation, be formed to guide the Strategy's development and community engagement.

Recommendation

That Council:

- 1. Notes the sunset of the current Environment Strategy (2011-2016) and the summary review of its activities.***
- 2. Appoints a Councillor to the steering committee for the development of the new Environment Strategy.***

Cr Kirby nominated Cr Rowe to the steering committee.

As there were no further nominations Cr Rowe was declared elected.

Moved Crs Evans/Gilbert

That Council notes the sunset of the current Environment Strategy (2011-2016) and the summary review of its activities.

Carried

4.5. KEY RESULT AREA – FINANCIAL MANAGEMENT

4.5.1 Road Naming: New Road in Smythesdale

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	N/a
Relevant Council Strategies	N/a
Relevant Policies & Legislative Frameworks	N/a
Attachments	11. Road 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 Smythesdale.

Background

This road is required to be formed as a planning permit condition to gain access to a dwelling being constructed on land parcels largely surrounded by Crown land. The proposed road is located to the north east of Johnston Street in Smythesdale.

Discussion

The dwelling is nearly complete and the road must be formed as per the planning permit condition. Council has been contacted by the land owner requesting the road be named and an address allocated to the property, to allow for mail and parcel delivery and to ensure emergency services can locate the property.

The name of Thorne Road has been proposed. Thorne was the owner of some parcels located in the road (now Crown land), as noted on the Smythesdale Town Parish plan dated 1932. An alternate name of Judd was identified in connection with this location, but a road with that name already exists in the neighbouring parish of Scarsdale.

An 'in principle' submission was forwarded with the name Thorne Road and this has now an 'in principle' acceptance by Geographic Names, therefore the Council process can commence.

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 Sharkey/Kirby

That Council:

- 1. Advertise its intention to name the unnamed section of road north east of Johnston Street Smythesdale, as Thorne Road.***
- 2. Consider any submissions received following the advertised period and if no objections received, proceed with the gazettal process.***

Carried

4.5.2 Rating Strategy 2017-2021

Department	Corporate Services
Unit	Corporate Services
Senior Manager	Richard Trigg, Director Corporate Services
Responsible Manager	Diane Quigley, Acting Organisational Development Manager
Author	Richard Trigg, Director Corporate Services
File References	EDMS file: 36-02-011
Council Plan Link	Council Plan 2013-2017
Relevant Council Strategies	Rating Strategy
Relevant Policies & Legislative Frameworks	
Attachments	12. Golden Plains Rating Strategy Options Paper (14 March 2017) 13. Letter from MacroPlanDimasi

Declarations of Interest: Councillors & Officers

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

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

Purpose

The purpose of this report is to adopt the Rating Strategy 2017-2021.

Background

Council has had the benefit of a Rating Strategy since the 2005-06 year and it is due for review following the Council election. MacroPlan Dimasi has been engaged by Council to undertake the review. The key objectives of the study are to:

- Make recommendations in relation to Council's rating system such that rate revenue provides financial sustainability for the Council and achieves a equitable distribution across residents;
- Make recommendations in relation to implementation of levies associated with the *Cultural and Recreational Lands Act 1963*; and
- Prepare guidelines for implementation of the Rating Strategy.

Council conducted two workshops at which Brian Haratsis presented an options paper and developed concepts with the Councillors including financial and demographic modelling.

Discussion

Current Position

The current Rating Strategy incorporates:

1. A municipal charge on all properties fixed at \$225;
2. 90% differential for farms over 40 hectares and smaller intensive farms;
3. No discount for farms 2 – 40 hectares (unless intensive farming);
4. Vacant land rate of 200% of residential rate;
5. Non-developable vacant land rate equivalent to the residential rate;
6. Business rate of 100% of residential rate; and
7. Residential rate applicable to all other properties.

The rating system is developed in the context of the Council Plan, Strategic Resource Plan and Long Term Financial Plan to ensure that an equitable distribution of rates is achieved across the community and to ensure that rate revenue be used to:

- Ensure that resources are used efficiently and effectively, and that services are provided in accordance with the Local Government Best Value Principles to best meet the needs of the local community;
- Improve the overall quality of life of people in the local community;
- Promote appropriate business and employment opportunities; and
- Ensure that services and facilities provided by the Council are accessible and equitable.

In the options paper dated 8 February 2017, MacroPlan describe a number of important factors which impact on the Rating Strategy including:

- The influences of larger municipalities to the north and south and the impact of regional growth plans;
- Population growth of around 2.7%pa over the past 10 years;
- The mix of farming and residential communities;
- The spatial distribution of population and its impact on infrastructure demand; and
- The management of the urban-rural interface as residential pressure extends beyond the township boundaries.

First Workshop

At the first workshop on 8 February, Brian Haratsis led Councillors through the discussion paper which provided worthwhile background and comparisons to other Councils. It highlighted that:

- Population has grown significantly during the past decade and well above the state average;
- Golden Plains has grown faster than its neighbours (Surf Coast, Colac Otway, Moorabool and Ballarat);
- The number of new residents in Bannockburn during the past five years exceeded areas such as Curlewis, Ocean Grove, Sebastapol;
- The growth will likely generate increased demand for infrastructure and community services and will require appropriate actions to manage community needs in the future.
- Council is still approx. 39th (out of 79) lowest rating Council in Victoria;
- Council does not use Special Charges to raise rates;
- While the Municipal Charge is higher than a number of neighbouring Councils, it has proved to be an effective means of equitably distributing the rate revenue to ensure all residents pay a fair share; and
- Council has a limited number of Differential Rating categories which are effective and appropriate to the geographic and demographic needs of the Shire. These are generally consistent with comparison councils.

As a result of the discussions in the first workshop, MacroPlan was asked to provide modelling for the following options:

- The level of additional revenue that may be achieved if a rate cap variation was successfully applied for;
- Recommend any changes to the township growth boundaries;
- A municipal charge to remain at \$225;
- Analyse the value of separate differentials of farming land based on less than 100ha, 100-200ha and over 200ha;
- Analyse the impact of the overall farm differential being 80% or 85% rather than the current 90%;
- Analyse the benefit of a separate differential for new housing in defined new subdivisions; and
- No new Special Charge Schemes.

Second Workshop

The second workshop held on 14 March, concentrated on reporting back on the analysis requested from the first workshop.

1. A Rate Cap Variation

The report shows that approximately \$279,000 in additional rate revenue could be achieved if a variation to the rate cap was set at 3.5% (2017-18 data). This was noted as an option that could be explored in 2018-19 or later years depending on the need for additional income and following community consultation. It was noted that significant consulting fees and Officer time is involved in submitting documentation for a rate cap variation, which is often a disincentive.

2. Any proposed changes to township growth boundaries.

Following on from the workshop, officers reviewed the differential growth boundaries and concluded there was no justification in any changes this year.

It was reported that Officers are currently investigating this matter and any proposals will be introduced to Council during the budget process. Any changes can be accommodated within the rating strategy.

3. Separate differentials for different farm sizes or increasing the farm discount.

The report showed that there is little evidence that Golden Plains is significantly different from its neighbours in terms of the cost of rate per hectare. It was recommended that there was little advantage in pursuing these options and in fact it would create a disincentive to smaller and intensive farming in the Shire.

4. Separate differential in new housing subdivisions.

The report showed various scenarios of the impact of this proposal. It was reported that a rate cap variation would be required to be able to benefit from the additional income that could be generated which would approximately equate to a 1.5% increase in the rate cap after three years. MacroPlan suggested that:

- It is not a simple process
- Reminding Council that these properties already have a differential of 106%
- The additional funds generated compared to the cost of applying for a variation and the cost of ongoing administration may make it unviable
- A similar result could be achieved financially with an overall increase in the growth rate, currently 106%, however this would be unpopular in the community
- The concept is one that could not be implemented in 2017-18 but may be applicable at the time of applying for a rate cap variation if that was done in the future.

Community Engagement

Feedback from the community has been gathered over the past two years and is reflected in the options paper.

Financial & Risk Management Implications

The Rating Strategy will inform future budgets.

It is considered that there are no risk management implications.

Economic, Social & Environmental Implications

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

Communications

A detailed communication plan will be developed as part of the budget process with particular emphasis on areas of the strategy that have been misunderstood by the community previously.

Conclusion

MacroPlan concluded by stating that the rating process of Council had been developed over a number of years and generally suited the demographic structure of the Shire.

Council must raise rate revenue each year sufficient for the purpose of good governance, administration, maintenance of physical infrastructure, and to provide for appropriate goods and services for the community.

Rates constitute a system of taxation on the local community and is, in essence, a tax on property without consideration of the income position of the resident. This system is prescribed in the *Local Government Act 1989*. For that reason, the individual benefit a ratepayer receives will not necessarily equate to the level of rates paid, but Council has a duty to ensure the aggregate of all rates collected is expended for the overall good of ratepayers across the Shire. The Rating Strategy assists in this regard by determining how the aggregate of all rates is collected from different categories within the community.

The workshop discussions and options paper assisted in responding to some ratepayer concern relating to the current rate levels and recognises that high value rateable properties are under stress as are the low income generating larger rural properties. The modelling confirmed that the current level of municipal charge assisted these properties more equitably.

The analysis confirmed that while the current strategy is appropriate to the immediate needs of Council, it should be regularly reviewed to ensure it continues to meet the needs of a municipality that is developing into a "New Urban Fringe Location"

Moved Crs Kirby/Rowe

That Council adopt the report by MacroPlan Dimasi and confirm the following Rating Strategy principles:

- 1. A municipal charge on all properties fixed at \$225;***
- 1. 90% differential for farms over 40 hectares and smaller intensive farms;***
- 2. No discount for farms 2 – 40 hectares (unless intensive farming);***
- 3. Vacant land rate of 200% of residential rate;***
- 4. Non-developable vacant land rate equivalent to the residential rate;***
- 5. A growth area differential of 106% on properties in defined geographic growth areas;***
- 6. Business rate of 100% of residential rate; and***
- 7. Residential rate applicable to all other properties.***

Carried

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
1/3/17	On site consultation with stakeholders of the Maude Community Plan
2/3/17	MAV Strategic Planning Committee meeting
6/3/17	Road inspection – Grams/Skipper Roads
8/3/17	Bannockburn Soccer Pavilion with Sarah Henderson MP
8/3/17	James Purcell MP
9/3/17	GP Business Networking Event
10/3/17	Barwon Water
10/3/17	Richard Riordan MP
15/3/17	Committee for Ballarat business breakfast
16/3/17	Catherine King MP
16/3/17	Geoff Howard MP
21/22/23/03/17	G21 Board delegation to Canberra
27/3/17	Joshua Morris MP

7.2. CHIEF EXECUTIVE OFFICER'S REPORT

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

Nil

7.3. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) REPORT

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

Nil

7.4. COUNCILLOR REPORTS

Cr David Evans

- Mr Greg Anders, Director Assets & Amenity, advised that a revised maintenance program for gravel roads is expected to be completed by early June. This will assist with providing a priority list for the 106 gravel roads currently awaiting attention and which roads are frequently being graded.

Cr Helena Kirby

- Advised that the Cressy - Shelford road just beyond the Barunah Hall has a dip in the roadway near the bridge.

Cr Owen Sharkey

- Mr Greg Anders, Director Assets & Amenity, advised that the moisture content of roads from the recent rains improved conditions for grading, but only for a relatively short period of time.

Cr Les Rowe

- Mr Greg Anders, Director Assets & Amenity, advised that there are four Council graders and each grader is capable of grading in the order of four (4) kilometres per day.

7.5. IN CAMERA MEETING

7.5.1 Contract Ch002 – Bituminous Resealing Program

Moved Crs Gilbert/Rowe

That Council, in accordance with Section 89(2)(h) of the Local Government Act 1989, close the meeting to members of the public to discuss matters which the Council considers contractual matters.

Carried

It is recorded that Council moved In Camera at 5.06pm.

Refer In Camera Council minutes 5.06pm to 5.16pm for details.

It is recorded that Mayor Cr Des Phelan returned to the chamber at 5.16pm and resumed the Chair.

8. ATTACHMENTS

Attachment 1	Item 4.2.1	Current Delegation – Council to CEO
Attachment 2	Item 4.2.2	Instrument of Delegation – Council to Council Staff with changes marked Item
Attachment3	Item 4.2.3	Protected Disclosures Procedures of Golden Plains Shire Council (with track changes)
Attachment 4	Item 4.4.1	P16-197 Application Documents and Layout Plans
Attachment 5	Item 4.4.1	P16-197 Locality Plan
Attachment 6	Item 4.4.1	P16-197 Objections
Attachment 7	Item 4.4.2	P16-224 Copy of application and plans
Attachment 8	Item 4.4.2	P16-224 Locality map
Attachment 9	Item 4.4.2	P16-224 Copy of objection
Attachment 10	Item 4..3	Environment Strategy
Attachment 11	Item 4.5.1	Road map
Attachment 12	Item 4.5.2	Golden Plains Rating Strategy Options Paper (14/3/17)
Attachment 13	item 4.5.2	Letter from MacroPlanDimasi

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 11 April 2017 at the Bannockburn Shire Hall. The meetings are not open to the public.

Next Ordinary Meeting

The next Ordinary meeting of Council will be held on Tuesday 26 April 2017 at the Linton Customer Service Centre. The meeting is open to the public.

Close of Meeting

It is recorded that the meeting closed at 5.16pm.

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