

AGENDA

Council Meeting

6.00pm Tuesday 25 June 2024

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

NEXT COUNCIL MEETING
6.00pm Tuesday 23 July 2024

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at www.goldenplains.vic.gov.au

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

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

BEHAVING WITH INTEGRITY

We Councillors will:

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

MAKING COMPETENT DECISIONS

We Councillors will:

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

Members of the Gallery

Welcome to a Golden Plains Shire Council meeting and thank you for joining us.

MEETING PROCEDURES

The procedures for this Council meeting are provided in Council's Governance Rules. A copy of the Governance Rules can be found on Council's [website](#).

MEETING FACILITIES

Council meetings are generally held at:

- Golden Plains Shire Council Civic Centre (2 Pope Street, Bannockburn)
- Linton Shire Hall (68 Sussex Street, Linton)
- The Well, Smythesdale (19 Heales Street, Smythesdale)

EXPECTATIONS OF THE GALLERY

Council meetings are decision-making forums and it is important that they are open to the community to attend and view proceedings. Community members may participate in Council meetings in accordance with Chapter 2, Division 7 of the Governance Rules.

At each meeting, there is an opportunity for members of the public to ask questions of the Council. Questions must be submitted to Council no later than 10:00am on the day of the meeting in order to be asked at the meeting.

Members of the public present at Council meetings must remain silent during the proceedings except when specifically invited to address the meeting. Mobile devices are permitted for silent use but must not be used for recording, talking or any usage that generates noise, unless permission is granted by the Chairperson of the meeting.

The Chairperson of the meeting may remove a person from the meeting if the person continues to interject or gesticulate offensively after being asked to desist. The Chairperson may cause the removal of any object or material that is deemed by them to be objectionable or disrespectful.

The Chairperson may call a break in a meeting for either a short time or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the meeting.

RECORDING OF MEETINGS

Council meetings are recorded and streamed live on the internet. Recordings are archived and available on Council's [Youtube page](#).

All care is taken to maintain your privacy however as a visitor in the public gallery, your presence may be recorded.

Membership

Councillors

Cr Brett Cunningham, Mayor (Chair)
Cr Gavin Gamble
Cr Ian Getsom
Cr Helena Kirby
Cr Les Rowe
Cr Owen Sharkey
Cr Clayton Whitfield

Officers

Michael Tudball, Interim CEO
Phil Josipovic, Director Infrastructure and Environment
Lynnere Gray, Director Corporate Services
Emma Wheatland, Acting Director Community, Planning and Growth
Coordinator Governance and Risk

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1 OPENING DECLARATION

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire

2 ACKNOWLEDGEMENT OF COUNTRY

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar Peoples.

Council acknowledges them as the Traditional Owners and Custodians and pays its respects to both Wadawurrung and Eastern Maar Elders past, present and emerging.

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

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

That Council confirms the minutes and the confidential minutes of the Council Meeting held on Tuesday 28 May 2024, and the minutes of the Council Meeting held on Tuesday 4 June 2024.

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

7 BUSINESS REPORTS FOR DECISION

7.1 DELEGATES REPORT & INFORMAL MEETINGS OF COUNCILLORS RECORDS

File Number:**Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Michael Tudball, Interim CEO**Attachments:**

- 1. Informal Meeting of Councillors Record - Strategic Briefing - 4 June 2024**
- 2. Informal Meeting of Councillors Record – Briefing Meeting - 18 June 2024**

RECOMMENDATION

That Council receive and note the Delegates Report and Informal Meetings of Councillors for the past month.

EXECUTIVE SUMMARY

At each Council meeting, Councillors have the opportunity to update their colleagues and the community about attendances at various Delegated Boards/Committees/Meetings that they attended on behalf of the Council and can acknowledge significant community events or Council functions / engagement opportunities that they have attended over the past month. This report contains records of informal meetings of Councillors as defined under Rule 1 of Chapter 5 of Council's Governance Rules.

MANDATORY BOARDS / COMMITTEES / MEETINGS

- Audit Committee
- G21 - Board of Directors
- Ballarat Regional Alliance of Councils
- Peri Urban Group of Rural Councils
- CEO Review Committee
- Municipal Association of Victoria
- Geelong Regional Library Corporation
- Tourism Greater Geelong and the Bellarine Board
- Golden Plains Emergency Management Committee
- Council Meeting, Strategic Briefing, Councillor Briefing and Portfolio Meetings

COMMUNITY ENGAGEMENT / EVENTS

Cr Cunningham

- G21 Mayors Spring Street Delegation
- MAV Mayor, CEO & Delegates Dinner
- St Mary MacKillop Primary School Reconciliation Week Assembly
- Golden Plains Farmers Market
- Golden Spaces Launch
- Recovery to Resilience Workshop – Inverleigh
- Meeting with Michaela Settle MP and Interim CEO
- Official Opening of the Leighdale Equestrian Centre
- Official Opening of the Lethbridge Playspace
- Citizenship Ceremony
- MAV Rural and Regional Planning Conference, Creswick
- Speed Careers at Bannockburn College

Cr Gamble

- MAV Mayor, CEO & Delegates Dinner
- Golden Plains Farmers Market
- Smythesdale Country Market

Cr Getsom

- Nil

Cr Kirby

- Official Opening of the Leighdale Equestrian Centre
- Woody Yaloak Historical Society History Afternoon Talk
- Active Ageing and Inclusion Advisory Committee Meeting

Cr Rowe

- Kim barne thaliyu / Geelong Heritage Centre Collection Advisory Committee Meeting

Cr Sharkey

- MAV Rural and Regional Planning Conference, Creswick

Cr Whitfield

- IPA Annual General Meeting

INFORMAL MEETINGS OF COUNCILLORS

Rule 1 of Chapter 5 of the Governance Rules requires that if there is a meeting of Councillors that:

- a) Is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors.
- b) Is attended by an absolute majority of Councillors and one member of Council staff; and
- c) Is not a Council meeting, delegated committee meeting or community asset committee meeting.

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

Records of informal meetings of Councillors are reported to an open Council meeting in order to promote transparency of Council decisions, actions and information, in accordance with the Governance Principles as contained in s9(2) Local Government Act 2020. The informal meetings of Councillors records are attached to this report. Rule 6 of Chapter 5 of the Governance Rules provides procedures for the declaration of a conflict of interest at a meeting being held under the auspices of Council, which includes a meeting which meets the definition of an informal meeting of Councillors under Rule 1 of Chapter 5. The informal meetings of Councillors records attached include any declarations of conflicts of interest made at these meetings.

7.2 ADOPTION OF THE GOLDEN PLAINS SHIRE COUNCIL BUDGET 2024-25**File Number:****Author:** Kathryn Fulton, Acting Manager Finance**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:**

1. Draft Budget 2024-25
2. Draft Fees and Charges 2024-25

RECOMMENDATION

That Council:

1. Note the 30 written submissions received on the Draft Budget 2024-25 and considered at the 4 June 2024 Special Council Meeting;
2. Adopt the 2024-25 Budget contained in attachment 1, in accordance with section 94 of the *Local Government Act 2020*;
3. Adopt the service and user fees as set in the 2024-25 Budget; contained in attachment 2;
4. Declare the amount of rates and charges intended to be raised from the period 1 July 2024 – 30 June 2025 as follows:
 - (a) An amount of \$30,195,501 (or such greater amount as is lawfully levied as a consequence of this recommendation being adopted) be declared as the amount which Council intends to raise by general rates, the municipal charge and the annual service charges, which amount is calculated as follows:
 - (i) General Rates (including supplementary rates and interest) raised through differential rates - \$22,714,919
 - (ii) Municipal Charge (including on supplementary rates) - \$2,981,750
 - (iii) Annual service (garbage) charge - \$4,498,832
5. Declare the rates and charges for the period 1 July 2024 – 30 June 2025 as detailed in:
 - (a) Appendix 1 of the 2024-25 Budget, noting the adjustment of the rate in the dollar based on final revaluation for 2024; and
 - (b) Council's Revenue and Rating Plan as required under s94(2) (1) of the *Local Government Act 2020* and s161(2) of the *Local Government Act 1989*;
6. Determine to allow:
 - (a) In accordance with section 167(1) and (2) of the *Local Government Act 1989*, payment of rates and charges by four approximately equal instalments paid on or before 30 September 2024, 30 November 2024, 28 February 2025 and 31 May 2025;
 - (b) In accordance with section 167(2A) and (2B) of the *Local Government Act 1989*, payment of rates and charges by lump sum on or before 15 February 2025; or
 - (c) Payment of rates and charges by ten approximately equal direct debit payments from 15 September 2024 until 15 June 2025;
7. Require that any person pay interest on any amounts of rates and charges which:
 - (a) That person is liable to pay;
 - (b) Have not been paid by the dates specified for their payment; and
 - (c) Is not otherwise waived as part of Council's Hardship Policy
8. Authorise the Director Corporate Services and Manager Finance to levy and recover the general rates and service charges in accordance with the *Local Government Act 1989*;

9. Authorise the Manager Finance to make any changes to the 2024-25 Budget as a result of anything that occurs after the making of this resolution, provided that they are changes of a minor and/or administrative character.
-

EXECUTIVE SUMMARY

This report seeks to formally adopt the 2024-25 Budget, incorporating the 2024-25 rating fees and charges pursuant to Section 96 of the *Local Government Act 2020*.

The 2024-25 Draft Budget has been prepared based on the adopted principles within the 2021-2025 Council Plan and Financial Plan with rate revenue modelled at a 2.75% average rate cap increase in accordance with the Minister for Local Government's announcement in December 2023.

After making the document available for public inspection and inviting submissions under Section 96 of the *Local Government Act 2020*, Council received a total of 30 submissions. A Special Meeting of Council was held on Tuesday 4 June 2024 to consider the submissions received with 1 change made from the budget submissions.

- \$20k increase in funding to the Geelong Regional Library Corporation

Separately, amendments have been made to the budget following the announcement of additional grant funds, other government announcements and notifications and following a final review, as outlined below:

- \$192k additional Financial Assistance Grant funding
- \$50k increase in Corporate Memberships
- \$75k Community Strengthening Grants

Financial statements have been updated to incorporate these changes.

All tables in Note 4.1.1 have been updated to reflect Stage 4 certified valuations.

Table 4.1.1(b) comparative 2022-23 cents/\$CIV has been corrected.

BACKGROUND

Section 96 of the *Local Government Act 2020* requires Council to adopt the Annual Budget by 30 June each year.

As part of Council's ongoing Community Engagement activities, Council and officers have engaged with the community and the feedback from this engagement has been utilised throughout the process of developing both the Council Plan and Annual Budget.

Prior to the Draft Budget being finalised, Council reviewed the document and participated in a workshop to ensure it delivered the services and initiatives contained in the Council Plan and again reflective of the feedback from the community. The final draft of the budget was discussed at the 23 April 2024 Council meeting where Council confirmed its support for the document and resolved to place it on public exhibition and invite submissions from the community.

After making the document available for public inspection and inviting submissions under Section 6 of the *Local Government Act 2020*, Council received a total of 30 submissions. A Council meeting was held on Tuesday 4 June 2024 to consider the submissions received. Submitters will receive a formal response to their submissions from Council.

DISCUSSION

The 2024-25 Draft Budget is attached to this report and includes a detailed list of the capital works program. Draft 2024-25 Fees and Charges were provided at the March Strategic Briefing. The 2024-25 Draft Fees and Charges are provided in attachment two, which includes minor updates since March, however statutory fees have not been updated.

Budget Summary

- Total operating revenue of \$57.3 million;
- Operating Expenditure of \$50.0 million to continue to deliver services to the Golden Plains community with an increased focus on infrastructure maintenance;
- Operating surplus \$7.3 million;
- Adjusted underlying surplus of \$85k;
- Cash inflow from operations of \$14.3 million; and
- Total Capital Works investment of \$13.4 million of which asset renewal makes up 48%, capital upgrade 41%, and new assets of 11%.

The Financial Performance Indicators disclosed in the budget reflect Council's ongoing commitment to sound financial management. The indicators Council considers critical are outlined in table below and shows that the 2024-25 results are generally positive when compared to best practice and Council's preferred targets.

Indicator	Budget 2024-25	Best Practice	GPS Target	Traffic Light Position
Surplus ¹	\$7,313k	>\$0	>\$5,000k	
Adjusted Underlying Result ²	\$85k	>\$0	>\$0	
Working Capital (%) ³	121%	>100%	>180%	
Borrowings (% of Rates and Charges) ⁴	23%	<60%	<30%	
Cash Balance ⁵	\$8,096k	>\$0	>\$5,000k	

Budget Principles

The draft budget has been prepared in accordance with the requirements of the *Local Government Act 2020*. The budget seeks to achieve the actions and activities set out in the Council Plan by balancing the demand for services and infrastructure with the community's capacity to pay.

This year, the creation of the draft budget was based on the following principles;

- Rate revenue modelled on valuations with a 2.75% average rate cap increase
- Waste management fee increase from \$427 to \$447 per property
- Council User Fees – at 2.75% increase apart from kindergarten fees which are based on cost recovery, noting some building services related fees have increased above this level
- Leandra Drive land sales - \$0.9m
- Windfarm income \$0.5m (Mount Mercer and Berrybank windfarms)
- Salary and wages increased based on estimates of new Enterprise Bargaining Agreement

¹ Surplus – The net result of total revenue and expenditure, including non-cash items such as depreciation.

² Adjusted Underlying Result – Surplus less non-recurrent capital grants, non-monetary asset contributions and other contributions to fund capital expenditure. These items have the potential to incorrectly inflate the operating surplus.

³ Working Capital – This is a measure of Council's ability to meet its short term commitments.

⁴ Borrowings – Balance of total interest bearing loans and liabilities as a percentage of rates and charges (including garbage charges). The prudent limit is considered to be 60%.

⁵ Cash Balance – The total cash and cash equivalents.

- Waste management cost increases for the State Government mandated landfill levy increase and contracted expenses
- Municipal charge remaining at \$250

Capital Works

Of the \$13.4 million capital works programme Council is investing more than \$6.5 million into the renewal of assets including our extensive rural roads and bridge network. In our large rural Shire, Council maintains more than 1,744km of local roads across Golden Plains. Council has maintained its commitment to improving, resealing and resheeting local roads, and new infrastructure including bridge replacements, kerb and channelling, and widening existing roads. Key projects included in the 2024-25 budget are:

- Road Reseals maintained at \$1.1m
- Local Road Improvements maintained at \$900k
- Local Road Projects (\$1.5m Roads to Recovery Federal Government grant–increased from \$1.3m including Mt Mercer - Dereel Road \$1m)
- Gravel Resheeting maintained at \$800k
- Drainage program maintained at \$400k (including Ireland Street Smythesdale)
- Footpaths & Trails increased from \$300k to \$320k (including Russell Street and Tall Tree Road Lethbridge)
- Kerb and Channel reduced from \$300k to \$250k (including Milton / Moore Streets Bannockburn)
- Bridge renewal reduced from \$600k to \$400k
- Bridge replacement reduced from \$1.3m to \$1.2m (including Wilgul-Werneth Road / Wurrook Road bridge replacement of \$1.2m).
- Projects attracting significant external grant funding include:
 - Teesdale Don Wallace Female Friendly Changerooms \$1.5m
 - Smythesdale Netball Court and lighting upgrade \$900k (subject to SRV Regional Community Sports funding application \$700k)

Declaration of Rates

The amount of \$30,195,501 (or such other amount as is lawfully raised) is declared in respect of the 2024-25 financial year as the amount which Council intends to raise by general rates, municipal charge and annual services charges, which is calculated as follows:

<i>General Rates</i>	\$22,299,919
<i>Municipal Charge</i>	\$2,931,750
<i>Annual Service (Garbage) Charge</i>	\$4,498,832
<i>Supplementary Rates Income</i>	\$250,000
<i>Municipal Charge on Supplementary Rates</i>	\$50,000
<i>Interest on Rates</i>	\$164,000

1. General Rates

- 1.1. *A general rate be declared in respect of the 2024-25 Financial Year.*
- 1.2. *It be further declared that the general rate be raised by the application of differential rates.*
- 1.4. *Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in the Attachment to this resolution) by the relevant cents in the dollar indicated in the following table, or such lesser amount as required to achieve compliance with Part 4, Section 94 – Rate caps of the Local Government Act 2020:*

Category	Cents in the dollar on CIV*
<i>Residential Improved</i>	<i>0.1848 cents in the dollar of Capital Improved Value</i>
<i>Business, Industrial & Commercial</i>	<i>0.1848 cents in the dollar of Capital Improved Value</i>
<i>Business, Industrial and Commercial (Bannockburn)</i>	<i>0.2403 cents in the dollar of Capital Improved Value</i>
<i>Farm Land Broadacre</i>	<i>0.1617 cents in the dollar of Capital Improved Value</i>
<i>Farm Land Intensive</i>	<i>0.1756 cents in the dollar of Capital Improved Value</i>
<i>Farm Land < 40 Hectares</i>	<i>0.1848 cents in the dollar of Capital Improved Value</i>
<i>Non Farm Vacant Land</i>	<i>0.3789 cents in the dollar of Capital Improved Value</i>
<i>Vacant Land Non Developable</i>	<i>0.1848 cents in the dollar of Capital Improved Value</i>

*The above rates in the dollar are based on stage 4 certified 2023 Revaluations.

2. Municipal Charge

- 2.1. *A municipal charge be declared in respect of the 2024-25 Financial Year.*
- 2.2. *The municipal charge be declared for the purpose of covering some of the costs of Council.*
- 2.4. *It be confirmed that the municipal charge is declared in respect of all rateable land within the municipal district in respect of which a municipal charge may be levied.*

3. Annual Service (Garbage) Charge

- 3.1. *An annual service charge be declared in respect of the 2024-25 Financial Year.*
- 3.2. *The annual service charge be declared for the collection and disposal of refuse (including recyclables).*
- 3.3. *The annual service charge be:*
 - 3.3.1. *in the sum of \$447 for each rateable land (or part) in respect of which the annual service charge may be levied; and*
 - 3.3.2. *based on ownership of any land used primarily for residential purposes within the area designated for waste collection in the plan, which are the criteria for the annual service charge so declared.*

4. Consequential

- 4.1. *It be recorded that Council requires any person to pay interest on any amount of rates and charges to which:*
 - 4.1.1. *that person is liable to pay; and*
 - 4.1.2. *have not been paid by the date specified for their payment*
- 4.2. *The Director Corporate Services and Manager Finance be authorised to levy and recover the general rates, municipal charge and annual service charge in accordance with the Local Government Act 1989.*
- 4.3. *The Chief Executive officer be authorised to make so much of Council's rating database available as is reasonably necessary to enable any person to ascertain the designation of any land located within any of the areas bounded by the continuous and unbroken lines in the plans included in the 2024-25 Budget.*

Budget Submissions

After placing the 2024-25 Draft Budget on public exhibition, 30 submissions were received, which are summarised in the table below:

Township or Organisation	No. received	Summary of Submissions
Batesford	2	Implement a more balanced approach to budgeting that ensures Batesford receives a fair of investment related to its contribution to the Shire's revenue. Dock Rocks Estate footpath needs, infrastructure and maintenance of Riverstone and weeds and rubbish removal for Batesford Hill.
Geelong Regional Library Corporation	28	The reduction of \$20k to Geelong Regional Library Corporation will impact service and program delivery in the Shire. This is an important service in a growing community and is utilised by many residents of the Shire. The library provides children's programs, community engagement and cultural enrichment. Libraries often serve as a lifeline for disadvantaged populations and are used for VRQA homeschooling. The growth of the Shire is not reflected by making reductions to this service.

Consideration of these budget submissions resulted in one change being made to the 2024-25 budget.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	Yes

GOVERNANCE PRINCIPLES

The 2024-25 Draft Budget has been prepared in accordance with the requirements of the *Local Government Act 2020*.

POLICY/RELEVANT LAW

Local Government Act 2020

Local Government Amendment (Fair Go Rates) Act 2015

Local Government (Planning and Reporting) Regulations 2020

Financial Plan

Annual Budget

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Environmentally sustainable design and construction is included for all projects.

COMMUNITY ENGAGEMENT

The principles contained in the 2021-2025 Council Plan were adopted after an extensive community engagement and consultation process. As mentioned earlier in the report the Draft Budget has been prepared based on these adopted principles.

As part of Council's Community Engagement Strategy, Council has implemented an ongoing process which has seen Councillors and officers participate in engagement activities prior to, and throughout, the process of developing the draft Budget.

A range of mediums were used in order to communicate to the community about the public exhibition period, including:

- Notices on Council's website, including a link directly to the submission page.
- Posts on Council's social media accounts; and
- Electronic copy made available on Council's website or in hard copy on request.

The 2024-25 Draft Budget has been placed on public exhibition in accordance with Council's public consultation policy and was made available for inspection and comment up to the 20 May 2024 with feedback heard at a council meeting on 4 June 2024.

PUBLIC TRANSPARENCY

The public consultation process facilitates transparency of the budget submitted for adoption and all Council reports are available for the public to access.

STRATEGIES/PLANS

The 2024-25 Draft Budget has been prepared ensuring consistency with Council's long term financial plan, and also ensuring alignment with the 2021-2025 Council Plan.

FINANCIAL MANAGEMENT

The 2024-25 Draft Budget has been prepared in accordance with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020*, Australian Accounting Standards and other mandatory professional reporting requirements. Financial sustainability is monitored by considering the financial result for the period and key financial indicators within Council's long term financial plan.

SERVICE PERFORMANCE

Service performance levels are considered when developing the annual budget to ensure sufficient funds are available to meet required levels of performance.

RISK ASSESSMENT

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

The 2024-25 Draft Budget has been prepared in accordance with the requirements of the *Local Government Act 2020* incorporating long term financial plan requirements to ensure financial sustainability over the short and long term.

COMMUNICATION

The 2024-25 Draft Budget has been reported to Council as it has been formulated with a series of workshops held with Council to facilitate the development of the draft budget. The 2024-25 Draft Budget was placed on public exhibition from 23 April to 20 May 2024. Public submissions were considered at the 4 June 2024 Council meeting and adoption of the budget at the 25 June 2024 Council meeting.

HUMAN RIGHTS CHARTER

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

GENDER EQUALITY

A gender impact assessment has been undertaken on the budget development process and has not identified any gender equality concerns. Any policies, programs or services that are proposed to be reviewed or developed as a result of adoption of the 2024-25 budget that would have a direct or significant impact on the public will be subject to a specific gender impact assessment at the planning stage.

OPTIONS

Option 1 – Council adopt the 2024-25 Budget

This option is recommended by officers as it is a requirement of the *Local Government Act 2020* to prepare and annual budget and formally adopt the budget by 30 June. Council have provided an extensive amount of information on all aspects of the budget and have also been involved in key decisions during the formulation. Adoption of the 2024-25 Budget will enable operations to continue, such as purchases relating to operations and capital works, and the issuing of the annual rates notices.

Option 2 – Council postpone the adoption of the 2024-25 Budget

This option is not recommended by officers as postponing the adoption of the 2024-25 Budget will cause delays in delivering programs and projects as any new budgets are required to be approved by Council. If there are any delays in the adoption of the 2024-25 Budget this would impact the timing of the issuing of annual rates notices as the annual declaration of rates is included as part of the budget process. If not adopted this would prevent issuing the annual rates notices to customers.

CONFLICT OF INTEREST

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

CONCLUSION

Council has prepared the 2024-25 budget in accordance with Section 96 of the *Local Government Act 2020* and undertaken all requirements under the *Local Government Act 2020*; including undertaking the statutory advertising process, the call for submissions, and providing the opportunity for submissions to be considered prior to adoption.

7.3 UPDATED ELECTION PERIOD POLICY

File Number:

Author: Lauren Richardson, Governance and Risk Specialist

Authoriser: Lynnere Gray, Director Corporate Services

Attachments: 1. Election Period Policy

RECOMMENDATION

That Council endorse the revised Election Period Policy to reflect the changed dates relating to the Caretaker Period.

EXECUTIVE SUMMARY

Council must adopt an Election Period policy in accordance with section 69 of the Local Government Act 2020. The policy provides for the ways in which Council will operate to ensure fairness, transparency, and equity among candidates for Council elections.

Based on advice from the Victorian Electoral Commission (VEC), the Local Government Amendment (Governance and Integrity) Bill 2024 was introduced to Parliament to modify the date for the close of the electoral roll for the upcoming October 2024 election.

BACKGROUND

The Election Period policy was last adopted by Council on 26 September 2023, prior to the recently advised changes to the Caretaker Period dates for the 2024 general Council election.

Since this adoption, the Victorian Electoral Commission (VEC) made recommendations to alter the date for the closing of the electoral role. These recommendations were executed and on 30 April 2024 the Government introduced the Local Government Amendment (Governance and Integrity) Bill 2024 into Parliament which amended the date of the close of the roll to 12 noon on 17 September 2024. These changes are awaiting Royal Assent.

DISCUSSION

The change of date outlined in the Local Government Amendment (Governance and Integrity) Bill 2024 is to be reflected in the Election Period Policy of all Local governments in Victoria.

A summary of proposed change is included in the table below.

Within in the Election Period Policy Change Point 3.3.2 from

Previous Wording	New Proposed Wording
"The Election Period for the 2024 Local Government Elections commences from 24 September 2024 until 6pm on Election Day, being 26 October 2024, inclusive."	"The Election Period for the 2024 Local Government Elections commences from 12pm on 17 September 2024 until 6pm on Election Day, being 26 October 2024, inclusive."

REPORTING AND COMPLIANCE STATEMENTS*Local Government Act 2020 (LGA 2020)*

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

GOVERNANCE PRINCIPLES

The adoption of an Election Period policy ensures that good governance continues to be provided for the municipal community during the election period.

POLICY/RELEVANT LAW

- Local Government Act 2020
- Governance Rules

COMMUNITY ENGAGEMENT

Not Applicable

PUBLIC TRANSPARENCY

The Election Period policy ensures transparency by clearly describing the kinds of decisions and processes that will apply during the election period.

RISK ASSESSMENT

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

Failure to review and adopt the updated election dates within the Election Period Policy would lead to non-compliance with the Act and Council's Governance Rules.

COMMUNICATION

The Election Period Policy provides for communication of the election period processes to Councillors, candidates and Council staff.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council endorse the updates to the Election Period Policy.

This option is recommended by officers to ensure that the Election Period Policy is compliant with the Governance Rules and Local Government (Electoral) Regulations 2020.

Option 2 – That Council do not endorse the draft Election Period policy.

This option is not recommended by officers as this may lead to delays in adoption of the policy and non-compliance with the Governance Rules.

CONFLICT OF INTEREST

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

CONCLUSION

The draft Election Period policy is presented to Council to endorse. The policy has been reviewed with changes made to align the policy to the Local Government Act 2020. It is recommended for endorsement in order to ensure compliance prior to the 2024 general election.

7.4 COUNCIL MEETING DATE - SEPTEMBER 2024

File Number:**Author:** Elise Holmes, Executive Assistant**Authoriser:** Michael Tudball, Interim CEO**Attachments:** Nil**RECOMMENDATION**

That the Council Meeting be amended from Tuesday 17 September 2024 to Tuesday 10 September 2024.

EXECUTIVE SUMMARY

Council adopted the schedule for the 2024 scheduled Council Meetings on 19 December 2023. In the approved schedule, the September Council Meeting was scheduled for 17 September 2024.

Recently, the Victorian Electoral Commission (VEC) announced that the commencement of the Election Period will be brought forward to Tuesday 17 September 2024, which will be the date of the currently scheduled Council Meeting.

It is therefore recommended that Council resolve to move the September Council Meeting from Tuesday 17 September 2024 to Tuesday 10 September 2024.

BACKGROUND

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

DISCUSSION

Typically, Council Meetings are scheduled on the fourth Tuesday of the month, which meant the September Council Meeting would fall on Tuesday 24 September 2024, being the first day of the Election Period. Due to some council decisions being prohibited during the Election Period (outlined below), the September Council Meeting was brought forward to Tuesday 17 September 2024.

As per Council's Election Period Policy, the following council decisions are prohibited during the election period:

- decisions relating to the employment or remuneration of a permanent CEO
- decisions to commit expenditure exceeding 1% of the council's income from general rates municipal charges, service rates and charges in the previous financial year
- decisions the council considers could reasonably be deferred until the next council is in place
- decisions the council considers should not be made during the election period.

Additionally, any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Recently the VEC announced that the Election Period would be brought forward by one week, with a new commencement date of Tuesday 17 September 2024. To maintain the decision to schedule the September Council meeting prior to the Election Period, it is recommended that the September 2024 Council Meeting be moved to Tuesday 10 September 2024.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

- *Local Government Act 2020*
- Golden Plains Shire Council's Governance Rules
- Golden Plains Shire Council's Election Period Policy

PUBLIC TRANSPARENCY

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

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council approve changing the September Council Meeting date to Tuesday 10 September 2024.

This option is recommended by officers as Council had previously endorsed the Council Meeting to be held prior to the Election Period.

Option 2 – That Council does not approve changing the September Council Meeting date and hold the meeting on Tuesday 17 September 2024.

This option is not recommended by officers as 17 September 2024 will be the first day of the Election Period, meaning that a number of council decisions will be prohibited at the Meeting.

CONFLICT OF INTEREST

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

CONCLUSION

This report changes the scheduled date of the September Council Meeting from Tuesday 17 September to Tuesday 10 September 2024.

7.5 CONSIDERATION OF PLANNING APPLICATIONS POLICY REVIEW

File Number:

Author: Zac Van Grondelle, Coordinator Statutory Planning

Authoriser: Emma Wheatland, Acting Director Community Planning and Growth

Attachments:

1. Consideration of Planning Applications Procedure - TRACKED CHANGES
2. Consideration of Planning Applications Policy - TRACKED CHANGES

RECOMMENDATION

That Council adopt the revised Consideration of Planning Applications Policy and Procedure (Attachments 1 and 2).

EXECUTIVE SUMMARY

The consideration of planning applications policy and associated procedure have been in place since July 2021 with amendments approved in April 2022. Council officers have undertaken a review of the policy at the request of Cr Sharkey and the revised policy and procedure was presented to the March Council meeting. The recommendation failed to be moved and therefore the recommendation was not approved.

In any event, the review of the policy and procedure was due to be reviewed in April and officers have undertaken further research into other Council's delegations and best practice guidelines set by the Department of Transport and Planning to aid Councillors in their decision making.

The key recommendations to come from the review are:

- Remove the ability for 'called-in' applications to be returned to officer delegation;
- Change the reporting frequency of applications triggered under a Heritage Overlay;
- Provide delegation to officers where an application was determined by Council and is now being heard at VCAT; and
- A variety of other administrative changes.

These recommended changes are examined in detail under the discussion section of this report.

BACKGROUND

Statutory planning delegations, policy and procedures were adopted by Council in July 2021. In April 2022 both policies were reviewed again, with the following changes implemented by Council:

- The number of objections a planning application receives before it can be called-in was reduced to three.
- The ability for Councillors to call-in 'applications of significant community interest' was removed as this could not be quantified.
- The review also made a range of clerical and typographical changes to ensure consistent language and formatting, as well as administrative process changes, including the ability for Councillors to email their call-in request, rather than submitting the standard form.
- Details of all above-mentioned scenarios are circulated via a weekly email to Councillors, along with a submissions report detailing applications with objections/submissions.

DISCUSSION

Councillors have been requested by email to provide any feedback or suggested changes to the policy. All suggestions have been considered with adjustments made to the policies and procedures as shown in the tracked changes in Attachments 1 and 2. The key recommendations from the review are examined and discussed as follows:

Substantive Changes

- *Amend number of objections required to call an application in from three (3) to two (2)*

This amendment was requested by Councillors and will allow a greater number of applications to be called in. A caveat has been included that the objections need to be from different addresses – to avoid multiple objections being received from the same household.

- *Amend ability for called-in applications to be withdrawn and returned to officer delegation.*

The principal amendment to the policy is to remove the ability for a decision to be delegated back to officers once it has been called-in. This is to ensure that:

- a) the decision-making process is straightforward and there will be no confusion as to who is making the decision.
- b) any perception that Councillors have pre-determined an application or that officers are acting under Councillor order is mitigated.

The proposed amendment has been implemented in both the policy and procedure attachments. If all objections are withdrawn, the policy will allow Councillors to withdraw their call in by emailing Manager Planning and all other Councillors.

- *Delete requirement for applications triggered under the Heritage Overlay to be reported in the weekly Councillor update.*

The current policy requires that applications triggered under the Heritage Overlay be reported in the weekly update. This proposed change seeks to remove that requirement, as these applications are not eligible for call-in unless already listed in the weekly update due to number of objections received. The administrative burden and system changes required to facilitate this report are substantial given the inability for Councillors to call-in the application. It is recommended that this report is moved to the quarterly update. The procedure has been amended to reflect this.

- *Provide delegation to officers where an application was determined by Council and is now being heard at VCAT*

As noted in the Department of Planning and Transport's "planning decision making in local government guidelines", discussed in this report, it is considered best practice to provide delegation back to officers when an application is heard at VCAT. Officers not being delegated to make decisions, particularly on amendments negotiated through the VCAT process, adds time as the VCAT member cannot schedule subsequent hearings or conferences until a decision is made. Providing officers delegation to make decisions, particularly on minor matters consistent with Council's position would realise significant efficiencies. It is proposed that where an application has been determined by Council, delegation is returned to officers so that they are authorised to make decisions related to any VCAT process.

Administrative Changes

- *Anything that refers to 'Manager Development and Regulatory Services' be changed to 'Manager Planning'.*

This is an administrative change which reflects the organisational restructure. The Manager Planning is now the officer who manages the Statutory Planning Team, and therefore the appropriate owner of this policy. This has been updated on multiple instances in the policy and procedure.

- *Officer updates to be provided on applications that have been called-in to Council.*

Once an application is called-in by Councillors, there can be significant wait times until the application is heard, due to application processing delays (referrals, advertising, objections), scheduling issues (waiting for an available meeting date) or any other number of delays. The weekly update to Councillors will now include the status of applications that have already been called-in for a Councillor decision but not yet decided.

- *Deletion of references to previous policy*

Parts 3.3-3.6 of the existing policy refer to previous delegation structures for context setting. This is now proposed to be deleted given it is no longer of relevance and adds confusion to the context and background of the existing policy.

- *Form deleted from appendices list*

The procedure notes that a form is attached for Councillor call in requests; however, the requirement for a completed form was deleted from the policy in the previous amendment and replaced with an email.

- *Policy to reference the fact that applications proposed to be refused under delegation can be called-in*

This option already exists in practice and is listed in the procedure; however it was omitted from the policy. The policy will be updated to ensure it is clear that applications whereby officers are recommending refusal, can be called in. No changes are required to the procedure.

- *Objections will now be stored for Councillor viewing in one location rather than separated by week*

This is an administrative change, not reflected in either policy and procedure.

- *Applications whereby a recommending referral authority has objected to the grant of a planning permit and the officer recommendation is to issue a Notice of Decision to Grant a Planning Permit.*

This requirement is already listed in the delegation schedule and is now being added to policy to ensure consistency.

Changes considered but not proposed

- *Deletion of requirement for matters whereby Statutory and Strategic Planning officers, Senior Officers and Councillors who have a financial interest in a property to be decided by Council.*

This change was considered but it is proposed that the current policy is retained for transparent decision making and good governance.

Department of Planning and Transport “Planning decision making in local government guidelines”

The “Planning decision making in local government guidelines” (The Guidelines, 2023) ([linked here](#)), were produced to provide and assist local government in preparing an instrument of delegation and associated guidelines. A summary of each guideline is below together with an assessment of its applicability to Golden Plains Shire Council.

Principle	Discussion
<p><i>Principle 1 – Delegation by exception</i></p> <p>This principle recommends that the Council should take the approach of delegating all powers, duties and functions to Council officers, and that exemptions to this should be clearly stated.</p>	<p>In the financial year 2022/23 and 2023/24, nine (9) applications have been called in for determination by Council, compared to a total of 637 determined by officers. This amount of Councillor determination is proportionally appropriate.</p>

<p>Principle 2 – Use delegation guidelines</p> <p>This principle recommends the Council develop categories for delegation of applications and consider utilisation of a Planning Delegates Assessment Panel (or similar).</p>	<p>The ‘Consideration of Planning Applications Policy’ and its related procedure clearly set out the guidelines for calling in an application.</p>
<p>Principle 3 – Use the significant and broad community interest’s tests</p> <p>Council should include criteria in the delegation guidelines about what constitutes a permit application of ‘significance’ or ‘broad community interest’ to guide Council officers in exercising delegation. Examples may include permit applications that:</p> <ul style="list-style-type: none"> • relate to Council-owned land • have acute impacts on surrounding land 	<p>The ‘significant community interest’ criteria was removed from this policy previously as it was ambiguous and not quantifiable. Councillors now have the ability to call in application with 3 or more objections (proposed to be revised to 2) which will ensure that applications which a significant amount of community interest are able to be called in.</p>
<p>Principle 4 – Call ups should not be a common practice</p> <p>A call up is where one or more Councillors request in writing that a delegate not exercise delegation. A permit application should generally not be called up by a single Councillor.</p>	<p>In the financial year 2022/23 and 2023/24, nine (9) applications have been called in for determination by Council, compared to a total of 637 determined by officers. This amount of Councillor determination is proportionally appropriate and Council’s ‘Consideration of Planning Applications Policy’ requires two Councillors to call-in an application to the Chamber for a decision.</p>
<p>Principle 5 – Call ups should be clearly documented.</p> <p>If a permit application is called up, this should be clearly documented including how the permit application meets the significance and broad community interest tests in Principle 3.</p>	<p>Call ups are currently documented in the form of an email to the Manager Planning which must specify the reason for the call up. The email is then saved to the file and an internal register.</p>
<p>Principle 6 – Decide to call up permit applications early</p> <p>Applications should be called in as soon as is practical. Where public notice and or referral is required within seven days of the process concluding.</p>	<p>Applications are added to the weekly Councillor email as soon as objections are received and are taken off the email once the objection has been responded to or a consultation meeting held. Councillors ability to call in an application ends once the application has been taken off the list, which allows the timely processing of the application.</p>
<p>Principle 7 – Provide reasons for Council’s decision</p> <p>Where a Council decision differs from the council officer’s recommendation, clear reasons for the decision should be included in the</p>	<p>Where the Council’s resolution differs from the officer’s recommendation this is generally discussed in the debate of the application and available to the community as meetings are live streamed.</p>

council meeting minutes.	The grounds for refusal also provide further advice to the applicant on the reasons an application has been refused. On this basis, documentation within the Council minutes is not considered necessary.
<p><i>Principle 8 – Provide delegation to Council officers at VCAT (Victorian Civil and Administrative Tribunal)</i></p> <p>To facilitate the Victorian Civil and Administrative Tribunal (VCAT) review process, council officers should be delegated the power to, or instruct a representative to:</p> <ul style="list-style-type: none"> • negotiate and settle with all parties when attending a compulsory conference • form a position on any amended plans or proposal filed with VCAT • prepare, file, and serve amended grounds, having formed a position on any amended plans or proposal filed for a review under sections 77, 79, or 82. <p>This should apply irrespective of whether the decision was made by the Council or a delegate.</p>	<p>Officers not being delegated to make decisions, particularly on amendments negotiated through the VCAT process, adds time as the VCAT member cannot schedule subsequent hearings or conferences until a decision is made. Providing officers delegation to make decisions, particularly on minor matters consistent with Council's position would realise significant efficiencies.</p> <p>It is proposed that where an application has been determined by Council, delegation is returned to officers so that they are authorised to make decisions related to any VCAT process.</p>
<p><i>Principle 9 – Make delegations publicly Available</i></p> <p>Instruments of delegation and delegation guidelines should be made publicly available. Councils should publish these on their website.</p>	Council's delegations and the relevant policies are published on our website.

Other Councils Delegations

Since the report was last presented to Councillors in March 2024, officers have undertaken a review of other Council's planning delegations, which are outlined below.

Ballarat

At the City of Ballarat, officers have delegation to make a decision on all planning applications, unless they are called in by Councillors. If an application is called in, the Planning Delegated Committee, which consists of all nine Councillors and chaired by the Mayor, considers the application and makes a decision.

The City of Ballarat also has a policy, whereby if any Councillor, Senior Officer or Planning Officer has a financial interest in land subject to a permit application, it is automatically referred to the Planning Delegated Committee for a decision.

From officers discussions with the planning department, we understand that their policy is currently being reviewed and officers will advise the Golden Plains planning team when their review has been undertaken.

Bass Coast

At the Bass Coast Shire Council, officers have delegation to make a decision on all planning applications, unless either of the following criteria apply:

- For development applications with a cost of works in excess of \$5 million, the application must be referred to Council for determination.
- For applications where fifteen or more objections are received, the application must be referred to Council for determination.

Colac Otway Shire

The instrument of delegation at Colac Otway Shire Council does specify situations where an application can be called in however officers have been advised that Councillors may call in a decision where there are 3 or more objections, or a rural dwelling application is recommended to be refused.

East Gippsland

A Delegate shall refer to Council any planning permit application without prior decision by the Delegate when:

- The proposal raises an issue of significant public interest, concern or controversy, or is likely to do so;
- The proposal raises an issue of policy or process not covered by existing policy or practice;
- The proposal has given rise to substantial public objections or appears likely to do so.
- The proposal is for a capital project with construction value of \$5 million or more on Council owned land or under Committee of Management arrangements;
- The Delegate recommends approval of the proposal, but such approval would be or could reasonably appear to be inconsistent with a previous decision by or on behalf of Council;
- A Delegated Officer pursuant to the Instrument of Delegation S6 or any currently serving Councillor has declared a material conflict of interest in the matter;
- Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget;
- The Delegate or the Chief Executive Officer is not satisfied that the proposal is one that is appropriate for determination under delegation; or
- A request in writing is made by three (3) or more Councillors to call-up the matter for Council decision and the reasons provided in accordance with Section 5.2.

Moorabool

Moorabool Shire Council have a Development Assessment Committee which consists of all Councillors with the Mayor as the Chairperson.

The following applications are referred to the Development Assessment Committee:

- Applications for a single dwelling, multiple dwellings and / or buildings and works ancillary to a dwelling where there are unresolved* objections from five or less separate properties.
 - Any other applications for use and / or development of a property and/or the subdivision of land where there are unresolved* objections from ten or less properties.
- * *Unresolved objections is an objection that is considered by the Executive Manager Community Planning & Economic Development or delegate to have planning merit and which has not been addressed by the imposition of conditions of consent;*
- The applicant or owner is the Council, a Councillor or Senior Officer.
 - Applications can be called in by a Councillor to be heard at the Committee.

- Manager determines that a planning application is of a sensitive nature or significant impact and refers the application to the Committee for determination.

Strathbogie Shire Council

A delegate must refer planning permit applications with the following triggers to Council for a decision:

- An application with five (5) or more objections,
- An application that is called in by a Councillor,
- An application that raises an issue of significant public interest, concern or controversy, or is likely to do so, and/or
- An application where officers believe that the application or any issue arising in connection with it should be determined by the Council rather by officers

Surf Coast Shire

The instrument of delegation at Surf Coast Shire Council allows applications to be called in at the discretion of the relevant General Manager (director level equivalent)

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

This report and associated policies and procedures adhere to the relevant governance principles as the proposal seeks to implement and refine continuous improvement principles.

POLICY/RELEVANT LAW

This report adheres to decision making requirements listed under the *Planning and Environment Act 1987*.

PUBLIC TRANSPARENCY

The review of policies and procedures seeks to build on the transparency of decision making that has been implemented since August 2021 and provide clarity in relation to the ability for Councillors to call-in applications. This is all complemented by regular reporting to Council on decisions made under delegation, and is already underway.

The existing practice of applications whereby there is a financial interest in the property by Councillors, Senior Officers and members of the Statutory and Strategic Planning Teams remains unchanged and is key to Council's commitment to transparent decision making.

FINANCIAL MANAGEMENT

A cost analysis of the preparation of a Council report compared to a delegate report was undertaken for the delegation review that went to Council in July 2021. This analysis found that a Council report costs approximately \$870 for the preparation and review by the various levels of staff, compared to \$59-\$421 for an internal delegate report. These figures remain largely the same and clearly demonstrate importance of an appropriate level of delegation.

SERVICE PERFORMANCE

The proposed refinements to the delegations and associated policies and procedures seek to provide clarity and further improve the services of the Statutory Planning Department.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

The updated policies and procedures will be placed on Council's website.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Approve the recommendation as per the Officer Report

This option is recommended by officers as the current delegations have now been in place for 2 and a half years and a clear understanding of the benefits and any shortfalls has been identified. The existing delegations are largely sound. The existing ability of councillors to call-in applications with 3 or more objections has been successful. This review resolves issues of applications being delegated back to officers once called-in and also clarifies and tidies the policy and procedure.

Option 2 – Do not adopt the Recommendation

This option is not recommended by officers as it will miss the opportunity to provide clarity to the delegation process and eliminate potential issues or perceived conflict that has been recommended to round out a thorough review of the process.

Option 3 – Adopt a variation of the Recommendation

This option is not recommended by officers. Significant work has gone into the initial change to delegations in 2021, the amendment in April 2022 and this review. Feedback has been sought from Councillors and it is considered the proposed amendments to the policy and procedure will optimise the policy's effectiveness.

CONFLICT OF INTEREST

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

CONCLUSION

Revised Statutory Planning Delegations have now been in use for over 2 years and it is deemed prudent to review the impact of the changes and assess the functioning of the supporting policies and procedures.

The proposed recommendation seeks to provide a greater level of clarity around the call-in process. Undertaking this review also provided the opportunity to provide clarity to overall level of delegation and implement the simple refinement and use of consistent language in the associated policies and procedures to round out a thorough review of the process.

7.6 P23246 25 BURNS ST BANNOCKBURN (CHILD CARE CENTRE)**File Number:****Author:** Peter O'Brien, Town Planner**Authoriser:** Emma Wheatland, Acting Director Community Planning and Growth**Attachments:** 1. Recommended Conditions**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works pursuant to the provisions of the C1Z (Clauses 34.01-1 & 34.01-4) & DDO9 (Clause 43.02-2), subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for a child care centre at 25 Burns Street, Bannockburn. The report provides a background to the application and a summary of the relevant planning considerations.

The application was 'called-in' to a Council meeting by Councillors Cunningham and Whitfield for determination in accordance with Council's Consideration of Planning Applications Policy.

There are 6 objections to the application and the main concerns of objectors relate to carparking, traffic, built form design and amenity. Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

The issue of a Notice of Decision to grant a planning permit is recommended, subject to conditions.

BACKGROUND**Previous planning application**

A previous planning permit application was submitted in February 2023 to use and develop the land for a child care centre and reduce the number of on-site car parking spaces required. The child care centre was proposed to accommodate 100 children and 18 staff in a single-storey building with three gable-end pitched roof sections addressing Pope Street with car parking proposed to the north-west side of the site and vehicle ingress from Burns Street and egress to Pope Street. The car parking area proposed to accommodate 9 vehicles on-site and it was proposed to provide 13 off-site car parking spaces within the Council nature strip area along Pope Street and Burns Street. The hours of operation proposed were between 7.30am and 6.00pm Monday to Friday.

This permit application was withdrawn after Council officers advised the permit applicant that the application as proposed was unlikely to be supported.

Site description

The subject site is situated at 25 Burns Street, Bannockburn and is formally described as Crown Allotment 1 Section 3 Township of Bannockburn Parish of Wabdallah. There are no covenants, easements or section 173 Agreements affecting the land.

The site is located on the north-east corner of Burns and Pope Streets in the Bannockburn town centre. The site has a generally rectangular shape with title dimensions that provide an abuttal to Pope Street of 50.29 metres and an abuttal to Burns Street of 40.23 metres, with an overall site area of 2007m². The site has existing vehicular access from each street abuttal. There are no Council footpaths outside the site along the site street abuttals and generous nature strip areas are provided. There is a utility pole within the Council nature strip outside the site within Burns Street.

The site is currently occupied by a single dwelling and outbuildings. Some established vegetation exists near the street abutments of the site.

The site is located within the southern-most section of the commercially zoned land to the west side of High Street and is located opposite residentially zoned land to the north-west and south-west. To the north-east of the site is St Mary Mackillop Catholic Primary School with its buildings and outdoor play space areas. To the south-east of the site is a commercial car wash and several retail shops with off-street car parking. These nearby shops are designed to address the High Street service road.

The street network adjoining the site consists of 'no through roads' accessed from the intersection of Pope Street and High Street. The western end of Pope Street connects with Burns Street and Sandhurst Court, both of which are residential cul-de-sacs that extend beyond the site to the north-east and north-west respectively.

Proposal

The application proposes the use and development of the land for the purposes of a child care centre. Child care centre is defined in Clause 73.03 of the planning scheme as:

"Land used to care for five or more children who are not permanently resident on the land."

It is proposed to develop the site with an overall two-storey high building. The child care centre will accommodate a maximum of 128 children and operate between the hours of 7.30am and 6.00pm Monday to Friday. A maximum of 18 staff will be present on-site at any one time. A 28 space car parking area will be provided on-site to the north-east side of the building, located beneath a cantilevered section of the second floor of the building. The car parking area will be accessed from Burns Street.

The entry to the building is within the north-east elevation and is proximate to the Burns Street building frontage and at the south-west end of the car parking area. A 2.0 metre high steel picket fence with a pedestrian gate is proposed to enclose access to the front entry for safety reasons, and the same style and height fencing will be provided to enclose the north-east and south-west sides of the ground level outdoor play area.

The floor plan of the proposed child care centre incorporates at ground level the building entry, a lift and stairwell to the first-floor level, staff offices, meeting room, kitchen, laundry and staff bathroom facilities and two separate indoor play areas, one with a sleeping area / cot room of 29sqm. There is an interconnecting bottle preparation / nappy change room and a children's bathroom area between the two indoor play areas. The children's bathroom provides a nappy change area, basins and toilets. The application plans identify that the indoor play areas have an area of 104.2sqm and 104.5sqm respectively. These indoor play areas connect to a ground level outdoor play area to the south-east side of the building which the application plans indicate has an area of 448.5sqm. At first floor level the proposed Child Care Centre provides a further staff room, laundry and a storage area along with an indoor play area of 209.5m² that provides access to an outdoor play area to the north-east side of the building of 495m² (in a design which is cantilevered over the car parking area). Within the indoor play area separate rooms are provided for a kitchen area, storeroom and children's bathroom / nappy change facilities.

The building is to be constructed of red and grey brickwork with feature elements of grey cement cladding at ground floor level. The first-floor level is recessed from the ground floor level within the north-west and south-west elevations and is to comprise vertical corrugated metal sheeting materials in a light grey colour with grey coloured perforated steel panelling balustrades to the outdoor balcony play area. The building provides both a flat and skillion roof design.

An area of car parking will be provided to the north-east side of the building at ground level and will be accessed from a new vehicular crossover to Burns Street. The car parking area will provide for 28 car parking spaces, which includes one [1] DDA accessible car space. Two [2] bicycle parking racks to accommodate up to 4 bikes are provided in proximity to the entry to the car parking area. A turnaround bay is provided to the rear of the car parking area in order to facilitate vehicle circulation. A secure bin storage area is also shown within the rear of the car parking area; with waste collection by a private contractor proposed. A total of seven [7] bins are proposed to be

provided, comprising 3 x 120 litre bins and 4 x 1100 litre bins, with a bin storage footprint area of 7.09m².

The proposed site plan indicates new concrete kerbing at the road edges and new public footpaths at the property boundaries along both street abutments, constructed to Council's requirements.

The application plans show the retention of the existing trees on site proximate to the west corner of the site and indicative new trees and proposed landscaping areas.

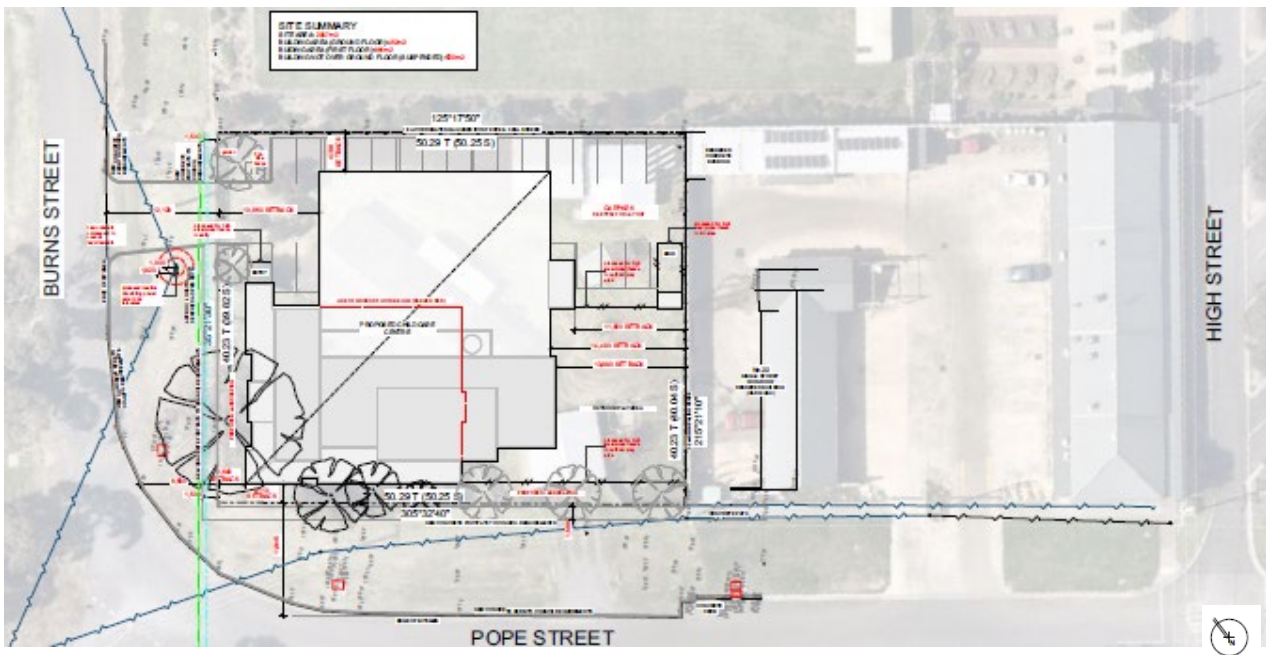
Signage is shown on the application plans; however, the permit application does not seek planning permission for the proposed signs. One sign within the north-east elevation is proposed at first floor level within the brickwork wall and has dimensions notated as 2.2m x 3.6m. The other sign within the north-east elevation is above the building entry and has dimensions notated as 2.4m x 1.1m. The sign within the north-west elevation over the building entry to Burns Street has dimensions notated as 4.8m x 1m. The notation for these signs identifies them to be 'solid non-illuminated signage'.

Site Map

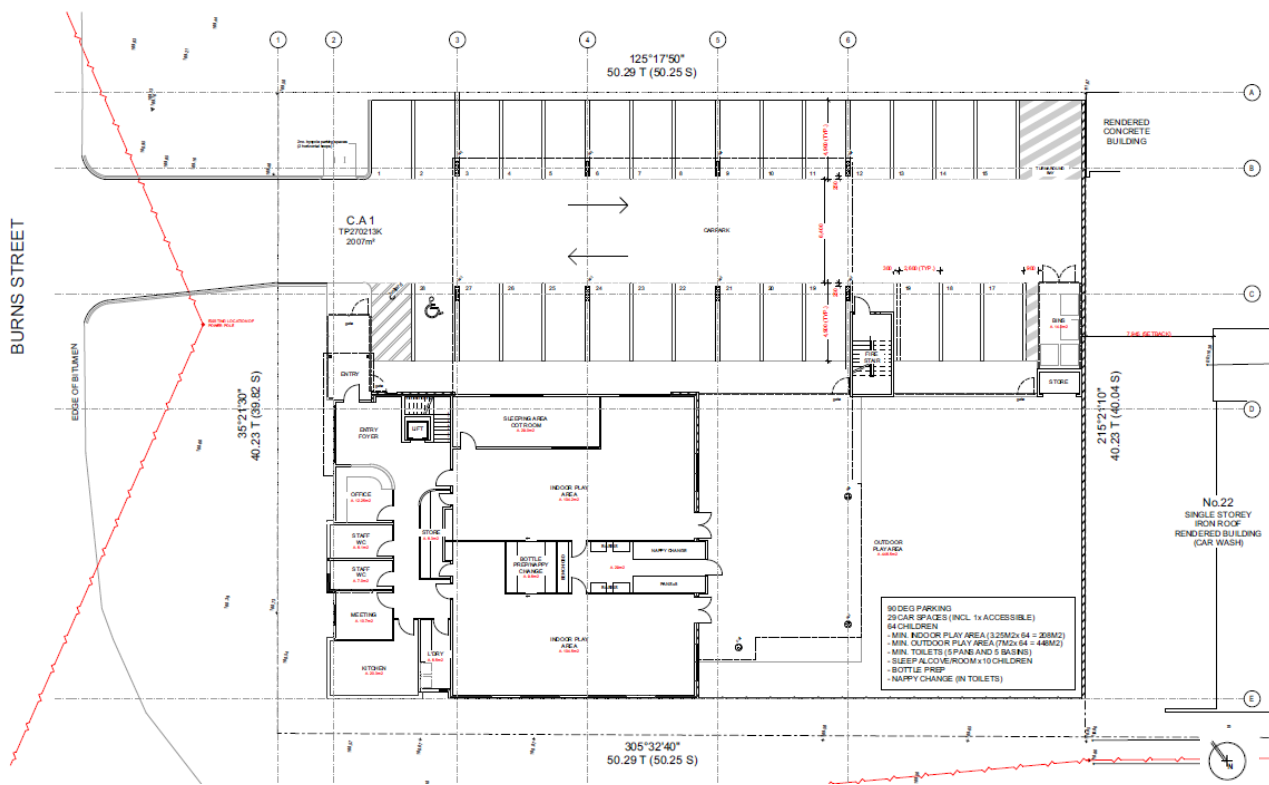


Proposed Development Plans

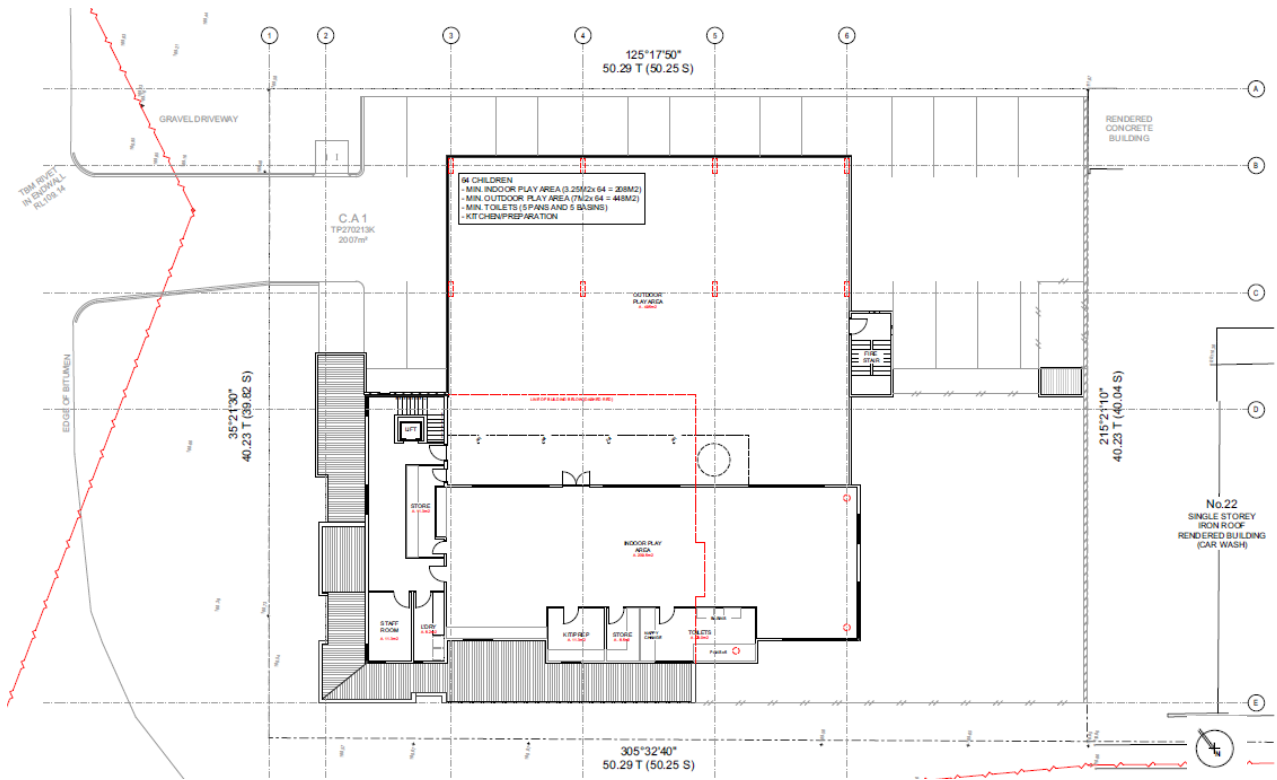
Site Plan



Ground Floor Plan



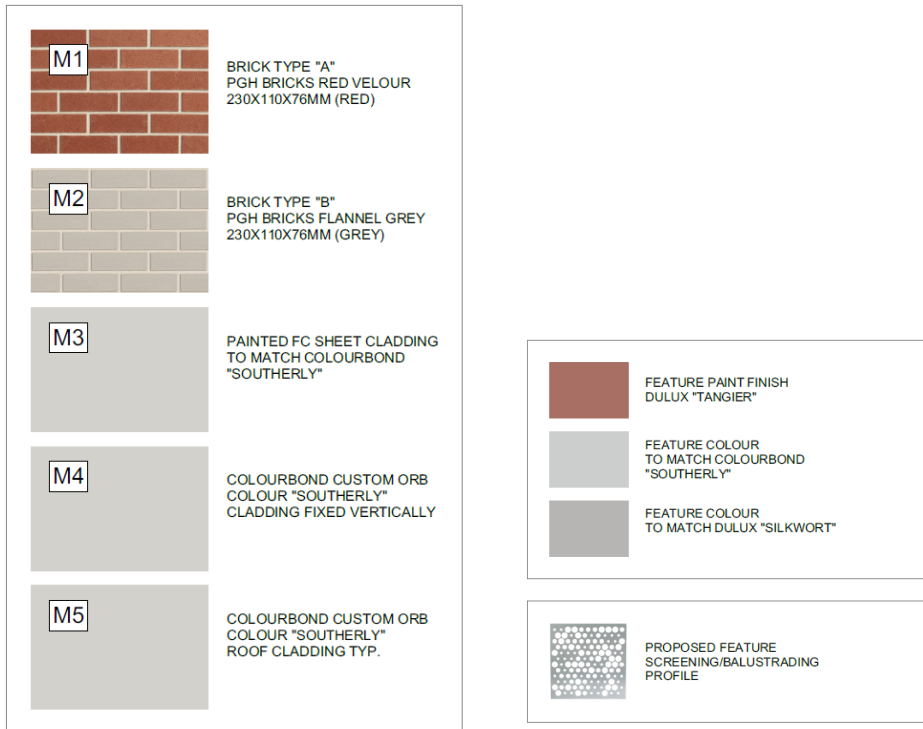
First Floor Plan



Elevation Plans



Colour / materials schedule



Indicative artistic 3D perspective – Burns Street frontage



CONSULTATION

Notice of the application was given in accordance with section 52 (1)(a) & (d) of the Planning and Environment Act 1987. Notice was provided by mail to all adjoining and neighbouring owners and occupiers with a total of 40 letters being sent. Notice was also provided by placing a sign on-site, and the application information was placed on Councils website.

As a result of the public notice, six (6) objections were received, one of which does not raise concerns with the proposal and seeks to ensure the proposed landscaping as shown on the plans is provided. The main concerns raised by objectors relate to carparking, traffic, built form and amenity.

A consultation meeting was not held for this application; rather the applicant provided a written response to the objections which was provided to the objectors.

ASSESSMENT

A planning permit is required under the following provisions:

- Commercial 1 Zone (Clause 34.01-1) - Child care centre is a 'Section 2 – permit required' use.
- Commercial 1 Zone (Clause 34.01-4) - A permit is required for buildings and works associated with a Section 2 use (child care centre).
- Design and Development Overlay – Schedule 9 (Clause 43.02-2) - A permit is required for buildings and works.

The application was lodged on 20 November 2023 and further information was initially requested on 21 December 2023 then again on 17 January 2024. The further information which consisted of Engineering plans, an acoustic report and traffic impact assessment was submitted on 5 March 2024.

There are no referral authorities specified in the planning scheme for an application of this type.

The application was internally referred to Council's Development Engineering department who considered engineering and parking/traffic issues associated with the proposal. The Engineering department had no objection to the issue of a permit subject to conditions being placed on any permit that is issued.

PLANNING SCHEME

Municipal Planning Strategy (MPS)

Clause 02.03-1 Settlement (Townships – Bannockburn)

This clause recognises that Bannockburn is the largest urban centre in Golden Plains Shire, a key regional centre within the Shire's network of townships and provides residential, commercial and administrative functions. To manage growth within the township Council seeks to accommodate all growth within the Bannockburn growth boundary, as identified in the Bannockburn Growth Plan (Victorian Planning Authority, May 2021) and protect the natural and built environment.

Clause 02.03-7 Economic development

This clause seeks to improve the economic development of Bannockburn and the municipality. To achieve this Council seeks to support the efficient use of commercially zoned land, to consolidate commercial use and development to reinforce the viability and vitality of commercial and retail centres, and to direct commercial and retail services to Bannockburn and other district commercial and retail centres.

Planning Policy Framework (PPF)

Clause 11.03-1S Activity centres

The objective of this clause is *'To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.'*

Strategies to achieve this objective include to:

- build up activity centres as a focus for high-quality development, activity and living;
- reduce the number of private motorised trips by concentrating activities that generate high numbers of trips in highly accessible activity centres;
- improve access by walking, cycling and public transport to services and facilities;
- support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies; and
- encourage economic activity and business synergies.

Clause 11.03-6L-01 Bannockburn

This policy applies to the land identified on the Bannockburn Framework Plan and includes settlement strategies, land use and development strategies, urban design strategies and open space strategies. Of relevance are the strategies to

- support a wide range of business activities to meet the needs of a growing population and to provide increased employment opportunities;
- support a diversity of uses within the Bannockburn Town Centre; and
- locate car parking so it does not dominate road frontages and the streetscape.

Clause 13.05-1S Noise management

This policy relates to management of noise effects on sensitive land uses and seeks to ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions. This policy also seeks to minimise the impact on human health from noise exposure to occupants of sensitive land uses such as residential use, child care centres and schools near the transport system and other noise emission sources through suitable building siting and design, urban design and land use separation techniques.

Clause 13.07-1S Land use compatibility

This policy seeks *'To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.'* Strategies to achieve this objective include to ensure that use or development of land is compatible with adjoining and nearby land uses and to avoid or otherwise minimise adverse impacts from commercial uses through land use separation, siting, building design and operational measures.

Clause 15 Built Environment and Heritage

This policy acknowledges that *'Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.'* It also provides that *'Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.'*

Clause 15.01-2S Building design

This policy seeks *'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.'* Strategies to achieve this outcome include ensuring development responds to the strategic and cultural context of its location; ensuring the form, scale and appearance of development enhances the function and amenity of the public realm; and ensuring development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Clause 15.01-5S Neighbourhood character

This policy seeks to recognise, support and protect neighbourhood character and ensure that development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place.

Clause 19.02-2S Education facilities

The objective of this policy is *'To assist the integration of education and early childhood facilities with local and regional communities.'* Among the strategies to achieve this objective are:

- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Consider the existing and future transport network and transport connectivity.

Zone provisions

Clause 34.01 Commercial 1 Zone

The purpose of the Commercial 1 Zone at Clause 34.01 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Child care centre is a 'Section 1 – permit not required use' within Table 1 at Clause 34.01-1 where it can meet the condition 'Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).'

In this case the proposed child care centre does not meet the condition for a Section 1 use therefore it falls within the 'Section 2 – permit required use' provisions of Table 1 within the catchall 'Any other use not in Section 1 or 3'.

Clause 34.01-2, Use of land, provides that:

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Clause 34.01-4 Buildings and works, provides that a permit is required to construct a building or construct or carry out works, unless specifically exempted. There is no exemption relevant to the proposed child care centre building and works.

Decision guidelines which the responsible authority must consider before deciding on an application are provided at Clause 34.01-8 and include as relevant:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Use

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*

Building and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*

Overlay provisions

Clause 43.02 Design and Development Overlay – Schedule 9

The purpose of the Design and Development Overlay at Clause 43.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Clause 43.02-2, Buildings and works, provides that a permit is required to construct a building or construct or carry out works, unless otherwise exempted. This clause requires that buildings and works must be constructed in accordance with any requirements in a Schedule to the Overlay.

Decision guidelines for the responsible authority to consider as set out within the Overlay at Clause 43.02-6 include as relevant:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.*

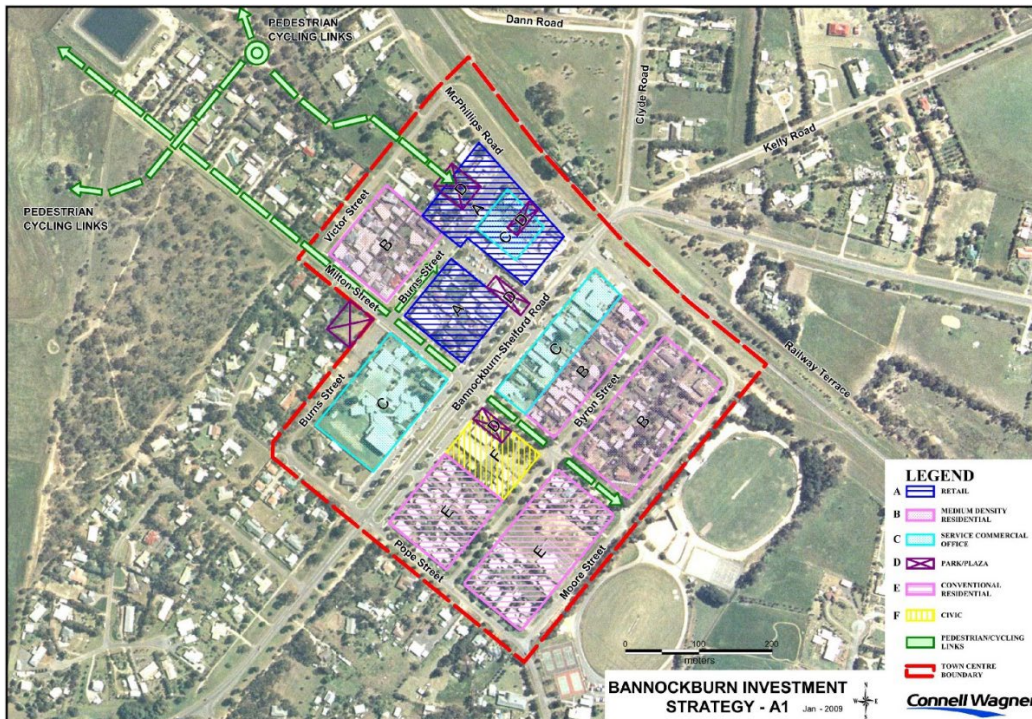
Schedule 9 to the Design and Development Overlay (DDO9) relates to the 'Bannockburn Town Centre' and provides the following design objectives to be achieved:

- *To provide a comprehensive and coordinated framework to facilitate the development and expansion of the Bannockburn Town Centre.*
- *To encourage development that enhances and is in keeping with the character and appearance of the Bannockburn Town Centre.*
- *To encourage development that has active frontages, particularly to major roads and pedestrian links.*
- *To provide for public spaces and suitable access for all.*
- *To encourage a high standard of architectural and urban design that is respectful to the existing styles, built form, height and scale of existing buildings and streetscape in the centre.*
- *To facilitate the provision of necessary infrastructure such as road networks, pedestrian links, car parking and drainage.*

The buildings and works provisions at Clause 2.0 of the Schedule does not provide an exemption from a planning permit for buildings and works associated with a child care centre.

This buildings and works clause within the DDO9 states that *'The Bannockburn Town Centre Investment Strategy 2008 identified various precincts within the Town Centre. Each precinct is designed to guide appropriate development, deliver key outcomes and protect existing elements.'*

Map 1 to Schedule 9 to Clause 43.02 - Land Use Precinct Plan



The subject site is within the Bannockburn town centre and to the south of the area identified as 'Precinct C' for service, commercial and office uses. The site is not located within any precinct and therefore no additional buildings and works requirements apply to the land under the provisions of the DDO9.

The decision guidelines at Clause 6.0 of the Overlay require the responsible authority to consider as appropriate 'The Bannockburn Town Centre Investment Strategy, 2008'.

Particular provisions

Clause 52.05 Signs

The purpose of Clause 52.05 is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The provisions of Clause 52.05-11 'Category 1 – Commercial areas' are applicable to the subject site. The purpose of this category of signs is 'To provide for identification and promotion signs that add vitality and colour to commercial areas.' Within Category 1 a permit is not required for a business identification sign if the total area of all signs to each premises does not exceed 8m², otherwise the signage requires a planning permit.

Clause 52.06 Car parking

The purpose of the car parking provisions, among other things, is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. A new use must not commence until the required car spaces set out in Table 1 at Clause 52.06-5 have been provided on the land. The number of car spaces required by Table 1 is 0.22 car spaces per child for a Child Care Centre therefore in this case a total of 28 car spaces is required based on a capacity of 128 children.

Clause 52.34 Bicycle Facilities

The purpose of Clause 52.34 is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

A Child Care Centre does not require the provision of on-site bicycle parking spaces pursuant to Table 1 to Clause 52.34-5, Bicycle spaces.

General provisions

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

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

CULTURAL HERITAGE IMPLICATIONS

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007* because the activity area does not include areas of a registered cultural heritage place and is not located in an Area of Cultural Heritage Sensitivity.

DISCUSSION

Planning Scheme

The proposed use and development of the land for a child care centre is considered to satisfy planning policy within the Golden Plains Planning Scheme, in particular:

- The use will contribute to Bannockburn maintaining its role as the largest urban centre in the Shire and as a key regional centre within the network of surrounding townships by providing a key commercial and educational use for the community within the identified town centre (Clause 02.30-1 Settlement).
- The provision of a child care centre within the Bannockburn town centre will provide for the efficient use of commercially zoned land, consolidate commercial use within the town centre and reinforce the viability and vitality of this commercial area (Clause 02.03-7 Economic development).
- Consistent with Activity centres policy the site is located within the identified Bannockburn town centre and in a Commercial 1 Zone where the concentration of activities highly accessible to the community are encouraged and the diversification of uses is supported to

- give communities access to a wide range of goods and services and provide local employment (Clause 11.03-1S Activity centres).
- The provision of a child care centre in this location, adjoining an existing primary school and within an activity centre, will support the opportunity for multi-purpose trips to the area and provide opportunity for non-motorised methods of attending the site including walking and cycling (Clause 11.03-1S Activity centres).
 - Consistent with planning policy and the Bannockburn Framework Plan the proposal will provide for the needs of the growing population for child care services, will provide employment opportunities within the proposed use, and will provide for a diversity of uses within the Bannockburn town centre (Clause 11.03-6L-01 Bannockburn).
 - The location of the car parking associated with the proposed Child Care Centre is to the side and rear of the building and partly located under the first-floor level of the building which will assist to ensure the car parking does not dominate the Burns Street frontage of the site (Clause 11.03-6L-01 Bannockburn).
 - The acoustic report submitted with the application which reviews the potential for noise from the car parking area and outdoor play areas has found that the noise generated will not result in adverse noise impacts from the outdoor play areas to the surrounding residential uses and that the car park *'would comply with sleep disturbance thresholds by a significant margin without specific acoustic treatment'* (Clause 13.05-1S Noise management).
 - The child care centre building is located a sufficient distance away from the adjoining commercial use (car wash) and as such the proposal will not result in any land use conflicts (Clause 13.07-1S Land use compatibility).
 - The contemporary design of the building which utilises external brickwork, FC sheet cladding and custom orb cladding in a colour scheme of grey tones with red brick features responds to the character and built form of the location including drawing on the features of the built form of the adjoining commercial buildings and surrounding residential buildings (Clause 15 Built Environment and Heritage).
 - The proposed development will deliver a building of high-quality design that is well articulated and provides a good urban design outcome for the site in a functional and accessibly designed response (Clause 15 Built Environment and Heritage).
 - The building setbacks create the appearance of a mix of one and two storey building form and deliver well-articulated elevations that will ensure the proposed building will contribute positively to the local context and the public realm (Clause 15.01-2S Building design).
 - The layout of the development with one exit / entry point to the car parking area and a clearly defined, gated building entry provides for safe access and egress for pedestrians, cyclists and vehicles (Clause 15.01-2S Building design).
 - The proposed development has been designed to reflect the built form of the commercial area within which it is located and the character of the surrounding residential area through its use of external brickwork, FC sheet cladding and custom orb cladding in red and grey tones (Clause 15.01-5S Neighbourhood character).
 - Consistent with planning policy for Education facilities, the proposal is located adjoining an existing primary school which provides the opportunity for multi-purpose trips and walking or cycling options to reach the child care centre (Clause 19.02-2S Education facilities).
 - The proposed development provides for off-street car parking which enables safe drop off and pick up opportunities and there are bicycle parking racks proposed for the site to encourage bicycle access (Clause 19.02-2S Education facilities).

Use

The site is located within a Commercial 1 Zone where the purpose of the Zone seeks to create vibrant mixed use commercial centres which cater for a variety of uses. The proposed child care centre provides an appropriate land use within this Zone and will contribute positively to the mix of uses provided within the Bannockburn town centre. The proposed use is intended to operate Monday to Friday and within hours that align with business hours within the existing activity centre.

The provision of a child care centre at the periphery of the township activity centre, adjoining an existing primary school and opposite residential properties, will deliver a good land use interface

between the community, commercial and residential land uses in this location. It is acknowledged that the site is currently occupied by an existing dwelling and with the change of the use to a child care centre there will result some changes to the area including the visual built form impact and increased traffic however these outcomes are not unreasonable for land within a commercial zone at the periphery of a town centre/established activity centre. In this regard Pope and Burns Streets provides a sufficient separation between the proposed use and surrounding residential properties to ensure there will be no unreasonable detriment arising from the use of the land as a child care centre.

With respect to the Use decision guidelines within the Zone, it is considered that the proposed use will not result in any unreasonable impact on the existing land uses within the adjoining commercial area and surrounding residential area; the proposed use will be able to be suitably drained and connected to existing services; and the proposal will not generate any unreasonable traffic impacts on the surrounding road network.

Development

The proposed development is of a contemporary design. The use of brickwork in red and grey colour finishes and FC sheet cladding in a grey tone at ground level is consistent with the external colours and materials of the built form within the commercial area and the surrounding residential area. Similarly, the grey toned vertical custom orb cladding at first floor level and the grey toned custom orb roofing is reflective of the external roofing and cladding materials within the commercial area and the roofing materials within the adjoining residential area.

While the two storey height of the proposed building introduces a new building height at this corner location, the overall height is only one storey higher than that of the adjoining commercial building to the south-east and the majority of the surrounding residences. It is noted that there are examples of two storey height buildings in the area including dwellings within Sandhurst Court and the nearby Bannockburn Community Sports Stadium along High Street within the adjoining school property. The building provides a high level of visual articulation through setbacks and materiality and provides a high-quality built form outcome for the site that will complement the established built form within the commercial area and the surrounding residential area.

The proposed building is located proximate to existing trees which the application plans show as being retained as part of the development and future landscaping of the site. While there are no tree protection controls applying to these existing trees under the provisions of the Golden Plains Planning Scheme it is recommended that a condition be placed on any permit that is issued which ensures that these trees are protected during construction. A condition should also require the provision of a formal landscaping plan to provide details of the intended landscaping along the site frontage and require completion of the landscaping prior to occupation of the building.

Council's Development Engineers have reviewed the proposed stormwater plan for the site and provided appropriate conditions in this regard to be included on any permit that may be issued, including the requirement for the land owners to enter into a Section 173 Agreement for the responsibility for the ongoing treatment, detention and disposal of stormwater.

In terms of decision guidelines for buildings and works within the Zone it is submitted that:

- The proposal provides for appropriate on-site movement of pedestrians and cyclists, vehicles providing supplies, waste removal and emergency services.
- The location and provision of car parking on-site is appropriate and provides for good connections from the car park to the building entry.
- The design provides for active street frontages through the staff areas with outlook to Burns Street and the indoor play area with outlook to Pope Street. The new fencing proposed to enclose the outdoor play area to the Pope Street abuttal of the site will be of a picket style and provide a level of transparency into the open space area within the streetscape. New landscaping will be provided between the areas of the building and the site boundary along the street abuttals.
- A secure on-site area is provided for bin storage that will be easily accessible.

- The proposed built form will not result in any overlooking or overshadowing of the land within the General Residential Zone to the north-west across Burns Street and to the south-west across Pope Street.
- The proposed building is able to be connected to the appropriate services provided within the area.
- The design of the building and outdoor play areas will provide good solar access for the occupants.

With respect to the design objectives of DDO9 and 'Bannockburn Town Centre Investment Strategy, 2008' the site is located to the south side of an area identified within the Strategy for commercial purposes and in this regard provides an appropriate land use and built form transition from this intended commercial/service land use to the residential properties opposite within Burns and Pope Streets. With respect to the particular design guidelines within Schedule 9 to the Design and Development Overlay, it is considered that the proposed development is in keeping with and will enhance the appearance of the Bannockburn town centre by providing a well setback, highly articulated building that will complement the materiality and colour scheme of buildings in the surrounding commercial and residential area. Further the proposed building provides active street frontage and new pedestrian paths outside the site to improve pedestrian links within the town centre. The proposal will deliver a high standard of architecture and urban design that is respectful of existing styles, built form, height and scale of existing buildings and the streetscape within the town centre and the surrounding residential area. The proposal will provide a new vehicular crossover to the site and new kerb and channelling along the road edge outside the site for drainage purposes.

In terms of the decision guidelines within the Design and Development Overlay, it is considered that the proposal achieves the design objectives of Schedule 9; that the proposed built form appearance of the child care centre will be in keeping with the character and appearance of adjacent buildings and the streetscape; that landscaping within the site and retention of existing trees are proposed; and that an appropriate on-site car parking area layout is provided that allows access for loading/unloading activities and waste collection vehicles.

Car parking and traffic

The proposal provides sufficient car parking for the use in accordance with the provisions of Clause 52.06-5 of the Golden Plains Planning Scheme. The car parking rate of 0.22 cars per child cared for on the site as set out within the planning scheme provides consideration for both staff and child care centre user car parking. The layout of the car parking area meets the requirements of Clause 52.06.

The car parking layout also provides a bin storage and collection area. The permit application submissions indicate that a private waste contractor/s will be engaged to collect the waste from the site; with a total of seven bins required for the use associated with the relevant waste collection services. The Traffic Impact Assessment and Waste Management Plan submitted recommends waste collection occur outside of the proposed child care centre operating hours given the manoeuvres required for the 6.345 metre long mini-rear loader waste collection vehicle to turn on-site will utilise part of car space No. 15 and to avoid potential of conflict with any persons within the car parking area. The requirement for a Waste Management Plan as part of the proposed use should form a condition of any permit that may be issued, and the plan should provide collection hours. Other loading / unloading of supplies to the child care centre should occur via smaller sized vans / delivery trucks sized to avoid this on-site manoeuvring issue and a condition of any permit that may be issued can require this restriction.

The car parking access and layout has been reviewed by Council Development Engineering, who noted that the new vehicular access to the site will require the re-location of a utility pole which will require further approval from the relevant responsible authority and have provided a condition to this effect which is to be included on any permit that may be issued.

The Traffic Impact Assessment submitted with the permit application identifies that *'The development is projected to generate up to a total of 102 vehicle movements during the AM and PM peak hours, comprising of both arrivals and departures via the proposed access to Burns Street.'* Where the AM peak period for traffic generation for a child care centre is noted within this

Traffic Impact Assessment as being between 8.00am and 9.00am and the PM peak is between 4.45pm and 5.45pm.

Council Development Engineering has accepted that the proposed use will increase the traffic within Pope and Burns Streets during the AM peak period identified within the Traffic Impact Assessment submitted. However, the level of traffic anticipated is considered reasonable for a local road. The PM peak period will have less of an impact on road traffic as it is anticipated to occur after the school hour pick up times. The Pope and High Streets intersection is expected to operate without issue despite the increase in traffic that will be experienced within Pope Street and this overall level of traffic increase is low for a local street network.

Amenity

It is acknowledged that if a permit is to be issued for the proposal, the new use and development will bring about change to the visual appearance of the site within the streetscape, however in this instance the proposal is considered appropriate for the locality and does not warrant refusal based on streetscape visual amenity concerns. The proposal will also introduce a new use on this site that will provide an increase in noise from that which is currently associated with the existing dwelling on the land, however the extent of noise that will arise from the proposed use (including vehicle noise and the noise of children at play), while changing the current noise levels experienced by surrounding residents is not at levels that would result in any adverse material detriment to the surrounding residents.

The proposal will not result in any unreasonable adverse amenity impacts on the residential properties opposite, in particular noting the distance these properties are from the site and the commercial zoning of the land which supports and encourages a non-residential land use.

The proposed building is separated a sufficient distance from the dwellings to the north-west and south-west across Burns and Pope Streets so that the upper-level windows within the child care centre will not result in any unreasonable overlooking of private open space areas.

While the site adjoins an existing primary school where children are at play outside at various times during the day it is recognised that the child care centre use intends to commence earlier and finish later each weekday and therefore an acoustic report submitted as part of the permit application reviewed the anticipated noise levels from the outdoor play areas and the impact of traffic noise particularly in the early morning. As previously noted, the acoustic report identifies that the use will not cause any adverse noise detriment. The acoustic report suggests a condition of any permit that may be issued could seek noise emission compliance with *'EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues'* at all times.

Signs

The business identification signage shown on the application plans within the north-east elevation have an area of 7.92m² and 2.64m² respectively and the signage within the north-west elevation has an area of 4.8m². The total area of signage equates to 15.36m² which exceeds the 'as-of-right' permit not required provision within the planning scheme of 8m² per premises for business identification signage. Accordingly, as no planning permission has been sought for this signage as part of the application a condition of any permit that may be issued should require the removal of this signage from the plans prior to any endorsement of plans.

Clause 65.01 Decision guidelines

The above assessment is considered to have appropriately addressed the relevant matters set out within the decision guidelines at Clause 65.01 for consideration by the responsible authority prior to determining an application.

Matters raised by objectors

Many of the matters raised by the objector parties have been addressed in the above discussion including built form and neighbourhood character, car parking provision and traffic issues, and amenity concerns including overlooking and noise.

Those objector concerns which are not previously discussed are addressed as follows:

- The traffic surveys undertaken to inform the Traffic Impact Statement were via an automatic tube count survey over the period of a week and the count occurred throughout the 24 hours of the day, with the peak hours of traffic determined following the collection of these results.
- Objector concerns querying the accuracy of off-street car parking surveys undertaken and the convenience of off-street parking referred to within the Traffic Impact Assessment are noted however the proposal provides the required number of on-site car parking spaces sought by Clause 52.06-5 of the Golden Plains Planning Scheme for the proposed child care centre use and therefore the availability and convenience of further off-street parking is not part of the car parking assessment of this permit application. Similarly, the impact of overflow parking from the primary school during special school events is not part of the parking assessment of this permit application.
- The proposal will impact traffic flow along Burns Street with an increase in traffic anticipated along Pope Street and Burns Street during the operational hours of the child care centre, however Council Development Engineering considers that the existing street network is capable of accommodating the additional traffic.
- The proposed built form is sufficiently set back from the site boundary to each street abuttal and there is a generous nature strip area along the street abuttals, therefore the proposed built form will not result in any obscuring of vehicle sight lines at the intersection of Burns and Pope Streets.
- The impact of the proposed child care centre use and development on property values is not a matter able to be considered within the scope of planning legislation.
- The scale and intensity of the proposed use is appropriate for the site in terms of building setbacks, heights and provision of on-site car parking which are matters able to be considered under the planning scheme. The extent of indoor and outdoor play area space provided and other internal operational requirements are not matters addressed by the planning scheme or planning legislation.
- The extent of consideration of surrounding properties that may be impacted by noise associated with the use as addressed within the submitted Acoustic report is appropriate.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the planning application has been undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*, by way of letters to adjoining and adjacent landowners, placing a sign on site and placing the application information on Councils website.

PUBLIC TRANSPARENCY

As 6 objections have been submitted for this application, the application is being forwarded to Council for a decision, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Issue a Notice of Decision to Grant a Permit

This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Planning Scheme.

Option 2 – Issue a Notice of Decision to Refuse to Grant a Permit

This option is not recommended by officers because the application is considered to satisfy the provisions of the Golden Plains Planning Scheme.

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, particularly Clause 11.03-1S Activity centres, Clause 11.03-6L-01 Bannockburn, Clause 15.01-2S Building design, the provisions of the Commercial 1 Zone and Design and Development Overlay Schedule 9, Clause 52.06 car parking provisions and the decision guidelines of the Planning Scheme (Clause 65). The proposed child care centre has been designed to respect and complement the built form of the commercial area within which it is located and of the surrounding residential area and provides the required on-site car parking sought by Clause 52.06-5. Permit conditions requiring the provision of associated infrastructure will ensure that the issue of a permit does not cause material detriment to any person.

7.7 P23255 21 MILTON ST BANNOCKBURN (CHILD CARE CENTRE)**File Number:****Author:** Fahimeh Khalaj, Statutory Planner**Authoriser:** Emma Wheatland, Acting Director Community Planning and Growth**Attachments:** 1. Recommended conditions**RECOMMENDATION**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works pursuant to the provisions of the TZ (Clauses 32.05-2 & 32.05-11), subject to the conditions attached to this report.

EXECUTIVE SUMMARY

This report relates to a planning permit application for a child care centre at 21 Milton Street, Bannockburn. The report provides a background to the application and a summary of the relevant planning considerations.

The application was 'called-in' to a Council meeting by Councillors Cunningham and Whitfield for determination in accordance with Council's Consideration of Planning Applications Policy.

There are 5 objections to the application (including one with 36 signatories) and the main objector concerns relate to built form, amenity, carparking and traffic, and inappropriate land use. Councillors have been provided with a full copy of the application and objections for consideration prior to making a decision.

The issue of a Notice of Decision to grant a planning permit is recommended, subject to conditions.

BACKGROUND**Site description**

The subject site is situated at 21 Milton Street, Bannockburn and is formally described as Lot 1 on Plan of Subdivision 131457. There are no covenants or Section 173 Agreements affecting the title of the land. The land is encumbered by a 2.0 metre wide easement along the east side boundary and 3.0 metre wide easement along the south boundary, which are both for drainage and sewerage purposes.

The site is generally rectangular in shape, with a frontage to Milton Street of 30.42 metres, a depth of 65.73 metres and an overall site area of approximately 2003m². The land has a fall from the north-west to the south-east of approximately 2.23 metres.

The site is currently occupied by a single storey, pitched tiled roof brick dwelling and associated outbuildings. The dwelling is accessed via a driveway along the north-west side boundary and a crossover is provided to Milton Street at the north-west side of the street frontage. A carport and attached garage are located at the southern end of the driveway. Some small sheds are provided on the site towards the rear (south-west) boundary. A horizontal timber plank designed fence is provided along the street frontage of the site, with decorative gates for the driveway entry. There is an electricity pole outside the site between the public footpath and the site frontage. The front setback of the site is well vegetated. There is a low height fence to the adjoining public reserve to the west boundary.

The site is located to the western edge of the Bannockburn town centre and generally adjoins residential properties. The residential property adjoining to the south-east in Milton Street is within a Township Zone whilst the properties to the rear in Sandhurst Court and opposite to the north side of Milton Street are within a General Residential Zone. The land to the north-west forming Bannockburn Bushland Reserve/Wabdallah Park is within a Public Park and Recreation Zone.

Proposal

The application proposes the use and development of the land for the purposes of a child care centre. Child care centre is defined in Clause 73.03 of the planning scheme as:

“Land used to care for five or more children who are not permanently resident on the land.”

It is proposed to develop the site with a part one, part two storey high building. The child care centre is proposed to accommodate a maximum of 90 children and operate between the hours of 6.30am and 6.30pm Monday to Friday. The submitted permit application material advises that staffing for child care is based on the numbers of under or over 3 year old children that will be cared for within the child care centre, as the staff to child ratio varies based on these ages' groups, however the proposal does not specify any specific staff numbers for the centre. A 20 car space parking area will be provided on-site to the north-west side of the building and will be accessed from Milton Street via a widened crossover that will allow for vehicle ingress and egress.

The entry to the child care centre building is within the north-west elevation. A pedestrian path is proposed from the Council footpath outside the site along the north-west side of the building adjoining the car parking area to the child care centre entry. The entry is enclosed by a fence and gate for security purposes adjoining the car parking area. The entry leads to the internal ground level lobby, reception and piazza area. At ground level the building also provides 5 children's rooms of varying sizes, child bathroom facilities, a cot room, a kitchen, a laundry, an accessible WC room, and storage areas. The ground floor has a total area of 590 m². At first floor level the building provides a staff room, planning room, office and bathroom facilities, with a total floor area of 77 m². This first floor level is accessible only from within the reception area and only via a stairwell.

The outdoor play area is provided to the north-east, south-east and south-west side of the building. A total of 631m² of outdoor play area is provided for the Child care centre. The indoor children's rooms range in size from 42 m² to 73 m². Each indoor children's room has a direct doorway link to the outdoor play area. The outdoor play area is to be fenced to the on-site car parking area and site frontage with a 1.8 metre high childproof powder coated flat bar tyle fence, with matching gates. The existing boundary fencing to the south-east and south-west boundaries with the adjoining residential properties are to be replaced with 1.8 metre high sold timber acoustic fencing according to plan notations. It is noted that the elevation diagrams of the new fencing on drawing TP310A show 2.0 metre high acoustic fencing. A new 1.8 metre high paling fence is proposed to the north-west boundary with the adjoining reserve area.

The building is of a contemporary design and will have a relatively flat (2 degree sloped) roof at ground level, with solar panels towards the south-west end of the building. The first floor level roof will have a skillion design and 8 degree slope. The building is to be constructed of a variety of external materials and colours including face brickwork in grey colour, vertical standing seam cladding in monument colour, vertical timber cladding and lightweight matrix wall cladding in a white colour, and horizontal feature timber cladding.

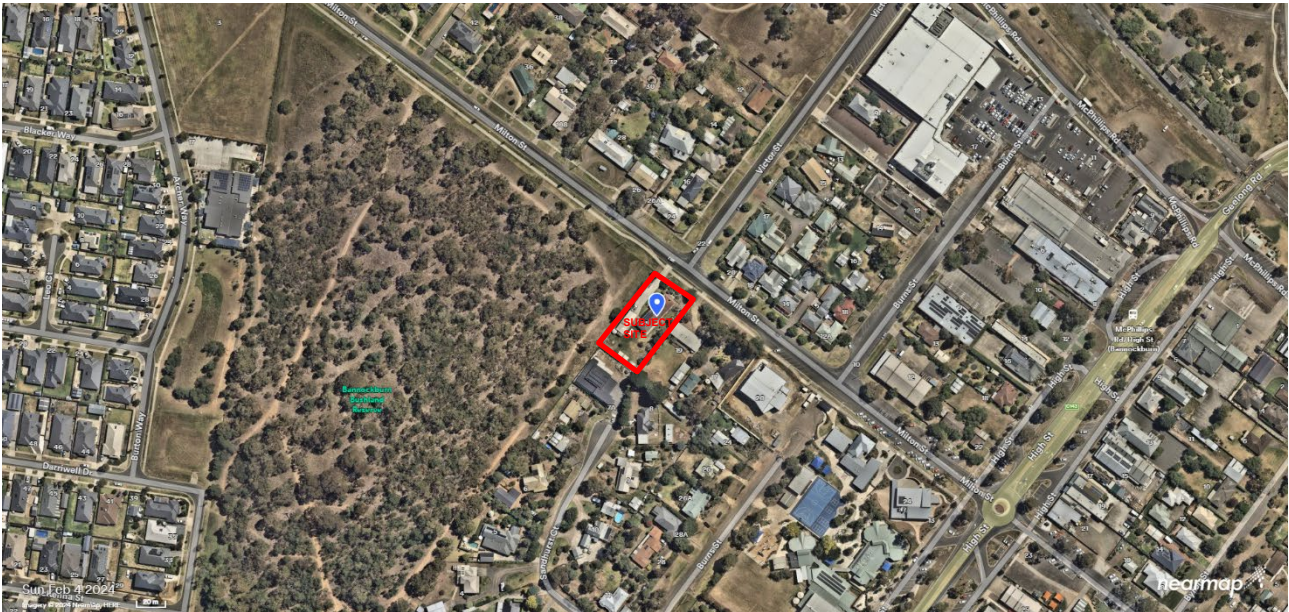
Within the main area of the building, where the ground floor level of the building is shown to be at natural ground level, the overall building height above this ground floor building level is 7.3 metres to the top of the first floor level roof.

An area of car parking will be provided to the north-north side of the building at ground level. This car parking area will provide 20 car parking spaces, of which one of them will be a DDA accessible car space. An electric vehicle charge point is proposed within the car parking area adjoining car spaces 18 and 19. Parking for three (3) bicycles is also proposed with the car parking area in a location proximate to the building entry. A bin storage area and store area are provided towards the west corner of the car parking area, with waste collection by a private contractor proposed. A total of six (6) bins are proposed to be provided, comprising 2 x 660 litre bins for recycling, 2 x 240 litre bins for food / garden waste and 1 x 660 litre and 1 x 120 litre bins for general rubbish.

The application plans do not show the retention of any existing vegetation within the front setback of the site.

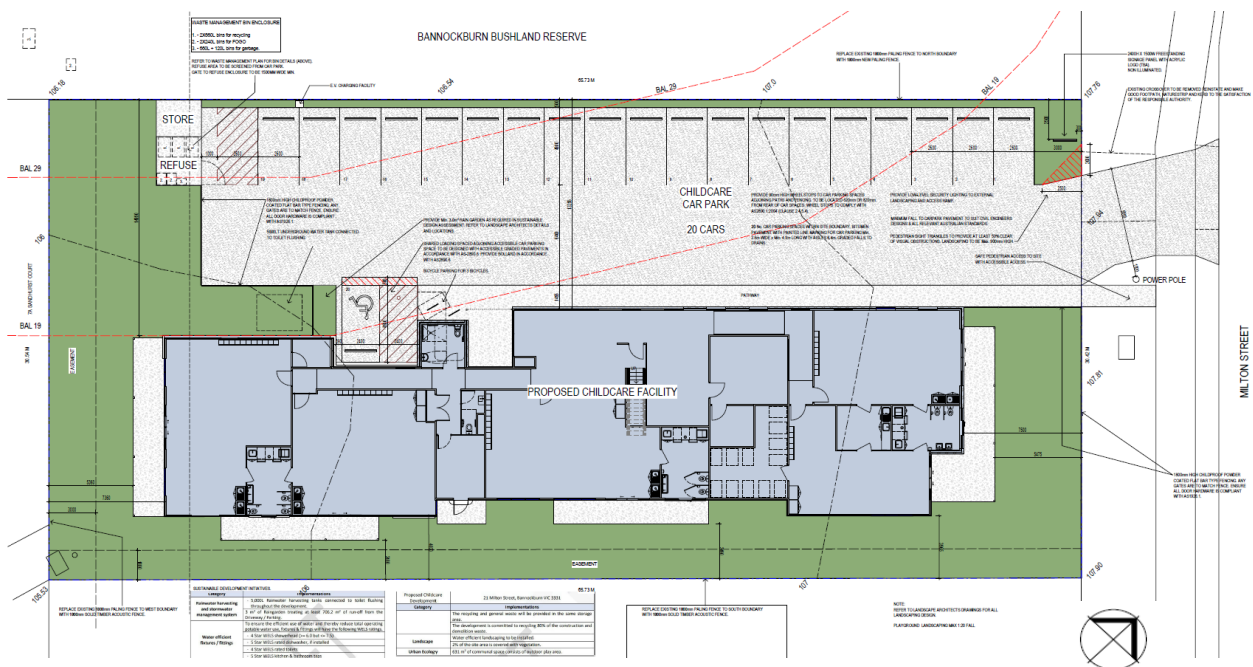
Signage is shown on the application plans within the front setback of the property proximate to the north corner of the site, however the permit application does not seek planning permission for the proposed sign. The signage proposed is a 2.4 metre high by 1.5 metre wide free standing panel with acrylic logo and upright illumination.

Site Map

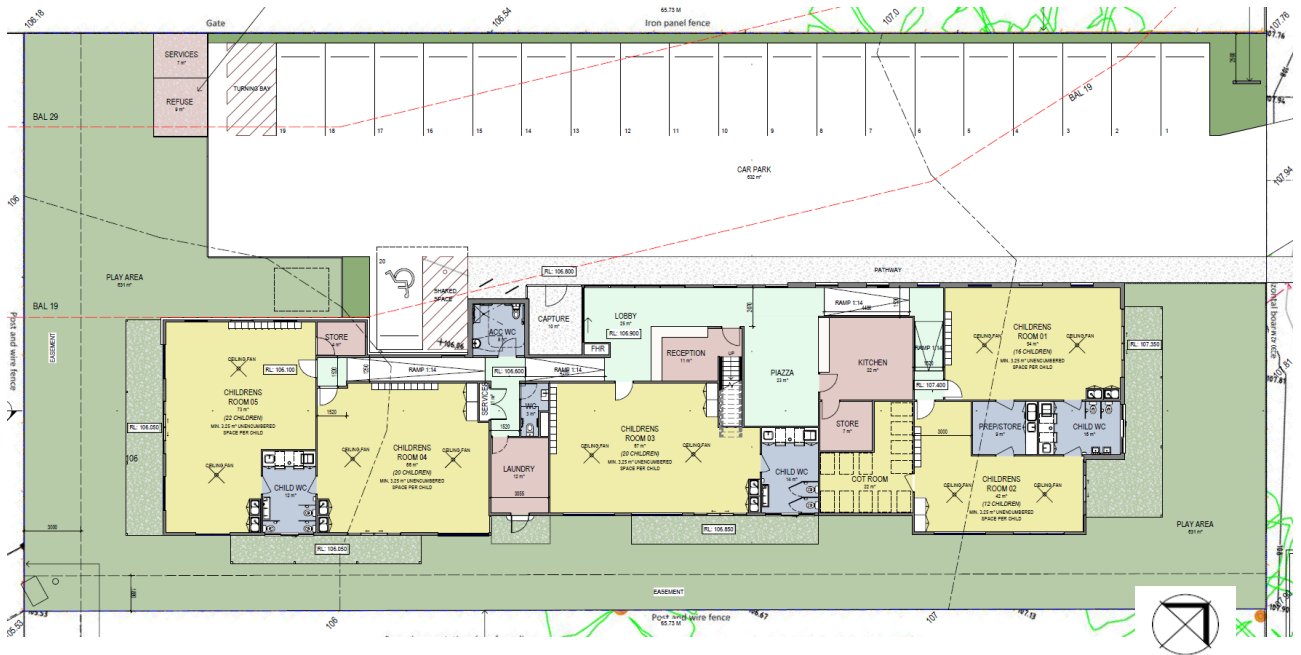


Proposed Development Plans

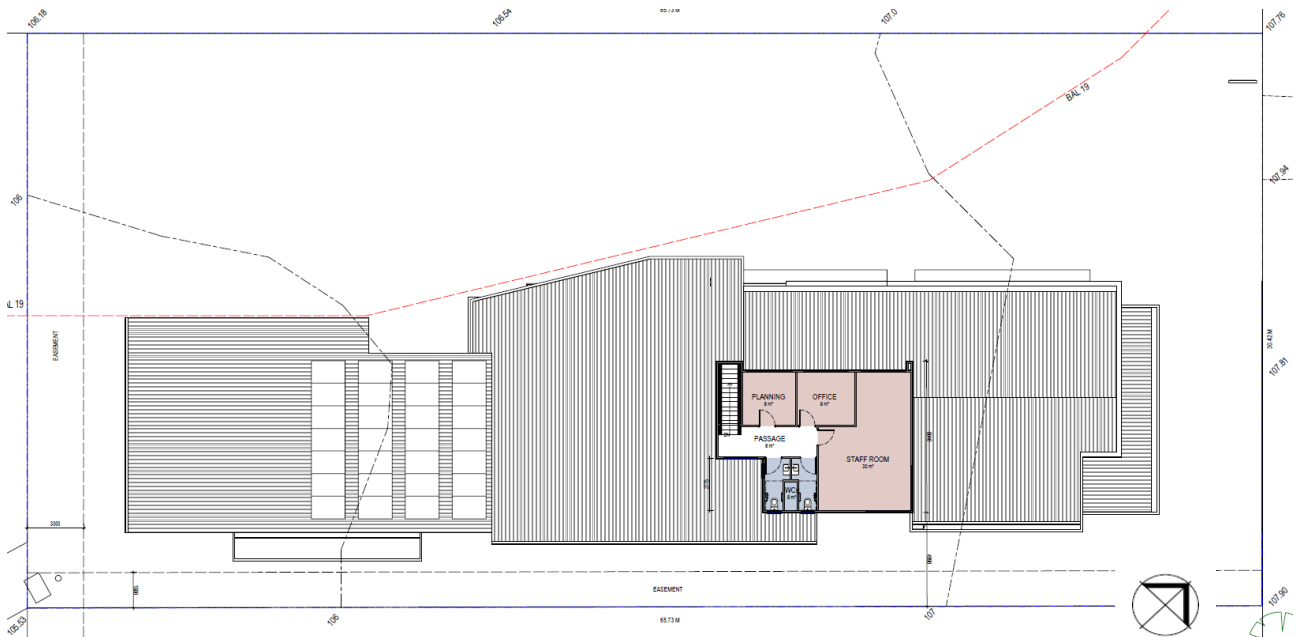
Site Plan



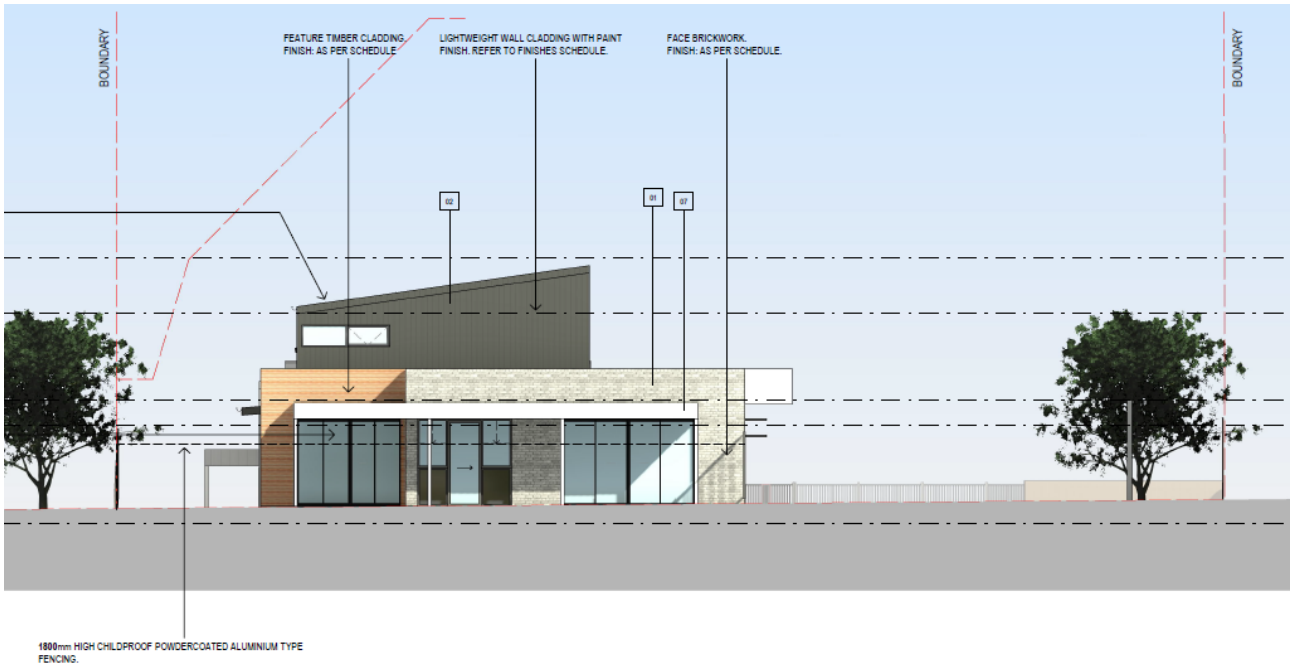
Ground Floor Plan



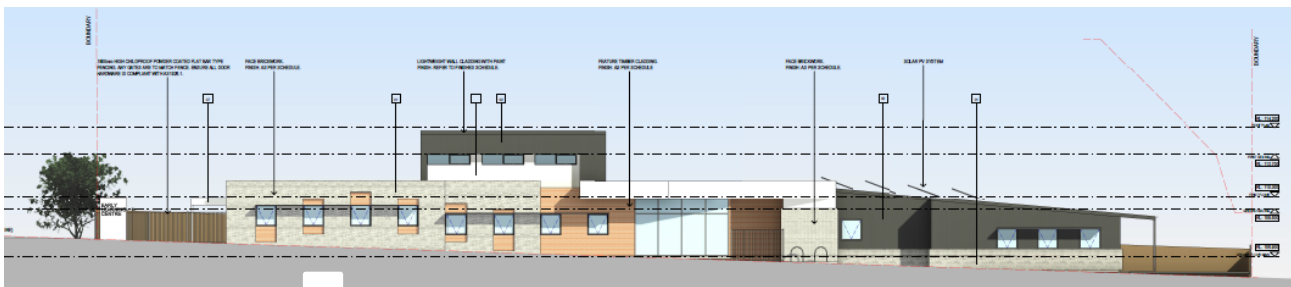
First Floor Plan



North-east Elevation – Milton Street elevation



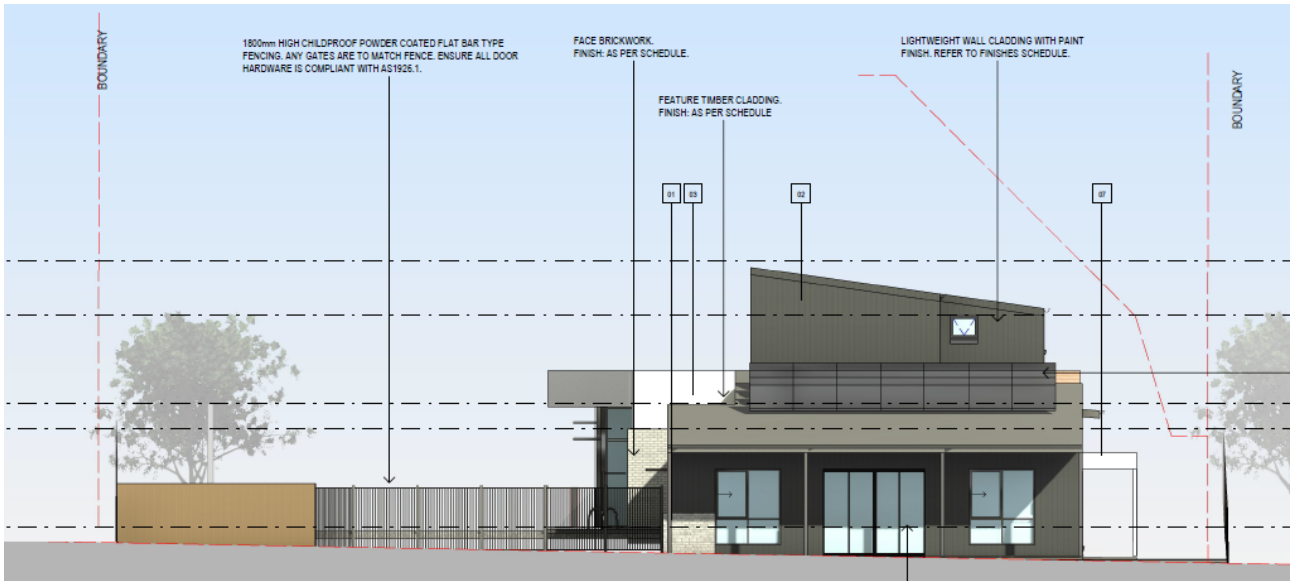
North-west Elevation










South-east Elevation



South-west Elevation



External materials / colour schedule

FINISHES SCHEDULE	
	01 Common brick, grey
	02 STANDING SEAM CLADDING. COLOUR: MONUMENT
	03 FEATURE TIMBER LOOK CLADDING (NON-COMBUSTIBLE)
	04 VERTICAL TIMBER CLADDING. DULUX 'WHISPER WHITE'
	06 POWDER COATING - BLACK WINDOW AND DOOR FRAMES
	07 LIGHTWEIGHT MATRIX WALL CLADDING. PAINT FINISH. COLOUR : DULUX 'WHISPER WHITE'.
	8 COMPOSITE ALUMINIUM CLADDING. COLOUR: COLORBOND 'MONUMENT'

3D perspective – North-east – to Milton Street



3D perspective – View from east corner within the site along Milton Street



3D perspective – North-west

**CONSULTATION**

Notice of the application was given in accordance with section 52 (1)(a) & (d) of the *Planning and Environment Act 1987*. Notice was provided by mail to all adjoining and neighbouring owners and occupiers, with a total of 51 letters being sent. Notice was also provided by placing a sign on-site and the application information was placed on Council's website.

As a result of the public notice, 5 objections were received; one of which contained 36 signatories. The main concerns raised by objectors relate to built form, amenity, carparking and traffic, and inappropriate land use.

A written response was also received from the Department of Energy, Environment and Climate Action (DECCA) on behalf of Parks Victoria who manage the adjoining Bannockburn Bushland Reserve. The response was provided in response to notice pursuant to section 52 of the *Planning and Environment Act* and not as a referral authority within the planning scheme. Parks Victoria does not object to the granting of a planning permit and recommends the following conditions are included in the permit:

1. No polluted or sediment laden runoff is to be discharged directly or indirectly into the Bannockburn Bushland Reserve.
2. No vehicle or machinery access, nor material storage, is allowed within the Bannockburn Bushland Reserve.
3. No structures are to encroach upon the Bannockburn Bushland Reserve.

4. No vehicle or pedestrian access, or associated infrastructure (e.g., gates), is permitted between the private property and the adjoining Bannockburn Bushland Reserve, without Parks Victoria consent.
5. No stormwater is to be discharged directly or indirectly into the Bannockburn Bushland Reserve

Parks Victoria and DECCA also note that the land is within a Bushfire Prone Area and the BAL Assessment submitted with the permit application refers the fuel break within the Bannockburn Bushland Reserve as part of the input towards the resulting BAL and in this regard advise that:

Parks Victoria has a long-standing position that it does not support the use of Crown Land to manage site specific risks on private land. Further to this, Crown Land management authorities cannot guarantee that vegetation would be maintained as a fire break or to any fuel level into perpetuity and would not enter into agreements of this nature with adjoining private landowners.

A consultation meeting was held on 23 April 2024 and did not result in a resolution being reached.

Following the consultation meeting the permit applicant provided Council officers with a written response seeking to further address objector's concerns which was circulated by Council officers to all objectors. Following receipt of this additional response one (1) objector has responded to Council with further queries regarding window locations, acoustic fencing height and design, and a request for the provision of the new boundary fencing prior to development. No objections were withdrawn.

ASSESSMENT

A planning permit is required under the following provisions:

- Township Zone (Clauses 32.05 2) - Child care centre is a 'Section 2 – permit required' use.
- Township Zone (Clauses 32.05 2) - A permit is required for buildings and works associated with a Section 2 use (child care centre).

The application was lodged on 15 December 2023 and further information was initially requested on 10 January 2024. The further information which consisted of Engineering plans and a copy of plan of subdivision was submitted on 27 February 2024.

There are no referral authorities specified in the planning scheme for an application of this type.

The application was internally referred to Council's Development Engineering department who considered engineering and parking/traffic issues associated with the proposal. The Engineering department had no objection to the issue of a permit subject to conditions being placed on any permit that is issued.

The application was internally referred to Council's Strategic Planning department who advised the proposal is consistent with the Bannockburn Growth Plan.

The application was internally referred to the Resource Recovery and Waste Officer who provided no objection if all waste services are managed on-site.

PLANNING SCHEME

Municipal Planning Strategy (MPS)

Clause 02.03-1 Settlement (Townships – Bannockburn)

This clause recognises that Bannockburn is the largest urban centre in Golden Plains Shire, a key regional centre within the Shire's network of townships and provides residential, commercial and administrative functions. To manage growth within the township Council seeks to accommodate all growth within the Bannockburn growth boundary, as identified in the Bannockburn Growth Plan (Victorian Planning Authority, May 2021) and protect the natural and built environment.

Clause 02.03-3 Environmental risks and amenity - Bushfire

This clause identifies that bushfire is a significant issue across the municipality affecting built communities and natural systems and seeks to mitigate bushfire risk by avoiding development in bushfire prone areas.

Planning Policy Framework (PPF)

Clause 11.03-1S Activity centres

The objective of this clause is *'To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.'*

Strategies to achieve this objective include to:

- build up activity centres as a focus for high-quality development, activity and living;
- reduce the number of private motorised trips by concentrating activities that generate high numbers of trips in highly accessible activity centres;
- improve access by walking, cycling and public transport to services and facilities;
- support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies; and
- encourage economic activity and business synergies.

Clause 11.03-6L-01 Bannockburn

This policy applies to the land identified on the Bannockburn Framework Plan and includes settlement strategies, land use and development strategies, urban design strategies and open space strategies. Of relevance are the strategies to

- Identify existing and future bushfire hazards and ensure buffers between vegetation and development are provided and managed to reduce bushfire risks and improve community resilience.
- Support a wide range of business activities to meet the needs of a growing population and to provide increased employment opportunities.
- Support a diversity of uses within the Bannockburn Town Centre.
- Locate car parking so it does not dominate road frontages and the streetscape.
- Ensure the design and layout of development appropriately manages and responds to the settlement bushfire interface.
- Ensure development is designed to be capable of implementing vegetation management requirements to reduce bushfire risks on private and public land.

Clause 13.02-1S Bushfire planning

This policy applies to all planning applications within a designated bushfire prone area and aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The site is within a Bushfire Prone Area.

The policy provides that bushfire risk should be considered when assessing a planning application for a child care centre, including the risk of bushfire to people, property and community infrastructure, the requirement to implement appropriate bushfire protection measures to address the identified bushfire risk and ensuring new development can implement bushfire protection measures without unacceptable biodiversity impact.

Clause 13.05-1S Noise management

This policy relates to management of noise effects on sensitive land uses and seeks to ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions. This policy also seeks to minimise the impact on human health from noise exposure to occupants of sensitive land uses such as residential use, child care centres and schools near the transport system and other noise emission sources through suitable building siting and design, urban design and land use separation techniques.

Clause 15 Built Environment and Heritage

This policy acknowledges that *'Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.'* It also provides that *'Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.'*

Clause 15.01-2S Building design

This policy seeks *'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.'* Strategies to achieve this outcome include ensuring development responds to the strategic and cultural context of its location; ensuring the form, scale and appearance of development enhances the function and amenity of the public realm; and ensuring development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Clause 15.01-5S Neighbourhood character

This policy seeks to recognise, support and protect neighbourhood character and ensure that development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place.

Clause 19.02-2S Education facilities

The objective of this policy is *'To assist the integration of education and early childhood facilities with local and regional communities.'* Among the strategies to achieve this objective are:

- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Consider the existing and future transport network and transport connectivity.

Zone provisions

Clause 32.05 Township Zone

The purpose of the Township Zone at Clause 32.05 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Within the 'Table of uses' at Clause 32.05-2 of the Township Zone, a child care centre is not a 'Section 1 - Permit not required' use or as a 'Section 3 – Prohibited' use and therefore falls in the

'catch all' provision of 'Section 2 – Permit required' where the use is 'Any other use not in Section 1 or 3.'

Clause 32.05-11 'Buildings and works associated with a Section 2 use' provides that a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

Decision guidelines which the responsible authority must consider before deciding on an application are provided at Clause 32.05-14 and include as relevant:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *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 and telecommunications.*
- *The design, height, setback and appearance of the proposed buildings and works including provision for solar access.*
- *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.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

The Schedule to the Township Zone, entitled 'Golden Plans Townships' does not provide any specific requirements which impact the site.

Overlay provisions

The subject site is not affected by an Overlays.

Particular provisions

Clause 52.05 Signs

The purpose of Clause 52.05 is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The provisions of Clause 52.05-11, 'Category 3 – High amenity areas', are applicable to the subject site. The purpose of this category of signs is 'To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.'

Within Category 3 a permit is required for a business identification sign, a pole sign, a floodlit sign, and an internally illuminated, among others.

The application plans show a sign on the site plan, but no further details are provided, and no planning permission has been sought for the proposed sign. The applicant has confirmed through email that the sign is indicative.

Clause 52.06 Car parking

The purpose of the car parking provisions, among other things, is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. A new use must not commence until the required car spaces set out in Table 1 at Clause 52.06-5 have been provided on the land. The number of car spaces required by Table 1 is 0.22 car spaces per child for a child care centre. Clause 52.06-5 provides that *'If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.'* Therefore, in this case a total of 19 car spaces are required for the proposed child care centre based on a capacity of 90 children.

Clause 52.34 Bicycle facilities

The purpose of Clause 52.34 is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

A child care centre does not require the provision of on-site bicycle parking spaces pursuant to Table 1 to Clause 52.34-5, Bicycle spaces.

Clause 65.01

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

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

CULTURAL HERITAGE IMPLICATIONS

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007* because the activity area does not include areas of a registered cultural heritage place and is not located in an Area of Cultural Heritage Sensitivity.

DISCUSSION

Planning Scheme

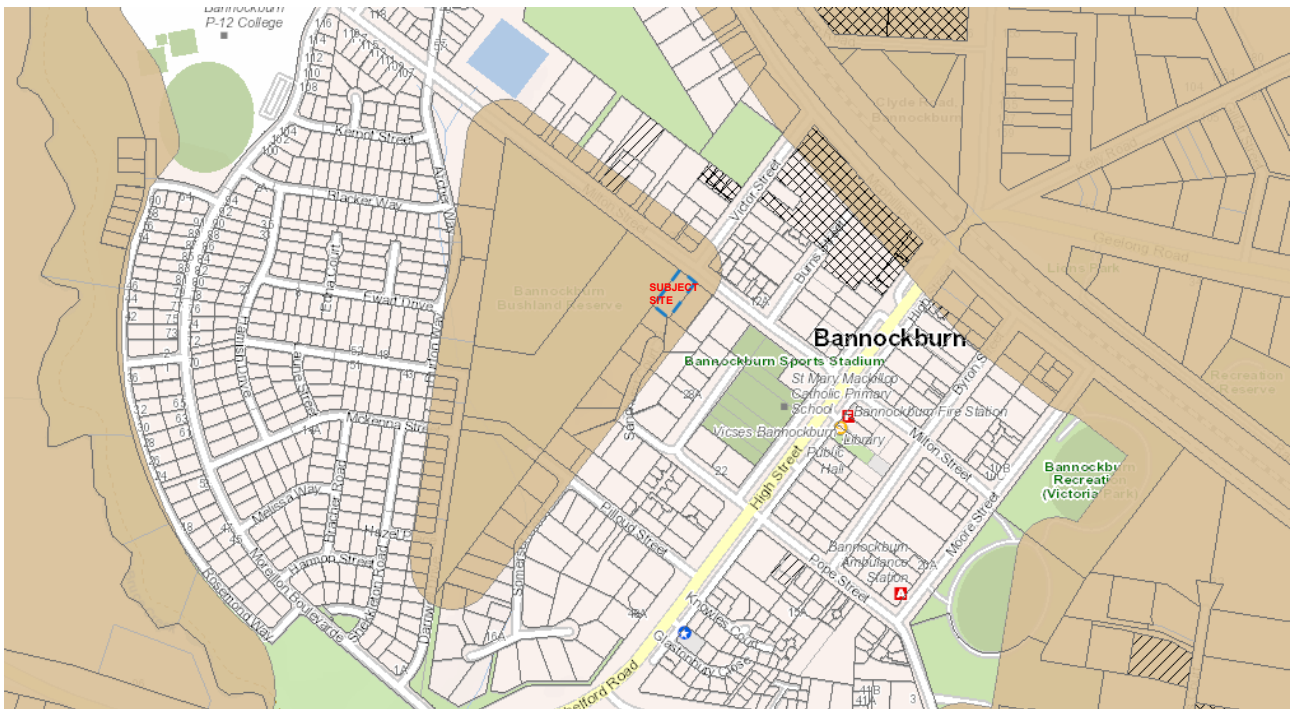
The proposed use and development of the land for a child care centre is considered to satisfy planning policy within the Golden Plains Planning Scheme, in particular:

- The use will contribute to Bannockburn maintaining its role as the largest urban centre in the Shire and as a key regional centre within the network of surrounding townships by providing a key commercial and educational use for the community within the Township zoned land adjoining the identified town centre (Clause 02.30-1 Settlement).
- The site is at the periphery of the Bannockburn town centre area and the proposed child care centre land use will support the focus of the adjoining commercial area for business, shopping, working, leisure and community facilities (Clause 11.03-1S Activity centres).
- Consistent with planning policy and the Bannockburn Framework Plan the proposal will provide for the needs of the growing population for child care services, will provide employment opportunities within the proposed use, and will provide for a diversity of uses on land adjoining the Bannockburn town centre (Clause 11.03-6L-01 Bannockburn).
- The proposed building will be able to be designed to address the relevant Bushfire Attack Level for land within a Bushfire Prone Area and adjoining a bushland reserve. It is noted that the car parking area for the use has been provided adjoining the boundary with the bushland reserve area rather than the building. The location of this car parking will not dominate the street frontage of the site. (Clause 11.03-6L-01 Bannockburn).
- The acoustic report submitted with the application has identified that with the acoustic fencing proposed the outdoor play areas will not result in adverse impacts to the adjoining and opposite residential land uses and that the noise from the use of the car park would comply with the Association of Australasian Acoustic Consultants (AAAC) noise targets and with sleep disturbance thresholds (Clause 13.05-1S Noise management).
- The contemporary design of the building which utilises grey coloured external brickwork, horizontal feature timber cladding, vertical standing seam cladding in monument colour, lightweight matrix cladding in white colour and vertical timber cladding in white colour appropriately responds to the character and built form of the location including drawing on the features of the built form of the surrounding school, commercial buildings and residential buildings (Clause 15 Built Environment and Heritage).
- The proposed development will deliver a building of high quality design that is well articulated and provides a good urban design outcome for the site in a functional and accessibly designed response (Clause 15 Built Environment and Heritage).
- The building presents as single storey to Milton Street with the first floor level well set back from the street frontage and the building façade and it delivers a well-articulated streetscape elevation through the verandah design and variety of external building materials which ensures the proposed building will contribute positively to the local context and the public realm (Clause 15.01-2S Building design).
- The layout of the development with one exit / entry point to the car parking area and a clearly defined, gated building entry provides for safe access and egress for pedestrians, cyclists and vehicles (Clause 15.01-2S Building design).
- The design of the proposed building is contemporary and reflective of emerging newer buildings including dwellings, within both the surrounding local area and the Bannockburn town centre (Clause 15.01-5S Neighbourhood character).
- Consistent with planning policy for Education facilities, the proposal is located proximate to an existing primary school which provides the opportunity for multi-purpose trips and walking or cycling options to reach the child care centre (Clause 19.02-2S Education facilities).

- The proposed development provides for off-street car parking which enables safe drop off and pick up opportunities and there are bicycle parking racks proposed for the site to encourage bicycle access (Clause 19.02-2S Education facilities).

Whilst planning policy at Clause 02.03-3 'Environment risks and amenity – Bushfire', seeks to avoid development in bushfire prone areas it is acknowledged that the subject site is within an area identified as being bushfire prone due to its abuttal to the north-west to the Bannockburn Bushland Reserve. This Bushfire Prone Area applies to all properties immediately adjoining this Reserve and those opposite within Milton Street. In this regard the proposed child care centre building will be able to be suitably designed to address the anticipated Bushfire Attack Level.

Bushfire Prone Area map



A Bushfire Attack Level Assessment was provided as part of the permit application material in response to the provisions of Clause 13.02-1S 'Bushfire planning'. This Assessment provided that a dwelling on the land would be able to achieve BAL-19 to BAL-20 requirements. However, the land is not proposed to be developed for a dwelling. An updated assessment will be required to be undertaken for the use of the land for a child care centre prior to endorsement of any plans to ensure the correct BAL is able to be achieved by the building. The current BAL Assessment refers to additional measures to be considered to improve the bushfire performance of buildings and includes a Personal Bushfire Plan. It is considered that such a plan should be developed by the child care centre operators prior to occupation of the building and be on display at all times within the building for staff information. This can form a condition of any permit issued.

Use

The use of the land within a Township Zone proximate to the Bannockburn town centre for a purpose built child care centre is appropriate. The site is located at the western end of the land within the Township Zone. The Townships Zone is within the suite of residential zones within the planning scheme and allows for a range of commercial, industrial and other uses in small towns. The purpose of the Township Zone also includes to allow education facilities, such as child care centres, to serve local community needs in appropriate locations. The site is an ideal location for a non-residential use within a Township Zone where it abuts a bushland reserve and has only two direct residential land use interfaces and access to a higher order local road. The interface of the proposed child care centre use with the adjoining residential properties to the south-east and south-west is able to be managed by offsetting the building from these boundaries and providing the outdoor play areas in these locations with the provision of acoustic site boundary fencing.

The site benefits from being close to Mary McKillop Primary School for the clustering of educational facilities and the opportunity for multi-purpose trips to this area of Bannockburn for school and child care drop off / pick up.

With respect to the decision guidelines within the Zone, it is considered that the 90 child care place intensity of the use is able to be accommodated on the land within the purpose-built building and is on land able to be appropriately serviced.

Several objectors raised concerns with the demolition of a dwelling to allow for the provision of a child care centre whilst there is a housing shortage being experienced. In this regard it is recognised that Bannockburn and the Shire of Golden Plains is experiencing housing growth and the municipality has good land supply within its township boundaries able to accommodate new dwellings to provide for housing opportunities and options within the municipality. It is also noted that no planning permit is required to demolish the existing dwelling.

The provision of a child care centre proximate to the Bannockburn town centre and an existing primary school is considered a suitable location within the municipality. Child care centres should not be restricted to being provided only within new housing estates, as is suggested by some objectors, and are able to serve a need within town centres close to employment opportunities and within established residential areas.

Built form

The proposed built form is contemporary in design and in this regard several objectors submit that the building will not blend with the surrounding environment and will change the appearance and feel of the area. It is acknowledged that the proposed built form of the new child care centre will result in a change to the appearance of the site which currently accommodates a single storey pitched roof brick veneer dwelling. The proposed built form outcome provides a modest, low-scale single storey, well-articulated presentation to the street that will provide an appropriate transition between the adjoining single storey flat roofed dwelling to the south-east and the bushland reserve to the north-west within the Milton Street streetscape.

With respect to the design of a child care centre within a residential area, and in this instance a Township Zone, it is widely recognised through various Victorian Civil and Administrative Tribunal (VCAT) planning decisions that non-residential buildings in residential areas are not required to replicate dwellings. In particular, as the buildings are designed for non-residential activities, it is recognised that they are likely to have a different appearance, scale and massing to a dwelling which generally accommodates only one household. The design of any new non-residential building should respect its context and the prevailing and emerging streetscape appearance. In this regard the proposed building is predominantly single storey in design with a small upper floor level well setback back from the ground floor building envelope. The building provides a streetscape elevation with a front verandah design and external brickwork and timber cladding materials that are consistent with the appearance of modern residential dwellings. This design response is considered consistent with the Bannockburn Growth Plan 'Enhance town character' principle raised by an objector, as the modest, single storey, contemporary designed building provides a low-scale building typology that is responsive to the local context and utilises external building materials and finished colours evident within the surrounding residential area and town centre.

The development has been specifically designed with the car parking to adjoin the north-west boundary to avoid abutting the adjoining residential properties; with the outdoor play areas to abut the existing residential properties to the south-east and south-west where potential amenity implications can be appropriately managed.

In terms of the decision guidelines within the Zone which relate to built form, it is considered that the building design, height, setback and appearance have been well considered and deliver a good outcome for the site. The building is provided with good solar access to all internal play areas. The proposal will provide a positive contribution to the character of the Bannockburn township and the Milton Street streetscape.

No existing vegetation is proposed to be retained as part of the development of the site and a landscape plan has not been provided as part of the permit application material. New landscaping of the site will be required to the extent that is appropriate for land within a Bushfire Prone Area.

Such landscaping should consider the streetscape character, the opportunity to provide appropriate planting within the outdoor play areas and the ability to retain any existing canopy trees.

Car parking and traffic

The proposal requires the provision of 19 car parking spaces based on the Clause 52.05-6 rate for a child care centre of 0.22 car spaces per child. This car parking rate provides consideration for both staff and child care centre user car parking. A new wider crossover is proposed from Milton Street to provide two-way vehicular access to the site. The proposal will provide pedestrian access from the Council footpath to the site to provide for local walkability. The car parking access and layout has been reviewed by Council's Development Engineers and no concerns have been raised.

The layout of the carparking area also provides for bin storage and collection. A private contractor will be required to collect the relevant bins from the site. The submitted Waste Management Plan submitted with the application should be endorsed under the permit to ensure the proper provision of waste collection services. Deliveries will be able to occur within the site in vehicles of a size equivalent to or smaller than any waste collection vehicle.

It is acknowledged that the new use will increase the vehicle movements to and from the site and within Milton Street, however Council's Development Engineers consider this impact to be low and, in this regard, the existing street network has capacity to accommodate this increase. Council's Development Engineers have not raised any concerns with any increase in traffic through the Milton Street and High Street roundabout, with traffic congestion at the intersection of Milton Street and Victor Street or with any future traffic in the area as a result of the to-be-completed shopping centre car park as has been raised as issues by objectors.

Objector concerns were raised in relation to fire contingency and emergency access which would add to the congestion and chaos within Milton Street. As per any residential dwelling within the street the site would be able to be appropriately accessed via emergency service vehicles if the need arose.

The speed of vehicles along Milton Street is not able to be addressed as a planning issue and is not directly related to the proposed use and development of the land for a child care centre. The proposal will not result in the Bannockburn Bushland Reserve/Wabdallah Reserve being inaccessible due to car parking issues as is raised as an objector concern.

Amenity

It is acknowledged that the proposed child care centre will introduce new noise and activity into the area when compared with the existing single dwelling on the land. The objectors have raised concerns with the provision of outdoor play areas adjoining the residential properties where people work from home or are shift workers with daytime sleeping hours. The permit applicant has proposed a new acoustic boundary fence to the south-east and south-west boundaries where the outdoor play areas abut these adjoining residential properties.

The acoustic report forming part of the permit application recommends a minimum 1.8 metre high acoustic fencing to the south-east and south-west site boundaries and identifies that with this fencing the proposal will not result in adverse noise impacts at the identified adjoining sensitive uses. This approach is consistent with outcomes of VCAT determinations for similar situations where it has been found that it is appropriate for such centres to take responsibility for their potential noise impacts and provide acoustic attenuation to minimise the impact of the noise of children playing upon adjoining residential properties to an acceptable level. This acoustic fencing will not prevent the ability hear the noise of children at play from adjoining properties but will reduce the noise to a level considered to be reasonable for a non-residential child care centre use within a residential area. A condition of permit will require amended plans to note that the acoustic fencing is to be designed in accordance with the recommendations of the submitted acoustic report.

The acoustic report also recommends a condition of permit should be included that *'Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment*

Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues at all times. This condition can be included on any permit issued.

The hours of operation of the proposed child care centre is appropriate for a non-residential use within a Township Zone and are consistent with business operation hours of child care centres in residential areas. The proposed hours of operation will not result in any unreasonable amenity impact on the surrounding neighbourhood.

The extent of two storey building proposed is minimal and the first floor area is well offset from all site boundaries and well set back from the ground level building footprint. In this regard the extent of two storey building height proposed will not create an imposing visual amenity impact on the adjoining residential properties.

The upper floor level of the proposed building is well set back from the south-east and south-west boundaries of the site and will not result in any unreasonable overshadowing of any adjoining residential secluded private open space areas. Shadow diagrams have been submitted with the permit application to indicate this outcome. The upper floor level windows are to the hallway area, bathroom facilities and a staff room. The application plans show these windows to be highlight windows with a raised sill height. The staff room window which faces south-east towards 19 Milton Street is offset 4.99 metres from the south-east site boundary. The raised sill height and the separation distance of these first floor windows from the site boundaries will avoid any unreasonable overlooking. The proposal would comply with the Clause 55 (Rescode, two or more dwelling on a lot) overshadowing and overlooking provisions if they were applicable to a child care centre. A permit condition should be included to require the sill height above finished floor level to be a minimum of 1.7 metres for these upper level windows within the south (south-east orientation), east (north-east orientation) and west (south-west orientation) elevation plans and for all bathroom facility windows to be notated as obscure glazing.

Signs

No planning permit has been sought for the signage shown to the north corner of the site frontage to Milton Street. As a planning permit would be required for this signage within a Township Zone a condition of permit will require the signage to be removed prior to endorsement of any plans for the proposed use and development of the site.

Clause 65.01 Decision guidelines

The above assessment is considered to have appropriately addressed the relevant matters set out within the decision guidelines at Clause 65.01 for consideration by the responsible authority prior to determining an application.

Matters raised by objectors

The majority of the matters raised by the objector parties have been addressed in the above discussion including built form, car parking provision and traffic issues, and amenity concerns including overlooking and noise.

Those objector concerns which are not previously discussed are addressed as follows:

- The impact of the proposed child care centre use and development on property values is not a matter able to be considered within the scope of planning legislation.
- The proposed use and development will not impact on the adjoining Bannockburn Bushland Reserve/Wabdallah Reserve and its animal inhabitants as there will be no direct access from the site to the reserve, with new boundary fencing to be installed to protect the reserve from the proposed on-site car parking area.
- An objector party was concerned with a cross section diagram appearing to be a building elevation and it is confirmed there are no first floor balcony areas or external doors and only external windows which will have appropriate sill heights or obscuring glazing to prevent overlooking to the adjoining residential properties.

- A condition of permit can require the site boundary fencing to be installed prior to the commencement of construction works on the land to assist to contain any building materials and waste within the subject site.
- As the acoustic fence at a height of 1.8 metres meets with the provisions of the acoustic report it is not sought to propose a permit condition to increase the fencing height to 2.0 metres as per the details shown on the application plans fencing elevations on drawing TP310A which are inconsistent with the fencing height notations on the site plans.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

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

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Notice of the planning application has been undertaken in accordance with the requirements sets out in the *Planning and Environment Act 1987*, by way of letters to adjoining and adjacent landowners, placing a sign on-site and placing the application information on Council's website.

PUBLIC TRANSPARENCY

As objections have been submitted for this application, the application is being forwarded to Council for a decision, thereby making the determination transparent.

STRATEGIES/PLANS

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

RISK ASSESSMENT

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Issue a Notice of Decision to Grant a Permit

This option is recommended by officers as the matters which are required to be considered have been, and the application is considered to satisfy the provisions of the Golden Plains Planning Scheme.

Option 2 – Issue a Notice of Decision to Refuse to Grant a Permit

This option is not recommended by officers because the application is considered to satisfy the provisions of the Golden Plains Planning Scheme.

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

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

CONFLICT OF INTEREST

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

CONCLUSION

The application satisfies the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, particularly Clause 11.03-6L-01 Bannockburn, Clause 15.01-2S Building design, the provisions of the Township Zone, Clause 52.06 car parking provisions and the decision guidelines of the Planning Scheme (Clause 65). The proposed child care centre will provide a positive contribution to the built form within Milton Street, has been appropriately designed and sited to have regard for the adjoining land uses, is able to address potential off-site amenity impacts and provides the required on-site car parking sought by Clause 52.06-5. Permit conditions requiring the provision of associated infrastructure will ensure that the issue of a permit does not cause material detriment to any person.

7.8 ASSET MANAGEMENT POLICY AND STRATEGY - ADOPTION

File Number:**Author:** Wendy McAlpine, Coordinator Strategic Asset Management and Systems**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:**

1. Asset Management Policy
2. Asset Management Strategy 2024 - 2029

RECOMMENDATION

That Council:

1. Adopt the Asset Management Policy
2. Adopt the Asset Management Strategy 2024-29.

EXECUTIVE SUMMARY

The Draft Asset Management Policy and Asset Management Strategy 2024-29 was considered by Council at its 19 March 2024 meeting. Following Council endorsement to proceed to community consultation, documents were placed on public exhibition. Submissions received comprised of minor feedback which has been considered and addressed within the Policy and Strategy documents where feasible. It is important to note that the feedback and updates have not changed the intent of the Policy and Strategy. Community members that provided feedback will be individually contacted and thanked for their contribution.

BACKGROUND

Golden Plains Shire Council last updated its Asset Management Policy in 2018 (endorsed by Council 26 June 2018), and the Asset Management Strategy in 2019 (endorsed by Council 27 August 2019). Both documents are due for revision and update. Since the development of the previous Asset Management Policy and Strategy there has been considerable work completed on the purchase and implementation of a new asset management system (Assetic). Further, *the Local Government Act 2020* requires the organisation to develop and maintain an Asset Plan. Therefore, it is imperative that we update our Asset Management Policy and Strategy to ensure it is contemporary, in-line with industry best practice, and meets the needs of the organisation to grow its asset management capability.

DISCUSSION

AM Policy

The purpose of the Asset Management Policy is to define a broad framework and principles for the sustainable and effective lifecycle management of all asset groups required for current and future service delivery to the community of Golden Plains Shire. It will enable Council to implement a coordinated approach to the management of all assets essential to Council's strategic and operational goals.

The revised policy is a considerable rewrite of the current Asset Management Policy. The approach taken is to have a contemporary policy that follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). Responsibility for this policy lies with the Asset Management Steering Committee to oversee the continued implementation, monitoring and review, with periodic reports to Council's Senior Management Team. The policy is to be reviewed every 4 years, by October 31 in the year following a Council Election.

Asset Management Strategy

Building on the framework of the Asset Management Policy, the Asset Management Strategy 2024-29 provides the principles and strategic actions to shape our decision making and planning, to ensure sustainable service delivery, for both current and future generations.

To supplement the strategy, we will formulate an improvement roadmap which will describe the detailed improvement items we need to implement to support the strategic actions over the next 5-year life of the Asset Management Strategy. The improvement roadmap will be delivered either through business as usual or as discrete projects funding through the annual budget. The progress of implementing the improvement roadmap will be reported to SMT annually.

The Asset Management Strategy is a long-term vision with a 5-year focus. The next comprehensive review of the Asset Management Strategy will be completed no later than June 2029.

Community Engagement Summary

The Draft Asset Management Policy and Draft Asset Management Strategy 2024-29 were publicly exhibited for community comment from 27th March 2024 to 10th May 2024. In line with Council's Community Engagement Policy.

The full Community Engagement Report is attached.

Three (3) community submissions were received. Noting that one respondent submitted their response over two submissions. Both respondents live in Golden Plains Shire.

The Asset Management Team will respond individually to each community member. Their feedback and responses can be found in the attachments.

As a result of the community feedback, minor updates have been completed as follows:

Asset Management Policy:

Page 4 – Adjusted the wording for Environmental Sustainability to incorporate respect for the traditional owners of Country.

Page 8 – added a note next to 'asset' definition that this definition differs from the asset definition in finance policies and procedures.

Page 9 – inserted reference to Council's Reconciliation Action Plan

Asset Management Strategy:

Page 16 - Adjusted the wording for Environmental Sustainability to incorporate respect for the traditional owners of Country (as per Policy)

Page 17 – Inserted Action 1.2: We will ensure that our services and programs are inclusive and accessible. Our public places and spaces will be safe, welcoming, and build a sense of community.

Page 18 – Updated wording in Objectives 3.1 to improve how this section reads. For example, wording changed from 'we will' to Developing, Continuing, Understanding, Planning.

Document Control – updated with line item for version 2.1.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

In accordance with the Governance Principles s.9 of the *Local Government Act 2020*, the Asset Management Policy and the Asset Management Strategy 2024-29 seek to demonstrate continuous improvement to service delivery from Council's asset base. The policy aligns with current industry standards, follows good practice, and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). The Asset Management Strategy 2024-29 provides the principles and strategic actions to help shape our decision making and planning, to ensure sustainable service delivery for both current and future generations.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The guiding principles outlined in the Asset Management Policy and Asset Management Strategy 2024-29 include:

- People First Approach
- Access, Inclusion, and Equality
- Environmental Sustainability
- Lifecycle Approach
- Financial Responsibility
- Leadership and Innovation.

Key environmental sustainability actions include:

- Embed environmentally sustainable design principles into the design and construction of our facilities, and
- Plan and manage infrastructure assets to help with the aim of being a zero-net emissions organisation, in line with corporate targets.

COMMUNITY ENGAGEMENT

The Draft Asset Management Policy and Draft Asset Management Strategy 2024-29 were publicly exhibited for community comment from 27 March 2024 to 10 May 2024, in line with Council's Community Engagement Policy.

The full Community Engagement Report is attached.

Details regarding the changes to the Asset Management Policy and Asset Management Strategy as a result of the community engagement is detailed in the discussion section of this report.

PUBLIC TRANSPARENCY

The Asset Management Policy and Asset Management Strategy 2024-29 will be made publicly accessible providing transparency in framework and strategic direction for the management of Council assets once the documents are adopted.

STRATEGIES/PLANS

The Asset Management Strategy 2024-29 reflects the following items of the Council Plan 2021-25:

- 1.1.1 Education, programs, services and infrastructure to enable people to feel safe in the local communities including preventing family violence and improving mental wellbeing.
- 1.3.2 Provide and activate spaces and develop opportunities for communities to connect and participate.
- 2.1.1 Maintaining and improving our road and bridge networks.
- Advocate and plan for safe pedestrian, cycling and recreation paths and trails that reduce reliance on vehicles.
- 2.2.1 Provide, maintain and advocate for sustainable and accessible facilities that promote and enable healthy recreation, physical activity and social connection.
- 2.3.2 Ensure and provide infrastructure to accommodate and service existing and developing communities across the Shire.
- 2.4.1 Provide high quality public spaces and infrastructure.
- 2.4.2 Maintain the amenity and cleanliness of townships, roadsides and public spaces.
- 3.4.2 Promote, encourage and advocate the use of sustainable and clean energy and technology.
- 5.2.2 Ensure responsible and sustainable financial, asset and risk management.

FINANCIAL MANAGEMENT

The Asset Management Strategy 2024-29 provides objectives and strategic actions for financial sustainability, including integrating the outcomes of asset management planning into the organisations Long Term Financial Plan.

Actions delivered from the Asset Management Strategy 2024-29 will be delivered through business-as-usual improvements or as discrete projects funded from the annual budget.

SERVICE PERFORMANCE

The Asset Management Policy and Asset Management Strategy 2024-29 help Council to demonstrate continuous improvement to service delivery from its asset base and provide good value.

RISK ASSESSMENT

Should Council not adopt the Asset Management Policy and the Asset Management Strategy 2024-29, Council will not have an up-to-date policy and strategy to guide its asset management practices for the next 5 years. Lack of current policy and strategy jeopardises the organisation to progress asset management capability and realise maximum value from its assets.

COMMUNICATION

Officers informed the community of the public exhibition feedback process through online and social media content. Officers have liaised with internal stakeholders in the preparation of these documents.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Adopt the Asset Management Policy and Asset Management Strategy 2024-29

This option is recommended by officers. The policy aligns with current industry standards, follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). The Asset Management Strategy 2024-29 provides the principles and strategic actions to help shape Council's decision making and planning, to ensure sustainable service delivery for both current and future generations.

Option 2 – Do not adopt the Asset Management Policy and Asset Management Strategy 2024-29

This option is not recommended by officers as jeopardises the organisation to progress asset management capability and realise maximum value from its assets.

CONFLICT OF INTEREST

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

CONCLUSION

The Asset Management Policy has been updated so that it is a contemporary policy that follows good practice and satisfies the requirements of the National Asset Management Assessment Framework (NAMAF). It will enable Council to implement a coordinated approach to the management of all assets essential to Council's strategic and operational goals.

The objectives of the Asset Management Strategy 2024-29 set out the results Council needs to achieve to progress its asset management capability and realise maximum value from its assets. Linked to the objectives are Council's strategic actions, which provide the direction on how Council will continue to improve its asset management maturity.

Adoption of the Asset Management Policy and Asset Management Strategy 2024-29 will provide the framework, principles and strategic actions to help shape Council's decision making and planning, to ensure sustainable service delivery from Council's asset base for both current and future generations.

7.9 DRAFT FOOTPATH STRATEGY 2024-2034 - PUBLIC EXHIBITION

File Number:**Author:** Vicki Shelton, Manager Asset Services**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** 1. Draft Footpath Strategy 2024 - 2034**RECOMMENDATION**

That Council:

1. Endorse the Draft Footpath Strategy 2024-2034 for public exhibition;
 2. Note a further report will be presented to Council following the public exhibition process.
-

EXECUTIVE SUMMARY

The Footpath Strategy sets out a strategy for how GPSC will commence to deliver and upgrade its formal footpaths within the Shire over the next 10 years. The Strategy is prepared in response to changing population needs and our ability to plan for growth. The strategy sets out a 'level of service framework' and a 'prioritisation matrix' to support selection of projects for delivery. It is recommended that Council now provide the Draft Footpath Strategy for public exhibition and invite feedback on the framework and matrix.

BACKGROUND

Footpaths and walkways play a significant role to connect communities and provide a means of access to community facilities, services, public transport and open spaces. The provision of pedestrian networks makes communities more liveable and connected.

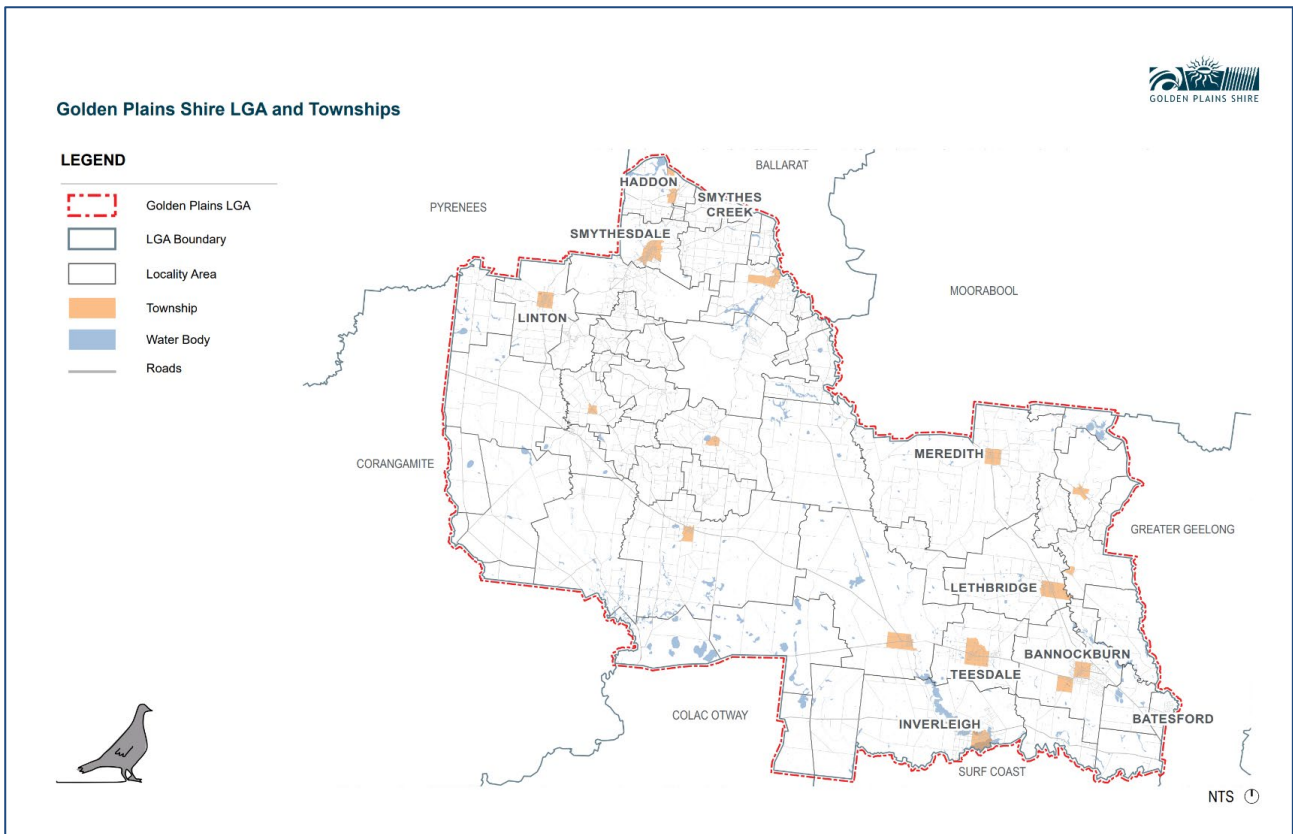
Spiire Consulting was engaged to prepare a 'Footpaths Strategy', which will assist Council to manage its current footpath assets and develop pedestrian networks to every township. The strategy reflects our existing pedestrian networks and the gaps within the network.

The purpose of the strategy is to identify and recommend future upgrades and new footpath construction priorities and proactively plan for ongoing maintenance. The strategy will also outline how we will potentially monitor and evaluate the utilisation of footpaths across Golden Plains.

The consultants initially audited the existing footpath network, identified future demand and prepare townships maps with suggested improvements for community feedback. (Attached Appendix to draft strategy)

Community forums were held both online and in person at the Bannockburn Cultural Centre, The Well in Smythesdale and Haddon Community Learning Centre and were attended by over 50 community members, Councillors and Council staff. An online survey was also open from 31 July to 28 August 2023 with the Communications and Engagement report attached.

The engagement sessions allowed for a hands-on approach to suggest improvements and identify gaps in the existing footpath network for 10 townships across the shire. The townships assessed were Bannockburn, Teesdale, Inverleigh, Haddon, Smythesdale, Lethbridge, Batesford, Meredith, Smythes Creek and Linton. An issues paper was prepared for review prior to development of the Draft Strategy (Attached Appendix to draft strategy).



DISCUSSION

The draft strategy sets out the process by which existing conditions were assessed, the community were engaged and opportunities prioritised in the planning of future works. To enable this, a ‘levels of service framework’ and a ‘priority matrix’ have been developed to provide rigour to the next steps.

The Strategy is based on the current conditions and known changes in the Shire but allows flexibility for changing situations over the course of its intended lifespan, enabling council to be proactive in meeting the needs of its residents.

The GPSC Road Management Plan 2021-2025 identifies a hierarchy for paths split via location – Commercial, Township and Rural. It does not indicate a level of service.

Identifier	Name	Explanatory Notes
FC	Commercial	Footpaths in commercial/business areas and/or adjacent to schools
FT	Township	Footpaths and/or bicycle paths within townships
FR	Rural	Footpaths and/or bicycle paths in rural areas

A levels of Service Framework has been prepared to assist in the assessment and prioritisation of footpaths, to catalogue assets and prescribe maintenance resources.

Hierarchy of Asset (Category No.)	Asset Name	Description	Quality Standards
1	Premium rated footpath	Key connection between community assets, accessible path, concrete.	Concrete footpaths must be maintained to a high standard at all times so as to not compromise connectivity or accessibility. Paths should be free from cracks and tripping hazards.
2	High rated footpath	Connects to one community asset or connects to a high rated footpath. Typically asphalt or concrete	Footpaths must be maintained to a high standard. Any replacements of sections should seek to transition asphalt to concrete and consider opportunities to increase accessibility. Paths should be free from cracks, tripping hazards and in the case of asphalt, undulations, low spots trapping water and eroded edges.
3	Medium rated footpath	Provides connectivity to a broader residential catchment and connects to a high rated footpath. Typically concrete or asphalt.	Footpaths to be maintained at base service levels. Upgrade opportunities to be assessed against priority matrix. Paths should be free from cracks, tripping hazards and in the case of asphalt, undulations, low spots trapping water and eroded edges.
4	Low rated footpath	Footpath only serves limited residential catchment. Could be any material	Footpaths to be maintained at minimum service levels. Upgrade opportunities to be assessed against priority matrix. Paths should be free from cracks, tripping hazards and in the case of asphalt and gravel paths; undulations, low spots trapping water and eroded edges.

A priority matrix has been developed to identify and rank priorities. The matrix allows all potential new and upgraded footpaths to be scored against a list of criteria. The total score of each potential footpath installation or upgrade can then be ranked against other footpaths to determine a priority ranking. The matrix comprises 11 criteria which fall under five categories; **Safety** (Road Type, Sight distance, Terrain, History); **Connectivity** (proximity to services/facilities/infrastructure, alternate access, broader links); **Accessibility** (demand, population); **Works Impact** (e.g., environmental); **Strategic** (policy, resources). The full Matrix is included in the attached Draft Strategy.

The top priority new paths or upgrades to existing paths have been identified for each of the 10 largest townships in the Shire by population at the time of undertaking. The top priority for each town is listed below with further explanation and priorities captured in section 9 of the Draft Strategy. Additional towns can be added to the strategy post its adoption and a similar engagement process can be undertaken managed by our internal Asset Services Team.

Town	Road/Street
Bannockburn	Geelong Road
Teesdale	Teesdale-Inverleigh Road
Inverleigh	Hamilton Highway
Haddon	Taylor's Road
Smythesdale	Glenelg Highway (North of Heales Street)
Lethbridge	Tall Tree Road
Batesford	Midland Highway
Meredith	Staughton Street East
Smythes Creek	Glenelg Highway and Bells Road
Linton	Glenelg Highway (South of Gillespie Street)

The Strategy includes extracts from the IDM identifying standard footpath construction details and also refers to our footpath inspection regime, interventions under the Road Management Plan and maintenance programs.

Public exhibition of the Strategy will allow the community to provide feedback on the levels of service and the priority matrix. A further report will be prepared for Council following completion of a four (4) week public exhibition phase.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

COMMUNITY ENGAGEMENT

Community forums were held both online and in person at the Bannockburn Cultural Centre, The Well in Smythesdale and Haddon Community Learning Centre and were attended by over 50 community members, Councillors and Council staff. An online survey was also open from 31 July to 28 August 2023 with no submissions received. The Communications & Engagement report is attached.

STRATEGIES/PLANS

Council Plan 2021-2025 refers to the provision of footpaths under the Theme of Liveability and Objective 2.1 Connected and Accessible Roads, Crossings, Paths and Transport. The preparation of the Footpath Strategy is an identified Action under this objective.

FINANCIAL MANAGEMENT

The existing budget for new footpath construction is \$150,000 per year with approximately 1500m of new footpath constructed each year under the program. The footpath maintenance budget is \$135,000 per year. The preparation of the strategy was funded from this program at a cost \$45,000.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Public exhibition of the Draft Footpath Strategy will allow the community to provide feedback on the levels of service and the priority matrix. A report will be prepared for Council following completion of the four (4) week public exhibition phase. Submissions will be reviewed and where practicable the strategy will be amended to reflect the sentiments of the community.

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – Present the Draft Footpath Strategy for Public Engagement

This option is recommended by officers as input by the community to the footpath strategy will support identified actions and recommendations going forward.

Option 2 – Do not present the Draft Footpath Strategy for Public Engagement

This option is not recommended by officers as it does not meet our Community Engagement Policy to provide the opportunity for input to Council Strategies.

CONFLICT OF INTEREST

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

CONCLUSION

It is recommended that the Draft Footpath Strategy be advertised on our website and be available in our customer service centres for public exhibition and feedback.

7.10 TENDER AWARD - GPSC-RFT-02-2024 TEESDALE DON WALLACE OVAL UPGRADE**File Number:****Author:** David Miocic, Coordinator Community Projects Engineer**Authoriser:** Ben Jordan, Manager Recreation & Community Infrastructure**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the contract GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade tender to Turfcare and Hire Pty Ltd for the cost of \$661,184.00 excluding GST.
2. Resolves to budget \$48,600.00 for goal posts and safety netting, to be delivered as a separate procurement package; and a \$35,489.20 project contingency sum, equating to a total budget allowance of \$745,273.20 excluding GST.
3. Note that the shortfall of \$129,202.29 (inclusive of a construction contingency allowance) is to be funded from the \$100,000.00 allocated to Council's 2024/25 Sports Oval Irrigation Upgrades budget, with the remaining \$29,202.29 to be funded by the Community & Recreation Facility Beautification/Safety Works budget.
4. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

EXECUTIVE SUMMARY

Golden Plains Shire Council wishes to engage a suitably qualified and experienced contractor for the provision of an upgrade at Teesdale Don Wallace Oval. The upgrade involves an automated irrigation system with a new pump, subsurface drainage, realignment of oval boundary, new fencing with concrete edging, and coach's boxes.

New goal posts and behind goal safety netting are also required to complete the oval upgrade and will be installed by another supplier separately to the head contract.

This report is being presented to Council for a decision as the tender price is more than the available budget. In these circumstances awarding of contracts cannot be considered by the Councillor Contracts Committee under its Terms of Reference.

BACKGROUND

Studies undertaken by Golden Plains Shire Council have determined the need to complete upgrades at key sports precincts to continue meeting community needs. The Don Wallace Recreation Reserve Masterplan was developed with the local community and adopted by Council in October 2022.

The Masterplan identifies that a key component of the development of this recreation reserve is to upgrade the oval to ensure it is compliant with the minimum requirements for junior and senior football, and to enable year-round use, regardless of flood or drought. In doing this, participation outcomes and opportunities for all sports in Teesdale and neighbouring townships will be improved.

The upgrade of the oval was scoped and discussed with representatives from Sport and Recreation Victoria (SRV) and was considered suitable for a Country Football and Netball Program (CFNP) application. In June 2023, Council was advised of being successful in attracting \$250,000 for the delivery of this project, with Golden Plains Shire Council to commit \$400,000 to the project.

The upgrade includes the installation of an automated subsurface irrigation system and improved drainage that will significantly reduce the current burden on volunteers. The project also includes provision of new boundary fencing, coach's boxes, goal posts and an interchange bench to improve participant/volunteer experiences, safety and elevate the presentation of the reserve. It will ensure that the oval surface is better prepared and maintained, increasing opportunities for the scheduling of activities.

DISCUSSION

The detailed design process for the Teesdale Don Wallace Oval Upgrade was completed by appointed design consultants in March 2024, and included consultation with the Committee of Management and user group representatives.

The tender, inclusive of full design documentation, was publicly advertised from 8 March to 12 April 2024, with five submissions received on closing. The submissions were reviewed, and compliance checked with all submissions being compliant.

After the Evaluation Panel members had individually reviewed and scored the five tenders, a panel evaluation meeting was held on 3 May 2024 to agree on a consensus score for all criteria based on documents submitted.

On the completion of all assessments, the panel members agreed by consensus that three of the companies would be able to complete the project based on their qualitative scores for Capability, Capacity and Methodology. However, all submissions were priced well above the available construction budget and the panel advised that a Request for Information (RFI) and a Best and Final Offer (BAFO) with reduced project scope be sent to four of the providers.

Following the submission of RFIs and BAFOs from the providers, a second consensus meeting was held on 28 May 2024 to review the clarification responses received and updated pricing.

The panel discussed the merits of each of the responses and concluded that Turfcare and Hire Pty Ltd offered best VFM (value for money) and that they have could successfully complete the works.

Based on the initial tender response, and subsequent Request for Information and Best and Final Offer, the panel agreed by consensus that Turfcare and Hire Pty Ltd were the recommended preferred supplier for GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade

A detailed Confidential Tender Evaluation Report has been previously provided to Council.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	Yes

GOVERNANCE PRINCIPLES

The overarching Governance Principles of the Local Government Act are a key consideration in the tendering processes for delivery of community infrastructure projects including:

- Priority is to be given to achieving the best outcomes for the municipal community.
- Ongoing financial viability is to be ensured.

POLICY/RELEVANT LAW

Tender GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade complies with GPSC Procurement Policy and the Local Government Act 2020.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

In designing this project, a consulting arborist was engaged to undertake a Pre-Development Arboriculture Assessment to identify and minimise potential impacts from the proposed upgrade works to existing vegetation around the oval at Don Wallace Recreation Reserve.

It was found that three trees would need to be removed to complete the works and it was recommended that a project arborist be onsite for all excavations within tree protection zones (TPZs).

This was communicated to stakeholders including Council's Environment and Open Spaces Team and a Tree Protection Management Plan (TPMP) was stipulated in the tender documentation which prescribes vegetation protection measures to be undertaken during construction.

COMMUNITY ENGAGEMENT

Consultation occurred with community stakeholders including Don Wallace Recreation Reserve Committee of Management (CoM), the Teesdale Kangaroos Junior Football Club (TKJFC), the Teesdale Cricket Club (TCC), AFL Barwon, Geelong Cricket Association (GCA), Sport and Recreation Victoria (SRV) and Golden Plains Shire, with all parties supportive and approving of the project.

PUBLIC TRANSPARENCY

Public notice of the tender was provided and included advertisements in the Geelong Times, Ballarat Times, Golden Plains Times and Council's eProcure portal. Decision outcomes will be advised on eProcure tender website and Council minutes.

STRATEGIES/PLANS

The Teesdale Don Wallace Oval Upgrade project is aligned with the objectives and principles of the Golden Plains Shire Community Vision 2040, Council Plan 2021-2025, Sport and Active Recreation Strategy 2020-2030, the G21 and AFL Barwon Towards 2030 Strategy and the Don Wallace Recreation Reserve Masterplan.

FINANCIAL MANAGEMENT

The project was funded by a Golden Plains Shire Council commitment of \$400,000 and an SRV contribution of \$250,000, equating to a total project budget of \$650,000 (ex GST). The cost of design and preliminary works for the project is \$33,929.09 (ex GST), leaving a total of \$616,070.91 available for construction.

Remaining Construction Budget **\$616,070.91 (ex GST)**

Turfcare and Hire Pty Ltd tender price for oval upgrade	\$661,184.00 (ex GST)
Behind Goals Safety Netting (separate contract)	\$48,600.00 (ex GST)
Project Construction Contingency (recommended 5%)	\$35,489.20 (ex GST)

Value of total project inclusive of 5% contingency **\$745,273.20 (ex GST)**

¹Standard construction contingency of 10% has been assessed as not considered required for a project of this nature.

The funding shortfall of \$129,202.29 (inclusive of a Project Construction Contingency allowance) is proposed to be funded from the following Capital Project lines:

- \$100,000 from Council's 2024/25 Sports Oval Irrigation Upgrades budget
- The remaining \$29,202.29 to complete all works is to be funded by the Community & Recreation Facility Beautification/Safety Works budget.

The Turfcare and Hire Pty Ltd contract will be for **\$661,184.00 (ex GST)** and budget required to complete all works (inclusive of contingency allowance) is estimated at **\$745,273.20 (ex GST)**.

RISK ASSESSMENT

Risks for this project were considered by the tender evaluation panel. Requirements associated with this specific type of risk activity are actively monitored throughout the life of the contract. There are no identified risk implications associated with this report

COMMUNICATION

Council decisions on tender/s awarded are advised through Council Minutes and the electronic tender system and supplier notifications are issued via the procurement email.

HUMAN RIGHTS CHARTER

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

GENDER EQUALITY

As this report relates to the development or review of a policy, program or service that has a direct and significant impact on the public, the Gender Equality Act 2020 requires that a Gender Impact Assessment (GIA) be undertaken. A GIA has been conducted and there are no identified gender inequality implications.

The Teesdale Don Wallace Oval Upgrade will deliver a superior surface with improved drainage and durability to provide increased usability for people of all genders.

OPTIONS

Option 1 – Approve Tender Award – GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade to Turfcare and Hire Pty Ltd.

This option is recommended by Council officers as a thorough tender evaluation and selection process which has been undertaken and recommends that GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade be awarded to Turfcare and Hire Pty Ltd.

Option 2 – Approve Tender Award – GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade to alternative supplier.

This option is not recommended by Council officers as a thorough evaluation and selection process has been undertaken of all submissions presented for GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade including compliance, qualitative standards and value for money. Turfcare and Hire Pty Ltd was identified by panel consensus as the most suitable provider of these services to Council.

Option 3 – Not award contract to any tenderer.

This option is not recommended as the Oval Upgrade works have been advertised to the market and are joint funded with an external partner. If contract is not awarded, it may result in reputational damage for Council and compromise external funding.

CONFLICT OF INTEREST

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

CONCLUSION

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions received in response to Council's request for tender GPSC-RFT-02-2024 – Teesdale Don Wallace Oval Upgrade as outlined in this report to ensure compliance with the:

- The relevant provisions of the *Local Government Act 2020- (Vic)*; and
- Council's Procurement Policy requirements.

In conclusion, **Turfcare and Hire Pty Ltd** met Council's tender requirements for the Teesdale Don Wallace Oval Upgrade project and are considered best placed to provide these services for Council.

7.11 AUDIT AND RISK COMMITTEE MEETING MINUTES - 14 MAY 2024**File Number:****Author:** Lauren Richardson, Governance and Risk Specialist**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. **Audit & Risk Committee Minutes 14 May 2024****RECOMMENDATION**

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 14 May 2024.

EXECUTIVE SUMMARY

This report is being submitted to Council to provide a summary of business considered at the 14 May 2024 meeting of the Audit & Risk Committee. The unconfirmed minutes are attached to this report for noting.

BACKGROUND

The Audit & Risk Committee (the Committee) is an independent advisory committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No
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POLICY/RELEVANT LAW

To remain compliant with Section 53 of *Local Government Act 2020*, the Audit and Risk Committee has been established to assist Council in fulfilling its responsibilities relating to risk management, financial management and control and reporting.

PUBLIC TRANSPARENCY

A summary of matters considered at the Audit and Risk Committee meetings is presented to an open Council meeting for transparency to the public.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

HUMAN RIGHTS CHARTER

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

CONFLICT OF INTEREST

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

CONCLUSION

This report provides a summary to Council of business considered at the 14 May 2024 meeting of the Audit & Risk Committee. The next meeting of the Audit & Risk Committee will be held on 13 August 2024.

7.12 DRAFT DISABILITY ACTION PLAN AND WHAT WE HEARD POST-CONSULTATION UPDATE

File Number:**Author:** Tamara Thorsen, Coordinator Active Ageing and Inclusion**Authoriser:** Emma Wheatland, Acting Director Community Planning and Growth**Attachments:**

1. DRAFT Disability Action Plan Strategic Framework 2025-2029
2. What We Heard Engagement Summary Report - draft Disability Action Plan

RECOMMENDATION

That Council:

1. Note that the community engagement to enable the development of the draft Disability Action Plan 2025-2029 has now concluded.
2. Note the attached What We Heard Engagement Summary Report.
3. Endorse the Draft Disability Action Plan Strategic Framework 2025-2029 to be shared with the community for exhibition and feedback.

EXECUTIVE SUMMARY

Between March and April 2024, community members were invited to provide feedback on the draft Disability Action Plan 2025-2029. Officers have captured the outcomes of the engagement in a Community Engagement Summary report (attachment 1).

The Disability Act 2006 (Section 38) requires all Government organisations to have a Disability Action Plan (or similar). A Disability Action Plan identifies actions to remove physical, civic and attitudinal barriers for people with disabilities. It is also designed to increase employment opportunities and influence community attitudes.

The draft Disability Action Plan Strategic Framework provides a framework for Council to address current and future needs of people with disabilities. Actions that are guided by the framework will be embedded in the Council Plan and aligned with Community Vision 2040, Reconciliation Action Plan and Municipal Public Health and Wellbeing Plan.

BACKGROUND

The information included in the Disability Action Plan Strategic Framework (DAP) 2025-2029 builds on the work undertaken in the current Active Ageing & Inclusion Plan 2020-2024. The framework will enable new actions and retain any ongoing actions and responsibilities in an integrated, strategic manner. The draft Disability Action Plan Strategic Framework has been created in alignment to the Victorian State Disability Action Plan to embed consistency and to strengthen advocacy for future funding opportunities.

The Golden Plains Shire community will continue to change as the population grows, community aspirations evolve, and the prevalence of chronic health conditions increase. These changes will have a range of impacts on the services and facilities Council advocates for and provides for people with disabilities.

Through the engagement, we heard from more than 156 residents via survey responses, outreach at pop up events, targeted engagement with community groups, and community workshops held in Smythesdale, Bannockburn, and Dereel.

The community identified having access to supports as their most important priority, recommending more employment and educational opportunities for all abilities across the municipality. Physical environment, facilities, and public transport were also raised repeatedly. These factors were considered essential to people with disabilities being able to work, attend events, be independent and generally participate in society.

DISCUSSION

Golden Plains Shire Council has developed a draft Disability Action Plan Strategic Framework to provide a framework that supports people with disabilities and other access challenges to engage with Council and access all areas of the organisation's operations.

The draft Disability Action Plan Strategic Framework's goal is to enable clearly identifiable actions in Council Plan that aim to improve the overall quality of life for people living, working and visiting the Shire, by removing barriers which directly or indirectly discriminate against people living with disabilities.

The draft Disability Action Plan Strategic Framework will assist Council to:

- Build a stronger, more vibrant community through increased participation in community life for people with disabilities;
- Demonstrate Council's leadership in the areas of access, inclusion and equality;
- Ensure facilities and services provided by Council are accessible, equitable and inclusive;
- Demonstrate Council's commitment to diversity and culture;
- Improve outcomes across Council's various roles of construction, planning, regulation and the provision of programs and services;
- Support independence, well-being and quality of life for all people.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	Yes

POLICY/RELEVANT LAW

In accordance with the principles in Section 9 of the Local Government Act 2020, the development of the Disability Action Plan Strategic Framework will specifically:

- Ensure priority is given to achieving the best outcomes for the municipal community, including future generations;
- Engage the municipal community in strategic planning and strategic decision making;
- Pursue innovation and continuous improvement.

The Plan ensures Council's compliance with following legislative requirements:

- The Disability Discrimination Act 1992 determines it is a legal requirement for Local Government to provide equal access to employment, public buildings, goods, services and facilities.
- Section 38 of the Disability Act 2006 makes it mandatory for all Government organisations to have a Disability Action Plan (or similar).

COMMUNITY ENGAGEMENT

The community engagement principles listed under s.56 of the *Local Government Act 2020*, were followed in the consultation of the draft Disability Action Plan 2025-2029.

STRATEGIES/PLANS

Section 9 of the *Local Government Act 2020* is to ensure the municipal community is engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under section 89 of the Act, which are required to be applied in developing the draft Disability Action Plan Strategic Framework.

COMMUNICATION

The Community Engagement Summary/What We Heard report, and the Draft Disability Action Plan Strategic Framework will be published on Council's website for public exhibition in June 2024. A final Community Engagement Summary will be presented to Council alongside final version of the Disability Action Plan Strategic Framework for endorsement and adoption by Councillors.

HUMAN RIGHTS CHARTER

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

GENDER EQUALITY

A Gender Impact Assessment (GIA) has been conducted and there are no identified gender inequality implications.

OPTIONS

Option 1 – Endorse the Draft Disability Action Plan Strategic Framework for public exhibition and feedback between June and July for a four week period

This option is recommended by Council Officers as the exhibiting the draft Disability Action Plan Strategic Framework 2025-2029 aligns with the deliberative engagement principal of; ensuring community can participate in clear and transparent process throughout decision making.

Option 2 – Immediate adoption of the Draft Policy

This option is not recommended by Council Officers as the draft Disability Action Plan Strategic Framework is required to be developed in consultation with the community. While early

engagement has occurred, it is important to check in with community to ensure we have captured or appropriately considered their thoughts, ideas and preferences in the document.

Option 3 – Defer public exhibition

This option is not recommended by Council Officers as there would be insufficient time to appropriately engage the community, consider feedback, update the draft and have it adopted by Council by August.

CONFLICT OF INTEREST

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

CONCLUSION

Consultation for this project was conducted in a two step process:

1. Engagement with community to develop the draft
2. Exhibition of the draft document for feedback

Input received during the draft Disability Action Plan Community Engagement has now been used to produce the draft Disability Action Plan Strategic Framework. It is now time to exhibit the draft document for the community to provide feedback.

Following a four-week public exhibition, Council Officers will present the final draft of the Disability Action Plan Strategic Framework 2025-2029, with any changes to Council in August 2024 for adoption.

Officers will communicate outcomes with all participants involved in the Disability Action Plan consultation and publish updates on the Golden Plains Shire Council Website following council endorsement.

7.13 FAIR ACCESS POLICY - ADOPTION

File Number:**Author:** Brodie Marston, Coordinator Recreation and Community Facilities**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:**

1. Fair Access Policy
2. Fair Access Fact Sheet

RECOMMENDATION

That Council adopt the final 'Fair Access Policy', as attached.

EXECUTIVE SUMMARY

The Fair Access Policy Roadmap is an Australia first approach that aims to give women and girls better and fairer access to community sports infrastructure. It has been developed by the Office for Women in Sport and Recreation (in partnership with VicHealth and Sport & Recreation Victoria) as part of the 'Change Our Game' initiative to level the playing field for girls and women in sport and active recreation.

The Roadmap requires all Victorian local government authorities (LGAs) to have in place a gender equitable access and use policy (or equivalent) for community sporting facilities by 1 July 2024 to remain eligible for State Government community sports infrastructure funding.

A further, less formal requirement is that Councils also undertake an action plan to support the promotion and implementation of Fair Access, including with community stakeholders such as Committees of Management, clubs, sporting associations and facility user groups.

The 'Fair Access Policy' was developed through participation in a sector wide Community of Practice process and following presentation to the April Council Meeting, the Draft Fair Access Policy was made available to the community via public exhibition in May 2024.

BACKGROUND

In August 2022, the Victorian State Government announced its Fair Access Roadmap, a three-phase initiative to support gender equitable access to, and use of, community sporting infrastructure across the state which aligns with the *Gender Equality Act 2020 (Vic)*.

The Fair Access Policy Roadmap aims to develop a statewide foundation to improve the access to, and use of, community sports infrastructure for women and girls and features three key phases, being **Education, Readiness and Progress**.

These phases have guided Victorian councils and sport and recreation organisations on how to collectively work towards creating a foundation of gender equity in community sport and active recreation.

Throughout the Education Phase, the Office for Women in Sport and Recreation delivered:

- Sector-wide information sessions as part of the Fair Access Policy Roadmap launch
- A series of gender impact assessment workshops for councils
- Forums for sport and active recreation organisations; and
- A Fair Access Roadshow, which included the delivery of workshops to councils on requirements including the development of a 'Fair Access Policy'.

The Readiness Phase commenced with the Fair Access Community of Practice (CoP) - enabling councils to navigate challenges with gender equality change management and providing opportunities for collaboration and knowledge sharing. Four CoP workshops, focussed on steps to develop a Policy and supporting actions, were conducted from September 2023 to April 2024 and

were facilitated by the Office for Women in Sport and Recreation and available for all councils to attend.

The Progress Stage will commence on 1 July 2024, should Council adopt the Final 'Fair Access Policy'. This stage will focus on implementation of Council Policy and supporting actions, and Council is well placed to commence this stage, as it has actively participated in both the Education and Readiness phases.

DISCUSSION

Council Policy Development

To outline Council's requirements, the Fair Access Policy Roadmap, including the objectives, actions and timelines, was presented to Council at the February 2024 Strategic Planning Briefing.

Council is required to adopt a 'Fair Access Policy' by 1 July 2024 to be considered eligible for future State Government Sport and Recreation funding. Council Officers have been working on the development of the policy since September 2023 including participating in Community of Practice workshops to develop the Policy and seek feedback from the Office for Women in Sport and Recreation.

The Final 'Fair Access Policy' (Attachment One) aims to build capacity and capabilities of Council and community stakeholders in the identification and elimination of systemic causes of gender inequality in policies, programs, communications, and delivery of services relating to community sport and recreation. It ensures an effective place-based response for gender equitable use and access to local community sports infrastructure.

For Golden Plains Shire Council, this Policy applies to community sports infrastructure that is within the Shire, regardless of the landowner, or if directly managed by Council. The scope of the Policy extends to on-field/court as well as off-field facilities and activities. Locations where there is no active committee, club or where facilities are provided for casual community use only are outside the scope of the Policy.

Community Engagement Processes

In addition to the Policy, action plan implementation has included promoting the Fair Access Roadmap via Council's website and social media platforms, and direct correspondence has been provided to management entities including the background and the potential implications for clubs and community facility managers. A Fact Sheet was made available for broad community distribution and is provided as Attachment Two.

A key Council action to build understanding and commitment to Fair Access with the GPSC community (and aligned with the Draft Policy), was the offering of two in person community workshops - at The Well in Smythesdale on 15 April and Bannockburn Cultural Centre on 22 April. These sessions were delivered in partnerships with our Regional Sports Assemblies - Sports Central and Leisure Networks.

Whilst the sessions were open to all interested community members, clubs and committees that are involved in managing or scheduling activities at sporting facilities within the Shire were specifically requested to attend via written invitation. A total of 24 people attended the workshops, with 22 different committees/clubs/groups represented. The sessions provided background information on the Fair Access Policy Roadmap, details about Council's Draft Policy (process and timelines), the obligations of various community stakeholders and practical information, case studies and resources to support clubs and committees to embed the 6 Principles of Fair Access into their practices.

Discussions, questions and ideas from the workshops were captured and all attendees were invited to provide feedback on the Draft Council Policy to ensure future action planning around Fair Access is considerate of community challenges and is practical and achievable for volunteers.

Public Exhibition of Draft Policy

Consistent with other key Council documents and strategies, the draft 'Fair Access Policy' was presented to the Council Meeting on 23 April and made available to the community from 25 April to 23 May 2024.

As outlined in the Communications and Engagement Report (previously provided), online, print and social media communications were provided and the Draft Fair Access Policy was made available via the Have Your Say section on Council's website.

During the public exhibition period, three written submissions were received. The community submissions were assessed by officers as being positive and valuable to the overall process of building awareness and embedding action around the six principles of Fair Access.

Although no changes are recommended to the high-level Fair Access Policy document, the information in the submissions will be referred to and captured in ongoing Fair Access action planning/delivery (including sector wide forums) and to inform other operational or location specific processes. The written submissions, and information in response to each, were previously.

Subject to adoption, the Fair Access Policy will be made available to the community via Council's website and direct communication provided to the Office for Women in Sport and Recreation, Sport and Recreation Victoria and community clubs and Committee of Management.

Whilst the development and adoption of a Policy is a formal requirement of Council, action planning, promotion of the principles of Fair Access and delivery of initiatives is an iterative process involving a number of partners and community/sporting stakeholders. As of 1 July 2024, all future Sport and Recreation Victoria funding submissions will be required to demonstrate Fair Access in practice as part of the application process.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* have been considered in the preparation of this report including:

- Collaboration with other Councils and Governments and statutory bodies is to be sought
- Regional, state, and national plans and policies are to be considered in strategic planning and decision making.

POLICY/RELEVANT LAW

The 'Fair Access Policy' is consistent with the requirements of Council under the State Government's Fair Access Policy Roadmap. It also enables effective and efficient local level integration of Council's requirements under the *Gender Equality Act 2020*, the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

COMMUNITY ENGAGEMENT

A thorough engagement process was undertaken as part of the development of the 'Fair Access Policy'. Engagement was undertaken with key stakeholders (including the Office for Women in Sport and Recreation, peak sporting bodies and Regional Sports Assemblies), promoting the State Government's campaign, providing community information via Councils website and social media platforms, and through direct correspondence with Committees of Management and community sporting entities.

Two in person community workshops were conducted in April 2024, with sessions held in both Bannockburn and Smythesdale with 24 community members in attendance.

The tabling of the draft 'Fair Access Policy' at the April 2024 Council Meeting and public exhibition period provided further opportunity for wider engagement/feedback from Golden Plains residents and community groups.

PUBLIC TRANSPARENCY

Public transparency principles have been considered in the preparation of this report and the recommendation to adopt the 'Fair Access Policy' following a period of public exhibition including:

- Council decision making processes must be transparent
- Council information must be understandable and accessible to members of the community
- Public awareness of the availability of Council information must be facilitated.

STRATEGIES/PLANS

The 'Fair Access Policy' is reflective of industry trends, governing body requirements and community needs. It is consistent with the objectives and principles of the Golden Plains Shire Community Vision 2040, Council Plan 2021-2025 and Sport and Active Recreation Strategy 2020-2030 and supports people from traditionally underrepresented groups to be more active, more often.

Importantly, it aligns with Councils efforts to activate community and sporting facilities and provide safe, welcoming and inclusive environments for all community members.

RISK ASSESSMENT

The 'Fair Access Policy' and delivery of an action plan seeks to mitigate the risks of insufficient planning and engagement with community whilst providing women and girls better and fairer access to community sports infrastructure.

The Policy will enable potential future facility development and improvement where external funds might be required to deliver outcomes (specifically via the Victorian State Government). Should Council determine not to progress the adoption of this Policy, it may risk reputational damage whilst also limiting opportunities for future funding and State Government partnerships.

COMMUNICATION

Should the recommendation in this report be endorsed, Council Officers will promote the adoption of the 'Fair Access Policy' via Council's print, online and social media platforms and through written communication with key stakeholders.

HUMAN RIGHTS CHARTER

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

GENDER EQUALITY

As this report relates to the development or review of a policy, program or service that has a direct and significant impact on the public, the *Gender Equality Act 2020* requires that a Gender Impact Assessment (GIA) be undertaken. A GIA has been conducted and there are no identified gender inequality implications.

Furthermore, implementation of the Policy and ongoing action planning will continue to progress the Fair Access Target – that by July 2027, more women and girls report equitable access to community sports infrastructure and improved experiences participating in sport.

OPTIONS

Option 1 – That Council adopt the 'Fair Access Policy'.

This option is recommended by officers as a comprehensive process has been undertaken in line with State Government requirements, including stakeholder and community engagement, to develop the 'Fair Access Policy'.

Option 2 – That Council does not adopt the 'Fair Access Policy'.

This option is not recommended by officers as the 'Fair Access Policy' has been informed by a comprehensive process and is in line with State Government requirements seeking to support gender equitable access to community sporting infrastructure.

Option 3 – That Council delay adopting the 'Fair Access Policy'.

This option is not recommended by officers as action planning and engagement has been undertaken to develop the 'Fair Access Policy' and further delays will compromise Council's reputation and ability to meet the State Government requirement for Policy adoption by 1 July 2024.

CONFLICT OF INTEREST

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

CONCLUSION

Following the State Government's release of the 'Fair Access Roadmap' in 2022, Council has been working towards the development of a 'Fair Access Policy', and an action plan to support fair and equitable access for women and girls to community sporting infrastructure.

The draft 'Fair Access Policy' was informed by collaboration with the Office for Women in Sport and Recreation and participation in sector workshops (Community of Practice) to ensure all requirements are met in enabling gender equitable access to facilities and to ensure that eligibility for future State Government Funding would not be compromised after 1 July 2024.

Following presentation to the April 2024 Council Meeting, the draft 'Fair Access Policy' was made available for public exhibition for a period of four weeks. Three items of feedback were received resulting in no changes to the final 'Fair Access Policy'.

It is recommended that the 'Fair Access Policy' be adopted by Council and participation in action planning/delivery continue to promote and embed the principles of fair access with community stakeholders.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

RECOMMENDATION

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

10.1 Reappointment of Audit and Risk Committee Independent Member

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

