



# AGENDA

## Council Meeting

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**6.00pm Tuesday 23 July 2024**

**VENUE:**  
**The Well**  
**19 Heales Street, Smythesdale**

NEXT COUNCIL MEETING  
6.00pm Tuesday 27 August 2024

Copies of Golden Plains Shire Council's Agendas & Minutes  
Can be obtained online at [www.goldenplains.vic.gov.au](http://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

## Order Of Business

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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 25 June 2024, and the confidential minutes of the Council Meeting held on 16 July 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 - 2 July 2024
2. Informal Meeting of Councillors Record - Briefing - 16 July 2024

**RECOMMENDATION**

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

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**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**

- City of Greater Geelong Youth Awards
- Australian Local Government Association's National General Assembly, Canberra
- Golden Plains Farmers Market, Bannockburn
- Bannockburn Skate Park Sod Turn Event
- New Mobile Library Vehicle Project Launch

**Cr Gamble**

- Golden Plains Farmers Market

**Cr Getsom**

- Nil

**Cr Kirby**

- Nil

**Cr Rowe**

- Nil

**Cr Sharkey**

- New Mobile Library Vehicle Project Launch

**Cr Whitfield**

- Inverleigh Progress Association - Quarterly 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 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER 4****File Number:****Author:** Lauren Richardson, Governance and Risk Specialist**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. Councillor Expenditure - 2023-24  
2. Q4 Councillor Expenditure - 2023/24**RECOMMENDATION**

That Council note the contents of the Councillor Expenses and Attendance Report for Quarter 4 2023/24.

**EXECUTIVE SUMMARY**

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for Quarter 4 of 2023/24. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council, to provide transparency on Council decision making.

**BACKGROUND**

In accordance with legislation and policy, Councillors can be reimbursed for eligible out of pocket expenditure in relation to resources and training required to undertake their role as Councillors.

Furthermore, Councillors have responsibility to provide leadership to the community, including decision-making on behalf of the community. The formal decision-making process is conducted through council meetings, which are typically held on the fourth Tuesday of each month. The meetings provide an opportunity for community members to attend and, if required, address the Council in support of their submissions. This report provides a regular update on Councillor attendance at scheduled meetings and unscheduled meetings of Council during the year. A summary of Councillor attendance at meetings is included in the Annual Report.

**DISCUSSION**

Summarised in the attached document are the figures for expenses for the Mayor and Councillors for quarter four of 2023/24.

The actual expenditure in comparison to the annual budget is as follows:

<b>Category</b>	<b>Annual Budget \$</b>	<b>Actual \$ YTD</b>	<b>Percentage spent</b>
Conferences & Training Expenses	\$25,445	\$5,836.40	22.94%
Travel Expenses	\$5,830	\$3,428.81	58.81%
Car Expenses	\$12,999	\$5,025.86	38.66%
IT & Communications	\$6,685	\$2,512.30	37.72%
Childcare Expenses	-	-	-
<b>Total Councillor Expenses</b>	<b>\$50,959</b>	<b>\$16,803.37</b>	<b>32.97%</b>

## Councillor attendance at scheduled and unscheduled meetings of Council

The table below outlines the Councillor attendance at both scheduled and unscheduled meetings of Council for quarter four of 2023/24.

Council held the following meetings:

- 4 scheduled Council meetings held on 23 April, 28 May, 4 June and 25 June.

Councillor	Scheduled meetings (4 meetings)	Unscheduled meetings (0 meetings)	Total meetings (Q4 Apr – Jun 2024)	Total meetings (YTD 2023-24)
Brett Cunningham	4	0	4	13
Gavin Gamble	3	0	3	11
Ian Getsom	3	0	3	12
Helena Kirby	4	0	4	13
Les Rowe	3	0	3	10
Owen Sharkey	4	0	4	13
Clayton Whitfield	3	0	3	11

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i> )	No

### **POLICY/RELEVANT LAW**

In accordance with section 41B of the *Local Government Act 2020*, Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

The expenses outlined in this report comply with Golden Plains Shire Council's Councillor Support and Expenses policy.

### **PUBLIC TRANSPARENCY**

In accordance with section 58 of the *Local Government Act 2020*, information contained within this report complies with the public transparency principles.

### **FINANCIAL MANAGEMENT**

Councillor expenses and reimbursements are monitored against the annual financial budget to ensure expenses remain within the budget provision adopted.

### **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 note the contents of this report.

This option is recommended by officers as it ensures compliance with legislated requirements.

Option 2 – That Council defer the report.

This option is not recommended by officers as the report provides an update on Councillor expenses and attendance for quarter four 2023/24 which has now finished.

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

That Council note the contents of the Councillor Expenses and attendance report for Quarter 4 of 2023/24, being the quarter ended 30 June 2024.

### 7.3 GEELONG REGIONAL LIBRARY CORPORATION (GRLC) TO AN ALTERNATIVE ENTERPRISE BUSINESS MODEL (AEBM)

**File Number:**

**Author:** Lynnere Gray, Director Corporate Services

**Authoriser:** Michael Tudball, Interim CEO

**Attachments:** Nil

#### RECOMMENDATION

That Council:

1. Notes that the *Local Government Act 2020* requires regional library corporations to transition to a new enterprise model by 30 June 2031;
2. Notes that the Geelong Regional Library Corporation - at its 15 February 2024 board meeting - endorsed a Company Limited by Guarantee as its preferred future enterprise model in order to enable project scoping, transition planning, and costing in preparation for member Council decisions;
3. Requests that the Geelong Regional Library Corporation prepare a transition report for formal consideration by Geelong Regional Library Corporation member Councils at a future council meeting that:
  - 3.1 Sets out future governance arrangements and indicative cost impacts for member Councils for delivery of library services under the new enterprise model; and
  - 3.2 Seeks formal approval to transition to the new enterprise model.

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#### BACKGROUND

Formed in 1978, the GRLC provides library services to the residents of Golden Plains Shire, Surf Coast Shire, Borough of Queenscliffe, City of Greater Geelong and - from 2021 - Colac Otway Shire.

The *Local Government Act 2020* requires all regional library corporations across Victoria to transition to a new corporate form by 20 June 2031. The GRLC Board, in conjunction with executives from each member council, commissioned a report to provide guidance on alternative business models. The GRLC Board endorsed a preferred AEBM model at its 15 February 2024 meeting, to allow project scoping, planning and costing in preparation for future member council consideration.

#### DISCUSSION

The GRLC Board recommended a Not-for-Profit model, being a Company Limited by Guarantee, as its preferred future AEBM and to commence planning for a transition to this. Seven library corporations across the State have either transitioned or are in the process of transitioning to a new enterprise model. All library corporations have indicated that their preferred model is a Company Limited by Guarantee, under the *Corporations Act 2001*.

Member councils will be required, at a future council meeting, to formally consider the ongoing governance arrangements of the GRLC and the delivery of ongoing library services prior to any transition to a new entity.

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

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

**POLICY/RELEVANT LAW**

*Local Government Act 2020*  
*Corporations Act 2001*

**ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

There are no environmental implications.

**COMMUNITY ENGAGEMENT**

Given the nature of this report, there was no community engagement required at this stage, noting the decision of all member councils to pursue an AEBM.

**STRATEGIES/PLANS**

Public libraries provide free and universal access to life-long learning via resources, programmed information, reading and digital literacy activities.

**FINANCIAL MANAGEMENT**

Whilst there is considerable time to transition to a new entity, and for member councils to consider the future delivery of library services prior to 2031, timely planning and decision making will provide opportunity to strategically acquire new members or pursue business opportunities.

GRLC has allocated funds to assist with due diligence, next steps, legal and other consulting costs. There is no cost to member councils for this project. All costs are incurred by GRLC. Member councils will need to formally consider future operating financial arrangements for the delivery of Library Services prior to any transition of GRLC to a new entity.

**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)*.

**Option 1 – That Council notes and adopts the recommendations contained in the report**

This option is recommended by officers as the GRLC is required by the *Local Government Act 2020* to transition to a new AEBM by 30 June 2031.

**Option 2 – That Council does not note and adopt the recommendations contained in this report**

This option is not recommended by officers as the GRLC needs to continue the work required to enable the transition to a new AEBM by 30 June 2031.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The GRLC is continuing its work to prepare for a transition to the new AEBM.

## 7.4 SPECIAL RATES AND CHARGES POLICY - ADOPTION

**File Number:****Author:** Phil Josipovic, Director Infrastructure and Environment**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** 1. Special Rate and Charge Policy (Draft)**RECOMMENDATION**

That Council adopt the Special Rates and Charges Policy as attached.

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**EXECUTIVE SUMMARY**

Special Rates and Charges (SRC) is a funding model available to Councils for the recovery of costs, or part costs, from property owners who derive a benefit from Council works or services. Section 163 of the *Local Government Act 1989* (the Act) provides the legislative framework required to be undertaken for implementation of any SRC projects.

The draft SRC policy was endorsed by Council at the 28 May Council meeting for public exhibition. Following the exhibition period, a total of 211 submissions were received, most of which opposed the adoption of the draft policy.

**BACKGROUND**

Golden Plains Shire currently does not have a SRC Policy in place. Current staff are not aware of any past use of the SRCs to fund works or projects. Having an SRC Policy in place provides an option for funding of projects / programs where it can be demonstrated that there is a clear and direct benefit to a group of property owners. An SRC Policy will provide an additional option for funding of projects that will directly benefit property owners who contribute to the projects.

While a SRC policy is not a legal requirement to implement a SRC scheme, it is considered best practice. The *Local Government Act* provides the legal framework for any proposed SRC and sets the minimum legal requirements. Council policies typically provide more rigorous processes than the minimum.

**DISCUSSION**

In order to utilise the provisions of SRCs, it is recommended that Council first establish an SRC Policy. Section 163 of the Act provides the legislative framework and formula for apportioning costs to direct beneficiaries (property owners) and the general community. Where there is a broader community benefit of a project funded by SRC, Councils pay the cost of this benefit. The proportion of direct benefit from a project to property owners is funded by the property owners.

For reference, the below discussion is duplicated from the May 2024 Council report on this topic.

Costs that can be included for recovery include:

- Preliminary and detailed design
- Community consultation
- Construction
- Project management
- Administrative costs

The draft SRC Policy outlines the process for identifying potential projects and declaring an SRC scheme, a key component being consultation with affected property owners. The draft policy also indicates that any abandoned schemes should not be considered again for a minimum of 5 years.

The draft policy identifies seven [7] steps in progressing an SRC project, namely:

**Step 1 – Project Assessment:** Potential SRC projects are determined by whether the project fits with Policy requirements (usually linked to Council Plan). Projects can be identified by Councillors, staff or community members.

**Step 2 – Scheme initiation:** Initial support for an SRC scheme is determined through a survey of benefitting property owners, outlining proposed works or services, an indication of the cost to benefitting property owners, and the options available for payment.

**Step 3 – Intention to Declare / Abandon Scheme:** A Council report is prepared based on the outcome of the survey findings with a recommendation to either abandon the scheme or for Council to give notice of its intention to declare an SRC scheme.

If Council resolves to give notice of its intention to declare an SRC scheme, it must publish a Public Notice. In addition, it must send a letter advising of this decision, including a copy of the Public Notice, to all benefitting property owners within three [3] days of publishing the Public Notice. The letter includes the information contained in the Public Notice, as well as advice that submissions may be lodged by any benefitting property owner.

In accordance with the Act, the Public Notice must as a minimum:

- Contain an outline of the proposed declaration; and
- Set out the date on which it is proposed to make the declaration; and
- Advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of the notice.

If Council resolves to abandon (or not publish intent to declare) an SRC scheme, the affected property owners will be informed of this decision.

**Step 4 – Written submissions received within the nominated time frame (28 days minimum) to be considered by Council.** A person may address Council to provide a verbal submission in support of a written submission.

Section 163B(6) of the *Local Government Act (1989)* relates to Special Rates and Charges schemes intended to recover an amount that exceeds two thirds of the total cost of a project and states:

*“A Council can not make a declaration if the Council receives objections from persons who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed.”*

It should be noted that the draft attached policy sets the minimum level of support from contributing properties for any Special Rate and Charge project at 60%.

**Step 5 – Declare or Abandon Scheme:** A Council report is prepared based on the outcome of the consideration of any submissions from benefitting property owners with a recommendation for Council to either give Notice of Declaration or abandon the scheme.

If Council resolves to declare a Special Rate or Charge, a notice advising of this decision is sent to all benefitting property owners. The notice includes the information contained in the Declaration, incorporating details of the charge for each property and the date on which the contribution is payable, in accordance with section 163 of the Act, and shall contain prescribed information detailed in Regulation 96 of the Local Government Reporting and Accounting Regulations 1992. The notice will also advise that appeals may be lodged with VCAT by any interested party.

If Council resolves to abandon the scheme, the same scheme should not be considered by Council for a minimum of five [5] years from the date of the Council resolution.

**Step 6 – Appeal to VCAT:** Under section 185 of the Act, benefitting property owners may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard, and determined by the Tribunal. Decisions made by VCAT are binding on all parties.



**Step 7 – Procurement and Construction:** Should no appeals be received by VCAT, or VCAT confirms the scheme, it will be cleared to progress to procurement and subsequent construction.

Should VCAT rule to abandon a scheme, the same scheme shall not be considered by Council for a minimum of five [5] years from the date of the VCAT decision.

It should be noted Council has a certain amount of discretion in how to set special rates and charges with due regard to the *Local Government Act 1989*, which sets the minimum requirements. To reiterate, as long as Council complies with section 163 of the *Local Government Act 1989*, a Council Policy is technically not required.

### Community Engagement Process

The draft SRC Policy was made available on Council's website and promoted through social media platforms (Facebook, LinkedIn and X). The community consultation was also advertised in the Golden Plains Times on 31 May 2024 as well as being included in the June edition of Council's Engage newsletter. Contact details for the Director Infrastructure and Environment were provided for any member of the community to call should they have any questions. A total of 211 submissions were received by the closing date and one call for clarification was received by the Director.

The table below identifies number of submissions received from various townships.

Township	Submissions Received	% of submissions Received
Bannockburn	61	28.9%
Teesdale	38	18.0%
Ross Creek	17	8.1%
Not provided	14	6.6%
Linton	12	5.7%
Scarsdale	12	5.7%
Lethbridge	10	4.7%
Smythesdale	10	4.7%
Smythes Creek	5	2.4%
Shelford	4	1.9%
Gheringhap	3	1.4%
Haddon	3	1.4%
Inverleigh	3	1.4%
Meredith	3	1.4%
Rokewood	2	0.9%
Cambrian Hill	2	0.9%
Batesford	2	0.9%
Ballarat	1	0.5%
Berringa	1	0.5%
Durham Lead	1	0.5%
Cape Clear	1	0.5%
Geelong	1	0.5%
Melton South	1	0.5%
Murgheboluc	1	0.5%
Newtown	1	0.5%
Russells Bridge	1	0.5%
Steiglitz	1	0.5%
<b>TOTAL</b>	<b>211</b>	<b>100%</b>

The vast majority of submissions (over 98%) opposed the adoption of the policy. Full responses were previously provided to Councillors. The reasons provided for opposing the draft policy can be summarised as:

- Works should be funded by Council given the high rates collected (most popular comment provided);
- Cost of living pressures and people's capacity to pay any extra is limited;
- Council should look at reducing costs rather than introducing new charges (e.g. reduce staff numbers, salaries, non-essential programs);
- This is similar to the one off / temporary municipal charge Council introduced some years ago which is now permanent;
- Level of Council service is poor compared to high rates paid;
- Council has a poor track record of budgeting (e.g. borrowing for new Council Building);
- Council spends too much money in Bannockburn and should redistribute the expenditure more broadly;
- Extra charges will force some to sell their homes and move elsewhere;
- Council approve developments without appropriate infrastructure;
- Developers / wind farms should pay for road upgrades;
- Lack of details on formula to be used to apportion costs;
- The consultation on the draft policy has been poor.

### **Submission Analysis**

Based on interpretation of the comments provided, many of the submitters believed the Special Rate and Charge would be used for maintenance activities, such as road grading and drain maintenance. The intent of the draft policy is not for maintenance activities, but infrastructure upgrades that would generally be requested by members of the community. Maintenance activities are rightfully funded through general rates.

Another sentiment expressed strongly in the submissions is that the Council charges very high rates and should be paying for upgraded infrastructure from these rates. Council currently does use its own source revenue and Government grants for significant capital projects to upgrade assets. The draft policy was a mechanism that allowed community members wishing an upgrade to Council assets that would result in a direct benefit to a group of residents to be accelerated through a co-contribution model. As all Councils do, capital projects are delivered on a priority basis with due regard to financial capacity. This is even more challenging in rural councils with large asset bases and a small rate payer base.

The current cost of living was also expressed as a significant concern for submitters, with any additional charge being difficult to pay. With regard to the draft policy, its intent was to provide a mechanism for community members to contribute to infrastructure improvements / upgrades (not maintenance) if there was 60% support for such a proposal from impacted property owners. The draft SRC policy indicated that contributions from the community could be subject to payment plans, but did not define what those payment plans would look like. A common practice across Councils is to adopt a repayment plan over between 5 and 10 years where Government interest rate would apply.

A couple of submitters commented that the consultation on this policy was less than satisfactory. The consultation process undertaken was the same as any other policy related community exhibition process. In addition, the Director Infrastructure & Environment's phone contact details were provided in the public information (typically contacts are restricted to teams rather than individuals) so that community members could call if they had any queries. One phone call was received during the exhibition period. That said, it is acknowledged that the draft policy discusses a complex issue and model and improved publicly available information could have assisted, for

example a Frequently Asked Questions type document to clearly highlight what a Special Rate and Charge Policy would enable, and just as importantly what it wouldn't apply to.

In summary, over 98% of submitters oppose the draft Special Rates and Charges Policy for the reasons outlined above.

## REPORTING AND COMPLIANCE STATEMENTS

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

## GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* applicable to this draft policy include:

- Priority is to be given to achieving the best outcomes for the municipal community;
- Innovation and continuous improvement are to be pursued; and
- The ongoing financial viability is to be ensured.

## POLICY/RELEVANT LAW

The Draft SRC Council Policy complies with sections 163 and 185 of the *Local Government Act (1989)*.

## COMMUNITY ENGAGEMENT

A key feature of the draft policy is the community consultation process for any proposed SRC scheme. The policy outlines the consultation steps and review points as part of any consideration for an SRC project. In addition, the draft SRC Council Policy has been exhibited publicly, in accordance with Council's Community Engagement Policy, for a four [4] week period.

## PUBLIC TRANSPARENCY

The draft SRC Council Policy was made publicly accessible, providing transparency. All community members were afforded the opportunity to make a submission.

## FINANCIAL MANAGEMENT

If adopted, the draft SRC Council Policy provides an opportunity to deliver improvement works that directly benefit property owners, noting that a contribution from owners would be required. The impact would be a reduction of cost to Council and the potential to deliver more works.

## OPTIONS

### Option 1 – Adopt the Special Rates and Charges Policy

This option is recommended by officers. The policy aligns with current industry standards, follows good practice and satisfies the requirements of the *Local Government Act (1989)*. The draft policy has the potential to deliver projects that directly benefit property owners at a reduced cost due to the Special Rates and Charges that can be applied.

### Option 2 – Delay the adoption of the Special Rates and Charges Policy

This option is not recommended by officers as it will result in delays to implementing the policy, including the identification of potential projects.

### Option 3 – Do not adopt the Special Rates and Charges Policy

This option is not recommended by officers as it reduces potential funding sources for projects that provide a direct benefit to a section of the community.

## CONFLICT OF INTEREST

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

## CONCLUSION

The draft policy has been developed using other Councils' policies as a reference, including metro, rural and regional Councils' policies. The use of Special Rates and Charges is a common practice in the Local Government sector where a project's benefits can be clearly linked to property owners. Wider community benefits are factored into the calculation of apportioning costs, and the costs of the wider community benefit portion of a SRC project are met by Council. It is considered that having a SRC Council Policy in place provides an option to look at funding some projects and the potential to deliver them earlier than might otherwise be the case.

Technically there is no requirement for Council to have a Special Rates and Charges Policy in place in order to implement a Special Rates and Charges Project. The minimum requirements for a SRC project are articulated in section 163 of the *Local Government Act (1989)*. The draft Council Policy exhibited requires a higher level of support from impacted property owners than that expressed in the Act.

Council has discretion regarding the use of SRC (subject to the requirements of the Act) or not to fund certain projects. In the absence of SRC consideration, some projects identified by Councillors, Council officers and community members may take many years to implement.

## 7.5 AWARDING OF TENDER - ENVIRONMENTAL HEALTH SERVICES

**File Number:**

**Author:** Matthew Sims, Manager Regulatory Services

**Authoriser:** Emma Wheatland, Acting Director Community, Planning and Growth

**Attachments:** Nil

### RECOMMENDATION

That Council:

1. Resolves to award the Contract GPSC-RFT-03-2024 – Provision of Environmental Health Services – to Kernow Environmental Health Services Pty Ltd (ACN 070 348 999) for the anticipated cost of \$1,550,000 (excl. GST) for an initial 3-year term.
2. Determines that this contract commences on 19 August 2024, or on a date agreeable by all parties, for a period of three years, with options to extend the contract by two additional three-year periods, subject to contractor performance and Council's need.
3. Authorises the Chief Executive Officer to do all things necessary to execute the contract, including advising the tenderers of Council's decision in this matter.
4. Authorises the Chief Executive Officer to renew a term of the contract subject to a market assessment, contractor's performance, and Council's needs.

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### EXECUTIVE SUMMARY

Golden Plains Shire Council undertakes Environmental Health services in the areas of food health, tobacco inspections, on-site wastewater management systems, health premises and other related areas.

Golden Plains Shire Council sought a suitably qualified contractor to provide Environmental Health services on behalf of Council.

### BACKGROUND

Council has statutory obligations to provide Environmental Health services to its municipality.

Environmental Health includes the management of all statutory applications made under the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*, including registration and surveillance; Infectious Disease control; monitoring of businesses and premises that are registered under the *Public Health and Wellbeing Act 2008*; Domestic Wastewater Management; Environmental Protection; and Tobacco surveillance and enforcement.

The recruitment of EHOs in Victoria is difficult, and that is highlighted in the VAGO Report – *Regulating Food Safety 2023*, 'workforce shortages are affecting councils' ability to source appropriately qualified EHOs, especially in rural areas. The shortage of EHOs is a national issue and not a new problem in the industry. Due to the amount of work from the COVID-19 pandemic and the loss of qualified overseas resources, this problem is getting worse. In Victoria there is no university that provides an undergraduate degree for EHOs. (pg. 11-12)'

### DISCUSSION

The tender for the provision of Environmental Health services was advertised on 15 March 2024 and closed on 10 April 2024, with one [1] submission received on closing. The submission was reviewed, and compliance checked as being compliant.

The evaluation panel met on 30 April 2024 and reviewed the submission provided by Kernow Environmental Services Pty Ltd. Scores were received individually by Procurement from the Scoring Panel members prior to the meeting, and a consensus score was reached at the meeting.

The Panel noted that the pricing provided from Kernow was above budget and asked for a Best and Final Offer (BAFO).

The Panel requested a Best and Final Offer (BAFO) on 2 May 2024, which Kernow Environmental Health Services Pty Ltd declined to provide, stating that the price included in their initial submission was the Best and Final Offer.

The tender was therefore cancelled, and probity advice was sought in relation to Council progressing further negotiations with the tenderer. Council officers were advised that, in accordance with section 1.19 of the Conditions of Tender, Council reserved the right to negotiate with the preferred tenderer, but consideration needed to be given to whether a material change in scope was required (in which case Council would need to reapproach the market). Council officers determined that the negotiated outcome did not represent a material change in the scope of the tender.

Council negotiated with Kernow Environmental Health Services Pty Ltd regarding the scope, which included Action 5 and Action 7 of the Domestic Wastewater Management Plan being removed from the scope of works, and this altered the tendered price by 15% per year and was agreed by consensus to progress to the next stage.

Action 5 and Action 7 of the Domestic Wastewater Management Plan were actions that included proactive inspections of properties with onsite wastewater management systems. The inspections were unable to be completed due to current resourcing within the division and issues relating to consent to enter land. Undertaking this program would have been a 'new initiative' and would need to go through the budget process due to the hiring of staff/contractors to complete.

Based on the scores, the Panel agreed by consensus that Kernow Environmental Health Services Pty Ltd was recommended as the preferred supplier to undertake Environmental Health Services within Golden Plains Shire.

The detailed Confidential Tender Evaluation Report has been provided to Councillors.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of the <i>Gender Equality Act 2020</i> )	No
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## 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;
- Innovation and continuous improvement is to be pursued; and
- Ongoing financial viability is to be ensured.

The recruitment and retention of EHOs in rural and regional Victoria is not a new problem and is one that the Department of Health has identified for years. In order for there not to be a reduction in service for the community, identifying other ways to provide this service needed to be investigated.

## POLICY/RELEVANT LAW

Tender GPSC-RFT-03-2024 – Provision of Environmental Health Services – Tender complies with GPSC Procurement Policy and the *Local Government Act 2020*.

The Environmental Health Division works under several acts and regulations - including, but not limited to:

- *Food Act 1984*
- *Public Health and Wellbeing Act 2008*
- *Tobacco Act 1987*
- *Residential Tenancies Act 1997*
- *Environment Protection Act 2017*
- Local Law No. 1 – General Public Amenity

## STRATEGIES/PLANS

This proposal aligns with the following Council Plan objectives:

- **5.2.2 Ensure responsible and sustainable financial, asset and risk management.** With the model of a private provider, the team can grow quickly when needed, such as an emergency event, a large music festival or a serious outbreak where all EH services are required.
- **5.3.1 Council service delivery is efficient and responsive to the needs of the community.** The use of a contractor allows Council to be responsive to the needs of the community and, when required, upscale to assist in times of need.

## PUBLIC TRANSPARENCY

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

## FINANCIAL MANAGEMENT

The cost of a private service provider is in line with Council's current expenditure on the service.

The proposed contract is for a fixed price of \$485,613.32 (exclusive GST) for year one and is subject to price adjustments for CPI and capacity adjustments as required by Council. Any capacity adjustment will be a result of an annual review and will allow Council to meet the increasing demands for these services resulting from growth.

The EH division is currently made up of two members, with two vacant positions. The Coordinator Environmental Health (Band 7) and Environmental Health Support Officer (Band 4) roles are vacant. The cost of these staff (at the top of their banding) is approximately \$454,471.48. This does not include costs of relief staff, pool car use and sampling expenses. Should this tender be awarded, two redundancy packages will be negotiated with staff members who are permanent employees of Council. As part of these packages, staff will be supported to identify alternative employment options.

Income received by the Environmental Health division for the 23-24 financial year was \$262,072.32. This income remains with Council.

### **SERVICE PERFORMANCE**

Currently Council's Environmental Health Division undertakes work at a high standard and is meeting the needs of the community; however, as previously stated, the Environmental Health workforce is struggling regionally. The recruitment and retention of suitably qualified Environmental Health officers is a challenge. With a service provider undertaking Environmental Health Services, and with the ability to scale up and down in emergency situations, the model is advantageous to the Golden Plains Shire community.

### **RISK ASSESSMENT**

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, with supplier notifications 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)*.

### **OPTIONS**

#### Option 1 – Approve Tender Award – GPSC-RFT-03-2024 – Provision of Environmental Health Services – to Kernow Environmental Health Service Pty Ltd

This option is recommended by Council officers as an outcome of the Tender evaluation and selection process which has been undertaken and recommends that GPSC-RFT-03-2024 – Provision of Environmental Health Services – be awarded to Kernow Environmental Health Services Pty Ltd.

#### Option 2 – Not award contract to the tenderer

This option is not recommended as Kernow Environmental Health Services Pty Ltd has been through an evaluation process and is the recommended supplier of Environmental Health services. The benefits of a commercial provider to contract to Council and deliver a service that can be fluid and can escalate when needed are of benefit to Council and the community.

### **CONFLICT OF INTEREST**

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



**CONCLUSION**

The Tender Evaluation Panel has conducted a comprehensive assessment of the submission from Kernow Environmental Health Services Pty Ltd, which was received in the GPSC-RFT-03-2024 – Provision of Environmental Health – tender process.

Based on the assessment, the Tender Evaluation Panel recommends that Kernow Environmental Services Pty Ltd is engaged. The basis for this recommendation includes:

- A proven ability to complete of all tasks and legal requirements, including mandatory reporting to the applicable State Government Departments.
- The submission meeting the Council's tender requirements.
- It is the best value for money approach to undertaking Environmental Health services.

**7.6 ACTIVATION OF EXTENSION PROVISIONS - INTERIM CEO CONTRACT****File Number:****Author:** Ann McGrath, Manager People and Performance**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Notes the decision of Council from 23 April 2024 appointing Michael Tudball as Interim CEO for the period from 6 May 2024 for a period up to 9 months; and
  2. Authorises the Mayor, in accordance with Item 1, to enact the contract extension from 6 August 2024 through to and including 1 September 2024 with the agreement of Interim CEO Tudball.
- 

**EXECUTIVE SUMMARY**

Council appointed Michael Tudball as the Interim Chief Executive Officer at its meeting of 23 April 2024 from 6 May 2024, for a period of up to 9 months.

**BACKGROUND**

At its meeting of 23 April 2024, Council appointed Michael Tudball as Interim CEO from 6 May 2024, for a period of up to 9 months. The contract was constructed as three x three month periods, for a total contractable period of up to 9 months. This met the requirements of the Council decision of the maximum engagement period and was in recognition of securing Mr Tudball's employment term to cover through to the commencement of a new ongoing CEO, Council Elections and induction of new Councillor Group, as required.

**DISCUSSION**

The negotiations are underway with the preferred new ongoing Chief Executive Officer and this extension, in line with the Council decision, will provide continuity through to the potential commencement date the new CEO. Mr Tudball has provided express consent for this report to have the confidential conditions removed from this report.

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

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

**GOVERNANCE PRINCIPLES**

In accordance with the principles in S.9 of the *Local Government Act 2020*, the Council Employment and Remuneration Committee have undertaken the relevant recruitment processes.

**POLICY/RELEVANT LAW**

*Local Government Act 2020* and CEO Employment and Remuneration Policy.

**PUBLIC TRANSPARENCY**

Although consideration and determination will be made in confidential business, the outcomes will be communicated to the staff and the public.

**FINANCIAL MANAGEMENT**

The appointment of the Interim CEO will be managed within the existing operational budget.

**RISK ASSESSMENT**

There are identified risk implications associated with this report. A gap between the end date of the Interim CEO and the commencement of the new CEO will have implications for the culture within the organisation and potentially cause instability in the operating environment during an extremely busy and critical time.

**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 endorses the recommendation the activation of the extension to Interim CEO Michael Tudball’s employment contract.

This option is recommended by officers as the recommendation is in line with the Council decision.

Option 2 – That Council does not endorse the recommendation of the activation of Interim CEO Michael Tudball’s employment contract.

This option is not recommended by officers as it would impose potential instability to Council operations.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council proceed with the activation of the extension period Interim CEO Michael Tudball up to the potential start date of the new CEO.

## 8 NOTICES OF MOTION

### 8.1 NOTICE OF RECISSION - P23255 21 MILTON ST BANNOCKBURN (CHILD CARE CENTRE)

**File Number:** 79

**Attachments:** 1. Cr Kirby – Notice of Recission #79

I, Councillor Helena Kirby, give notice of my intention to move at the next Ordinary Meeting of Council be held on 23 July 2024, that the resolution of Council passed on 25 June 2024 namely: Item 7.7 P23255 21 Milton Street, Bannockburn be rescinded, and subject to that motion being carried, in its place, I Councillor Helena Kirby propose to move that Council:

#### **MOTION**

That the resolution of Council passed on 25 June 2024 namely: Item 7.7 P23255 21 Milton Street, Bannockburn be rescinded.

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#### **RATIONALE**

I do not believe the application was considered duly against the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, and the decision guidelines of the Planning Scheme (clause 65).

I commend this Notice of Recission to Council.

#### Resolution to be rescinded:

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of land for a child care centre and associated buildings and works at 21 Milton Street, Bannockburn on the following grounds:

1. The subject site is not suitable for a childcare centre.
2. The proposed use and development will exasperate the existing traffic and parking conditions within the Bannockburn Town Centre.
3. The proposed use and development will detrimentally impact the amenity of surrounding residents.

The proposed use and development does not respond appropriately to the site context and prevailing neighbourhood character.

**8.2 NOTICE OF RECISSION - P23246 25 BURNS STREET, BANNOCKBURN (CHILD CARE CENTRE)****File Number: 80****Attachments: 1. Cr Sharkey - Notice of Recission #80**

I, Councillor Owen Sharkey, give notice of my intention to move at the next Ordinary Meeting of Council be held on 23 July 2024, that the resolution of Council passed on 25 June 2024 namely: Item 7.6 P23246 25 Burns Street, Bannockburn (Child Care Centre) be rescinded, and subject to that motion being carried, in its place, I Councillor Owen Sharkey propose to move:

**MOTION**

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) & 0009 (Clause 43.02-2), subject to the conditions attached to this report.

**RATIONALE**

- The purpose of this Notice of Motion to rescind the previous resolution is to provide Council the opportunity to properly consider the implications of the resolution of Council on 25 / 06 / 2024.
- Councillors received the Alternative motion moments prior to meeting without understanding the implications and due time to consider, resulting in a possible misunderstanding.
- Given the 'call in' of this item was by the Chair and appreciating the use of a casting vote in this matter it may not reflect the true position of council.

I commend this Notice of Recission to Council.

**Resolution to be rescinded:**

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works at 25 Bums Street, Bannockburn on the following grounds:

1. The subject site is not suitable for a child care centre.
2. The proposed use and development will exasperate the existing traffic and parking conditions within the Bannockburn town centre.
3. The proposed use and development will detrimentally impact the amenity of surrounding residents.
4. The proposed use and development does not respond appropriately to the site context and prevailing neighbourhood character.

**8.3 NOTICE OF MOTION - P23255 21 MILTON ST BANNOCKBURN (CHILD CARE CENTRE)****File Number: 81****Attachments: 1. Cr Whitfield - Notice of Motion #81**

I, Councillor Clayton Whitfield, give notice that at the next Ordinary Meeting of Council be held on 23 July 2024, I intend to move the following motion:-

**MOTION**

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.

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**RATIONALE**

The rationale for the proposed motion aligns with the reasons for the recission, that I don't believe the application was considered duly against the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, and the decision guidelines of the Planning Scheme (clause 65).

I commend this Notice of Motion to Council.

**8.4 NOTICE OF MOTION - OPTIONS FOR REPLACEMENT OF GOLDEN LAKE ROAD BRIDGE****File Number: 82****Attachments: 1. Cr Getsom - Notice of Motion #82**

I, Councillor Ian Getsom, give notice that at the next Ordinary Meeting of Council be held on 23 July 2024, I intend to move the following motion:-

**MOTION**

That Council receive a report at a future council meeting regarding options for replacement of Golden Lake Road Bridge.

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**RATIONALE**

- Fire Access (Escape)
- Rainbow Bird Trail
- Used by Local Farmers
- Tourist Buses.

I commend this Notice of Motion to Council.



**8.5 NOTICE OF MOTION - P23246 25 BURNS STREET, BANNOCKBURN (CHILD CARE CENTRE)****File Number: 83****Attachments: 1. Cr Sharkey - Notice of Motion #83**

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council be held on 23 July 2024, I intend to move the following motion:-

**MOTION**

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) & 0009 (Clause 43.02-2), subject to the conditions attached to this report.

**PLANNING APPLICATION P23246 FOR A CHILD CARE CENTRE AT 25 BURNS STREET, BANNOCKBURN****RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT.****Amend condition 1 to include items b) and c) as highlighted in yellow.****Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by ED Ewers Architecture (Town Planning Issue dated 12-02-2024) but amended to show:
  - a) removal of signage details from the elevation plans or the provision of signs in compliance with the 'as-of-right' permit not required signage requirements for the Commercial 1 Zone.
  - b) Annotation on the Qlans detailing all windows to be double glazed.
  - c) Replacement of all fences annotated as being steel picket fencing type, replaced with acoustic fencing finished in a colour to match Colourbond southerly.

**Insert new heading and condition 29, and 30****Acoustic Fencing**

29. Before the use commences, an acoustic fence must be erected as detailed by plans endorsed under Condition 1 c. The fence must be designed by a suitably qualified acoustic engineer and the acoustic report submitted to the responsible authority for endorsement. The acoustic report must detail the construction, materials and specifications of the acoustic fencing.
30. The acoustic fencing must be maintained at all times by the owner/ operator to the satisfaction of the responsible authority.

**Insert new heading and condition 31****External Noise**

31. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

**Renumber the remaining conditions accordingly.****Recommendation 2**

That Council prepare a Report on the benefits and costs to conduct a Local Area Traffic Management (LATM) Study for the Bannockburn Town Centre. Report to come to council at September briefing day with the intention to adopt into the 25/26 council budget.

The LATM Report would comprise at a minimum of information containing:

- Initial community consultation and engagement.
- Data collection (existing traffic and parking conditions including road hierarchy, land use, public transport routes, pedestrian and cycling routes, existing traffic management, traffic and parking survey information and crash history).
- Draft LATM plans for additional community consultation and engagement.
- Final LATM Plan developed and approved at a public Council meeting.
- Final community update advising of the final outcomes and implementation process.

**Recommendation 3**

That Council prepares a report to councillors which includes the implications to council of:

1. Undertaking community consultation for the development of formalised car parking and drainage works within Burns Street, for the length of St Mary MacKillop Primary School.
  2. Formalised car parking and associated drainage works within Burns Street, subject to the community feedback and final approval by Council.
- 

I commend this Notice of Motion to Council.

**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 Appointment 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.

#### **10.2 Sale of Council Land in Batesford**

This matter is considered to be confidential under Section 3(1) - g(ii) 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 or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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