



# AGENDA

## Council Meeting

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**6.00pm Tuesday 10 September 2024**

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

NEXT COUNCIL MEETING  
6.00pm Tuesday 22 October 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**

Shane Walden, Chief Executive Officer  
Phil Josipovic, Director Infrastructure and Environment  
Lynnere Gray, Director Corporate Services  
Emma Wheatland, Acting Director Community, Planning and Growth

## 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 27 August 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 (Chief Executive Officer)

**Authoriser:** Shane Walden, Chief Executive Officer

**Attachments:** 1. Informal Meeting of Councillors Record - Briefing - 3 September 2024

#### **RECOMMENDATION**

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

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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 two weeks. 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**

- Peri Urban Councils Victoria State Parliamentary Delegation
- Great South Coast Barwon MAV Regional Meeting
- Mock Interviews - Nelson Park School
- Soft Opening of Victoria Park Bannockburn Netball Pavilion
- Shelford Mobile Tower Launch
- Rokewood Community Hub Sod Turn Event

**Cr Gamble**

- Great South Coast Barwon MAV Regional Meeting
- Soft Opening of Victoria Park Bannockburn Netball Pavilion
- Shelford Mobile Tower Launch
- Golden Plains Farmers Market
- Inverleigh Flood Levee Community Consultation
- Linton Community Plan Launch

**Cr Getsom**

- Nil

**Cr Kirby**

- Rokewood Community Hub Sod Turn Event

**Cr Rowe**

- Soft Opening of Victoria Park Bannockburn Netball Pavilion

**Cr Sharkey**

- Soft Opening of Victoria Park Bannockburn Netball Pavilion

**Cr Whitfield**

- Nil

**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 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 AUDIT AND RISK COMMITTEE MEETING MINUTES - 13 AUGUST 2024****File Number:****Author:** Lauren Richardson, Governance and Risk Specialist**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. **ARC Unconfirmed Minutes - 13 August 2024****RECOMMENDATION**

That Council note the draft unconfirmed minutes from the Audit & Risk Committee meeting held on 13 August 2024.

**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 13 August 2024 meeting of the Audit & Risk Committee. The draft 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)*

<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)	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)	No
<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 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 13 August 2024 meeting of the Audit & Risk Committee. The next meeting of the Audit & Risk Committee will be held on 8 October 2024.

### 7.3 AUDIT AND RISK COMMITTEE BIENNIAL REPORT (FEBRUARY AND MAY 2024)

**File Number:****Author:** Lauren Richardson, Governance and Risk Specialist**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. **Audit and Risk Committee Bi-annual Report (February and May 2024)****RECOMMENDATION**

That Council note the Audit and Risk Committee bi-annual report for February and May 2024 (Attachment 1), adopted by the Committee at its 3 September 2024 meeting.

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**EXECUTIVE SUMMARY**

The Audit and Risk Committee's bi-annual report (Attachment 1) is provided in accordance with section 54(5) of the Local Government Act 2020 and section 13 of the Audit and Risk Committee Charter. It describes the activities of the Audit and Risk Committee for the second half of 2023-24 and includes Committee findings and recommendations.

**BACKGROUND**

Under Section 53 of the Local Government Act 2020 (the Act) it is a requirement that Council must establish an Audit and Risk Committee (Committee).

Under Section 54(5) of the Act, the Committee must prepare a bi-annual report that describes the activities of the Committee and includes its findings and recommendations. The bi-annual report must be provided to the Chief Executive Officer for tabling at the next Council Meeting.

Under section 13 of the Audit and Risk Committee Charter (the Charter), the report should include:

- A summary of the work the Committee performed to fully discharge its responsibilities.
- A summary of management's progress in addressing the results of internal and external audit engagement reports.
- An overall assessment of management's risks, controls, and compliance processes, including details of any significant emerging risks or legislative changes impacting the organisation.
- Details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.
- Information required by new or emerging corporate governance developments.

The Committee received several reports across the February and May 2024 meetings regarding Council's governance, risk management and internal control practices and continued to provide Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

**DISCUSSION**

The Committee's bi-annual report presents a summary of the items received and discussed at the February and May 2024 Committee meetings and is provided at Attachment 1 for Council's noting.

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

**GOVERNANCE PRINCIPLES**

Reporting on the bi-annual activity of the Audit and Risk Committee supports achievement of the overarching governance principles in section 9 of the *Local Government Act 2020*.

**POLICY/RELEVANT LAW***Local Government Act 2020**Audit and Risk Committee Charter***PUBLIC TRANSPARENCY**

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

**STRATEGIES/PLANS**

Audit and Risk Committee reports are prepared ensuring consistency with various Council strategies and plans including the Long-Term Financial Plan, Council Budget, Risk Management Framework, and Council Plan 2021-2025.

**FINANCIAL MANAGEMENT**

Council's financial management processes are 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 financial results for the period and reporting key financial indicators on the financial dashboard to the Audit and Risk Committee meeting quarterly.

**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 in regard to this matter.

**CONCLUSION**

The Committee's bi-annual report highlights matters noted and received across the Committee meetings held in February and May 2024. The Committee will continue to review Council's governance, risk management and internal control practices and continue to provide Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

## 7.4 OPEN SPACE STRATEGY

**File Number:****Author:** Laura Murphy, Coordinator Strategic Planning**Authoriser:** Emma Wheatland, Acting Director Community, Planning and Growth**Attachments:** Nil**RECOMMENDATION**

That Council direct the CEO to identify Council and external funding opportunities and initiate the preparation of an Open Space Strategy.

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**EXECUTIVE SUMMARY**

Council requires a public Open Space Strategy (Strategy) to provide the strategic direction for the ongoing provision and function of public open space/s. A Strategy would also be the strategic justification required to inform an amendment to the Golden Plains Planning Scheme (Scheme) to allow for planning decisions requesting either a Public Open Space (POS) monetary or land contribution beyond the current default 5% where necessary.

**BACKGROUND**

The provision and function of public open space within the Shire benefits all in our communities, through protecting biodiversity, improving psychological health and wellbeing, improving physical fitness, facilitating social interaction and cohesion, promoting community pride, and enhancing child development through play.

Councils are subsequently encouraged by the state government to prepare a Strategy that includes open space objectives and direction within the local planning policy framework of their planning scheme. Such an inclusion into the Scheme needs to be supported and strategically justified to encompass the assessment of the current public open space provided in the Shire by reference to precincts (or neighbourhoods), the different types of public open space provided, identify gaps where public open space needs to be provided or upgraded and assess what needs to be provided, provide cost estimates, consider rates and consider whether there should be the same rate for employment, residential and commercial land.

**DISCUSSION**

A Strategy provides Council the best mechanism to obtain POS contributions to provide new open space or improve existing open space in response to needs created by new residents and/or the community which are deliverable under:

- the *Subdivision Act 1988*, sections 18-20
- a Schedule to Clause 53.01 of the *Victoria Planning Provisions*
- a Development Contributions Plan (DCP) Overlay
- a negotiated legal agreement.

Without an adopted Strategy, Council has previously been challenged at the Victorian Civil and Administrative Tribunal (Tribunal) in relation to seeking a POS contribution, like those identified below:

- *Finn v Golden Plains SC (2008) VCAT 1962* – The Tribunal ordered an amended permit be issued for a 3-lot subdivision at 34 Squires Road, Teesdale, reducing the POS contribution to 1%. The land is zoned Low Density Residential, and each lot was 1.018 hectares.
- *Vanture Pty Ltd v Golden Plains SC (2006) VCAT 406* – The Tribunal ordered an amended permit be issued which decreased the POS contribution from 5% to 2%. The application was for a 26-lot subdivision at 19 Taylors Road, Haddon on land zoned Rural Living.

The overall result for Council in requesting a 5% POS contribution has seen the Tribunal awarding a 2% POS contribution or a negotiated lower amount to avoid a hearing altogether. Whilst Council has negotiated separately on these matters, these are time consuming for officers and lead to legal and administrative costs in amending planning permits.

With the lack of a Strategy, there is also no strategic direction which identifies future open space or were Council should be purchasing additional land to ensure that open space and recreation infrastructure are provided in accordance with the growth in population.

As a result, Council will continue to have limited provision for functional open space until a Strategy is undertaken that forms part of the Scheme, that allows for Council to ensure deliverable planning decisions for the provision of POS contributions that benefit the community.

## 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)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<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)	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 Gender Equality Act 2020)	Yes

## GOVERNANCE PRINCIPLES

The preparation of an Open Space Strategy ensures priority is being given to achieving the best outcomes for the municipal community.

## COMMUNITY ENGAGEMENT

Development of the Open Space Strategy will include community consultation and engagement as defined in the Local Government Act 2020.

## **STRATEGIES/PLANS**

The preparation of an Open Space Strategy will ensure the municipal community is engaged in strategic planning and strategic decision making.

## **FINANCIAL MANAGEMENT**

A Strategy was previously identified as a new initiative, with funds allocated in the 2023-2024 budget. The funds were then withdrawn due to Council's financial situation. At the time the budget allocation was withdrawn, a Request for Quote (RFQ) had been sought and officers were in the final stage of assessing submissions before the appointment of a consultant, and it would be reasonable to expect the provision of a similar allocation of funds being \$150,000.

It is envisaged that the project would require an allocation of \$75,000-\$100,000 in this year's 24/25 budget and \$50,000-\$75,000 in the 25/26 budget. Officers would seek to identify potential funding or underspend of the approved budget.

## **RISK ASSESSMENT**

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

**Financial Sustainability:** Council will likely continue to receive less in Public Open Space contributions and land, leading to the limited provision and function of open space for our community.

The provision and function of public open space within the Shire assists council in protecting biodiversity, improving psychological health and wellbeing, improving physical fitness, facilitating social interaction and cohesion, promoting community pride, and enhancing child development through play.

## **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.

## **OPTIONS**

Option 1 – Council supports the reallocation of funds within the Council budget or external funding opportunities to enable the preparation of an Open Space Strategy.

This option is recommended by officers as it will provide strategic justification required to inform an amendment to the Golden Plains Planning Scheme (Scheme) that will allow for planning decisions requesting either a Public Open Space (POS) monetary or land contribution as appropriate to the needs identified in the strategy.

Option 2 – Council does not support the reallocation of funds within the Council budget or external funding opportunities to enable the preparation of an Open Space Strategy.

This option is not recommended by officers as without a Strategy, Council will continue to receive less in POS contributions and land, leading to the limited provision and function of open space.

Option 3 – Council supports seeking external funding opportunities to enable the preparation of an Open Space Strategy.

This option is not recommended by officers as it is unlikely that there would be a funding stream available to fully fund this work. Most grant will require a portion of Council funding. It is likely the Strategy would remain unfunded, and Council will continue to receive less in POS contributions and land, leading to the limited provision and function of open space.



**CONFLICT OF INTEREST**

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

**CONCLUSION**

Without a Strategy, Council will continue to receive less in POS contributions and land leading to the limited provision and function of open space.

To enable the successful provision of public open space throughout the Shire, Council reconsiders the allocation of Council's budget to complete the required work for the preparation and adoption of a Strategy. Once adopted the Strategy would be incorporate into the Planning Scheme to support planning decisions and the ongoing provision of public open space for the Golden Plains community.

## 7.5 AUTHORISATION OF PLANNING SCHEME AMENDMENT C105GPLA - REZONING ORMOND STREET, BANNOCKBURN

**File Number:**

**Author:** Daniel Murrphy, Strategic Planner

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

**Attachments:**

1. Planning Scheme Amendment Documents
2. Application and Technical Assessments

### RECOMMENDATION

That Council:

1. Support the preparation and exhibition of Planning Scheme Amendment C105gpla to the Golden Plains Planning Scheme to rezone the land known as 5, 20, 25 & 30 Ormond Street, Bannockburn from Farming Zone to General Residential Zone 1, and apply the Development Plan Overlay Schedule 19; and
2. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C105gpla.

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### EXECUTIVE SUMMARY

An application has been made on behalf of the landowners of 5, 20, 25 & 30 Ormond Street (the owners), Bannockburn to rezone their land from farming zone to residential. The Ormond Street Precinct has been identified within the township boundary of Bannockburn for many decades, is identified in the Bannockburn Growth Plan to be zoned for residential use and is adjacent to land zoned General Residential Zone 1 known as the Willowbrae estate.

This report outlines the strategic justification to rezone the land from Farming Zone to General Residential Zone.

### BACKGROUND

In September 2020, an application was submitted on behalf of the owners seeking the rezoning of the properties from Farming Zone to General Residential Zone. Council Officers reviewed the application and referred the reports to internal departments and external agencies for review.

Views of the Victorian Planning Authority (VPA), Environment Protection Authority (EPA), Country Fire Authority (CFA), Department of Transport and Planning (DTP), Department of Energy, Environment, and Climate Action (DEECA), Wadawurrung, Corangamite Catchment Management Authority (CCMA), Powercor, and Barwon Water were sought and incorporated into the Amendment documentation including the Development Plan Overlay Schedule.

### DISCUSSION

Bannockburn is relied upon to deliver the majority of the growth of the Shire and by the smaller neighbouring towns to provide services and amenities including schools, retail and community infrastructure and facilities. Bannockburn is the only town in the south of the Shire serviced with reticulated sewer, making it the only town in the area suitable for a diversity of urban densities and the provision of social and affordable housing.

The G21 Regional Growth Plan identified the need to develop a land supply monitoring process to inform growth and land release strategies. The Residential Land Supply Monitoring Project for Golden Plains Shire by Spatial Economics 2015 had the following findings regarding land supply in Bannockburn:

*'It is considered that there is an immediate need for additional zoned broad hectare residential land supply stocks within Bannockburn as there are only 4 years of*

*zoned supply. There is ample land identified for future residential development purposes within Bannockburn.'*

Since this report, Planning Scheme Amendments C059gpla, C072gpla, and C103gpla have rezoned land to residential in Bannockburn. These developments have only provided an additional 183 lots. The rate of growth in Bannockburn in that time has been an average of 41.5 lots per year, which translates to only a 4.4 year's supply. This rezoning is expected to add approximately 170 additional lots, which will provide an extra 4 year's supply to assist with the undersupply until the Bannockburn South East and North West Precincts are finalised.

In 2021 Planning Scheme Amendment C94gpla introduced the Bannockburn Growth Plan into the Golden Plains Planning Scheme. The Growth Plan identifies the areas of Bannockburn to be developed in order to meet the regions housing demands consistent with the G21 Regional Growth Plans recommendations. The Bannockburn Growth Plan 2021 guides the sustainable growth of Bannockburn to the year 2050. The subject land forms part of the area proposed to be rezoned to provide residential development. Prior to the development of the Bannockburn Growth Plan 2021 the land was recognised as residential in the Bannockburn Urban Design Framework, and therefore its identification as a location for residential development has been longstanding.

The amendment also proposes to introduce Schedule 19 to the Development Plan Overlay (DPO19). The amendment will facilitate the use and development of the land for residential growth consistent with the Bannockburn Framework Plan.

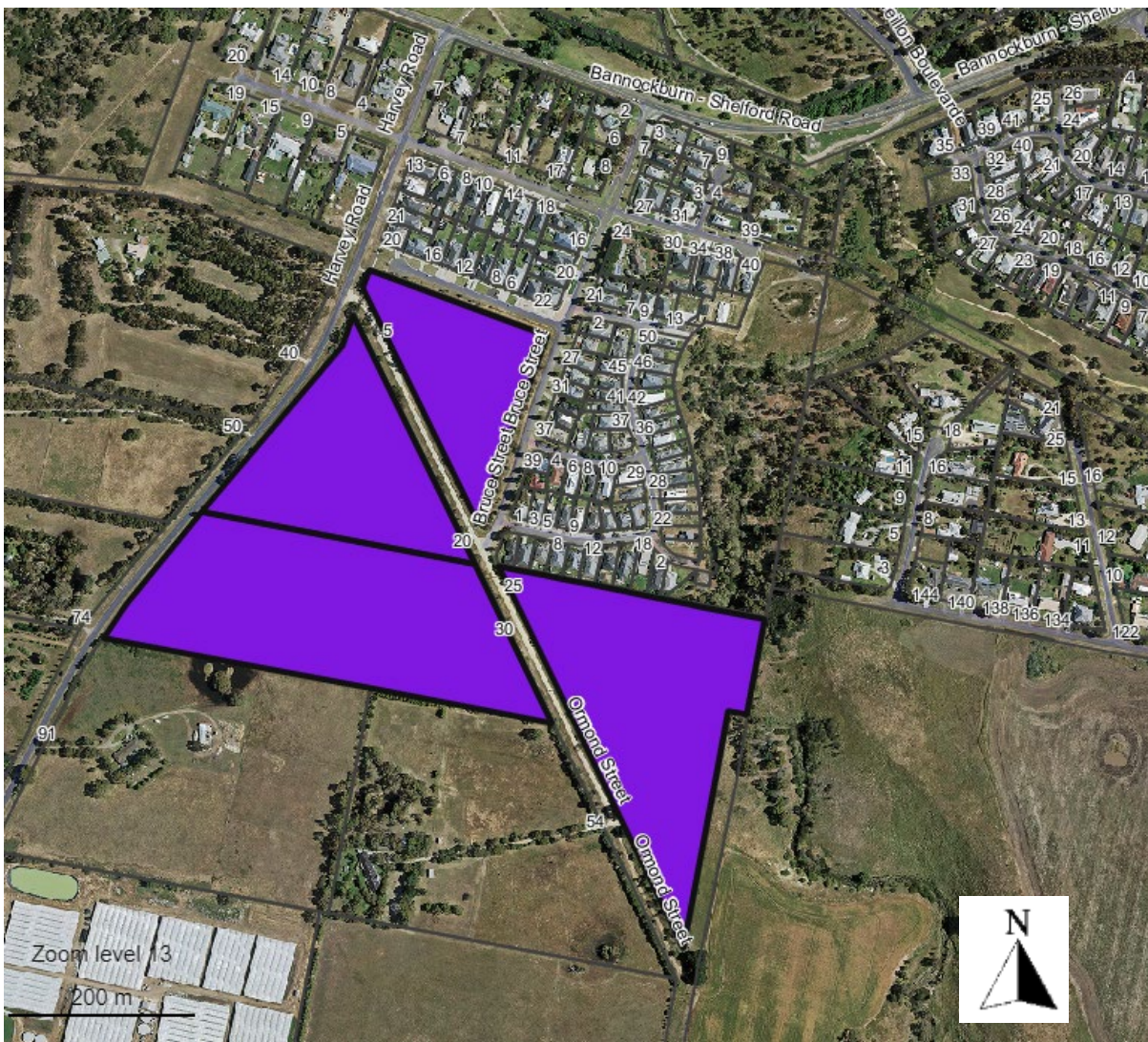


Figure 1: Subject Land

The amendment applies to all land as shown in Figure 1 Subject Land. The land is irregular in shape with an overall area of approximately 16.93 hectares. The land is made up of four individual allotments which essentially resemble developed rural residential lots with a mix of dwelling types and outbuildings contained on each lot. Each lot has its own individual access to either Ormond Street or Harvey Road.

The Development Plan Overlay Schedule 19 has been developed through consultation with internal teams and external agencies giving regard to bushfire risk mitigation, traffic management, connection for active transport, biodiversity protection and cultural values considerations.

## 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)	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)	Yes
<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>	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

## 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.

The amendment makes proper use of the Victorian Planning Provisions by supporting residential growth in accordance with the strategic growth direction of Bannockburn in the planning scheme.

Further the proposed rezoning of the land to the General Residential 1 Zone will allow a complimentary integration with nearby residential development that is also in the General Residential 1 Zone. The introduction of DPO19 is appropriate as it will guide the future subdivision of the land.

**POLICY/RELEVANT LAW**

The Amendment is proposed to proceed in accordance with the provisions of the *Planning and Environment Act 1987*. The steps in the Amendment process are shown below. The green box outlines the current stage of the process.

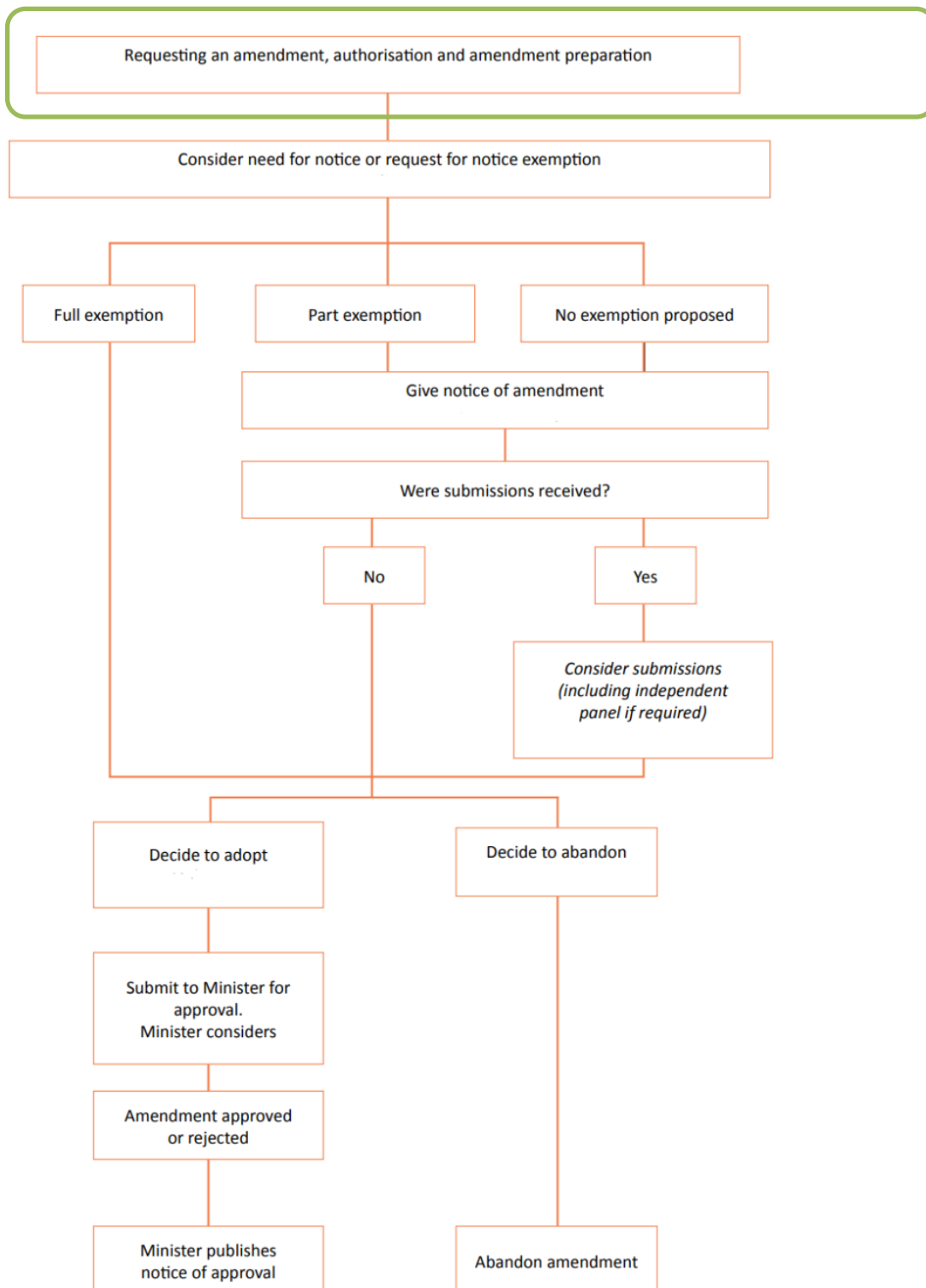


Figure 2 Planning Scheme Amendment flow chart.

## **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

### Environmental Effects

The amendment is supported by environmental assessments including a Site Stormwater Management Plan that demonstrates that the land can be drained, and stormwater quality can be managed to meet contemporary stormwater targets. An Environmental Assessment has been conducted by ESA Consulting who has concluded that the land has a low likelihood of contamination and is suitable for conventional residential development.

The amendment is also supported by a Native Vegetation Assessment Report by Mark Trengove Ecological Services which indicates that the land is severely degraded and contains only a small area of native vegetation. The removal of this vegetation will not have any significant environmental implications and can be off-set to ensure no net loss of native vegetation. DPO19 requires a flora and fauna assessment as part of the Development Plan to confirm there is no impacts to threatened species. The Streetscape design will also have regard to the Regional Sustainable Subdivision Framework, street tree planting and canopy cover.

### Social Effects

The amendment will provide social benefits through the establishment of residential development located in an attractive semi-rural landscape adjoining Bruce Creek within close distance to all the amenities of Bannockburn. The amendment will result in the integration of residential land with developed land located to the north and improvements to the Bruce Creek surrounds. The amendment will also assist in meeting the growing housing needs of the Bannockburn Community, and the provision of social and affordable housing a short distance to the Bannockburn Central Business District which provides retail as well as community services.

### Economic Effects

The amendment will result in the continued growth of Bannockburn and increase the residential population which will have significant economic benefits for local commercial, industrial and retail business. The amendment will also result in development contributions to improve transport and community infrastructure, having a positive economic effect for the growth of Bannockburn, and will not result in an additional financial burden for Council.

## **COMMUNITY ENGAGEMENT**

Public notice of the proposed rezoning will be undertaken in accordance with the requirements set out in the *Planning and Environment Act 1987*.

## **PUBLIC TRANSPARENCY**

Submissions made through the rezoning process will be considered by Council, a Planning Panel and the Minister for Planning, thereby making the determination transparent.

## **STRATEGIES/PLANS**

In assessing and formulating a recommendation for this planning scheme amendment, the Golden Plains Shire Planning Scheme and Bannockburn Growth Plan have been considered.

The requirements of the Development Plan Overlay have consideration of the values in the Community Vision.

## **FINANCIAL MANAGEMENT**

The Proponents of the amendment have agreed to enter a Section 173 Agreement to contribute to a future road intersection upgrade, provision of community facilities, and social and affordable housing. The proposed amendment, development plan and subdivision permit are not expected to significantly impact the Shire's Planning and Administration resources. Also, under the General Residential 1 Zone the use and development of a dwelling that meets the relevant Zone requirements will not require a permit unless covered by a separate Overlay and therefore will not impact Council's resources.

**RISK ASSESSMENT**

- Requirement for council to present to a planning panel for a recommendation to the Minister.
- Panel may recommend that the amendment be approved, with or without changes.
- Panel may recommend that the amendment be abandoned and.

**COMMUNICATION**

The outcome of this report to Council will be communicated to the applicant 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 – Authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme.

This option is recommended by officers as additional residential zoned land is required in Bannockburn and this proposal aligns with the Golden Plains Planning Scheme.

Option 2 – Abandon the preparation of the Amendment.

This option is not recommended by officers as the land is identified in the Bannockburn Growth Plan for future residential development and Bannockburn has an under supply of residential land.

Option 3 – Adopt the amendment in a different form to what is recommended by Council officers

The merits of this option would depend on the nature of the change/reasons.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The amendment is required to rezone the land to facilitate residential use and development in accordance with the urban growth direction of the Bannockburn Framework Plan.

The amendment also includes a Development Plan Overlay to guide the future residential development of the land.

The amendment will allow the subject land to integrate fully with the adjoining established urban area to the north providing a consistent and coordinated land use planning outcome.

## 8 NOTICES OF MOTION

### 8.1 NOTICE OF MOTION - DEVELOPER-COUNCILLOR CONTACT REGISTER

**File Number:** 87

**Attachments:** Cr Gamble – Notice of Motion #87

I, Councillor Gavin Gamble, give notice that at the next Ordinary Meeting of Council be held on 10 September 2024, I intend to move the following motion:-

#### MOTION

That Council prepare a report for future Council consideration relating to a Developer-Councillor Contact Register, the report should include the following:

- The merit (or otherwise) of implementing a Developer-Councillor Contact Register for serving Golden Plains Shire Council councillors,
- Benchmarking of select other Victorian Councils with working registers,
- Details on the relationship of a proposed Developer-Councillor Contact Register to the State Government Local Government Reform, Local Government Inspectorate requirements and the Sandon Report recommendations, and
- How a Developer-Councillor Contact Register process would address privacy concerns.

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#### RATIONALE

- To provide transparency to the community and assurance of appropriate contacts;
- To add a layer of accountability to councillors, property developers and their agents;
- To provide reassurance to the community Golden Plains Shire takes local government integrity seriously;
- To help establish a greater level of public trust in Council;
- To provide guidance to councillors, property developers, council officers and the public as to what are appropriate and inappropriate interactions are;
- To develop policy relevant to Golden Plains Shire, recognising its status as a Peri Urban Council with significant growth, development and commercial pressures currently and for the medium long term.
- To follow recommendations made to councils by the Local Government Inspectorate and agencies such as the Independent Broad-Based Anti-Corruption Commission.

I commend this Notice of Motion to Council.



**9 PETITIONS**

Nil

**10 CONFIDENTIAL REPORTS FOR DECISION**

Nil