

PYRENEES
— S H I R E —



AGENDA

Ordinary Meeting of Council

6:00pm Tuesday 21 May 2019

**Council Chambers
BEAUFORT**

ORDER OF BUSINESS

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WELCOME MEMBERS OF PUBLIC

OPENING PRAYER

Heavenly Father, we ask you to give your blessing to this Council, direct and prosper its deliberations to the advancement of your glory, and the true welfare of the people of the Pyrenees Shire.

Amen

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the people past and present of the Wadawurrung, Dja Dja Wurrung, and Djab Wurrung tribes, whose land forms the Pyrenees Shire.

We pay our respect to the customs, traditions and stewardship of the land by the elders and people of these tribes, on whose land we meet today.

APOLOGIES

NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS

CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held on 16 April 2019 and the Closed Meeting of Council held on 16 April 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

That the Minutes of the Special Meeting of Council held on 14 May 2019 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.

BUSINESS ARISING

PUBLIC PARTICIPATION

Questions

- All questions and answers must be as brief as possible, and no debate or discussion will be allowed other than for the purposes of clarification
- The number of questions that any person may ask at each meeting is limited to two.
- A question may include a brief introduction.
- A time limit of five minutes for each question will apply but the time may be extended at the discretion of the Chairperson.
- Questions will only be heard at a meeting if the person who submitted the question or their nominated representative, is present at the meeting.
- The Chairperson or an Officer may:

- a. Immediately answer the question asked; or
- b. Require the question to be taken on notice.

Submissions

- Any member of the public wishing to address Council must submit a brief synopsis of the address in writing to the Chief Executive Officer a week prior to the Council meeting.
- A time limit of five minutes for each address will apply but the time may be extended at the discretion of the Chairperson.
- Council may decide to defer an address until a later date.
- The Chairperson may, at their discretion, refuse a request to address Council.
- Addresses will only be heard at a meeting if the person who submitted the synopsis, or their nominated representative, is present at the meeting.

ITEMS FOR NOTING

ASSET AND DEVELOPMENT SERVICES

1. PLANNING AND DEVELOPMENT REPORT

Katie Gleisner – Manager Planning and Development

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 66/02/02 – 08/02/02 – 50/24/02 – 46/02/02

PURPOSE

The purpose of this report is to provide Council with an update on activities within Planning, Development and Regulatory Services, during April 2019.

This report includes four parts:

- Part A: Planning
- Part B: Building
- Part C: Environmental Health
- Part D: Community Safety and Amenities

PART A: PLANNING

The planning activity statistics for February and March 2019 are summarised in the table below:-

| Month | Applications received | Applications completed | Number of referrals | Requests for further information |
|------------|-----------------------|------------------------|---------------------|----------------------------------|
| March 2019 | 10 | 8 | 1 | 5 |
| April 2019 | 13 | 9 | 1 | 7 |

Key projects

Highway Service Centre

Officers continued to assess the Highway Service Centre application following the receipt of further information from the proponent. A recommendation report has been prepared and will be presented to Council for decision at tonight's meeting.

Statutory planning

Development Enquiries

During the month of April the Planning Department continued to receive a high volume of enquiries with 198 being received in total. This figure is up 34 from March.

The estimated cost of works for the 13 planning permit applications received in April totals approximately \$1.54 million.

Strategic issues

Pyrenees Futures

Work on the Avoca Framework Plans has continued, including further consultation with Regional Roads Victoria. Final changes to the draft plans are being made which will be publically exhibited from the 20th of May.

PART B: BUILDING

Activity

The building activity statistics as at 30/04/2019 are summarised in the table below:

| CATEGORY | NUMBER | COMMENT |
|---|--------|-------------------------------------|
| Permits issued by private Building Surveyor | 10 | \$762,361 (estimated cost of works) |
| 'Property Information Certificates' prepared and issued | 23 | |

Key projects & compliance

The Building Department finalised two (2) Council issued building permits whilst undertaking 12 mandatory inspections. Work around pool safety barriers has continued with four (4) non-compliant pools being voluntarily removed by property owners.

Council plan / legislative requirements

- Council Plan 2013-2017
- *Building Act* 1993
- Building Regulations 2018

Financial / risk implications

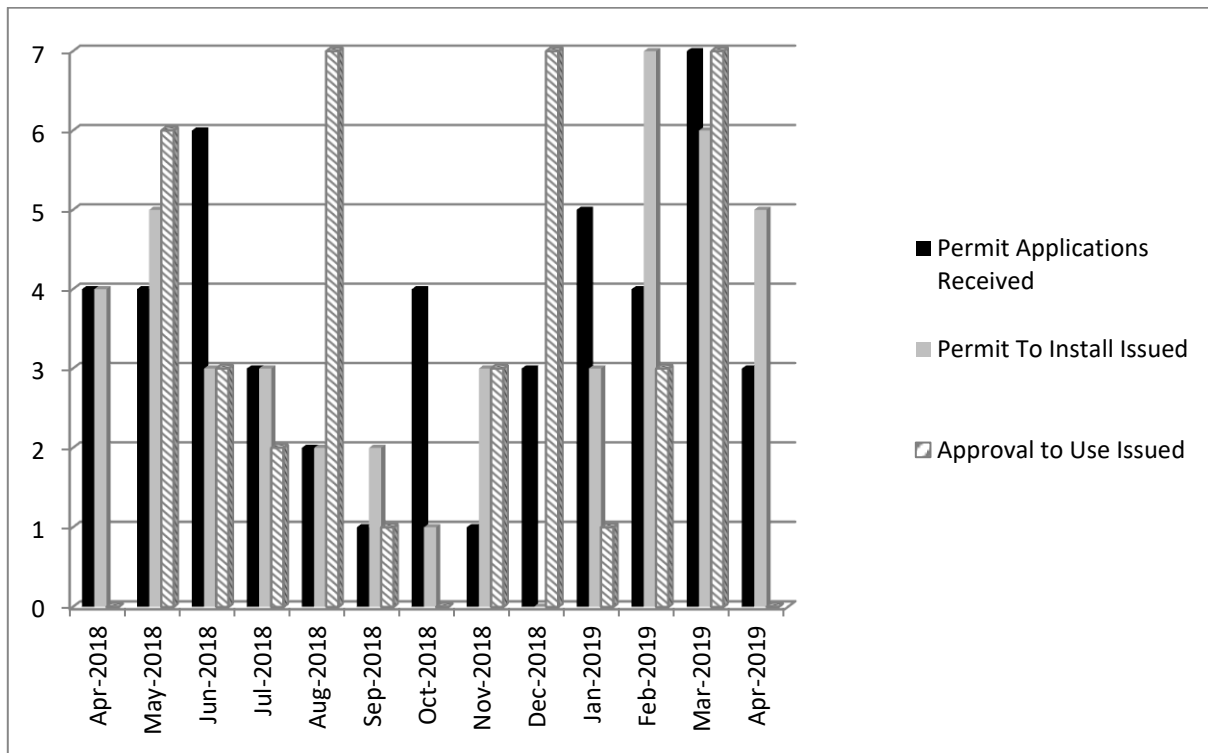
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act* 1993 or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

PART C: ENVIRONMENTAL HEALTH

Activity: wastewater

| Period | Applications to Install New or Alter Existing Septic Tanks Received | Permits to Install Issued | Approval to Use Issued | Fees Paid |
|-----------------------------------|---|---------------------------|------------------------|-----------|
| 1st – 30 th April 2019 | 3 | 5 | 0 | \$2,470 |

Wastewater activity statistics for April 2019



Monthly wastewater activity (April 2018 to April 2019)

| Wastewater related tasks for April 2019 | |
|---|----|
| Septic Tank Inspections | 3 |
| Domestic Wastewater Management Plan Inspections | 10 |
| Domestic Waste Water Service Agent Reports | 13 |

Activity: food, health & accommodation premises

Food Act 1984 and Public Health and Wellbeing Act 2008 Premises activity statistics for April 2019 are summarised in the table below.

| Period | New Premises | Routine Inspections and Assessments | Follow Up Inspections | Complaints Received about Registered Premises | Food Recalls | Fees Paid |
|---------------------|--------------|-------------------------------------|-----------------------|---|--------------|-----------|
| 1st–30th April 2019 | 1 | 35 | 3 | 0 | 0 | \$0 |

Mobile and Temporary Food Premises in the Shire (Streatrader)

| Period | New Mobile or Temporary Premises | New Class 4 Notifications | Routine Inspections and Assessments | New Statements of Trade (SOT) | Fees Paid |
|----------------------|----------------------------------|---------------------------|-------------------------------------|-------------------------------|-----------|
| 1st -30th April 2019 | 24 | 1 | 0 | 21 | \$660 |

At 30th April 2019, Pyrenees Shire had 35 current registrations with 39 premises registered, 77 low risk notifications and 158 current Statements of Trade (SOT).

Activity: immunisations

Immunisation sessions in April were conducted as normal in Beaufort and Avoca. A session was run at the Beaufort Secondary School as well as opportunistic services performed by the Shire’s Maternal Child Health Nurses (MCHN).

| Session Type | Number of Clients & Vaccines | 2 Month - 4+ Yr Old | Secondary School | Adult |
|--------------------------|------------------------------|---------------------|------------------|-------|
| MCHN Opportunistic | Clients | 17 | 0 | 2 |
| | Vaccines | 41 | 0 | 2 |
| Beaufort Sessions | Clients | 4 | 0 | 0 |
| | Vaccines | 6 | 0 | 0 |
| Avoca Session | Clients | 4 | 0 | 0 |
| | Vaccines | 11 | 0 | 0 |
| Secondary School Session | Clients | 0 | 25 | 0 |
| | Vaccines | 0 | 50 | 0 |

Immunisation activity statistics for April 2019

Key projects

Domestic Wastewater Management Plan (DWMP) inspections continued in the Loddon River/Laanecoorie catchment area.

Tobacco test purchasing was undertaken on 12 retailers within the shire. Three (3) retailers tested positive to the sale of tobacco to a minor and were issued official warnings.

The first session of Council's Secondary School Vaccine Program began in April with 25 out of 40 Year 7 students attending a session at Beaufort Secondary College.

Statutory food sampling results were received with 2 out of 15 samples testing positive for a declared allergen and deemed to be unsatisfactory. Officers continue to work with food retailers to ensure compliance with food safety requirements.

Compliance issues

- Two (2) Public Health and Wellbeing nuisance complaints received and responded to
- One (1) Infringement Notice issued for an offence under the *Food Act 1984*

Council plan / legislative requirements

- Council Plan 2013-2017
- Domestic Wastewater Management Plan 2015-2018
- Food Act 1984
- Public Health & Wellbeing Act 2008
- Tobacco Act 1987
- Environment Protection Act 1970
- Code of Practice for Septic Tanks

Financial / risk implications

The Environmental Health Officer (EHO) must work with regard to various legislative requirements with respect to Food Safety (*Food Act 1984*), Public Health (*Public Health & Wellbeing Act 2008*, *Environment Protection Act 1970*), Tobacco (*Tobacco Act 1987*) and Wastewater (*Environment Protection Act 1970*, *Domestic Wastewater Management Plan*, *Code of Practice for Septic Tanks*).

It is necessary for the EHO to adapt to any changes in regulations whilst still providing a service that meets the demands of residents within the municipality and complies with legislation.

PART D: LOCAL LAWS AND ANIMAL CONTROL

ACTIVITY

| | March 2019 | April 2019 |
|----------------------|------------|------------|
| Cats impounded | 4 | 14 |
| Dogs impounded | 1 | 7 |
| Stock impounded | 3 | 2 |
| Infringements issued | 5 | 6 |
| Prosecutions | 0 | 1 |

Impoundment and infringement statistics

- As at 30th April, there were **499 cats** and **1921 dogs** registered within the municipality. This number is significantly less than previous months due to the expiry of registrations on the 10th of April. A reminder notice has been sent out to all unpaid renewals and infringement notices will now be issued for unregistered pets.
- An unpaid 'dog at large' fine was heard at the Ballarat Magistrates Court in April. The accused was fined \$560.00 without conviction and ordered to pay Council costs of \$149.40
- Proactive inspections of township and residential areas have identified nine (9) properties storing shipping containers without a permit. Notices have been issued to property owners requiring that the containers be removed or authorised via planning and building permits.

Council plan / legislative requirements

- Council Plan 2013-2017
- Domestic Animals Act 1994
- Domestic Animal Management Plan 2012-2016
- Council Local Laws No. 2, No. 3 and No. 4

Local laws and animal control summary

1. New internal processes are being developed to strengthen Council's administration of its Local Laws
2. Council continues to investigate matters of non-compliance across the Shire

CORPORATE AND COMMUNITY SERVICES

2. CUSTOMER ACTION REQUESTS – APRIL 2019

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 16/08/04

PURPOSE

The purpose of this report is to update Council on our Customer Action Request System (CARS) for the month of April 2019.

BACKGROUND

Council has operated an electronic Customer Action Service Request system (CARS) for a number of years enabling residents to lodge service requests. Requests can be lodged in person, via telephone, via Council's website or by using a smartphone "Snap Send Solve" application.

Since December 2012, CARS has been promoted on a regular basis in Council's Public Notices published in the Pyrenees Advocate.

Service requests are received for operational issues regarding maintenance (e.g. potholes, road conditions, drainage, signage, slashing and overhanging branches) plus pools, local laws, building maintenance and compliance matters. The system is also now used for missed telephone calls and messages.

Council receives between 400 and 1000 customer action requests per annum.

ISSUE / DISCUSSION

203 CARS were received in April 2019, 13 less than the previous month. 150 requests were closed in during the month resulting in 190 outstanding, a 39% increase in outstanding requests.

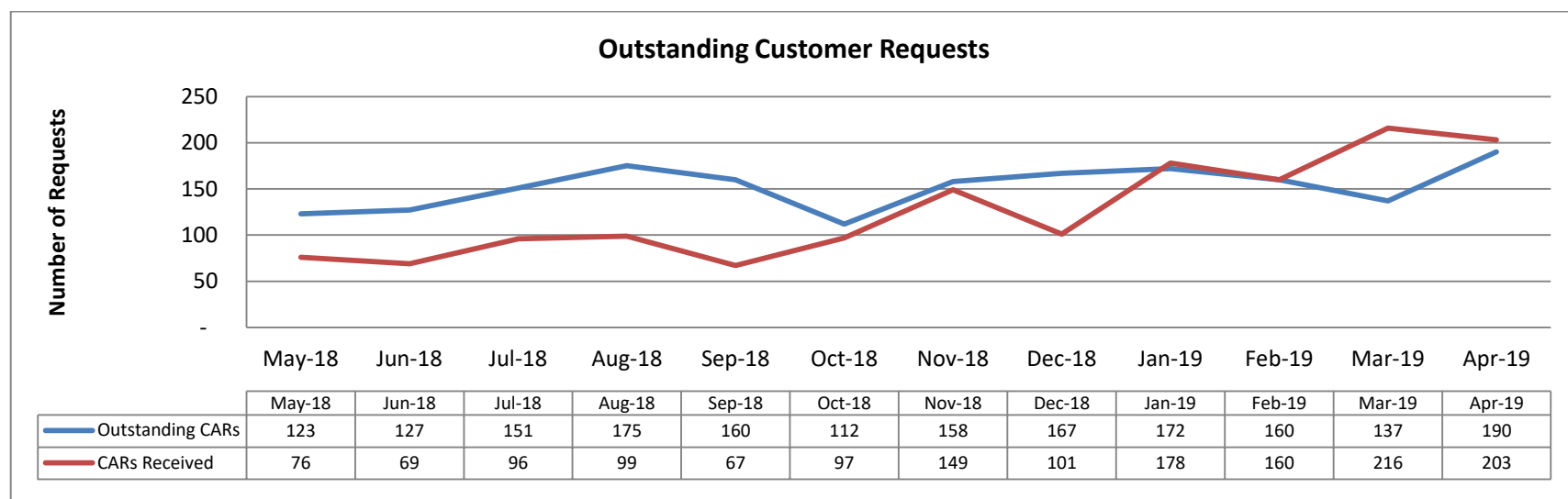
As at the 30th April 2019 the status of CARS was as follows:

- 33% decrease in 2017 outstanding CARS (a reduction from 3 to 2)
- 39% decrease in 2018 outstanding CARS (a reduction from 36 to 22)
- 39% increase on total CARS outstanding (an increase from 137 to 190)
- For the month of April 150 CARS were closed

The largest groupings of open CARS requests relate to: Local Laws (34), Roads (25); Roadside vegetation (23) and Road Maintenance (21).

Reports detailing outstanding CARS are detailed below:

| Total Outstanding Cars Requests | | | | | | | | | | | | | |
|---------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|----------|
| Year | May-18 | Jun-18 | Jul-18 | Aug-18 | Sep-18 | Oct-18 | Nov-18 | Dec-18 | Jan-19 | Feb-19 | Mar-19 | Apr-19 | % Change |
| 2016 | 29 | 24 | 24 | 23 | 21 | 3 | 3 | 2 | 1 | 1 | - | - | 0 |
| 2017 | 38 | 32 | 31 | 30 | 29 | 18 | 12 | 10 | 6 | 4 | 3 | 2 | -33% |
| 2018 | 56 | 71 | 96 | 122 | 110 | 91 | 143 | 155 | 105 | 65 | 36 | 22 | -39% |
| 2019 | | | | | | | | | 60 | 90 | 98 | 166 | 69% |
| Total | 123 | 127 | 151 | 175 | 160 | 112 | 158 | 167 | 172 | 160 | 137 | 190 | 39% |
| Total Received | 76 | 69 | 96 | 99 | 67 | 97 | 149 | 101 | 178 | 160 | 216 | 203 | -6% |



| 30 April 2019 - Open Requests - Type | | | |
|---|---------------|---------------|---------------|
| | Mar-19 | Apr-19 | Change |
| Roads | 26 | 25 | -1 |
| Streetlights | 0 | 0 | 0 |
| Drainage | 10 | 8 | -2 |
| Footpaths | 5 | 4 | -1 |
| Roadside Vegetation | 20 | 23 | 3 |
| Environmental Health | 1 | 1 | 0 |
| Planning | 0 | 0 | 0 |
| Bld maintenance | 11 | 8 | -3 |
| Park & Reserves | 6 | 9 | 3 |
| Local Laws | 30 | 34 | 4 |
| Fire Hazard | 0 | 0 | 0 |
| Bld Compliance | 1 | 0 | -1 |
| Road Maintenance | 20 | 21 | 1 |
| Waste Management | 0 | 0 | 0 |
| Roads Unsealed | 3 | 3 | 0 |
| Road Maintenance Unsealed | 5 | 10 | 5 |
| Cats | 3 | 2 | -1 |
| Natural Disasters | 0 | 0 | 0 |
| Pools | 0 | 0 | 0 |
| Council Cleaning | 0 | 0 | 0 |
| EPA - Litter | 3 | 1 | -2 |
| Design & Assets | 0 | 0 | 0 |
| GIS | 0 | 0 | 0 |
| Dogs | 13 | 11 | -2 |
| Livestock Act | 3 | 3 | 0 |
| Parking | 0 | 0 | 0 |
| Missed Phone Calls | 16 | 27 | 11 |
| Total | 176 | 190 | 14 |

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.1 - Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's communication strategy.

ATTACHMENTS

2.1 CARS Analysis – April 2019

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

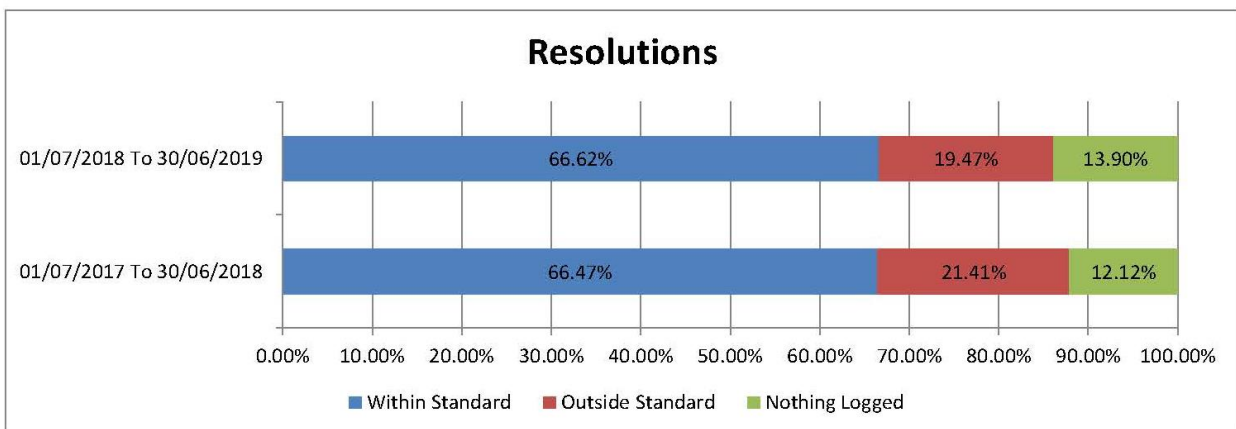
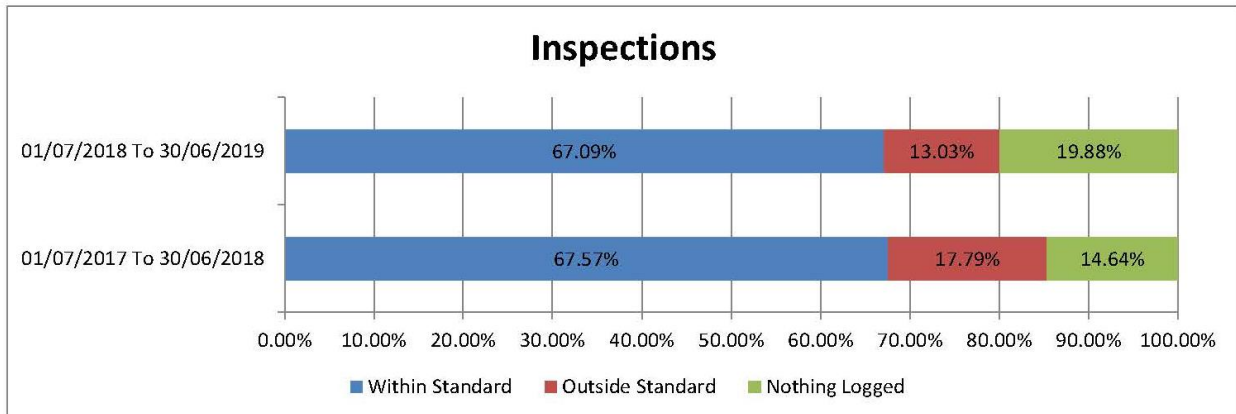
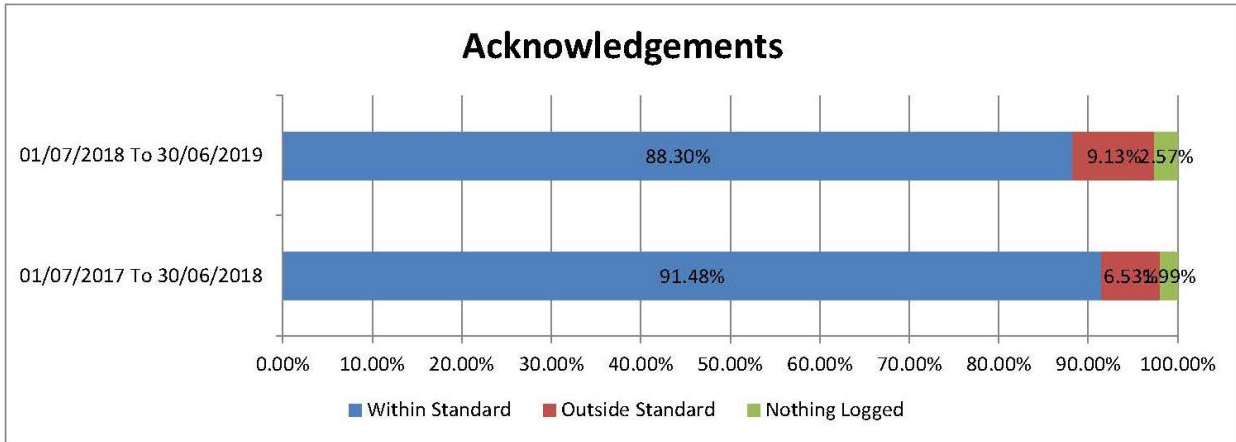
CONCLUSION

Ongoing focus and effort continues with regard to resolution of customer requests and to improve status and follow-up notes to create more transparency on actions undertaken prior to final closure.

OFFICERS RECOMMENDATION

That Council notes the Customer Action Request update for April 2019.

| Acknowledgement: | Within Standard | Outside Standard | Nothing Logged |
|--------------------------|-----------------|------------------|----------------|
| 01/07/2017 To 30/06/2018 | 91.48% | 6.53% | 1.99% |
| 01/07/2018 To 30/06/2019 | 88.30% | 9.13% | 2.57% |
| Inspection: | | | |
| 01/07/2017 To 30/06/2018 | 67.57% | 17.79% | 14.64% |
| 01/07/2018 To 30/06/2019 | 67.09% | 13.03% | 19.88% |
| Resolution: | | | |
| 01/07/2017 To 30/06/2018 | 66.47% | 21.41% | 12.12% |
| 01/07/2018 To 30/06/2019 | 66.62% | 19.47% | 13.90% |



3. COUNCIL PLAN 2017-2021 INITIATIVES PROGRESS REPORT Q3 JAN-MAR 2019

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 16/20/06

PURPOSE

The purpose of this report is to provide Council with a progress report on actions taken in relation to the initiatives identified in the Council Plan from 1 January to 31 March 2019.

BACKGROUND

In accordance with Section 125 (1) of the *Local Government Act (1989)* (the Act), Council is required to prepare a Council Plan within 6 months of a Council election.

Council adopted the current Council Plan 2017-2021 at its Ordinary Meeting on the 13th June 2017. Council reviewed and adopted a revised Council Plan 2017-2021 at its Special Meeting on the 26th June 2018.

The Council Plan 2017-2021 is framed around five Strategic Objectives:

1. Roads and Townships

We will plan, manage, maintain and review infrastructure in a sustainable way that responds to the needs of the community.

2. Relationships and Advocacy

We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.

3. Community Connection and Wellbeing

We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.

4. Financially Sustainable, High-performing Organisation

Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

5. Development and Environment

We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and build environmental values.

ISSUE / DISCUSSION











The revised Council Plan 2017-2021 is structured as follows:

- Five Strategic Objectives
- Twenty-five Strategies
- Eighty-six Initiatives

The Council Plan 2017-2021 Initiatives Progress Report for the period 1 January to 30 March 2019 reports on the progress to date on the 86 initiatives identified for action during the 2018/19 financial year.

The Report has been structured to provide a clear unambiguous update on the initiative progress year to date. The Progress Update Report utilises symbols and brief commentary to provide a snapshot of progress.

The status of initiatives to be undertaken / completed within the 2018/19 financial year is identified against each individual item in the attached report, with a summary of performance provided below.

| Symbol | Progress | No Initiatives | |
|---|----------------------|----------------|-----------|
| | | Last Qtr | This Qtr |
|  | 0% | 9 | 4 |
|  | 25% | 16 | 17 |
|  | 50% | 11 | 6 |
|  | 75% | 7 | 12 |
|  | Complete | 9 | 13 |
|  | Funding Required | 0 | 0 |
|  | Information Required | 0 | 0 |
|  | Ongoing | 34 | 34 |
|  | On Hold | 0 | 0 |
|  | Cancelled | 0 | 0 |
| Total | | 86 | 86 |

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

In accordance with the Section 125 of the *Local Government Act (1989)*, Council adopted its revised 2017-2021 Council Plan at its June 2018 Council Meeting.

ATTACHMENTS

- 3.1 Council Plan Progress Report for the third quarter of the financial year ending 31 March 2019
(circulated separately)

CONCLUSION

The Council Plan Progress Report for the period 1 January to 31 March 2019 describes the range and status of initiatives being undertaken by the Pyrenees Shire Council during the 2018/19 financial year, as directed by the revised 2017-2021 Council Plan. The Report continues to reinforce the importance of good working relationships and project partnerships between community, Council and other levels of government.

OFFICERS RECOMMENDATION

| |
|---|
| That Council receives the Council Plan Progress Report for the period 1 January to 31 March 2019. |
|---|

4. COUNCILLOR ACTIVITY REPORTS

| Cr David Clark – Ercildoune Ward | | |
|---|---|----------------------|
| April | | |
| Tue 09 | Councillor Briefing Session | Raglan / Beaufort |
| Thu 11 | Budget Forums | Beaufort and Avoca |
| Tue 16 | Councillor Briefing Session | Amphitheatre / Avoca |
| Tue 16 | Council Meeting | Avoca |
| Thu 25 | Anzac Day Dawn Service | Beaufort |
| Sun 28 | Central Highlands Lightning Premiership | Waubra |

| Cr Robert Vance – De Cameron Ward | | |
|--|---|----------------------|
| April | | |
| Tue 02 | Meeting with Minister Neville's Advisor and Deputy Chief of Staff | Melbourne |
| Mon 08 | Landsborough Community Action Plan Meeting | Landsborough |
| Tue 09 | Councillor Briefing Session | Raglan / Beaufort |
| Mon 15 | Meeting with Peter Walsh MP | Avoca |
| Tue 16 | Councillor Briefing Session | Amphitheatre / Avoca |
| Tue 16 | Council Meeting | Avoca |
| Wed 17 | Rural Councils Victoria Mayors, Councillors and CEOs Forum | Melbourne |
| Wed 17 | Rural Councils Victoria Committee Meeting | Melbourne |
| Mon 22 | Stawell Gift | Stawell |
| Tue 23 | Meeting with Jason Modica (Candidate for Seat of Mallee) | Avoca |
| Wed 24 | Treaty Meeting - Dja Dja Wurrung Clans Aboriginal Corp | Bendigo |
| Fri 26 | Avoca Art Show Gala Opening | Avoca |

| Cr Ron Eason – Avoca Ward | | |
|----------------------------------|--------------------------------|----------------------|
| April | | |
| Tue 02 | Avoca Framework Plan Meeting | Avoca |
| Tue 09 | Councillor Briefing Session | Raglan / Beaufort |
| Thu 11 | Rail Freight Alliance Meeting | Melbourne |
| Tue 16 | Councillor Briefing Session | Amphitheatre / Avoca |
| Tue 16 | Council Meeting | Avoca |
| Fri 26 | Avoca Art Show Gala Opening | Avoca |
| Tue 30 | Audit & Risk Committee Meeting | Beaufort |

| Cr Tanya Kehoe - Mount Emu Ward | | |
|--|--|-------------------|
| April | | |
| Mon 01 | Thank you Afternoon Tea | Moonambel |
| Tue 02 | Snake Valley Resilience Project | Snake Valley |
| Tue 09 | BSC Assembly Talk | Beaufort |
| Tue 09 | Councillor Briefing Session | Raglan / Beaufort |
| Wed 10 | Lake Goldsmith Public Hall Committee of Management Meeting | Lake Goldsmith |
| Tue 16 | Councillor Briefing Session | Beaufort |
| Tue 16 | Council Meeting | Beaufort |
| Sun 21 | Easter Hunt | Snake Valley |
| Thu 25 | ANZAC DAY - Dawn Service | Snake Valley |
| Thu 25 | ANZAC DAY - March | Beaufort |
| Sun 28 | Trawalla Soldier Settler Unveiling | Trawalla |

| Cr Damian Ferrari - Beaufort Ward | | |
|--|--|--------------|
| April | | |
| Tue 09 | Council Briefing Session | Beaufort |
| Wed 10 | Meeting with Wimmera Axemen's Club | Beaufort |
| Fri 12 | Opening of Green Super Camp | Raglan |
| Tue 16 | Councillor Cuppa | Amphitheatre |
| Tue 16 | Councillor Briefing Session | Beaufort |
| Tue 16 | Council Meeting | Beaufort |
| Wed 24 | Beaufort Secondary College – Anzac Day Service | Beaufort |
| Thu 25 | Anzac Dawn Service | Beaufort |
| Sun 28 | Trawalla Soldier Settler Unveiling | Trawalla |
| Tue 30 | Audit & Risk Committee Meeting | Beaufort |

5. ASSEMBLY OF COUNCILLORS

| MEETING INFORMATION | | | |
|---|--|---------------------------|-------------------------|
| Meeting Name | Councillor Briefing Session | | |
| Meeting Date | 9 April 2019 commenced at 2.00pm and closed at 6.45pm | | |
| Meeting Location | Beaufort Council Chambers - 5 Lawrence Street, Beaufort | | |
| Matters Discussed | <ol style="list-style-type: none"> 1. Beaufort Community House and Learning Centre Rental Review 2. Avoca Projects 3. Pyrenees Community Safety Advisory Group Launch 4. Strategic Risk Register Review Workshop 5. Service/budget variations for the 2019/20 Budget 6. Community Budget Sessions 7. Wind Farms 8. Council Meeting (April) Agenda Review | | |
| ATTENDEES | | | |
| Councillors | Mayor Cr Robert Vance Cr Ron Eason Cr Tanya Kehoe Cr Damian Ferrari Cr David Clark | | |
| Apologies | Nil | | |
| Staff | Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Asset and Development Services) Kathy Bramwell (Director Corporate and Community Services) Ray Davies (Manager Economic Development and Tourism) – Item 1 April Ure (Property Revenue Officer) – Items 3 and 4 Shana Johnny (Manager Finance) – Item 5 | | |
| Visitors | Graham Soawyer of NBN for photo opportunity for Beaufort NBN rollout. Pauline Ball, Deborah Bourke and Jane Grimwood – Item 1 | | |
| CONFLICT OF INTEREST DISCLOSURES | | | |
| Matter No: | Councillor making disclosure | Particulars of disclosure | Councillor left meeting |
| Nil | | | |

| MEETING INFORMATION | | | |
|---|---|---------------------------|-------------------------|
| Meeting Name | Councillor Briefing Session | | |
| Meeting Date | 16 April 2019 commenced at 2.00pm and closed at 5.50pm | | |
| Meeting Location | Avoca RTC Room, Avoca Information Centre | | |
| Matters Discussed | <ol style="list-style-type: none"> 1. Construction Update from Goldwind 2. Pyrenees Futures – Avoca Streetscape Plan 3. 2019/20 Budget Briefing 4. Customer Enquiries through Council | | |
| ATTENDEES | | | |
| Councillors | Mayor Cr Robert Vance Cr David Clark Cr Ron Eason Cr Tanya Kehoe Cr Damian Ferrari | | |
| Apologies | Nil | | |
| Staff | Jim Nolan (Chief Executive Officer) – Item 3 Douglas Gowans (Director Asset and Development Services) Kathy Bramwell (Director Corporate and Community Services) Katie Gleisner (Manager Planning and Development) – Item 2 Matthew Novacevski (Senior Planning – Strategy and Place) – Item 2 Shana Johnny (Manager Finance) – Item 3 | | |
| Visitors | Ian Courtney and Stephen Evans (Goldwind – Item 1) | | |
| CONFLICT OF INTEREST DISCLOSURES | | | |
| Matter No: | Councillor making disclosure | Particulars of disclosure | Councillor left meeting |
| Nil | | | |

RECOMMENDATION

That the items for noting be received.

ITEMS FOR DECISION

ASSET AND DEVELOPMENT SERVICES – PLANNING

6. PA2771/18 – USE AND DEVELOP PART OF THE LAND FOR THE PURPOSE OF A HIGHWAY SERVICE CENTRE, CREATION AND ALTERATION TO LAND IN A PUBLIC ACQUISITION OVERLAY (PAO) FOR THE PURPOSE OF ACQUISITION OF A CATEGORY 1 ROAD

Katie Gleisner – Manager Planning and Development

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 601057820

PURPOSE

The purpose of this report is to provide Council with information on the state and local planning policy that is relevant to making a decision on planning permit application PA2771/18 which seeks permission to develop a highway service centre; and for Council to make a determination on that application.

BACKGROUND

The planning permit application seeks planning permission to develop a highway service centre on land fronting the northern side of the Western Highway, 9.5km west of Beaufort. The proposal seeks to use 1.7 hectares of the 29-hectare site.

The proposal incorporates the following elements:

- petrol filling facilities for all vehicles
- convenience shop
- food and drink premises
- convenience restaurant
- dining area, children’s play area
- picnic area, car parking for all vehicles
- new ingress and egress access points to the Western Highway
- landscaping

The application is supported by the following documents/products:

- economic report
- lighting design
- transport impact assessment

A request for further information provided the following:

- land capability assessment (onsite waste water treatment)
- concept stormwater design
- finish surface detail design plan
- existing features plan
- site context plan
- confirmation of hours of operation
- details on the proposed “drive-through”

The application has been supported by information which relies on the construction of the proposed Beaufort Bypass. Given the proposed bypass has not yet been confirmed, it would be inappropriate to consider such references whilst assessing the application.

A Highway Service Centre is not defined as a use in the Pyrenees Planning Scheme, and therefore is considered to be an innominate use for the purpose of assessment. An innominate use is identified as a section two (2) use under the Farming Zone and requires a planning permit.

It is acknowledged that the application has been submitted based on the requirements of *Clause 53.05 - Freeway Service Centre*. It should be noted that the proposed use and development is not consistent with the definition of a *Freeway Service Centre* and that Clause 53.05 has been used as a guide for assessment.

The planning permit application was subject to public exhibition and written notifications were provided to adjoining land owners. Multiple submissions have been received and are summarised within this report.

The application has not included details around signage and onsite advertising. The applicant has been made aware that the 'total display area' (business identification sign) permitted under the Farming Zone is restricted to 3sq meters per premises. Any signage beyond this is prohibited. The applicant advised that they may seek to lodge a planning scheme amendment to include a site-specific control for the purpose of signage, if a permit is granted.

SITE CONTEXT

Location: Lot 11 on Plan of Subdivision 723419E being Western Highway, Beaufort

Area: 29.23ha (1.7ha affected by proposed use and development)

Zone: Farming Zone

Overlays: Abuts a Public Acquisition Overlay

Current Use: Farming (grazing)

Existing Structures/features: None

Access: Western Highway (east bound traffic only)

Other: Abuts existing VicRoads rest area, land surrounding the site is zoned Farming and used for agricultural purposes



Figure 1: The proposed site is located in the vicinity of two (2) existing dwellings (.98km west and 2km east).

The proposed development is located approximately 950m from the Fiery Creek which is considered to contain some of the best examples of remnant vegetation and physical habitat in the Upper Hopkins Basin. The site is relatively flat and supports views to the nearby Mount Cole State Forest and the Mount Buangor State Park.

The site adjoins a Public Acquisition Overlay, which was applied to facilitate road construction associated with the Western Highway Duplication and remains in place. The site is not serviced by mains water, sewerage, electricity and telecommunications.

The application has been supported by information which relies on the construction of the proposed Beaufort Bypass. Given the proposed bypass has not yet been confirmed, it would be inappropriate to consider such references whilst assessing the application.

REFERRALS AND NOTICE

Under Section 52 of the *Planning & Environment Act 1987* (The **Act**), notice was given to five (5) adjoining landowners within a 1.5 kilometre radius of the site and a sign was placed on the land. A notice was published in the local newspaper (the *Pyrenees Advocate*) for two consecutive weeks (21st and 28th of December, 2018). Council's Planning Department continued to accept submissions beyond the exhibition period.

Under Section 55 of the Act, the application was referred to VicRoads, in their capacity as a determining authority, who has provided conditional consent to the granting of a planning permit.

Under Section 55 of the Act, the application was referred to Glenelg Hopkins Catchment Management Authority (GHCMA), Environmental Protection Authority (EPA) and Victoria Police, as recommending referrals with no objections received.

The application was also subject to an internal referral by the Environmental Health, Engineering, and Environment Departments, who do not oppose the proposed development subject to a range of conditions.

Submissions

At the time of preparing this report, Council had received 38 submissions in regards to the proposal. Common themes have been summarised below:

- **Landscape and amenity** – Impacts on the landscape and amenity, visual impacts to view lines
- **Design and siting** – Colour and build is detrimental to the surrounding scenery and environment
- **Proximity to housing** - Development on nearby dwellings through impacts such as increased noise, dust, smell, vibrations, light spill and visual amenity
- **Impact on local economy** – Detrimental to the viability of Beaufort
- **Impact on property prices** – Decrease value of surrounding properties
- **Impact on agriculture uses** - Animal welfare, land and water contamination, increased criminal activity (farm theft)



PLANNING CONSIDERATIONS

Under Section 60 of the *Planning and Environment Act 1987*, the below planning matters must be taken into consideration by Council when assessing the application.

Table 1: Relevant State Planning Policy Framework

| State Planning Policy Framework | |
|---|--|
| Clause | This policy seeks to: |
| Settlement (Clause 11) Anticipate and respond to the needs of existing and future communities, through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. | |
| Clause 11.03-6S Regional and local places | Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development. |
| Environmental and Landscape Values (Clause 12) Protect, restore and enhance sites and features of nature conservation, biodiversity, geological and landscape value and conserve areas with identified environmental and landscape values. | |
| Clause 12.05-2S Landscapes | Protect and enhanced significant landscapes and open spaces that contribute to character, identity and sustainable environments by: <ul style="list-style-type: none"> • ensuring development does not detract from the natural qualities of significant landscape areas • recognising the natural landscape for its aesthetic value and as a fully functioning system • ensuring important natural features are protected and enhanced |
| Clause 12.05-2R Landscapes – Central Highlands | Provide clear urban boundaries and maintain distinctive breaks and open rural landscape between settlements. |



| | |
|---|--|
| Environmental Risks and Amenity (Clause 13) | |
| Clause 13.05-1S Noise abatement | Assist the control of noise effects on sensitive land use. |
| Clause 13.07-1S Land use compatibility | <p>Safeguarding community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects by ensuring the compatibility of a use or development as appropriate to the land use functions and character of the area by:</p> <ul style="list-style-type: none"> • directing land uses to appropriate locations • using a range of building design, urban design, operational and land use separation measures |
| Natural Resource Management (Clause 14) | |
| Assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development and ensuring agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production. | |
| Clause 14.01-1S Protection of agricultural land | <p>Protecting the state’s agricultural base by preserving productive farmland by:</p> <ul style="list-style-type: none"> • protect productive agricultural land from unplanned loss due to permanent changes in land use • prevent inappropriately dispersed urban activities in rural areas • balancing the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinization) against the benefits of the proposal • considering the compatibility between proposed or likely development and the existing use of the surrounding land |
| Built Environment and Heritage (Clause 15) | |
| Ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context and should promote development that is high quality in an appropriate location. | |
| Clause 15.01-6S Design for rural areas | <p>Ensuring development respects valued areas of rural character by:</p> <ul style="list-style-type: none"> • ensuring the siting, scale and appearance of a development protects and enhances rural character • Protecting the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located. • Siting and designing development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops and waterways. |

| | |
|--|--|
| Economic Development (Clause 16) | |
| Provide for strong and innovative economy, where all sectors are critical to economic prosperity. | |
| Clause 17.01-1S Diversified economy | Strengthen and diversify the economy. |
| Clause 17.02-1S Business | Encourage development that meets the community's needs for retail, entertainment, office and other commercial service. |
| Transport (Clause 18) | |
| Ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods and is safe. | |
| Clause 18.01-1S Land use and transport planning | Create a safe and sustainable transport system by integrating land use and transport. |

Table 2: Relevant Local Planning Policy Framework

| | |
|--|---|
| Local Planning Policy Framework | |
| Clause | This policy seeks to: |
| Pyrenees Shire Key Influences and Issues (Clause 21.01) | |
| Clause 21.01-2 Key influences | Identifies key planning influences facing the Pyrenees Shire including but not limited to: <ul style="list-style-type: none"> • The dominance of the Pyrenees Range in the landscape of the northern parts of the Shire and the Great Dividing Range through the central parts of the Shire. • Basaltic plains with natural lakes and swamps formed from volcanic eruptions creating significant landscape and landmarks in the south of the Shire. |
| Clause 21.01-3 Key issues | Identifies key planning issues facing the Pyrenees Shire including but not limited to: <ul style="list-style-type: none"> • The protection and management of the Shire's natural resources and environment • The protection and management of agricultural land |

| Strategic Vision (Clause 21.02) | |
|--|---|
| Clause 21.02-1 Vision and mission | <p>The Pyrenees Council’s Corporate plan includes a Vision and Mission Statement for the Shire. The Vision Statement is as follows:</p> <p>“To ensure a vibrant and sustainable municipality, that provides for its people a healthy lifestyle and a supportive community, in the context of a rural environment.”</p> <p>The Pyrenees Shire Council’s Mission Statement includes:</p> <p>“To facilitate the growth of individuals, communities and enterprises in the municipality, through proactive and responsive action in keeping with our rural environment.</p> |
| Environmental and Landscape Values and Risks (Clause 21.04) | |
| Clause 21.04-1 Natural Environment | Minimise the potential of new development and land use causing pollution of waterways, water storages and ground water resources, land degradation, fire hazards or other adverse environmental impacts. |
| Clause 21.04-2 Protecting sensitive rural areas | Preserve hillsclapes, ridgelines and other key topographic features. |
| Clause 21.04-4 Land Use capability assessment | <p>Highlight significant natural features of the Shire including but not limited to:</p> <ul style="list-style-type: none"> • The Pyrenees and Great Dividing Ranges. • Significant high points within these ranges including Mt Cole (800m), Mt Lonarch (788m), Ben Major (610m), Mt Avoca (747m) and Mt Warrenmang (537m) • Public forest areas (e.g. Mt Cole, Waterloo, Beaufort and Snake Valley) |
| Rural Development (Clause 21.05) | |
| Clause 21.05-1 Rural subdivision and development | <p>There has been and remains a serious concern however that speculative fragmentation of land ownership and ad hoc commitment of isolated small parcels to rural residential and other small lot rural development will cause serious planning problems including:</p> <ul style="list-style-type: none"> • Destabilisation of agricultural land values and introduction of inappropriate rural land uses into established agricultural areas. |

| | |
|--|--|
| Clause 21.05-2 Sustainable agricultural land use | Provide opportunities for sustainable agriculture and to promote the effective management of rural land by: <ul style="list-style-type: none"> Discouraging non-agricultural use and development in rural areas |
| Local Areas (Clause 21.06) | |
| Clause 21.06-1 Beaufort | Overview of Beaufort including: <ul style="list-style-type: none"> its function as a highway service centre potential to accommodate further retail and related community facilities within the existing commercial precinct, together with an opportunity to increase its role as a highway service centre now that the Western Highway by-passes Ballarat develop the town's role as a highway service centre encourage highway service facilities to locate within the town itself – with the appropriate location for these facilities being along both sides of the Western Highway to the west of the central area |

Table 3: Relevant Zones and Overlays

| Clause | |
|------------------------------------|---|
| Farming Zone (Clause 35.07) | |
| Clause 35.07-6 Decision Guidelines | General Issues |
| | The Municipal Planning Strategy and the Planning Policy Framework. |
| | Any Regional Catchment Strategy and associated plan applying to the land. |
| | The capability of the land to accommodate the proposed use or development, including the disposal of effluent. |
| | How the use or development relates to sustainable land management. |
| | Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. |
| | How the use and development makes use of existing infrastructure and services. |



| |
|---|
| Agricultural issues and the impacts from non-agricultural uses |
| Whether the use or development will support and enhance agricultural production. |
| Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. |
| The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses. |
| The capacity of the site to sustain the agricultural use. |
| The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure. |
| Any integrated land management plan prepared for the site |
| Environmental Issues |
| The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. |
| The impact of the use or development on the flora and fauna on the site and its surrounds. |
| The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. |
| The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation. |
| Design and siting issues |
| The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. |

| | |
|---|---|
| | The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. |
| | The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance. |
| | The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities. |
| | Whether the use and development will require traffic management measures. |
| Public Acquisition Overlay (Clause 45.01) | |
| Clause 45.01-4 Decision Guidelines | The Municipal Planning Strategy and the Planning Policy Framework. |
| | The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay. |

Table 4: Relevant General and Particular Provisions

| |
|--|
| Particular Provisions |
| Clause |
| Land adjacent to a Public Acquisition Overlay (Clause 52.29) |
| Car parking (Clause 52.06) |
| Bicycle Facilities (Clause 52.34) |
| Freeway Service Centre (Clause 53.05) * to be used as a guide only |
| General Provisions |
| Clause 65 Decision guidelines |

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

| | |
|---|--|
| Clause 65.01 Approval of an application or plan | The matters set out in section 60 of the Act |
| | The municipal planning strategy and the planning policy framework |
| | The purpose of the zone, overlay or other provision |
| | The orderly planning of area |
| | The effect on the amenity of the area |
| | The proximity of the land to any public land |
| | Factors likely to cause or contribute to land degradation, salinity or reduce water quality |
| | Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site |
| | The extent and character of native vegetation and the likelihood of its destruction |
| | Whether native vegetation is to be or can be protected, planted or allowed to regenerate |
| | The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimises any such hazard |
| | The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts |

ISSUES/DISCUSSION

The application has been made without having regard to the place-based planning objectives and landscape values. There has been no attempt to compliment the distinctive characteristics of the location and region through the planning and design of this application.

The applicant has not demonstrated consideration towards landscape and environmental values. This is evident in the design of the proposed building and associated infrastructure as well as having no regard for the ongoing impacts of the proposed use.

Clause 12.05-2R Landscapes - Central Highlands intends for clear urban boundaries to be distinctive and provide open rural landscapes between areas of settlement. The proposed use and development would compromise the significant and open rural landscape that separates two existing settlements.

Planning should aim to minimise human-made amenity conflicts by ensuring the compatibility of a use or development with the function and character of an area. Further, policy acknowledges the economic importance of agricultural production and seeks to protect productive farmland. The proposed use and development makes little attempt to minimise conflict and disruption to the existing land use whilst permanently removes the site from agriculture.

The application does not demonstrate a positive contribution to local character and sense of place. It also fails to acknowledge and compliment the cultural identity of the rural community. The construction materials, colour schedule and plant species selected for the development have no regard for the natural surrounding scenery. Communication between Council officers and the applicant has confirmed that the intent of the design is for it to be visible identifiable as a service centre for commercial purposes. This intent does not comply with the objectives and strategies of the scheme.

The economic report supplied with the application was based on figures and assumptions that will not be relevant unless the proposed Beaufort bypass is constructed. The information supplied cannot be considered accurate for the purpose of assessing the economic need and impacts on the region.

Local Planning Policy describes Beaufort as a service and community centre and makes specific reference to the fact that it functions as a highway service centre due to its location on the Western Highway. Local policy strategy also specifies that Beaufort should be further developed as a highway service centre by confining its development to the existing commercial precinct. The strategy identifies an appropriate location for a highway service centre facility as being “*along both sides of the Western Highway to the west of the central area*”. The site subject to this permit application directly conflicts this policy statement.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 5 - Development and Environment. We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and built environmental values.

5.1 - Provide efficient and effective land use planning, ensuring local policies within the Pyrenees Planning Scheme remain relevant and forward looking.

This application meets Council’s obligations as a Responsible Authority for assessing applications under the *Planning and Environment Act 1987*. Council has assessed this application against each requirements of the Pyrenees Planning Scheme and has managed the planning process and its decision making in accordance with the requirements of the Act.

ATTACHMENTS

- 6.1 Application documentation (*circulated separately*)
- 6.2 Copies of submissions for PA2771/18 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

An application determined by council or under delegation of council and which is subject to appeal rights at VCAT, may incur costs in the form of representation (consultant) fees and staff resources.

CONCLUSION

Council officers have considered all the matters required under Section 60 of the Act, and now conclude that a planning permit should not be granted for the proposed highway service centre, due to the reasons listed below:

1. The proposed use and development is not supported by local policy objectives and strategies (Clause 21.01-21.06) of the *Pyrenees Planning Scheme*
2. The proposed use and development does not comply with Clause 35.07 – *Farming Zone*
3. The proposed use and development does not support State planning policy objectives and strategies relating to the protection of valued open rural landscapes, land use compatibility and amenity
4. The proposed use and development is not in accordance with Clause 12.05-2S *Landscapes* as it will not improve the landscape qualities of the area or open space due to visual impact
5. The use and development is not in accordance with Clause 14.01-1S *Protection of Agricultural Land* due to:
 - a. the incompatibility between the proposed use and development and the use of surrounding land;
 - b. the non-agricultural use will cause a permanent loss of agricultural land; and
 - c. The failure to prevent dispersed urban activities in rural areas.
6. The proposed use and development is not in accordance with Clause 15.01-6S *Design for Rural Areas* as:
 - a. it is not sympathetic to the visual impact on the surrounding landscapes; and
 - b. the proposed design (colour, siting, bulk and form) is deemed to be deficient in the consideration of the natural environment and surrounding landscapes.
7. The application attempts to address planning scheme objectives and strategies by relying on the proposed Beaufort Bypass. The bypass has not been confirmed or incorporated into the planning scheme and cannot be considered with regards to this application.

OFFICER RECOMENDATION

That Council:

1. Notes the objectives and strategies of the Local and State Planning Policy Framework and Municipal Strategic Statement, of the *Pyrenees Planning Scheme*
2. Notes the purpose of the Farming Zone
3. Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* determines to issue a *Notice of Refusal* to grant a planning permit for PA2771/18, for the reasons specified in the conclusion section of this report.

7. PLANNING APPLICATION PA2795/18, PA2788/18, PA2787/18 AND PA2785/18 – USE & DEVELOPMENT OF A SINGLE DWELLING

Katie Gleisner – Manager Planning and Development

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 505034700

PURPOSE

The purpose of this report is to provide Council with information on the state and local planning policy that is relevant to making a decision on four (4) planning permit applications; and for Council to make a determination on three (3) planning permit applications at 371 Musical Gully Road, Waterloo

BACKGROUND

Four (4) planning permit applications have been submitted by a single proponent for the use & development of a single dwelling (x4) at the below described locations:

- **PA2785/18** Crown Allotment 6, 7, 8, 9, 10, 11 and 12E at 371, Parish of Raglan, Musical Gully Road, Waterloo
- **PA2795/18** Crown Allotment 12C, 63 and 64, Parish of Raglan, Musical Gully Road, Waterloo
- **PA2788/18** Crown Allotment 16C, 16E and 16J, Parish of Raglan, Musical Gully Road, Waterloo
- **PA2787/18** Crown Allotment 12D and 63A, Parish of Raglan, Musical Gully Road, Waterloo

Each of the four (4) sites are currently advertised for sale.

Application PA2787/18 is being progressed by a prospective purchaser and will be decided upon separate to this report to Council.

The material supplied in support of each application does not adequately address the Pyrenees Planning Scheme requirements and objectives. Several requests for further information have been made to the proponent who advised on Friday 15th March that they would not submit any further material. The applicant instructed Council to proceed with assessment and decide on the three (3) applications.

All four (4) applications apply to land which is in ownership of one family, on two (2) separate titles, totalling 34.09ha.

The land identified within all four (4) applications is subject to the Farming Zone, Bushfire Management Overlay and Restructure Overlay.

PLANNING PERMIT APPLICATION PA2785/18

Area: 6.16Ha

Zone: Farming Zone

Overlay: Restructure Overlay, Bushfire Management Overlay

Current use: Farming (grazing)

Existing structures/features: Powered shearing shed, operational bore and dam (located on Crown Allotment 12E)

Access: Musical Gully Road

Other: Site is irregularly shaped and covers seven titles



Site and surrounds:

The site is mostly cleared land with small pockets of native vegetation (trees) scattered across the allotments. The site falls towards Musical Gully Road with a northern aspect. The abutting land to the south is heavily vegetated Crown land zoned for public conservation and resource. All other adjoining land is zoned farming. The surrounding landholdings are of a larger size and are used for agricultural and rural living pursuits, zoned for farming or rural conservation.

Proposal:

- A four (4) bedroom, weatherboard clad and colour bond roofed dwelling, in natural/heritage colours, has been proposed for CA10.
- The building envelope is subject to the Bushfire Management Overlay.
- The application was supported by a bushfire management plan and statement that has been prepared by Regional Planning and Design PTY LTD.
- The planning permit application indicates that the proposed dwelling location and design may be subject to change following sale of the property.

Referrals and notice:

- Under section 55 of the *Planning and Environment Act 1987*, the application was referred to the Country Fire Authority who has provided conditional consent to the granting of a planning permit.
- The application has been subject to an internal referral to the Environmental Health and Engineering departments, who do not oppose the development subject to a range of conditions.
- Public notification of the proposed used and development was given to 11 adjoining land owners under section 52 of the Act. No submissions were received.

Restructure Overlay Restructure Plan 22: Waterloo Environs

The site is contained within a Restructure Parcel that incorporates Crown Allotments 6, 7, 8, 9, 10, 11, 12E, 12D and 63A. Note that CA12D and 63A form PA2787/18 and that both permit applications share one *Restructure Overlay Entitlement*. The collective size of the restructure parcel is significantly less than that required to make an application for a second dwelling.

The applicant has requested that a surplus entitlement be transferred from another location, however there are no provisions under the overlay or associated schedule that permits or supports such entitlement trading.

PLANNING PERMIT APPLICATION PA2788/18

Area: 8.45Ha

Zone: FZ

Overlay: Restructure Overlay, Bushfire Management Overlay (building envelope is not subject to the BMO)

Current use: Farming (grazing)

Existing structures/features: Dam (located on Crown Allotment 16E)

Access: Musical Gully Road

Other: Site comprised three (3) allotments which are divided by a government road



Site and surrounds:

The site is mostly cleared land with native trees scattered across the three allotments. CA 16C is of a southerly aspect whilst CA16E and 16J are relatively flat with a slight fall to the north. The title is severed by an unused government road that runs the west, north and eastern boundaries of CA16E and 16J. The abutting land to the north and northwest is zoned for Rural Conservation. All other adjoining land is zoned farming. The surrounding landholdings are of a larger size and are used for agricultural and rural living pursuits.

Proposal:

- A four (4) bedroom, weatherboard clad and colour bond roofed dwelling, in natural/heritage colours, has been proposed for CA16E.
- The proposed setbacks are [?]

- The building envelope is not subject to the Bushfire Management Overlay.
- The planning permit application indicates that the proposed dwelling location and design may be subject to change following sale of the property.

Referrals and notice:

- The application has been subject to an internal referral to the Environmental Health and Engineering departments, who do not oppose the development subject to a range of conditions.
- Public notification of the proposed use and development was given to 11 adjoining land owners under section 52 of the Act. No submissions were received.

Restructure Overlay Restructure Plan 22: Waterloo Environs

The site contains two (2) *restructure overlay entitlements*. The application proposes to utilise the entitlement that applies to CA16E and CA16J to support the proposed use and development.

The applicant has requested that the entitlement that applies to CA16C be transferred to an alternate location, however there are no provisions under the Restructure Overlay or associated schedule that permits or supports such entitlement trading.

PLANNING PERMIT APPLICATION PA2795/18

Area: 14.13Ha

Zone: Farming Zone

Overlay: Restructure Overlay, Bushfire Management Overlay

Current use: Farming (grazing)

Existing structures/features: Two dams

Access: Musical Gully Road and an unmade government road which adjoins the eastern boundary

Other: The site covers three titles.



Site and surrounds:

The site is narrow, contains pockets and scatters of native vegetation and is of a northerly aspect. The abutting land to the south and southeast is heavily vegetated Crown land zoned for public conservation and resource. All other adjoining land is zoned farming. The surrounding landholdings are of a larger size and are used for agricultural and rural living pursuits.

Proposal:

- A four (4) bedroom, weatherboard clad and colour bond roofed dwelling, in natural/heritage colours, has been proposed for CA64.
- The building envelope is subject to the Bushfire Management Overlay.
- The application was supported by a bushfire management plan and statement that has been prepared by Regional Planning and Design PTY LTD.
- The planning permit application indicates that the proposed dwelling location and design may be subject to change following sale of the property.

Referrals and notice:

- Under section 55 of the *Planning and Environment Act 1987* (the **Act**) the application was referred to the Country Fire Authority (CFA) who have provided conditional consent to the granting of a planning permit.
- The application has been subject to an internal referral to the Environmental Health and Engineering departments, who do not oppose the development subject to a range of conditions.
- Public notification of the proposed use and development was given to 11 adjoining land owners under section 52 of the Act. No submissions were received.



PLANNING CONSIDERATIONS

Table 1: Relevant State Planning Policy Framework which must be considered in the context of this application.

| STATE PLANNING POLICY FRAMEWORK | |
|---|--|
| Clause | This policy seeks to: |
| Settlement (Clause 11) | |
| Anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. | |
| Clause 11.03-6S Regional and local places | Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development. |
| Environment and Landscape Values (Clause 12) | |
| Protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value. | |
| Clause 12.05-2R Landscapes – Central Highlands | Provide clear urban boundaries and maintain distinctive breaks and open rural landscapes between settlements. |
| Environmental Risks and Amenity (Clause 13) | |
| Aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts | |
| Clause 13.02-1S Bushfire planning | <p>Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. This clause holds strategies including but not limited to:</p> <ul style="list-style-type: none"> • Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development. • Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction • Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard. • Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented. |



| Natural Resource Management (Clause 14) | |
|---|---|
| <p>Must assist in the conservation and wise use of natural resources including energy, land, stone and minerals to support both environmental quality and sustainable development and that planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.</p> | |
| <p>Clause 14.01-1S Protection of agricultural land</p> | <p>Protect the state’s agricultural base by preserving productive farmland by:</p> <ul style="list-style-type: none"> • Preventing inappropriately dispersed urban activities in rural areas. • Limit new housing development in rural areas by: <ul style="list-style-type: none"> ○ Encouraging consolidation of existing isolated small lots in rural zones ○ Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses. ○ Directing housing growth into existing settlements. • In considering a proposal to use, subdivide or develop agricultural land, consider the: <ul style="list-style-type: none"> ○ Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production. ○ Land capability ○ Desirability and impacts of removing the land from primary production, given its agricultural productivity. • Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land |
| <p>Clause 14.01-2S Sustainable agricultural land use</p> | <p>Pursues the encouragement of sustainable agricultural land use. The policy seeks to achieve this by:</p> <ul style="list-style-type: none"> • Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources. • Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices • Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing. |



Built Environment and Heritage (Clause 15)

Ensuring all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context

Supporting the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Housing (Clause 16)

Identify land suitable for rural residential development by:

- Managing development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- Encouraging the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.
- Ensuring land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discouraging development of small lots in rural zones for residential use or other incompatible uses. Encourage consolidation of existing isolated small lots in rural zone

Clause 16.01-5S Rural residential development

Identify land suitable for rural residential development through the following strategies:

- Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.
- Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.
- Discourage development of small lots in rural zones for residential use or other incompatible uses. Encourage consolidation of existing isolated small lots in rural zone

Table 2: relevant Local Planning Policy Framework which must be considered in the context of the applications

| LOCAL PLANNING POLICY FRAMEWORK | |
|--|---|
| Clause | This policy seeks to: |
| <i>Pyrenees Shire Key influences and Issues (Clause 21.01)</i> | |
| Clause 21.01-3 Key issues | Identifies key planning issues facing the Pyrenees Shire including but not limited to: <ul style="list-style-type: none"> • The protection and management of the Shire’s natural resources and environment. • The protection and management of agricultural land and the need to encourage agricultural diversity • The responsible use and management of inappropriately subdivided rural land. • The management of rural residential and other small lot rural development |
| <i>Strategic Vision (Clause 21.02)</i> | |
| Clause 21.02-1 Vision and mission | The Pyrenees Shire Council’s mission statement reads: “To facilitate the growth of individuals, communities and enterprises in the municipality, through proactive and responsive action in keeping with our rural environment.” |
| Clause 21.02-2 Strategic Framework | The Strategic Framework Plan concentrates on non-urban areas and identifies the optimum land uses which should be achieved in particular areas of the Shire and areas which have local policies in place aimed at achieving specific planning outcomes. Matters provided for in the Strategic Framework Plan are: <ul style="list-style-type: none"> • General farming areas in which different subdivision minimums and requirements relating to dwellings apply. • Areas of inappropriate subdivision which should be restructured. |
| <i>Settlement, Built Environment and Heritage (Clause 21.03)</i> | |
| Clause 21.03-1 Settlement | Restricting rural residential development to areas which are intrinsically suitable for this type of use, which are not inappropriately subdivided and to require the abandonment and subdivisional restructuring of obsolete and defunct Crown Township and to allow for urban expansion only in areas which have suitability for specified uses and which represents an orderly extension of existing settlements and infrastructure. |
| Clause 21.03-2 Housing | Ensuring housing meets the needs of Shire’s residents by encouraging high density forms of development in central and accessible areas within established townships. |
| <i>Environmental and Landscape Values and Risks (Clause 21.04)</i> | |
| Clause 21.04 Protecting sensitive rural areas | Ensuring appropriate management of constrained and sensitive land by discouraging small-lot excisions for isolated housing development. |



| <i>Rural Development (Clause 21.05)</i> | |
|---|--|
| <p>Clause 21.05-1 Rural subdivision and development</p> | <p>This policy notes that invariable lot sizes within the Municipality boundaries are unrelated to proper rural land management requirements and they now represent a serious impediment to the orderly future management of the Shire’s rural areas. In addition many of the original Crown Townships are now defunct and are undesirable for physical, social and environmental reasons. Furthermore, there has been and remains a serious concern however that speculative fragmentation of land ownership and ad hoc commitment of isolated small parcels to rural residential and other small lot rural development will cause serious planning problems including:</p> <ul style="list-style-type: none"> • Introduction of inappropriate and unusual land management practices (related either to under or over utilisation of the land). • Destabilisation of agricultural land values and introduction of inappropriate rural land uses into established agricultural areas. • Increased demand for provision of public services and infrastructure in remote rural areas (at major cost to the public purse). • Vulnerability of people and property to wildfire. <p>Specific land management policies for these areas are identified in the Scheme - including a requirement for restructuring into generally larger, more manageable and more useable holdings of those areas which possess the most severe planning threats and problems.</p> |
| <p>Clause 21.05-2 sustainable agricultural land use</p> | <p>This policy seeks to promote the effective management of rural land, provide opportunities for sustainable agriculture and support the diversification of agriculture by:</p> <ul style="list-style-type: none"> • Encourage restructuring of areas of inappropriate subdivision according to the pattern of tenements that existed as at 17 March 1997. • Encourage sustainable resource management and the protection of agricultural land within the Shire. • Restricting subdivision of high quality agricultural land • Encourage farm consolidation and adjustment • Discourage rural subdivision where it prejudices effective and sustainable agricultural use. • Limit the opportunity for small lot rural excisions. • Protect areas suitable for sustainable agriculture from inappropriate subdivision. • Discourage non-agricultural use and development in rural areas. |

| | |
|---|--|
| Clause 21.05-3 Rural living areas | Clause 21.05-3 seeks to provide for appropriately located rural residential development by preventing rural residential development from occurring in productive farming areas or areas possessing significant environmental hazards and constraints. |
| Clause 21.05-6 Areas of Inappropriate Subdivision | <p>This policy notes that extensive areas in the rural parts of the Shire have been subdivided into lots which do not represent manageable rural parcels or which are unrelated to proper land management. Multiple lots are in many cases held in single ownership. Fragmentation of ownership of these lots and the potential demand to construct a dwelling on any or all of them would not be consistent with responsible management of rural land. Extensive small lot rural development is considered to be unsuitable particularly where this involves the construction of a house and associated facilities and is likely to result in adverse environmental, economic and social impacts. There is no demonstrated community need for extensive small lot settlement in these areas. In this regard, ad hoc and piece-meal development of these areas for small lot rural purposes is likely to result in unacceptable levels of land use conflict and misuse of land. Clause 21.05-6 seeks to protect productive farming land from inappropriate development and promote efficient and sustainable use of rural land by:</p> <ul style="list-style-type: none"> • Identify old and inappropriate subdivisions that are to be restructured. • Promote the consolidation of fragmented land parcels into manageable units. |

Table 3: relevant Zones and Overlays which must be considered in the context of this application

| Clause | | Assessment as to whether the applications suitably meet the following: | | |
|------------------------------------|---|--|-----------|-----------|
| | | PA2785/19 | PA2788/18 | PA2795/18 |
| Farming Zone (Clause 35.07) | | | | |
| Purpose | To implement the Municipal Planning Strategy and the Planning Policy Framework. | ✘ | ✘ | ✘ |
| | To provide for the use of land for agriculture. | ✘ | ✘ | ✘ |
| | To encourage the retention of productive agricultural land. | ✘ | ✘ | ✘ |
| | To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. | ✘ | ✘ | ✘ |

| | | | | |
|--|---|-----|-----|-----|
| | To encourage the retention of employment and population to support rural communities. | N/A | N/A | N/A |
| | To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision. | x | x | x |
| | To provide for the use and development of land for the specific purposes identified in a schedule to this zone. (Nothing in the schedule) | N/A | N/A | N/A |
| Clause 35.07-5 Application requirements for dwellings | An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone. | x | x | x |
| Clause 35.07-6 Decision Guidelines | General issues | | | |
| | The Municipal Planning Strategy and the Planning Policy Framework. | x | x | x |
| | Any Regional Catchment Strategy and associated plan applying to the land. | N/A | N/A | N/A |
| | The capability of the land to accommodate the proposed use or development, including the disposal of effluent. | ✓ | ✓ | ✓ |
| | How the use or development relates to sustainable land management. | x | x | x |
| | Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. | x | x | x |
| | How the use and development makes use of existing infrastructure and services. | x | x | x |
| | Agricultural issues and the impacts from non-agricultural uses | | | |
| | Whether the use or development will support and enhance agricultural production. | x | x | x |
| | Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. | x | x | x |
| | The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses. | x | x | x |
| | The capacity of the site to sustain the agricultural use. | x | x | x |
| | The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure. | x | x | x |
| | Any integrated land management plan prepared for the site | x | x | x |

| Dwelling Issues | | | |
|---|---|---|---|
| Whether the dwelling will result in the loss or fragmentation of productive agricultural land. | x | x | x |
| Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. | x | x | x |
| Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses. | x | x | x |
| The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture. | x | x | x |
| Environmental Issues | | | |
| The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. | x | x | x |
| The impact of the use or development on the flora and fauna on the site and its surrounds. | ✓ | ✓ | ✓ |
| The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. | ✓ | ✓ | ✓ |
| The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation. | ✓ | ✓ | ✓ |
| Design and siting issues | | | |
| The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. | x | x | x |
| The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. | x | x | x |
| The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance. | x | x | x |
| The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities. | x | x | x |
| Whether the use and development will require traffic management measures. | x | x | x |

| Bushfire Management Overlay (Clause 44.06) | | | | |
|---|---|---|-----|---|
| Purpose | To implement the Municipal Planning Strategy and the Planning Policy Framework. | ✘ | N/A | ✘ |
| | To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire. | ✔ | N/A | ✔ |
| | To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented. | ✔ | N/A | ✔ |
| | To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. | ✔ | N/A | ✔ |
| Clause 44.06-3 Application requirements | An application must be accompanied by: <ul style="list-style-type: none"> A <u>bushfire hazard site assessment</u> including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard. A <u>bushfire hazard landscape assessment</u> including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3. A <u>bushfire management statement</u> describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective. | ✔ | N/A | ✔ |
| Clause 44.06-8 Decision guidelines | The Municipal Planning Strategy and the Planning Policy Framework. | ✘ | N/A | ✘ |
| | Any other matters specified in a schedule to this overlay. | ✔ | N/A | ✔ |
| Schedule 1 to Clause 44.06 Bushfire Management Overlay | | | | |
| 10 – Decision guidelines | Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met. | ✔ | ✔ | ✔ |

| Restructure Overlay (Clause 45.05) | | | | |
|--|--|-----|-----|-----|
| Purpose | To implement the Municipal Planning Strategy and the Planning Policy Framework. | x | x | x |
| | To identify old and inappropriate subdivisions which are to be restructured. | x | x | x |
| | To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development | x | x | x |
| Clause 45.05-4 Decision Guidelines | The Municipal Planning Strategy and the Planning Policy Framework. | x | x | x |
| | The objectives of the restructure plan for the area. | ✓ | ✓ | ✓ |
| | Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion. | x | x | x |
| | The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries. | x | x | x |
| | The availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications. | x | x | x |
| | The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land. | x | x | x |
| | The effect on surrounding uses, especially agricultural uses and nearby public land. | x | x | x |
| The design of buildings. | x | x | x | |
| Restructure Plan No 22: Waterloo Environs | | | | |
| Objectives | To give maximum practical effect to the provisions of the Waterloo Environs Restructure Plan. | x | x | x |
| | To achieve the basic strategic planning objectives for Areas of Inappropriate Subdivision as stated in Clause 21.05-01.4 of the Planning Scheme. | x | x | x |
| | To encourage the subdivisional restructuring of multiple-lot landholdings. | x | x | x |
| | To discourage inappropriate small lot rural residential development. | x | x | x |
| | To limit development on land which is subject to flooding. | N/A | N/A | N/A |
| | To prevent inappropriate development in the environs of Trawalla Creek (which drains into Mt Emu Creek). | N/A | N/A | N/A |
| | To prevent inappropriate development on environmentally hazardous land in the Palaeozoic Sediments III Land System. | N/A | N/A | N/A |

Table 4: relevant Particular and General Provisions that must be considered in the context of the application.

| Clause | Assessment as to whether the applications suitably meet the following: | | |
|---|--|-----------|-----------|
| | PA2785/19 | PA2788/18 | PA2795/18 |
| Approval of an application or plan (Clause 65.01) | | | |
| The matters set out in section 60 of the Act. | ✓ | ✓ | ✓ |
| The Municipal Planning Strategy and the Planning Policy Framework. | ✗ | ✗ | ✗ |
| The purpose of the zone, overlay or other provision. | ✗ | ✗ | ✗ |
| Any matter required to be considered in the zone, overlay or other provision. | ✗ | ✗ | ✗ |
| The orderly planning of the area. | ✗ | ✗ | ✗ |
| The effect on the amenity of the area. | ✗ | ✗ | ✗ |
| The proximity of the land to any public land. | ✗ | ✗ | ✗ |
| Factors likely to cause or contribute to land degradation, salinity or reduce water quality. Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site. | ✓ | ✓ | ✓ |
| The extent and character of native vegetation and the likelihood of its destruction. | ✓ | ✓ | ✓ |
| Whether native vegetation is to be or can be protected, planted or allowed to regenerate. | ✓ | ✓ | ✓ |
| The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard. | ✓ | ✓ | ✓ |
| The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. | N/A | N/A | N/A |

ISSUE / DISCUSSION

Both the State and Local Planning Policy Frameworks stress the importance of protecting viable agricultural land from fragmentation and inappropriate development. It also seeks to ensure that any applications for use or development do not compromise environmental values of an area or create the potential for conflict between other land uses.

The State Planning Policy Framework does not support the applications for the use and development at 371 Musical Gully Road, Waterloo as it would produce planning outcomes that are in breach of the objectives and strategies. Notably, the application is not supported by policies, objectives and strategies within Clauses which pertain to Settlement (Clause 11), Environmental and Landscape Values (Clause 12), Environmental Risks and Amenity (Clause 13), Natural Resource Management (Clause 14) and Housing (Clause 16).

A consistent theme throughout the Planning Policy Framework is the desire to protect agricultural land from inappropriate development and to ensure that agricultural and productive rural land use activities are managed for long-term sustainable outcomes. It also intends to support and encourage the diversification of the agriculture base and the introduction of more intensive agricultural uses.

Clause 21.05-1 *Rural Subdivision and Development* identifies that there is a serious concern around the fragmentation of land ownership in rural areas. Further it identifies that patterns of residential development in rural areas cause serious planning problems including the destabilisation of agricultural land values. The policy seeks to limit the opportunity for small lot rural excisions and discourage non-agricultural use and development in rural areas.

The use of land for a dwelling within the Farming Zone is not an unreasonable request. The Farming Zone allows for rural residential development as a Section 1 use if it is to be the only dwelling on a lot of 40ha or more and meets the requirements of *Clause 35.07-2*. Proposed use and developments that fail to meet section 1 conditions, can be assessed as a section 2 use and require a planning permit. The Responsible Authority must consider the proposed use in the context of the surrounding land uses, purpose of the zone and the relevant Decision Guidelines.

Decision guidelines particularly relevant to the assessment these applications include:

- Whether the use or development will support and enhance agricultural production
- How the use or development relates to sustainable land management.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Responsible Authority must also consider *Clause 65 Decision Guidelines* where:

'Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.'

It must be noted that planning permit applications PA2785/18, PA2788/18 and PA2795/18 have failed to demonstrate the need for four additional dwellings in order to support an agricultural activity.

Permitting the proposed use and development in its current form would be in breach of the *Pyrenees Planning Scheme*.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 5 - Development and Environment. We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and built environmental values.

5.1 - Provide efficient and effective land use planning, ensuring local policies within the Pyrenees Planning Scheme remain relevant and forward looking.

This application also meets Council's obligations as Responsible Authority for assessing applications under the *Planning and Environment Act 1987*. Council has assessed this application against each requirement of the Pyrenees Planning Scheme, and has managed the planning process and its decision making in accordance with the requirements of the Act.

ATTACHMENTS

- 7.1 Restructure Overlay (Waterloo Environs) Map (*circulated separately*)
- 7.2 Restructure Overlay (Waterloo Environs) Plan (*circulated separately*)
- 7.3 PA2785/19 Application (*circulated separately*)
- 7.4 PA2788/19 Application (*circulated separately*)
- 7.5 PA2795/19 Application (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

An application determined by council or under delegation of council and which is subject to appeal rights at VCAT, may incur costs in the form of representation (consultant) fees and staff resources.

CONCLUSION

Council officers have considered all the matters required under Section 60 the *Planning and Environment Act 1987*, and now conclude that a planning permit should not be granted for the proposed use and development of a single dwelling (x3), due to the reasons listed below:

1. The proposals (x3) are not in accordance with Clause 35.07 – *Farming Zone* as:
 - a. it would lead to a proliferation of dwellings in the area; and
 - b. there is no substantiated or distinct need for four (x4) dwellings to support agriculture pursuits
2. PA2785/18 does not comply with Clause 45.05 *Restructure Overlay* which seeks to restructure old and inappropriate subdivisions; and does not provide for the 'transferring' of restructure overlay entitlements
3. The proposals does not comply with Clause 16.01-5S *Rural Residential Development* which seeks to discourage development of small lots in rural zones for residential use or other incompatible uses
4. The proposals do not comply with Clause 21.05-1 *Rural subdivision and development* as it will cause the destabilisation of agricultural land values and introduction of inappropriate rural land uses into established agricultural areas
5. The proposals do not comply with Clause 14.01-1S *Protection of agricultural land* which seeks to limit new housing development in rural areas by:
 - a. discouraging development of isolated small lots in rural zones; and
 - b. encourage consolidation of existing isolated small lots in rural zones
6. The applications fail to address the Farming Zone decision guidelines and would produce poor planning outcomes

7. The proposals are not supported by policy objectives and strategies of the *Pyrenees Planning Scheme*

OFFICER RECOMMENDATION

That Council:

1. Notes the purpose of the Farming Zone, Restructure Overlay and the Bushfire Management Overlay
2. Notes the objectives and strategies of the Local and State Planning Policy Framework and the Municipal Strategic Statement of the *Pyrenees Planning Scheme*
3. Determines not to support the requested transfer of the *Restructure Overlay Entitlement* from CA16C (Part of PA2795/18) to CA6, 7, 8, 9, 10, 11 & 12E (PA2785/18)
4. Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, refuses to grant a planning permit for PA2795/18 on the basis that the proposed use and development is inconsistent with the objectives of the *Pyrenees Planning Scheme*
5. Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, refuses to grant a planning permit for PA2788/18 on the basis that the proposed use and development is inconsistent with the objectives of the *Pyrenees Planning Scheme*
6. Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, refuses to grant a planning permit for PA2785/18 based on the following reasons:
 - a) the proposed use and development is inconsistent with the objectives of the *Pyrenees Planning Scheme*;
 - b) there being no provisions to transfer/trade a *Restructure Overlay Entitlement* from CA16C: and
 - c) that the *Restructure Overlay Entitlement* relevant to these allotments is intended to be utilised for pending application PA2787/18

ASSET AND DEVELOPMENT SERVICES

8. ART INSTALLATION – BEAUFORT MEMORIAL PARK

Douglas Gowans – Director Assets & Development Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 513016350

PURPOSE

The purpose of this report is to seek Council's approval to the installation of two bronze figures at the Beaufort Memorial Park at the request of the Beaufort Garden Club.

BACKGROUND

The Beaufort Garden Club has a project to design and sculpt artwork for installation at the Memorial Park in Beaufort. This project has been ongoing for a number of years with progression of the project to the point whereby some of the sculptured artwork has already been installed.

In February 2018 Council approved the installation of timber artwork sculptures depicting personnel who served in the air force, navy and army as well as a depiction of a nurse from a medical corp at the Memorial Park.

ISSUE / DISCUSSION

The Memorial Park in Beaufort is directly managed and maintained by Council. The Beaufort Garden Club assists in looking after the rose garden. Council has requested that any further installation of artwork needs to be approved by Council prior to installation. Therefore a decision of Council is required to approve any changes or additions to the Park.

Council has received a request from the Garden Club seeking approval to install two bronze figures in the Memorial Park, one either side of the walls in the lawn near the flagpoles facing towards the Memorial. One figure represents Vietnam service personnel who served in Vietnam, the other World War II service personnel.

The Garden Club have obtained RSL approval. The RSL have asked to have Lennie Green's face on the Vietnam figure, he was the first local to go to Vietnam. This figure is to be completed and will be unveiled on 'Long Tan Day' 18th August 2019.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Community

2.9 - Support arts and cultural initiatives within the Shire to enhance community participation and wellbeing.

ATTACHMENTS

8.1 Copy of request

8.2 Photos

FINANCIAL / RISK IMPLICATIONS

Council has previously assisted the Garden Club with technical support to install sculptures. At this stage the request has not specifically requested Councils assistance. The Beaufort Garden Club has applied for a Community Grant to assist with this project.

CONCLUSION

The proposed installation of the bronze statues will continue to enhance the Memorial Park.

OFFICER RECOMMENDATION

That Council approves the installation of the two bronze figures at the Beaufort Memorial Park.

BEAUFORT GARDEN CLUB.
c/o 12 BACK RAGLAN RD,
BEAUFORT 3373.

JIM NOLAN,
C.F.O.
PYRENEES SHIRE,
LAWRENCE ST.,
BEAUFORT 3373.



068672

| |
|---|
| PYRENEES SHIRE COUNCIL FILE No: 513016350 DOC No: |
| 10 APR 2019 |
| ACTION: J. Nolan INFORMATION: |

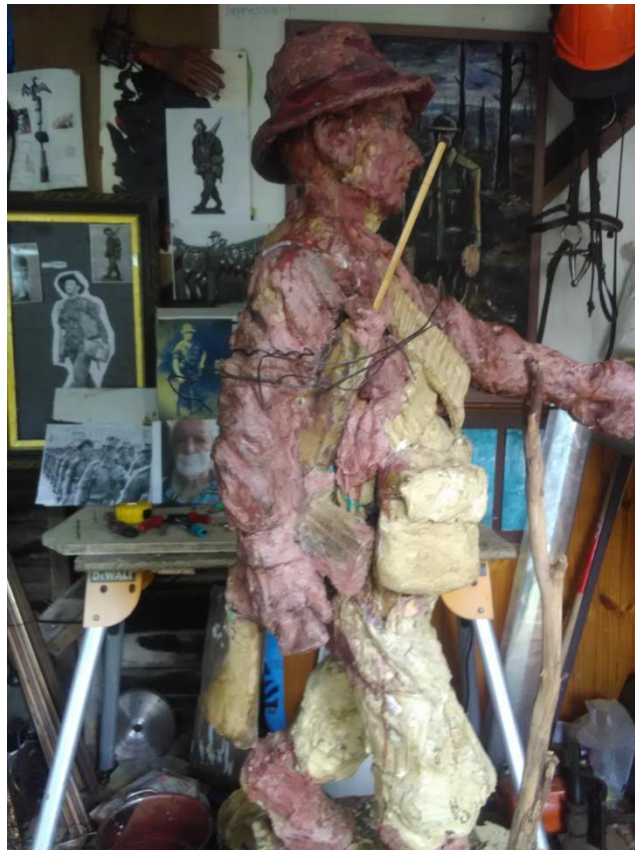
DEAR Jim,

I AM WRITING TO ASK FOR COUNCIL'S
APPROVAL THAT GARDEN CLUB CAN PLACE 2 BRONZE
FIGURES IN THE MEMORIAL PARK, ONE EITHER SIDE
OF THE WALLS, IN THE LAWN, NEAR THE FLAGPOLES,
FACING TOWARDS THE MEMORIAL. ONE FIGURE IS FOR
VIETNAM, THE OTHER W.W.II

WE HAVE R.S.L APPROVAL & THEY
HAVE ASKED TO HAVE LENNIE GREEN'S FACE ON
THE VIETNAM FIGURE, HE WAS IN LOCAL TO GO
TO VIETNAM.

THIS FIGURE IS TO BE COMPLETED &
WILL BE UNVEILED ON 'LONG TAN DAY', 18TH AUGUST,
WHICH, FOR THIS DISTRICT, IS TO BE HOLD IN
BEAUFORT, THIS YEAR

THANK YOU,
YOURS SINCERELY
Irene Koutlick. sec.



9. PETITION –LOT 5 (7) ACACIA COURT, CORREA PARK

Douglas Gowans – Director Assets & Development Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 502003690

PURPOSE

The purpose of this report is to seek Council's response to a petition relating to a Council owned piece of land at Correa Park that requests consideration by Council to designate it as a public reserve and name the reserve in honour of Michael O'Connor.

BACKGROUND

Council received a petition on 15 April 2019 that was accepted as a late report at the April Council meeting. Council resolved to receive the petition for Lot 5 (7) Acacia Court, Beaufort (in Correa Park) to be retained as the Michael O'Connor Memorial Park; and request a report be presented at the Ordinary Meeting of Council in May.

7 Acacia Court is a lot that was subdivided as part of stage 3 of the Correa Park development. The lot is 1275 sqm in size and was developed in the subdivision as a residential allotment. The lot encompasses a number of trees including a large gum tree in the middle of the lot that would need to be removed by any future owner to meet the pattern of development. Screening trees have been planted on the west boundary of lot 5, it is assumed that this was by the neighbour immediately to the west. No formal approval was requested of Council for these plantings.

ISSUE / DISCUSSION

In marketing of stage 3 of Correa Park lot 5 was marked as 'not currently for sale'. The reasoning for this was that Council in applying for the Planning Permit for Stages 3, 4 and 5 did not have additional offsets for tree removal and it was understood by Council officers that removing the large tree on lot 5 would require a further planning permit. Council met its obligations of retaining large trees on the subdivision however it should be noted that once the subdivision was approved the protection of trees becomes an as of right removal by any future owner for the development of a dwelling due to the lot size being under 4000sqm.

Council's cost structure for developing land in Correa Park is based on a cost neutral model, therefore a large component of the market price is determined by the number of lots divided by the entire cost of purchase and development. Even though Council retained lot 5 at the initial sale of stage 3, the anticipated sale price has been factored into the overall expected sales. Therefore if Council was to consider not selling lot 5 the loss of sales would need to be recovered from future sales of stage 4 and 5 lots in order to break even.

Council met its obligations under the planning permit to meet the public open space requirements through both onsite and offsite reserves. Onsite reserves in stages 2 and 4 have the dual purpose of storm water retention and the ability for non-formal recreation. The other area that Council met its requirements to provide for public open space was a commitment to future investment in public recreation facilities within the Beaufort township. One specific example was Council's recent investment at the Beaufort pool site.



If Council were to consider making lot 5 a public reserve, consideration would need to be given to the ongoing maintenance costs and whether Council might invest in playground and recreation infrastructure at this site. The service level would need to be considered such as the interval at which grass was mowed, whether watering systems and turf needed to be installed and asset management inspections including tree inspections.

Council have recently budgeted to invest in improving pedestrian access to Correa Park and this will have the added benefit of Correa Park residents having easier access to existing reserves and recreation infrastructure that is provided for all residents of Beaufort.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Community

2.4 - Support and promote the development of community hubs, where applicable, as a means of increasing the utilisation of community assets throughout the Shire.

ATTACHMENTS

9.1 Petition

FINANCIAL / RISK IMPLICATIONS

The estimated cost for maintaining a reserve of this size is \$2000 annually for a base level of service. The base level of service would include 4 mows per year and a tree inspection. This could increase if additional infrastructure is provided on the site.

A recent valuation at October 2018 for lot 5 was \$68,000. This is likely to have increased since that valuation due to market demand. If Council were to forgo this income, consideration would need to be given to adding the loss of development costs onto allotments within stages 4 and 5.

CONCLUSION

Council having received the petition relating to Lot 5 Acacia Court has the opportunity to consider its position relating to the future development of this allotment. Council will need to consider the financial implications of both the potential loss of income and the potential ongoing maintenance costs of this reserve.

OFFICER RECOMMENDATION

That Council:

1. Delays the decision for Council to consider the status and possible naming of lot 5 Acacia Court, Beaufort until stages 4 and 5 development costs are confirmed following a formal tender process for construction.
2. Requests a further report on this matter from Council officers once development costs are known.

The Chief Executive Officer
Pyrenees Shire Council
5 Lawrence Street
Beaufort 3733

14 April 2019

Cc: Robert Vance and Pyrenees Shire Councillors

Dear Sir and Councillors,

At a social gathering on public land at 5 Acacia Court in Correa Park on Sunday 9 December 2018, a resolution was unanimously agreed upon. The resolution is that Pyrenees Council be approached with the two requests:

- a, that this single block of land be retained for future open-air use by Beaufort residents.
 - b, that the area be named and celebrated as Michael O'Connor Memorial Park.
- As you know Michael was instrumental in the development of Correa Park.

For the council's interest thirty plus residents of Correa Park came together for a picnic. New and old residents intermingled.

Let it be known that, today, there are thirty-four young children living in Correa Park.

Signed by Lesley Hunter on behalf of the residents.

Sincerely,



Lesley Hunter

Maurice Trainor

**Correa Park Petition
 to
 Pyrenees Shire Council**

The residents of Correa Park, Beaufort, as signed below, support the proposal that public land at 5 Acacia Court be retained in the name of Michael O'Connor Memorial Park.

| NAME | ADDRESS |
|-----------------|-------------------------|
| Heather Bleasby | 15 Hains Close |
| Henk Boon | 11 Hains Ct |
| Josh Lofts | 8 Heath Court. |
| Blake Lofts | 6 Heath Court |
| Claire Doolan | 6 Heath Court. |
| Clare Lofts | 8 Heath Court |
| Greg Lofts | 30 Burke Street |
| Julie Lofts | 30 Burke Street. |
| IAN TURPIE, | 7, HEATH COURT, |
| CHRISTINE DIXON | 7 Heath Court |
| ANN E. STOCKTON | 5 HEATH COURT. |
| Rhonda Cowell | 129 neill ST BEAUFORT. |
| NATHAN FLYNN | 6 HAINS CLOSE BEAUFORT |
| Judy Perryman | 5 Orchid Court Beaufort |
| ROBERT PERRYMAN | 5 ORCHID CRT BEAUFORT |
| JOHN CLANCY | 8 BANKSIA CRT |

Correa Park Petition
to
Pyrenees Shire Council

The residents of Correa Park, Beaufort, as signed below, support the proposal that public land at 65 Acacia Court be retained in the name of Michael O'Connor Memorial Park.

| NAME | ADDRESS |
|-------------------------|-------------------------|
| Nicole Kelly | 16 Orchid Crt Beaufort. |
| Kerry Brain | 29 Orchid Ct Beaufort. |
| DARRIN DAVIES | 25 ORCHID CRT BEAUFORT |
| Lyn Edwards | 14 Orchid Crt Beaufort |
| GRAEME WELCH | 4 BANKSIA CRT BEAUFORT. |
| Kaye Thompson | 6 Banksia Crt Beaufort. |
| Kira Doyle-Venes | 1 Banksia Crt Beaufort |
| Robert Titherington | 1 Banksia crt Beaufort |
| JAIME PHILLIPS | 27 HAINES |
| Ebony E Kayde Foster | 8 Acacia Court |
| Peter Gracometti | 18 Hains close |
| Shane & Marjorie Molloy | 16 Hains close |
| Tiame Smith | 7 Hains close |
| Jarrod Crick | 7 Hains close |
| Lestley Hunter | 4 Orchid Crt |
| Helen Simpson | 133 Neill St. |

| | |
|-----------------------------|-------------------------|
| Judy Mander-Jones | 133 Neill St. |
| Trevor Horner | 10, HEATH CRT |
| MAURICE TRAINOR | 10 HEATH CRT |
| Kathryn Bale | 10 Orchid Court |
| ADRIAN HARRIS | 726 MAINLEAD RD |
| Hamish McCracken | 8 Wiles St Beaufort |
| KATE SCOTT | 103 NEILL ST BEAUFORT |
| Jesse castillo | 6 orchid court Beaufort |
| Jenni Edwards | 6 Orchid Ct Beaufort. |
| WENDY Moncrieff | 9 BANKSIA CRT |
| ANDREW Moncrieff | 9 BANKSIA CRT. |
| Debra Blackburn | 7 Banksia CRT. |
| Ray Blackburn | 7 Banksia CRT. |
| COLIN HOFTS | 5 BANKSIA CRT |
| GREN KRETSCHMER | 3 BANKSIA CRT |
| Trevor + Julie MADIN | 24 Hains Close |
| Melanie Phillips | 27 Hains Close |
| John Seale | 6 ACACIA CRT |
| JEANNA MONCRIEFF | 6 ACACIA CRT |
| LEON SACHSE | 5 ACACIA CRT |
| Joyce Sachse | 5 Acacia CRT |
| Pam Beatty | 22 HAINS CLOSE. |
| Robert D Beatty | 22 HAINS CLOSE |



**Correa Park Petition
to
Pyrenees Shire Council**

The residents of Correa Park, Beaufort, as signed below, support the proposal that public land at 5 Acacia Court be retained in the name of Michael O'Connor Memorial Park.

| NAME | ADDRESS |
|--------------------|----------------|
| Corey Mills | 2 Bankier crt |
| <i>[Signature]</i> | 129 NE 1st St |
| <i>[Signature]</i> | 127 neill rd |
| Michelle H | 8 Hains Close |
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CORPORATE AND COMMUNITY SERVICES

10. FINANCE REPORT 1 JULY 2018 TO 31 MARCH 2019

Shana Johnny – Manager Finance

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 32/08/18

PURPOSE

The purpose of this report is to provide Council with an update of the operating and capital financial performance for the period 1st July 2018 to 31st March 2019. The report compares the current budget and year end forecast against year to date actuals for each operating program and for all capital works.

BACKGROUND

Council at its meeting of 12 June 2018 adopted the budget for the 2018/19 financial year. The budget was adopted based on projected completion of projects and capital works at 30 June 2018 and information available at that time.

Council, at the 18th September 2018 Council meeting, considered a report on the 2017/18 year-end financial position. At this meeting Council approved the carryover of certain projects that remained incomplete as at 30 June 2018. These projects have been added to the original budget amounts to form the current budget.

The financial reports also provide a forecasted year end position for the 2018/19 financial year

ISSUE / DISCUSSION

The financial reports are prepared in consultation with senior managers and reviewed by the Executive Management Team.

The following attachments form part of the financial report:

- Summary Finance Report by Strategic Objective
- Working capital report
- Detailed Finance Report by Strategic Objective
- Capital works report
- Income Statement
- Balance Sheet
- Cash Flow Statement

Income Statement

- Total Income is forecast to be \$8.0 million higher than current budget. This increase is driven by:
 - Flood event reimbursements for works undertaken in 2017/18 and 2018/19 - \$7.5 million. At 30 June 2018, Council was awaiting reimbursement for \$2.7 million for flood recovery works undertaken during 2017/18. This amount has now been received.
 - Unbudgeted sector support grants from the Federal Government under the Commonwealth Health Support Program - \$74,000
 - Additional grants received under the new Maternal and Child Health Funding Agreement - \$42,000. This will be offset by additional expenditure in this area.
 - Post adoption of the Budget 2019/20, Council has been successful in the following grant applications –
 - Avoca Oval – Playing Surface - \$40,000
 - Avoca war memorial - \$30,000
 - Snake Valley – Safer Together Project - \$80,000
 - E-waste Projects for the Transfer Stations at Snake Valley (\$25,000), Avoca (\$100,000) and Beaufort (\$99,000).
 - Carngham Recreation Reserve Female Friendly Toilets - \$180,000 (first milestone payment expected in 2018/19).
 - Eurambeen Streatham Road under the Fixing Country Roads program - \$600,000
 - Less \$102,000 (Caravan park grant funding not available in 2018/19)
 - Less \$548,000 Community Contribution towards the Lexton Hub. The forecast of \$200,000 reflects commitment made by the community group.

- Total Expenditure is forecast to be \$5.4 million higher than current budget. This increase is driven by:
 - Flood Expenditure - \$4.8 million
 - Works associated with grants received for the following non council owned assets –
 - Carngham Recreation Reserve Female Friendly Toilets - \$180,000. This grant will be carried forward into 2019/20 to undertake the works.
 - Avoca Oval – Playing Surface - \$40,000
 - Planning contractor and Pyrenees Futures- \$171,000
 - Transition of telephone/internet facilities due to discontinuation of service by current provider \$40,000
 - Roadside slashing to reduce fire risks - \$27,000
 - Additional insurance costs - \$20,000
 - Legal costs -\$15,000

- The operating position has improved from \$1,658,000 (Current Budget) deficit to \$2,142,000 (Forecast) surplus. This improvement is driven by forecasted non recurrent Capital Grants (as mentioned above) and outstanding flood reimbursement for 2017/18 works.

Capital Works

- Total capital income (capital grants & contribution) is forecast to be \$192,000 million higher than current budget. This increase is driven by:
 - Grants funding under Fixing Country Roads program for Eurambeen Streatham Road - \$600,000
 - Grant funding for E-waste Projects at the Transfer Stations at Snake Valley (\$25,000), Avoca (\$100,000) and Beaufort (\$99,000).
 - Less \$102k (Caravan park grant funding not available in 2018/19)
 - Less \$548k Community Contribution towards the Lexton Hub. The forecast of \$200k reflects commitment made by the community group
- Total capital expenditure is forecast to be \$106,000 higher than current budget. This increase is driven by:
 - Eurambeen Streatham Road \$650,000
 - E-waste Projects at the Transfer Stations at Snake Valley, Avoca & Beaufort - \$238,000
 - Less \$102,000 (Caravan park grant funding not available in 2018/19)
 - Less \$548,000 Community Contribution towards the Lexton Hub. The forecast of \$200,000 reflects commitment made by the community group. The Lexton Hub project is currently funded at \$2,321,000 (Federal Grant - \$1,000,000, State Government Grant - \$800,000, community contribution - \$200,000 and rates funded - \$321,000)
 - Less \$149,000 Hardcourt Renewal. This has been reallocated to fund the shortfall in the Lexton Community Hub

Balance Sheet

Assets:

- Cash and investments at 31st March 2019 total \$9.878 million and include \$1.924 million for the Current Long Service Leave and Annual Leave provisions.
- Trade debtors \$1.825 million. Debtors are being monitored and regular follow up action taken.

Liabilities:

- Creditors balance is \$390,000
- Loan Liability at 31st March is \$nil
- Employee provisions are \$2.004 million

Cash Flow

- Cash and investments at 31st March 2019 total \$9.878 million and include \$1.924 million for the Current Long Service Leave and Annual Leave provisions.
- Cash has increased from the start of the financial year by \$1.198 million.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.1 - Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's communication strategy.

Under Section 138 of the Local Government Act 1989, at least quarterly a report comparing expenses and revenue to budget must be presented to the Council.

ATTACHMENTS

10.1 Finance Report 1 July 2018 to 31 March 2019 (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

All financial implications have been dealt with in the report.

CONCLUSION

The finance report for the period 1 July 2018 to 31 March 2019 has been provided for the information of Council.

OFFICER RECOMMENDATION

That Council receives the Finance Report for the period 1 July 2018 to 31st March 2019.

11. DRAFT MINUTES OF AUDIT & RISK COMMITTEE MEETING

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 32/04/04

PURPOSE

The purpose of this report is to provide Council with an update of the Audit & Risk Committee meeting held on 30th April 2019 and to seek adoption of the revised Audit & Risk Committee Charter.

BACKGROUND

In accordance with Section 139 of the Local Government Act 1989 Council is required to establish an Audit Committee. The Committee meets three times a year and the attached report is an update of the meeting held on 30 April 2019.

ISSUE / DISCUSSION

A brief overview of the issues considered by the Audit & Risk Committee is now provided for Council's information:

1. Election of Chair
2. VAGO Audit Strategy Memorandum 2018/9 Financial Year (Crowe Horwath)
3. Proposed 2019/20 Budget
4. Internal Audit 2018-07 Human Resources Management (AFS)
5. Internal Audit 2018-08 Environmental Health (AFS)
6. Audit & Risk Committee Charter Review
7. AFS Internal Audit Program Status Update (AFS)
8. Council's Strategic Risk Register Review
9. Annual Audit & Risk Committee 2018 Performance Review
10. MAV Liability Mutual Insurance Mutual (LMI) Compliance Review 2017
11. Customer Action Requests Service Review
12. Governance, Risk and Compliance Report
13. Compliance Update
14. AFS Recent Reports and Publications of Interest to Councils
15. CEO's Report – Current issues for Pyrenees Shire Council

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 4 - Financially Sustainable, High-performing Organisation. Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

4.4 - Develop our systems to support and enable our people to deliver efficient and quality services which are cost effective.

ATTACHMENTS

- 11.1 Unconfirmed Minutes of the Audit & Risk Committee Meeting of 30th April 2019 (*circulated separately*)
- 11.2 Audit & Risk Committee Charter (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

All financial issues have been addressed in the Issues/Discussion section.

CONCLUSION

In accordance with the Local Government Act 1989 the Pyrenees Shire Council's Audit & Risk Committee met on the 30th April 2019. This report summarises the items considered by the Committee and seeks Council adoption of the revised Audit & Risk Committee Charter.

OFFICER RECOMMENDATION

That Council:

1. Notes the minutes of the Audit & Risk Committee meeting held on 30th April 2019; and
2. Adopts the revised Audit & Risk Committee Charter.

12. REVIEW OF VICTORIA'S RATING SYSTEM

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 32/04/02

PURPOSE

The purpose of this report is to inform Council of a review being undertaken of Victoria's Rating System.

BACKGROUND

Rates and charges underpin the funding of local government in Victoria. Except for the Fair Go Rates system which was introduced in 2015, the structure of the rating system has not changed substantially in decades.

ISSUE / DISCUSSION

In response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils, the Government has agreed to undertake an inquiry into the local government rating system to identify changes that will improve its fairness and equity.

The Minister for Local Government has determined to form a Panel for the Victorian Local Government Rating System Review. The Panel will be led by Dr Kathy Alexander, a former South Australian Telstra Businesswoman of the Year, former CEO of the City of Melbourne and experienced board member and Chair in public, not-for-profit and privacy for-profit organisations.

The review will conclude in March 2020, when the panel will provide their recommendations to the Minister.

A copy of the Review's Terms of Reference is attached for information. It is intended to provide a submission into this review.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Relationships and Advocacy. We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.

2.3 - Maintain strategic partnerships, and participate with peak bodies for support and to enhance advocacy.

ATTACHMENTS

12.1 Rating Review Terms of Reference (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

As the major, constant funding source for local government, a review of the local government rates and charges system in Victoria has the potential to be a significant financial risk and possibly an opportunity for Council, with regard to ongoing delivery capability of core services to its communities.

CONCLUSION

The Victorian Government is undertaking a review into the local government rating system to identify changes that will improve its fairness and equity. The Pyrenees Shire Council will input a submission into this review.

OFFICER RECOMMENDATION

That Council notes the report and attachment on the review of Victoria's local government rating system.

13. REVIEW – INSTRUMENTS OF DELEGATION

April Ure – Acting Manager Governance Risk and Compliance

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 16/20/08

PURPOSE

The purpose of this report is for Council to receive an update on a review of all Delegations and to adopt revised Delegations from Council.

BACKGROUND

The *Local Government Act (1989)* (Section 98) requires Council to regularly review all delegations, appointments and authorisations that are in force or have been made by Council under this section.

Council is advised by Maddocks Lawyers in preparation of Instruments of Delegation. Advice is received after each sitting of Parliament on the changes to legislation affecting local government.

In addition, reviews are undertaken when changes in personnel occupying Authorised Officer roles occur.

ISSUE / DISCUSSION

Delegations are currently in place as follows:

- S5 Instrument of Delegation: Council to Chief Executive Officer
- S6 Instrument of Delegation: Council to Members of Council Staff
- S7 Instrument of Sub-Delegation by the Chief Executive Officer
- S11 Instrument of Appointment and Authorisation (Authorised Officers)
- S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987)
- S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor
- S13 Instrument of Delegation: Chief Executive Officer to Council Staff

A full review of all Instruments of Delegation has not been undertaken since December 2017, with the exception of S11 Instrument of Appointment and Authorisation which has been updated regularly in accordance to changes in staff.

A summary of changes implemented is provided below. All documents have been provided under separate cover to Council for adoption and sealing.

S5 Instrument of Delegation: Council to Chief Executive Officer

No changes.

S6 Instrument of Delegation: Council to Members of Council Staff

- Administrative changes to position titles to reflect current positions.

Local Government Act

- Inclusion of provision under s181H of Local Government Act 1989 for the CEO to enter into an environmental upgrade agreement on behalf of Council, and declare a charge.

Planning and Environment Act 1987

- Inclusion of provision under s4I of Planning and Environment Act 1987 for all staff have the duty of to keep Victorian Planning Provisions.

- Inclusion of provisions from s46GN(1) to s46LB(3) (inclusive).
- Provision of s46N(1), s46N9(2)(c) and S46N(2)(d) previously not delegated to be delegated to Director of Assets and Design Services and Manager of Planning and Development.
- Provision of s61(1) previously not delegated to be delegated to Director of Assets and Design Services and Manager of Planning and Development.
- Provision of s86 previously not delegated to be delegated to Director of Assets and Design Services and Manager of Planning and Development.
- Provision of s96C previously not delegated to be delegated to Director of Assets and Design Services and Manager of Planning and Development.
- Provision of s97O previously not delegated to be delegated to Director of Assets and Design Services and Manager of Planning and Development.
- Provision of s97P(3) and s97Q(2) previously delegated to Director of Assets and Design Services to be delegated to Director of Assets and Design Services and Manager of Planning and Development, Statutory Planning and Building Services Coordinator.
- Provision of s130(5) previously delegated to Manager Finance to be delegated to Director of Assets and Design Services and Manager of Planning and Development, Statutory Planning and Building Services Coordinator.
- Inclusion of s173(1)
- Provision of s182 previously not delegated to be delegated to Director of Assets and Design Services and Manager of Planning and Development, Statutory Planning and Building Services Coordinator and Statutory/Strategic Planning Officer

S7 Instrument of Sub-Delegation by the Chief Executive Officer

- Administrative changes to position titles to reflect current positions.

Building Act 1993

- Removal of Active Building Surveyor as no longer applicable.

Catchment and Land Protection Act

- Provision of all sections previously not delegated to be delegated to Director of Assets and Design Services.

Electoral Commission Act

- Provision of all sections previously not delegated to be delegated to Director of Corporate and Community Services.
- **Introduction of Family Violence Protection Act 2008**
- **Introduction of Family Violence Protection Act 2008**
- **Introduction of Marine and Coastal Act 2018**
- **Introduction of Service Victoria 2018**
- **Replacement of Building Interim Regulations 2017 with Building Regulations 2018.**

S11 Instrument of Appointment and Authorisation

The S11 Instrument of Appointment and Authorisation has been revised and updated to reflect the following changes in roles:

- Officer appointments / changes:
 - Kathy Bramwell appointed as Director of Corporate and Community Services;
 - Katie Gleisner appointed as Manager of Planning and Development;
 - April Ure appointed as Manager Governance Risk and Compliance;
 - Michelle Richards appointed as Manager Governance Risk and Compliance;
 - Shana Johnny appointed as Manager Finance;
 - Helen Swadling as Statutory Planning and Building Services Coordinator
 - Craig Fletcher appointed as Municipal Building Surveyor;
 - Dennis Nikoltsis appointed as Community Safety and Amenities Officer;
 - Phillip Diprose appointed as Community Safety and Amenities Officer;
 - Claire Pepin appointed as Statutory/Strategic Planner;
 - Peter Goodson appointed as Environmental Health Officer;
 - Ryan Roberts appointed as Environmental Health Officer;
 - Dane Cade appointed as Environmental Health Officer;
 - Mary Galea appointed as Environmental Health Officer.

- Officer removal
 - Evan King resigned as Director Corporate and Community Services;
 - Shannon Meadows resigned as Manager Planning and Development;
 - Kathy Bramwell resigned as Manager Governance Risk and Compliance;
 - Paul Brumby resigned as Manager Finance;
 - Kenton Robinson resigned as Building Surveyor;
 - Greg Jackson resigned as Building Surveyor;
 - Gina Angus resigned as Local Laws Officer (now Community Safety and Amenities Officer);
 - Matthew Woods resigned as Local Laws Officer (now Community Safety and Amenities Officer);
 - Greg Taylor resigned as Local Laws Officer (now Community Safety and Amenities Officer).

S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987)

The S11 Instrument has been revised and updated to reflect staffing changes as follows:

- Katie Gleisner as Manager Planning & Development;
- Helen Swadling as Statutory Planning and Building Services Coordinator;
- Claire Pepin appointed as Statutory/Strategic Planner;

S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor

The Instrument has been updated to reflect current practice, changes in roles and legal requirements.

S13 Instrument of Delegation: Chief Executive Officer to Council Staff

This Instrument has been updated to reflect current practice, changes in roles and legal requirements.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Under Section 98 of the *Local Government Act (1989)* Council is required to regularly review all delegations, appointments and authorisations that are in force or have been made by Council.

ATTACHMENTS

- 13.1 S5 Instrument of Delegation: Council to Chief Executive Officer (*circulated separately*)
- 13.2 S6 Instrument of Delegation: Council to Members of Council Staff (*circulated separately*)
- 13.3 S7 Instrument of Sub-Delegation by the Chief Executive Officer (*circulated separately*)
- 13.4 S11 Instrument of Appointment and Authorisation (Authorised Officers) (*circulated separately*)
- 13.5 S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987) (*circulated separately*)
- 13.6 S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor (*circulated separately*)
- 13.7 S13 Instrument of Delegation: Chief Executive Officer to Council Staff (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

It is a requirement under the *Local Government Act (1989)* for Council to regularly review all delegations, appointments and authorisations that are in force or have been made by Council.

CONCLUSION

In order to legally allow staff to enforce provisions of legislation, Council must review its Delegations at regular intervals, or when significant changes occur.

Amended Delegations once approved by Council will remain in force until further reviews are conducted following ongoing legislation changes.

OFFICERS RECOMMENDATION

That Council:

1. Notes the S7 Instrument of Sub-Delegation by the Chief Executive Officer, and the S13 Instrument of Delegation by the Chief Executive Officer to Council Staff, which will be signed by the Chief Executive Officer in due course.
2. Notes the S12 Instrument of Delegation and Authorisation by the Municipal Building Surveyor which will be signed by the Municipal Building Surveyor in due course.
3. In the exercise of the powers conferred by Section 98 and Section 224 of the Local Government Act 1989 (the Act) and other legislation referred to in the attached Instruments, resolves that:
 - a. The members of Council staff referred to in the Instruments S5 (Instrument of Delegation: Council to Chief Executive Officer), S6 (Instrument of Delegation: Council to Members of Council Staff), S11 (Instrument of Appointment and Authorisation) and S11A (Instrument of Appointment and Authorisation [Planning & Environment Act 1987]) be appointed and authorised as set out in the Instruments;
 - b. The Instruments come into force immediately the common seal of Council is affixed to the Instruments, and remains in force until Council determines to vary or revoke them; and
 - c. Council affixes the Common Seal to the Instruments.

14. RISK MANAGEMENT REPORT - STRATEGIC RISK REGISTER REVIEW

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 16/24/06

PURPOSE

The purpose of this report is to seek Council adoption of the revised Strategic Risk Register.

BACKGROUND

Local Government Victoria's Performance Reporting Framework requires councils to receive six-monthly reports on strategic risk to Council's operations.

Council developed a register of strategic risks in March 2017 which was subsequently updated in June 2017. A further review was conducted in March 2019.

ISSUE / DISCUSSION

As part of continuous improvement of risk identification and control within Council, a review of Council's Strategic Risk Register has been completed.

A review of the former Strategic Risk Register was undertaken by the Senior Leadership Team in February 2019. This review identified completed risk treatment actions that could be transferred to current controls, several further risk treatment actions that will further mitigate risk exposure, and recommended inclusion of two new risks into the register.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 4 - Financially Sustainable, High-performing Organisation. Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

4.2 - Promote learning and growth that will facilitate change, continuous improvement, innovation and efficiency.

ATTACHMENTS

14.1 2019 Strategic Risk Register – final draft (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Risks are inherent in all business decisions and risk management is therefore integral to good management practice. Council's risk management strategy sets out a methodology that facilitates sound risk management, including the monitoring of strategic risks and their mitigation by Council and its Audit & Risk Committee.

CONCLUSION

The Strategic Risk Register was reviewed in February-March 2019 by Council and its Senior Leadership Team. A final draft register is provided for Council's adoption.

OFFICER RECOMMENDATION

That Council adopts the revised Strategic Risk Register.

15. ZERO TOLERANCE TO WORKPLACE VIOLENCE AND AGRESSION

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 16/24/06

PURPOSE

The purpose of this report is make Council aware of the increasing levels of aggression faced by Council staff and actions planned to address this, and to seek Councillor support in reinforcing Council's OHS Policy message of zero tolerance to workplace violence and aggression.

BACKGROUND

Everyone has the right to feel safe at work and Council's Health, Safety & Wellbeing Policy states a zero tolerance to workplace violence and aggression.

There exists an ongoing trend of occupational violence and aggression in Council's workplaces that can have a negative impact on workers' physical and mental wellbeing.

Occupational violence and aggression is when a person is abused, threatened or assaulted in a situation related to their work. It might come from anywhere – customers, the public or even co-workers.

Council, as an employer, has a legislated duty of care to provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable. We also have a duty to ensure that workplace activities don't endanger other people such as visitors and the public. Preventing and managing workplace violence and aggression is part of those duties.

ISSUE / DISCUSSION

This report is to highlight the issues around workplace violence and aggression faced by Council staff. This is experienced particularly by our frontline service staff (i.e. customer service and resource centre staff), our secondary frontline staff (i.e. rates, planning and other staff who respond to customer enquiries) and our authorised officers who enforce legal obligations in the public domain. It can be face-to-face or over the telephone.

Council staff are working to ensure that the right systems are in place to address occupational health and safety concerns and provide safety places to work, in accordance with our Health, Safety and Wellbeing Policy. Where instances are reported, action is taken by executive staff to ensure that the perpetrator is aware of Council's non-acceptance of such behaviour. Where necessary, perpetrators may be banned from Council premises but this, in itself, can lead to additional risk to staff.

A range of initiatives are being developed and implemented to address this complex and multifaceted issue, including:

- Development of a strategy to outline objectives to:
 - Identify violence and aggression hazards in the workplace and assess the risks;
 - Promote a culture that does not accept violence and aggression;
 - Develop and implement health and safety policies and initiatives; and
 - Prevent and reduce occupational violence and aggression within Council's workplaces;
- Consistent implementation of internal responses to prevent and respond to occupational violence and aggression in the workplace;

- Increase incident reporting to assist in addressing under reporting of occupational violence and aggression incidents;
- Post-incident response aiming to reduce or prevent negative consequences of occupational violence and aggression;
- A public awareness campaign to promote Council's zero tolerance stance;
- Training to staff in prevention and response to occupational violence and aggression; and
- Learning from other industries – particularly the health services.

WorkSafe advises that prevention and management of occupational violence requires an integrated organisational approach and Council is requested to:

1. Publicly support and promote Council's zero tolerance to workplace violence and aggression as stated in its Health, Safety & Wellbeing Policy; and
2. Endorse the public promotion of zero tolerance by appropriate signage in its public areas.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 4 - Financially Sustainable, High-performing Organisation. Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.

4.3 - Provide a safe working environment through the provision of an integrated risk and OH&S management system.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

Risks of injury due to occupational violence and aggression can occur in community service settings where workers interact with other people (e.g. front line services, staff responding to enquiries, and authorised officers enforcing laws). OHS laws require employers to ensure risks to health and safety are eliminated or reduced so far as is reasonably practicable.

CONCLUSION

Council has a zero tolerance to workplace violence and aggression, as stated in its Health, Safety & Wellbeing Policy. An ongoing trend exists with regard to Council staff facing workplace violence and aggression in its service delivery and interaction with the community which is unacceptable. Initiatives are being implemented to reduce the incidence and impact of workplace violence and aggression and Councillor support is sought in this regard.

OFFICER RECOMMENDATION

That Council:

1. Notes the ongoing trend of workplace violence and aggression faced by its staff;
2. Publicly supports and promotes Council's zero policy to workplace violence and aggression; and
3. Endorses the public promotion of zero tolerance by appropriate signage in its public areas.

16. COMMUNITY GRANTS – ROUND 3 2018/19

Kathy Bramwell – Director Corporate and Community Services

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 32/14/35

PURPOSE

The purpose of this report is for Council to consider the allocation of Round 3 of the 2018/19 Community Grants Program and Round 3 of the 2018/19 Community Capital Grants Program..

BACKGROUND

Community and Community Capital Grants:

Council provides Community Grants to recognise the importance of providing financial assistance to community groups, services and organisations located or operating within the Pyrenees Shire. These grants are designed to enable the provision of activities and events which promote community activity, achievement, participation and wellbeing. Grants are allocated under the following streams:

- Community Grants
Grants of up to \$1,500 for programs and equipment
Grants of up to \$750 for events
- Community Capital Grants
Grants of up to \$5,000 for projects identified as a priority in the Community Action Plan.

Funding criteria – Community Grants

Eligibility criteria within the Council Policy details that funding applicants must:

- Propose projects or events that are located in or provided to the residents of Pyrenees Shire
- Have a clear intent or purpose which results in benefits to the residents of the Pyrenees Shire
- Not unnecessarily duplicate existing projects, events or activities
- Not received a grant in the current financial year
- Have current public liability insurance that covers the proposed activity
- Have an ABN or exemption from the ATO
- Not be in debt to Council
- Completed all acquittals for prior grants

Priority will be given to projects, events or activities which:

- Are an identified action within the local Community Action Plan
- Are a recognised priority within other Council strategies or documents
- Are identified in the local Community Action Plan as a community priority
- Has at least 50% applicant contribution of the total project cost – either in cash, kind or from other grant sources
- Provide a new or enhanced service to the community
- Is put forward by an applicant who has not received a grant in previous grant rounds
- Is put forward by an applicant who is not receiving other financial support from Council

Funding criteria – Community Capital Grants

Funding criteria within the Council Policy details:

- Preference will be given to projects with significant cash contribution from the applicant (minimum 20% cash contribution is sought for all projects);
- Preference will be given to projects that support a number of groups in the community;
- Where more than one project is lodged from a community, Council will not award a grant until the community has determined its first priority;
- Projects need to be completed in the financial year the grant is awarded. Non-completion or non-reporting will mean that community is not eligible for this grant round in the following financial year.

Key priorities for Community Capital Grants are to:

- Encourage resilient communities
- Promote healthy lifestyles
- Celebrate arts and culture
- Encourage connected communities

Budget requirements include:

- Indication of other project funding to be included in the budget;
- Estimation of number of volunteer hours expected to complete the project and apply a rate of \$25/hour for inclusion in the budget as in-kind contribution;
- Quotes for all goods and services as needed for the project;
- A copy of the group's bank statement;
- Minimum 20% cash contribution is sought for all projects;
- Budget application must be completed, accurate and totalled, with quotes supplied.

ISSUE / DISCUSSION

Community and Community Capital Grants:

Council allocated \$40,000 in the 2018/19 Budget to fund the Community Grants Program and \$50,000 to fund the Community Capital Grants program. Community Grants are provided across two streams, through two funding rounds annually.

Community Grant applications are prioritised using the Priority Criteria provided in the Pyrenees Shire Council Community Grants Program Policy and the Community Capital Grants Program Policy.

Details of grant applications for both programs are attached with preliminary comments and recommendations based upon criteria assessment. However, the Community Capital Grants remain oversubscribed so will need further assessment.

A total of \$35,384.70 is available across both programs for round 3.

Community Grants

\$40,000 was allocated to the Community Grants Program for the 2018/19 financial year. In rounds 1 and 2 grants were awarded to the value of \$22,197, leaving a surplus of \$17,803. At its meeting in February 2019 Council resolved to offer a third round of funding in this program.

Round 3 was promoted in March and 14 applications were received totalling \$16,695.70. A summary of applications received is provided in the application summary.

Allocation of funding to all applications will leave a surplus of \$1,107.30 and it is recommended that any surplus, after Council's decision on allocation in this round, be re-allocated to the Community Capital Grants program as this is over-subscribed in round 3.

Community Capital Grants

\$50,000 was allocated to the Community Capital Grants Program for the 2018/19 financial year. In rounds 1 and 2 grants were awarded to the value of \$31,311, leaving a surplus of \$18,689. At its meeting in February 2019 Council resolved to offer a third round of funding in this program.

It is recommended in this report that the surplus from the Community Grants of \$1,107.30 (if all applicants are approved) be re-allocated to the Community Capital Grants program, making funding available of \$19,796.30.

Round 3 was promoted in March and 18 applications were received totalling \$63,736.50. A summary of applications received is provided in the application summary. Applications for this funding round are \$43,940.20 in excess of monies available.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Community

2.3 - Use community action plans to inform Council's priorities for determining the use, and future needs for, community facilities.

ATTACHMENTS

16.1 Round 3 2018/19 Community and Capital Grant Applications Summary (*circulated separately*)

FINANCIAL / RISK IMPLICATIONS

Council allocated \$90,000 in the 2018/19 budget to approved community and capital grants in two rounds. Due to a surplus after round 2, Council resolved to ensure the allocated funds were provided to the community by allocating a further round of grants in the financial year.

CONCLUSION

Council allocated \$90,000 in its 2018/19 Budget to fund the Community Grants Program. A surplus of \$34,498.70 existed after round 2 was allocated and to remove the risk of this funding not being distributed to the community, Council resolved to offer a third round of grants in the financial year. 14 applications were received for the community grants funding (total of \$16,694.70 – within available funds) and 18 applications were received for the capital grants funding (total of \$63,736.50 - \$43,940.20 in excess of available funds).

Applications received were in excess of funding available so an assessment is required, against relevant criteria, to ensure a fair allocation is achieved.

OFFICER RECOMMENDATION

That Council:

1. Considers grant applications for round 3 of the community grant allocation and determines which applications should receive funding under this program.
2. Approves the transfer of any surplus monies for round 3 of the community grant program, after approval of successful applications, to round 3 of the community capital grant program.
3. Considers grant applications for round 3 of the community capital grant allocation and determines which applications should receive funding under this program.

CHIEF EXECUTIVE OFFICER

17. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NATIONAL GENERAL ASSEMBLY

Jim Nolan – Chief Executive Officer

Declaration of Interest: As author of this report I have no disclosable interest in this item.

File No: 44/06/02

PURPOSE

The purpose of this report is to seek approval for the Mayor and Chief Executive Officer to attend the Australian Local Government Association (ALGA) National General Assembly in Canberra on 16-19 June 2019.

BACKGROUND

The 2019 National General Assembly and Conference will be held in Canberra on 16-19 June 2019.

The theme for the 2019 Conference is Future Focused. This assembly will consider what councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

A discussion paper circulated by ALGA earlier this year sets the context for the Assembly on a range of matters including, funding, service delivery, population growth, climate change employment, technology and transport. The paper poses a number of questions for consideration by the sector including:

- What can local governments do differently now, and in the future, to deliver more for less?
- Are there new business models and new partnerships, new technologies and the willingness to reduce, phase out or change existing practices, opportunities for more sophisticated service planning and more efficient procurement?
- How can local governments collaborate, be entrepreneurial and embrace disruption and innovation?
- How can the Commonwealth Government help local governments prepare for the future and why should they care?
- What are the opportunities for leveraging regional, state and national partnerships?

The Assembly provides an avenue for the sector to consider motions from member councils to provide input into ALGAs activity and strategic direction.

ISSUE / DISCUSSION

With the exception of 2017, it has been the practice for the Mayor and CEO to attend the NGA. In the past, Council has also used the opportunity to undertake a range of advocacy work. In 2019, Central Highlands Councils Victoria (CHCV) is proposing to have a delegation of Mayors and CEOs attend and convene a range of appointments with newly elected MPs, ministers and ministerial office staff to advocate on Central Highlands regional projects.

The member Councils of CHCV are Ararat, Ballarat, Central Goldfields, Golden Plains, Hepburn, Moorabool, Northern Grampians, and Pyrenees councils.

The group has in the past been successful in advocating to state and federal governments for funding, policy change and support around key regional issues such as road and rail transport funding, employment, telecommunications, health and wellbeing, waste, sport and recreation, township development and the arts.

In 2018 CHCV moved to established itself as a legal entity in the form of an Incorporated Association to formalise commitment to work collaboratively on issues and advocate for projects of mutual importance to make a positive impact on communities in the region.

The principal purposes of the incorporation include:

- to maintain a strategic oversight of the priorities and issues of the region,
- the investigation, planning and facilitation of activities or functions of benefit to Members and the region; and
- to undertake such functions and duties to the benefit of Members and their residents as determined by the Mayors and CEOs forum.

CHCV's application for incorporation was approved, and CHCV became CHCV Incorporated effective from 1 March 2019.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 2 - Relationships and Advocacy. We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.

2.2 - Work with other LGAs to develop strategy for the delivery of Shared Services.

2.3 - Maintain strategic partnerships, and participate with peak bodies for support and to enhance advocacy.

ATTACHMENTS

Nil

FINANCIAL / RISK IMPLICATIONS

The delegation to Canberra will require Councils to meet their own participant costs associated with attendance at the NGA, flights, accommodation, cab fares and meals. These costs have been provided for within Council's 2018/19 budget.

CONCLUSION

The National General Assembly and ALGA conference provides an opportunity for Council to participate with local governments nationally to advance issues shaping the future of the sector.

The visit to Canberra also provides an opportunity to partner with CHCV to advocate to the newly elected government ministers and their offices on regional priorities, ensuring that the interests of the residents and ratepayers of the Pyrenees Shire and the region are well represented to the newly elected government.

OFFICER RECOMMENDATION

That Council supports the participation of the Mayor and Chief Executive Officer to attend the ALGA National General Assembly and conference from 16-19 June 2019, and to participate with the Central Highlands Councils Victoria delegation to advocate on key regional priorities as outlined in this report.



COUNCILLOR REPORTS AND GENERAL BUSINESS

CONFIDENTIAL ITEMS

18. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider contractual matters and matters that may prejudice the Council.

RECOMMENDATION

That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, to consider reports on the:-

19. Purchase of a Motor Grader



19. RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC

RECOMMENDATION

That Council, having considered the confidential item, re-opens the meeting to members of the public.

CLOSE OF MEETING

Meeting closed at

Minutes of the meeting confirmed

2019

Mayor