



**Pyrenees**  
Shire Council

# Agenda

## Ordinary Meeting of Council

**6:00pm Tuesday 8 December 2020**  
**Beaufort Council Chambers**

This meeting will be conducted with only Councillors and staff present in person.  
Members of the public may view the meeting virtually via the livestream.

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## **1. WELCOME MEMBERS OF PUBLIC**

## **2. STREAMING PREAMBLE**

As the meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online. Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the livestream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

The stream will stop prior to the closed section of the meeting, and will recommence for the conclusion of the meeting.

The public is able to view this livestream via our website at [www.pyrenees.vic.gov.au](http://www.pyrenees.vic.gov.au). Should technical issues prevent the continuation of the stream, a recording will be made available on our website.

## **3. 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

## **4. ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the people past and present of the Wadawurrung, Dja Dja Wurrung, Eastern Maar and Wotjobaluk 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.

## **5. APOLOGIES**

## **6. NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS**

## **7. CONFIRMATION OF PREVIOUS MINUTES**

### **RECOMMENDATION**

That the Minutes of the:

- Ordinary Meeting of Council held on 24 November 2020; and
- Closed Meeting of Council held 24 November 2020,

as previously circulated to Councillors, be confirmed.

## 8. BUSINESS ARISING

Responses to questions taken on notice at the previous ordinary Council meeting on 24 November 2020

### 8.1 Connie Gardner

Question 1:

The original application viewed by the community clearly states that approved measure setbacks are not met in 4 instances by up to 33m deficit. Could Council please explain how and why are Council processes disregarding regulations made to protect residents and hence working against its residents?

Response:

Mr Gowans advised, at the meeting held 24 November 2020, that this question was to be 'taken on notice'. Subsequently, the following response has been provided:

The application is subject to setback requirements that are specified in the *Planning Requirements for Racing Dog Keeping and Training* document. In instances where the setbacks have not been achieved, the *Requirements* allow for the Responsible Authority (Council) to consider and approve alternative measures which demonstrate that the setback objective can be achieved.

### 8.2 In respect of Item 13.2 PA2932/20 Dog Keeping and Re-training – Waubra

Council resolved "That Council lay the decision on the table."

In order for Council to consider the matter further it is necessary for Council to resolve that the matter be taken from the table.

## OFFICER RECOMMENDATION

That the matter of a decision in relation to PA2932/20 Dog Keeping and Re-training – Waubra, be taken from the table.
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## 9. PUBLIC PARTICIPATION

Members of the public are encouraged to ask questions of Council at Ordinary Council Meetings. In normal times, questions may be asked by members of the public in person. However, at present community members are not permitted to attend Council meetings in person due the COVID-19 pandemic.

Questions can be submitted online through Council's website, by mail or hand delivered.

Questions are to be received by 12noon on the day of the meeting in accordance with Council's Governance Rules.

A person can submit a maximum of two questions on any topic and the question(s) and its response shall not exceed five minutes.

Questions are read by the Chairperson during Public Participation.

The Chairperson may accept or reject any question or summarise the question before putting it to the meeting.

The Chairperson may disallow a question if it is:

- Phrased as a statement rather than a question;
- Relates to matters outside the duties, functions and powers of Council;
- Is defamatory, indecent, abusive, offensive, irrelevant or objectionable in language or content;
- Is a repetition of a question already asked or answered (whether at the same or an earlier meeting);
- Is aimed at embarrassing a Councillor or Council officer.

The Chairperson or Councillor or Council officer to whom a question is referred may:

- Immediately answer the question;
- Take the question on notice for the next Ordinary meeting;

## 10. ITEMS FOR NOTING

### ASSET AND DEVELOPMENT SERVICES

#### 10.1. 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 the Planning and Development Department, during November 2020.

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 October and November 2020 are summarised in the table below:-

Activity	October 2020	November 2020	Financial Year to date
Applications received	11	11	63
Applications completed	5	18	39
Number of referrals	3	9	22
Requests for further information	4	15	39
Estimated cost of works	\$1,564,672	\$2,258,590	\$9,211,902

General Enquiries			
Enquiry Type	October 2020	November 2020	Financial Year to date
Pre-purchase enquiry	51	41	235
Pre-application enquiry	107	82	446
Existing permit enquiry	16	5	87
Current application enquiry	34	32	137
All other enquiries	17	33	137
<b>Total Enquiries</b>	<b>225</b>	<b>193</b>	<b>1042</b>

#### STATUTORY PLANNING

November has demonstrated ongoing investment and development within the Shire, with an additional 11 applications and 193 general enquiries received. Active planning permits consist of a range of use and development activities including a residential hotel, single dwellings, subdivisions, mineral extractive industries and agricultural infrastructure.

The statutory planning department has commenced transitioning its planning processes into Greenlight. Greenlight is a web-based case management program that allows proponents to lodge and pay for applications online and enables ongoing communication between the proponent and assessing officer. Additionally, Greenlight allows for proponents to monitor the progress of their application, which will assist in managing expectations around timeframes and ensure an improved customer experience. The transition is set to be completed in early January 2021.

### STRATEGIC PLANNING

Officers have teamed up with the Municipal Association of Victoria and 28 other local Councils across Victoria to participate in an 18-month Sustainable Subdivision Project trial. The trial's key purpose is to improve sustainability outcomes for new residential developments and understand the willingness of the development industry to take forward voluntary sustainability recommendations.

The main streets of Beaufort and Avoca will start to look a bit different in the coming weeks as temporary café barriers, planter boxes and shade umbrellas are installed to support the State Government's outdoor dining initiative. Further place activation works and activities are being considered and engagement with the communities will commence shortly.

Further treatments to support individual business in achieving outdoor dining will also occur in Snake Valley, Moonambel and Lexton.

### PART B: BUILDING

#### Activity

The building activity statistics as at 30/11/2020 are summarised in the table below:

CATEGORY	October 2020	November 2020	COMMENT
Permits issued by private Building Surveyor	12	11	
'Property Information Certificates' prepared and issued	18	17	
'Report and Consent' issued	3	1	
Building Notices	0	0	
Building Order	12	7	
Resolved Building Notices	1	0	
Resolved Building Orders	6	7	
Direction to Fix Building Work	0	0	
Building permit inspections undertaken	0	2	
Council issued permits finalised	1	2	** Council has not issued building permits since June 2018.

#### Council plan / legislative requirements

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

**Financial / risk implications**

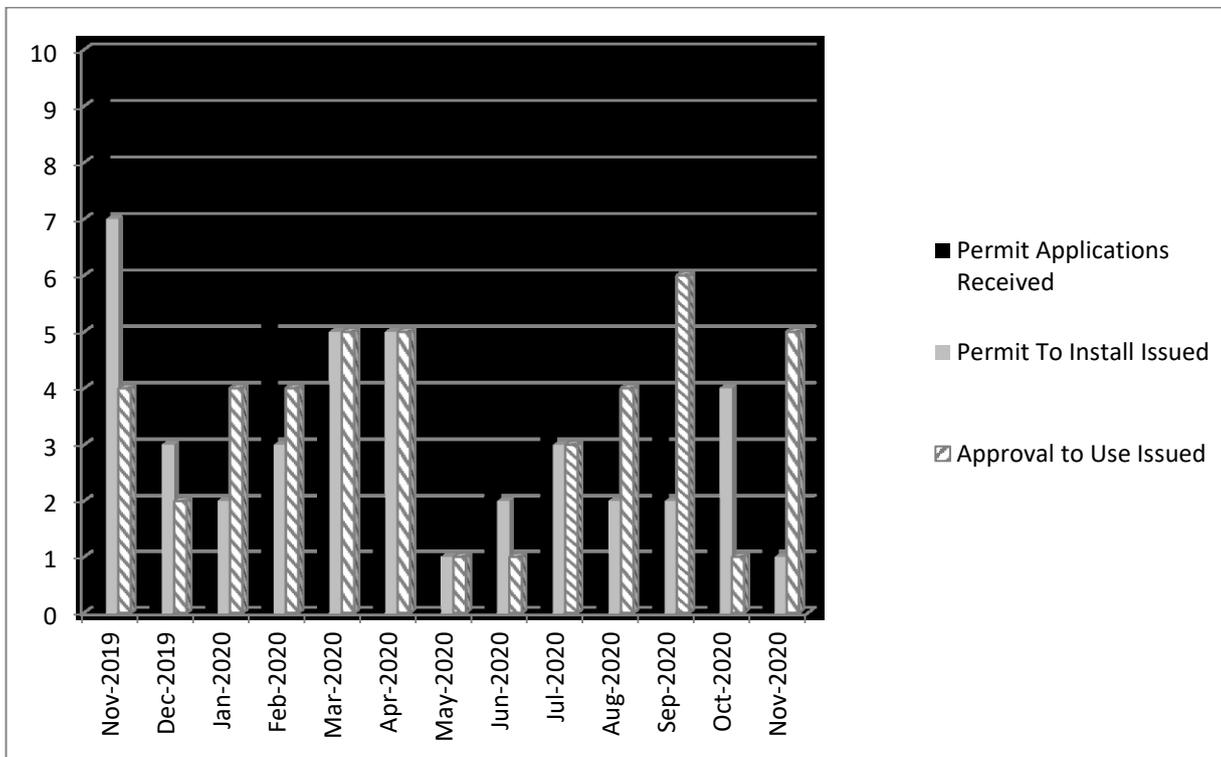
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act 1993* or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

PART C: ENVIRONMENTAL HEALTH

**Activity: Wastewater**

Period	Applications to Install or Alter Septic Tanks Received	Permits to Install or Alter Issued	Approval to Use Issued	Fees Paid
1-30 November 2020	2	1	5	\$410

Wastewater activity statistics for November 2020



Monthly wastewater activity November 2020

Wastewater related tasks for November 2020	
Septic Tank Inspections	8
Domestic Wastewater Management Plan Inspections	5
Domestic Waste Water Service Agent Reports	3

**Activity: Food, Health & Accommodation Premises**

*Food Act 1984 and Public Health and Wellbeing Act 2008 Premises activity*

Period	New Premises, Transfers and Renewals	Routine Inspection, Assessments and Follow Ups	Complaints Received about Registered Premises	Food Recalls	Fees Paid
1-30 November 2020	0	13	0	6	\$ Nil

**Mobile and Temporary Food Premises in the Shire (Streatrader)**

Council has received 46 Statements of Trade in the month of November. This coincides with the lifting of Covid-19 restrictions and reflects the resumption of community markets and other events.

**Activity: Immunisations**

Immunisation sessions in Beaufort and Avoca are not being conducted due to Covid-19 and individual appointments continue to be arranged through Council’s Maternal Child Health nurse. Council’s Maternal Child Health nurses attended Beaufort Secondary School during the month to conduct the School Vaccination Program.

Session Type	Number of Clients & Vaccines	2 Month - 4+ Yr Old	Secondary School	Adult
November 2020	Clients	27	31	0
	Vaccines	61	31	0

Immunisation activity statistics for November 2020

**Compliance Issues**

Council received one public health and wellbeing complaint during the month of November.

**Council plan / legislative requirements**

- Council Plan 2017-2021
- Domestic Wastewater Management Plan 2015-2018
- Food Act 1984
- Public Health & Wellbeing Act 2008
- Public Health & Wellbeing Regulations 2019
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Tobacco Act 1987
- Environment Protection Act 1970
- EPA Code of practice – onsite wastewater management

**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 - Animals**

	<b>October 2020</b>	<b>November 2020</b>	<b>Total YTD (20/21)</b>
<b>Cats Registered</b>	568	567	-
<b>Dogs registered</b>	2344	2353	-
<b>Cats impounded</b>	2	9	<b>23</b>
<b>Cats reclaimed</b>	0	1	<b>5</b>
<b>Cats Euthanised</b>	1	2	<b>7</b>
<b>Dogs impounded</b>	0	3	<b>6</b>
<b>Dogs Reclaimed</b>	0	3	<b>6</b>
<b>Dogs Euthanised/surrendered</b>	0	0	<b>0</b>
<b>Stock impounded</b>	0	0	<b>0</b>

Registration and impoundment statistics

**ACTIVITY - Infringements**

<b>Infringement Type</b>	<b>October 2020</b>	<b>November 2020</b>	<b>Total YTD (20/21)</b>
Domestic Animals Act	0	0	<b>6</b>
Local Laws	2	0	<b>2</b>
Road Safety Act	0	0	<b>0</b>
Environment Protection Act	2	0	<b>2</b>
Impounding of Livestock Act	0	0	<b>0</b>
Other	0	0	<b>0</b>
<b>Total Infringements Issues</b>	<b>0</b>	<b>0</b>	<b>10</b>
Prosecutions	2	1	<b>3</b>

Infringement statistics

**Key projects**

In support of the outdoor dining initiative, Council's Community Safety & Amenity Officer has continued to engage and liaise with footpath traders around the need to obtain a Local Law Permit. Most traders have been accepting of the local law requirements and have placed repositioned goods and furniture accordingly. Permit fees for footpath trading have been waived as part of Council's commitment to improved public safety and COVID-19 economic recovery.

**Council plan / legislative requirements**

- Council Plan 2017-2021
- Domestic Animals Act 1994
- Domestic Animal Management Plan 2017-2021
- Environment Protection Act 1970
- Infringements Act 2006
- Impounding of Livestock Act 1994
- Road Safety Act 1986 / Road Safety Road Rules 2017
- Council General Local Law 2019

## CORPORATE AND COMMUNITY SERVICES

### 10.2. CUSTOMER ACTION REQUESTS (CARS) – NOVEMBER 2020

**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 requests made through the Customer Action Request System (CARS) for the month of November 2020.

#### BACKGROUND

Council has operated an electronic Customer Action Request System (CARS) for several years enabling residents to lodge service requests. Requests can be lodged in person, via telephone, via Council’s website or by using a smart phone “Snap Send Solve” application.

Service requests are received for operational issues regarding maintenance, pools, local laws, building maintenance and compliance matters. The system is also used for internal telephone messaging and case management of some matters (primarily local laws, dogs, and cats).

#### ISSUE / DISCUSSION

419 customer action requests were received in November 2020, of which 242 related to telephone messages. Messages are taken when phone calls are received and not able to be dealt with at the time of the call.

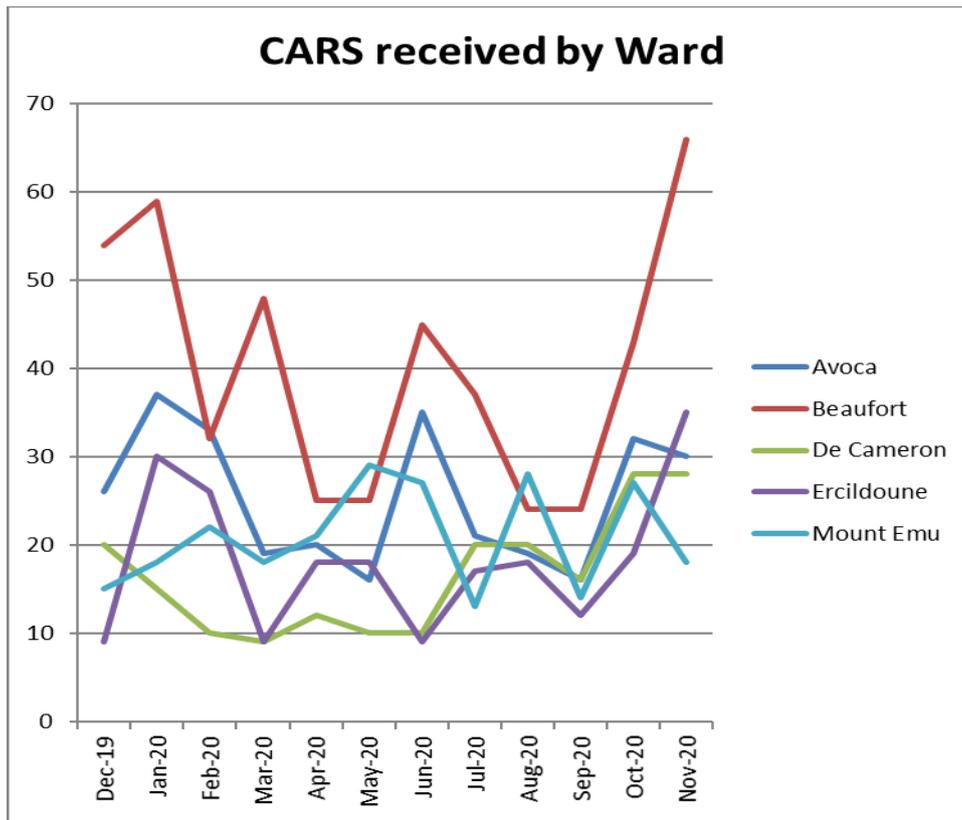
These statistics are evidence of the impact of COVID-19 and staff working from home which has increased the number of telephone messages per month. The data shows a comparison between the latter end of the year compared to the beginning, representing a large increase in workload for staff – both receiving the calls (switchboard) and those returning the calls. It also shows the impact on our community due to the reduced immediate availability of staff.

Telephone messages	Jan	Jul	Aug	Sept	Oct	Nov
Received	104	225	227	306	234	242

#### Requests by Ward:

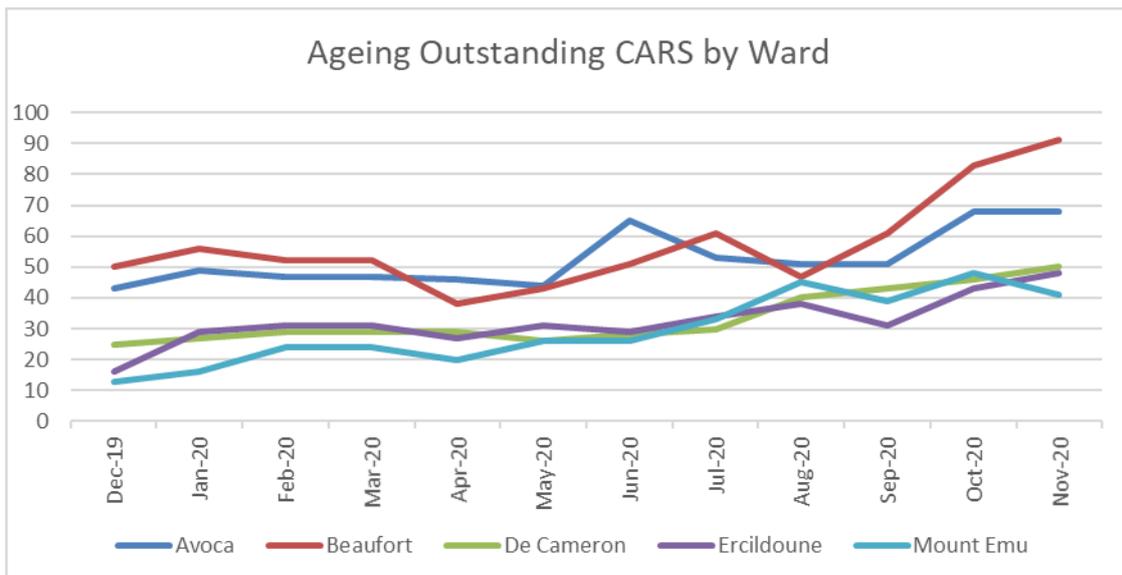
The following table shows an overview of requests received and outstanding by Ward. Requests received over and above these numbers relate to telephone messages which are not allocated by Ward.

	Avoca Ward	Beaufort Ward	De Cameron Ward	Ercildoune Ward	Mount Emu Ward
Number of Requests received in November 2020 (previous month)	30 (32)	66 (43)	28 (28)	35 (19)	18 (27)
Requests received in November still outstanding	10	29	9	12	5
Outstanding requests older than 1 month	45	53	37	27	33
Total outstanding requests	68	91	50	48	41



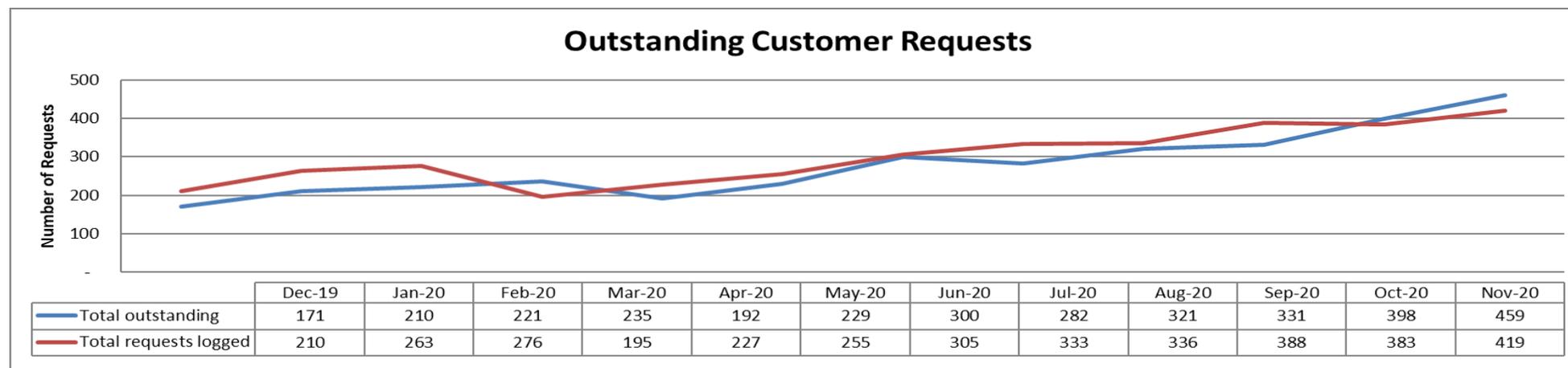
Requests received in the Beaufort Ward in November, compared to the previous month, increased by 55%. Examination of the type of request does not show any particular area of difficulty or a specific trend.

Requests received in the Ercildoune Ward in November, compared to the previous month, increased by more than 80%. Examination of the type of request does not show any particular area of difficulty or a specific trend.



**Total Customer Action Requests:**

Outstanding requests by age													
Year	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	% Change
2016	4	4	-	-	-	-							
2017	5	5	2	2	1	1	1	1	1	1	1	1	0%
2018	5	5	5	5	4	4	4	4	4	2	1	1	0%
2019	157	107	80	75	57	50	48	44	39	39	35	34	-3%
2020	-	89	134	153	130	174	247	233	277	289	361	423	15%
<b>Total outstanding</b>	<b>171</b>	<b>210</b>	<b>221</b>	<b>235</b>	<b>192</b>	<b>229</b>	<b>300</b>	<b>282</b>	<b>321</b>	<b>331</b>	<b>398</b>	<b>459</b>	<b>13%</b>
<b>Total requests logged</b>	210	263	276	195	227	255	305	333	336	388	383	419	9%



30 November 2020 - Open Requests - Type			
	Oct	Nov	Change
Roads & Rd Maint.	75	67	-8
Streetlights	1	1	0
Drainage	43	49	6
Footpaths	10	10	0
Park & Reserves	18	24	6
Roadside Veg	46	49	3
Environmental Health	2	2	0
Planning	5	7	2
Bld maint	10	9	-1
Local Laws	44	42	-2
Cats	3	6	3
Dogs	21	21	0
Livestock Act	2	1	-1
Parking	1	2	1
Fire Hazard	0	2	2
Bld Compliance	0	0	0
Waste Management	1	1	0
Natural Disasters	0	0	0
Pools	0	0	0
Council cleaning	0	0	0
EPA - Litter	3	3	0
Design & Assets	3	3	0
GIS	0	0	0
Community Care	0	0	0
Telephone messages	110	160	50
<b>Total</b>	<b>398</b>	<b>459</b>	<b>61</b>

**Note:**

- The item 'Roads' now represents an amalgamation of Roads, Road Maintenance, Roads Unsealed and Road Maintenance Unsealed.
- Local Laws and related CARs reflect case management of issues.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.1 - Ensure local roads are maintained and renewed in line with adopted plans and strategy to provide a safe transport network and meet community needs.

**ATTACHMENTS**

Nil

**FINANCIAL / RISK IMPLICATIONS**

There are no financial implications associated with this report.

**CONCLUSION**

The Customer Action Request System remains an integral part of Council's reactive identification of issues that need attention, as well as case management of more complex matters. Ongoing focus and efforts continue regarding resolution of customer requests in a timely and effective manner. COVID-19 has impacted upon the numbers of telephone messages received, increasing by large margins in the last six months.

**OFFICER RECOMMENDATION**

That Council notes the above report.

### **10.3. COUNCIL PLAN 2017-2021 INITIATIVES PROGRESS REPORT AS AT 30 SEPTEMBER 2020**

**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 2017-2021 as at 30 September 2020.

#### **BACKGROUND**

In accordance with Section 125 (1) of the former *Local Government Act (1989)*, Council adopted the existing Council Plan 2017-2021 at its Ordinary Meeting on the 13<sup>th</sup> June 2017. As part of its annual review process, Council reviewed and adopted a revised Council Plan 2017-2021 at its meeting on 19<sup>th</sup> May 2020.

The 2020 review of the existing Council Plan 2017-2021 is the final review to be undertaken of this Plan, with a new plan to be developed and adopted, aligned with a new Community Vision – Pyrenees 2030, prior to October 2021.

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**

This report provides an update on progress made, during the first quarter of 2020/21 financial year, against the strategic initiatives included in the 2017-2021 Council Plan.

The report has been structured for clarity, utilising symbols and brief commentary to provide a snapshot of progress. The status of the initiatives scheduled for the 2020/21 financial year is identified against each individual item in the attached report, with a summary of performance provided below. It should be noted that some items cross multiple years.

Notwithstanding the challenges of working under the constraints of COVID-19 during the final quarter of the financial year, a focus on the initiatives contained within the existing Council Plan are being maintained by Council officers.

Symbol	Progress	
	0%	10
	25%	43
	50%	9
	75%	12
	Complete	6
	Funding Required	1
	Information Required	0
	Ongoing	18
	On Hold	2
	Cancelled	2

At the end of the financial year’s first quarter, most initiatives planned for 2020/21 have been started (86%) with some well on the way to completion. 18 (17%) of initiatives are of an ongoing nature.

Two initiatives are on hold, two have been cancelled and one requires funding to complete:

- On hold: Renewal / upgrading of Carngham-Linton Road – the priority for this road was replaced by the Carngham Streatham Road developing significant pavement failures. Survey and design completed.
- On hold: Renewal / upgrading of Lexton-Ararat Road Bridge – following further technical assessments of this structure, the priority for this bridge was replaced by Bridge 139 on the Raglan Elmhurst Road for which funding has been received to renew.
- Cancelled: Participation in the Children & Youth Area Partnership – the Partnership has been dissolved due to a lack of resourcing by the State Government.
- Cancelled: Participation with Central Highlands Councils to deliver the Rural Councils Transformation Project – This program has been cancelled. However, discussion continues between Central Highlands Councils to identify and deliver where opportunities for shared services or collaborative approach can continue.
- Funding required: Seek commitment from partners to deliver Moonambel Water Project – Feasibility, concept and tech assessment, and business case completed. Advocacy continues re stimulus project funding for this initiative.

A detailed report on progress is attached.

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

In accordance with Section 125 of the *Local Government Act 1989* Council adopted its revised 2017-2021 Council Plan at its June 2019 Special Council meeting.

In accordance with Section 90 of the *Local Government Act 2020* Council is preparing its Council Plan 2021-2025 in alignment with a new Community Vision – Pyrenees 2030.

## **ATTACHMENTS**

10.3.1 - Council Plan Progress Report – as at 30 September 2020

## **FINANCIAL / RISK IMPLICATIONS**

There are no risks associated with this report.

## **CONCLUSION**

The Council Plan progress report describes the range and status of initiatives being undertaken by the Pyrenees Shire Council during the 2020/21 financial year, as directed by the revised 2017-2020 Council Plan. The report continues to reinforce the importance of good working relationships and joint partnerships between community, Council and other levels of government.

## **OFFICER RECOMMENDATION**

That Council receives the Council Plan Progress Report Q1 30 September 2020.

## CHIEF EXECUTIVE OFFICER

### 10.4. QUARTERLY PROJECTS UPDATE

**Jim Nolan – Chief Executive Officer**

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

**File No:** 22/22/02

#### PURPOSE

The purpose of this report is to provide Council with an update of the progress of projects funded to \$50k or more in the current year.

#### BACKGROUND

At the 12 November 2019 Ordinary Council Meeting it was resolved that a quarterly report be presented to Council for the progress of projects funded to \$50K or more in the current year and the next year on a rolling basis. The report to show the start date, end date and any change in project details from the last report.

#### ISSUE / DISCUSSION

The report details the project name, location, total project cost and the status of the project. This report will be presented to Council on a quarterly basis.

An internal audit was recently undertaken which assessed the adequacy of Council's project governance. A finding indicated a lack of formal structure around centralised oversight of Council's project program with a recommendation to consider a project governance function.

A key element in meeting that recommendation was the recruitment of a project management specialist which was done in late November 2020. In the period between the audit recommendation and recruitment, a governance oversight element has been introduced into regular project progress meetings. This has been done by including all Executive Leadership Team members within the discussions and regular reference back to obligations within Council's Procurement Policy and the Local Government Act 2020.

A project reporting template is being developed that will highlight the key governance areas that need to be reported against, including budget, timelines and scope compliance.

#### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.4 - Maintain, develop and renew the public amenity of our townships in consultation with our communities.

#### ATTACHMENTS

10.4.1 – Projects Spreadsheet (*circulated separately*)

#### FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

#### OFFICER RECOMMENDATION

That Council notes the Projects Report.

## 11. COUNCILLOR ACTIVITY REPORTS

<b>Cr Damian Ferrari – Beaufort Ward</b>		
<b>10 – 30 November</b>		
Tue 10	Councillor Induction and Briefing Session	Lexton
Tue 10	Statutory Meeting	Lexton
Tue 17	Councillor Briefing Session	Virtual
Wed 18	Councillor Induction Session	Virtual
Mon 23	CEO / Mayor Meeting	Phone
Tue 24	Councillor Briefing Session and Induction	Virtual
Tue 24	Council Meeting	Virtual
Mon 30	CEO / Mayor Meeting	Beaufort

<b>Cr David Clark – Ercildoune Ward</b>		
<b>10 – 30 November</b>		
Tue 10	Councillor Induction and Briefing Session	Lexton
Tue 10	Statutory Meeting	Lexton
Tue 17	Councillor Briefing Session	Virtual
Wed 18	Councillor Induction Session	Virtual
Fri 20	CVGA Board Meeting	Virtual
Tue 24	Councillor Briefing Session and Induction	Virtual
Tue 24	Council Meeting	Virtual
Thu 26	CVGA Board meeting	Virtual
Fri 27	MAV Councillor Induction Day 1	Virtual

<b>Cr Robert Vance – De Cameron Ward</b>		
<b>10 – 30 November</b>		
Tue 10	Councillor Induction and Briefing Session	Lexton
Tue 10	Statutory Meeting	Lexton
Wed 11	Municipal Fire Management Planning Committee	Teleconference
Fri 13	RCV Committee Meeting	Virtual
Tue 17	Councillor Briefing Session	Virtual
Wed 18	Councillor Induction Session	Virtual
Tue 24	Councillor Briefing Session and Induction	Virtual
Tue 24	Council Meeting	Virtual
Thu 26	RCV Dinner for Committee Members	Castlemaine
Fri 27	RCV Committee meeting	Castlemaine

<b>Cr Ron Eason – Avoca Ward</b>		
<b>10 – 30 November</b>		
Tue 10	Councillor Induction and Briefing Session	Lexton
Tue 10	Statutory Meeting	Lexton
Tue 17	Councillor Briefing Session	Virtual
Wed 18	Councillor Induction Session	Virtual
Thu 19	Activate Avoca Community Reference Committee Meeting	Virtual
Fri 20	Avoca Food Pantry AGM	Avoca
Tue 24	Councillor Briefing Session and Induction	Virtual
Tue 24	Council Meeting	Virtual

<b>Cr Tanya Kehoe – Mount Emu Ward</b>		
<b>10 – 30 November</b>		
Tue 10	Councillor Induction and Briefing Session	Lexton
Tue 10	Statutory Meeting	Lexton
Tue 17	Councillor Briefing Session	Virtual
Wed 18	Councillor Induction Session	Virtual
Tue 24	Councillor Briefing Session and Induction	Virtual
Tue 24	Council Meeting	Virtual
Wed 25	Municipal Emergency Management Planning Committee	Virtual
Fri 27	MAV Councillor Induction Day 1	Virtual

## 12. ASSEMBLY OF COUNCILLORS

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	10 November 2020 commenced at 3.30pm and closed at 5.30pm		
Meeting Location	Lexton Community Centre		
Items Discussed	<b>1. Agenda Review (Statutory Meeting)</b> <b>2. Induction Program</b>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance	Cr Damian Ferrari Cr David Clark	
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Douglas Gowans (Director Assets and Development Services) Kathy Bramwell (Director Corporate and Community Services)		
Visitors	Nil		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor left meeting
Nil			

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	17 November 2020 commenced at 2.00pm and closed at 5.30pm		
Meeting Location	Virtual		
Item Discussed	<ol style="list-style-type: none"> <li><b>1. Planning Matters</b></li> <li><b>2. Councillor Update on Projects</b></li> <li><b>3. Community Engagement</b></li> <li><b>4. Agenda Review (November Council Meeting)</b></li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Damian Ferrari Cr Ron Eason Cr Robert Vance	Cr Tanya Kehoe Cr David Clark	
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Kathy Bramwell (Director Corporate and Community Services) Douglas Gowans (Director Asset and Development Services) Katie Gleisner (Manager Planning and Development) – Item 1		
Visitors	Nil		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor/ Officer left meeting
Nil			

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	24 November 2020 commenced at 2.00pm and closed at 5.30pm		
Meeting Location	Virtual		
Item Discussed	<ol style="list-style-type: none"> <li>1. <b>Councillor Induction Session 3 – Governance Overview</b></li> <li>2. <b>Beaufort Golf Club</b></li> <li>3. <b>Economic Development</b></li> <li>4. <b>Waste Strategy</b></li> <li>5. <b>Agenda Review (November Council Meeting)</b></li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Damian Ferrari Cr Ron Eason Cr Robert Vance	Cr Tanya Kehoe Cr David Clark	
Apologies	Nil		
Staff	Jim Nolan (Chief Executive Officer) Kathy Bramwell (Director Corporate and Community Services) Douglas Gowans (Director Asset and Development Services) Ray Davies (Manager Economic Development and Tourism) – Item 3		
Visitors	Lester Harris, Ian Clark and Peter Humphries (Beaufort Golf Club) – item 2		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor/ Officer left meeting
Nil			

**OFFICER RECOMMENDATION**

That the items for noting be received.
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## 13. ITEMS FOR DECISION

### ECONOMIC DEVELOPMENT AND TOURISM

#### 13.1 ADDRESSING A MATTER OF SOCIAL ISOLATION - LANDSBOROUGH GENERAL STORE

**Ray Davies – Manager Economic Development and Tourism**

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

**File No:** 22/06/02

#### **PURPOSE**

The purpose of this report is to seek council support for investigations into re-establishing a general store at Landsborough and associated regulatory costs.

#### **BACKGROUND**

The community of Landsborough is at risk of being socially isolated as a result of the loss of its General Store.

A proposal for reopening a general store at Landsborough was submitted to Council in September.

The report responded to a written proposal from the Assets Committee (formerly known as the Committee of Management) for the Landsborough Community Resource Centre to reopen a general store with a café within the CRC by completing extensions to the building.

This followed a period of around three years since the Landsborough general store had been closed.

The Committee advised that after much consultation over a long period there is no doubt the shop proposal is fully embraced by Landsborough and district residents.

Their recommendation is that a shop operating in the community hub next to the post office would create momentum to grow community interaction in Landsborough and district area, something that has sadly been missing.

The Committee has considered a number of site options and deems the CRC building to be the most advantageous due to its central location, its proximity to the Post Office, caravan park and swimming pool. The CRC already acts in a visitor centre capacity which would be complimentary to the operation of a general store including the potential for taking bookings at the adjacent caravan park.

It came to Council's attention that the owner of the premises to the closed general store circulated a newsletter to Landsborough residents shortly prior to the September council meeting, informing residents of the intention to see the former store reopen.

Council resolved:

1. That Council officers seek to meet with the owner of the former Landsborough store to discuss plans for the store's reopening;
2. A further report be brought to the newly elected Council on the matter to advise on the progress of the discussions; and
3. The matter of financial support for a business case and associated regulatory requirements for the re-establishment of a general store at Landsborough be referred to the newly elected Council for consideration.

The Assets Committee was contacted following the outcome of the September Council to inform them of Council's resolution and keep them informed of progress.

Contact has subsequently been made with the owner of the premises to the former general store who has advised it is their intention to lease the premises for the purposes of a general store.

The premises have been renovated to incorporate a kitchen which could allow a cafe operation subject to meeting regulatory requirements.

### **ISSUE / DISCUSSION**

Council can support the aspirations of the Landsborough community to see a return of a general store by firstly investigating the regulatory aspects of the proposals by each party and secondly engaging consultants to complete a business case to test the financial viability of the proposal.

An examination of regulatory aspects had commenced at the time of drafting this report and is yet to be finalised.

The business case can be tailored to examine:-

1. The suitability of locating the store at one of the two aforementioned premises or other suitable alternative; and
2. What alternative business models would be suited for a community owned model at Landsborough in the absence of a commercial operator. Local examples include the Lexton Co-operative Store and the Navarre Community Trading Coop Ltd

Once the business case has been completed and can demonstrate the viability of a store Council can provide additional support by working with the community to assist establish a business entity and to contribute to any associated regulatory costs.

It is proposed that Council support the community to the extent of \$25,000 in this regard.

### **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.

5.3 - Grow the economy by implementing the Pyrenees Shire Council Growth Strategy.

### **ATTACHMENTS**

Nil

### **FINANCIAL / RISK IMPLICATIONS**

The community of Landsborough is at risk of social isolation as a result of the loss of their general store.

A commitment of \$25,000 is sought from Council to complete the investigations referred to in this report. This is not currently provided in Council's 2020/21 Budget.

### **CONCLUSION**

The Assets Committee for the Landsborough CRC is a volunteer committee who advises that they have consulted the community over a long period on the need for a general store and found there is widespread support.

Council assistance of \$25,000- will support the investigations outlined in this report to progress the aspirations of the Landsborough community.

## **OFFICER RECOMMENDATION**

That Council endorses a commitment of \$25,000- to:-

- a) Complete a business case including the examination of business models
- b) Identify the preferred location for the store
- c) Assist the community implement the business model and
- d) Progress regulatory requirements and any related investigations or costs related to the re-establishment of a general store at Landsborough.

## ASSET AND DEVELOPMENT SERVICES – PLANNING AND DEVELOPMENT

### 13.2 PA2932/20 DOG KEEPING AND TRAINING - WAUBRA

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 407003475

#### 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 determination on Planning Permit Application PA2932/20 for a the Use and development of land for Racing Dog Husbandry (keeping and training) for eight (8) dogs at Lot 13 on Plan of Subdivision 125867 (Vol: 09322, Fol: 648), 96 Wilcar Drive, Waubra VIC 3352.

#### BACKGROUND

Council has received a planning permit application, seeking permission for the use and development of land for Racing dog husbandry (keeping and training) for eight (8) dogs.

A report was prepared for the November 2020 Council meeting but was laid on the table for consideration at the December Council meeting. This action was primarily undertaken to afford the submitters and the applicant an opportunity to present their views directly to Council prior to a decision being made.

A session was held on the 1<sup>st</sup> of December 2020, where Council heard from the relevant parties.

Following the above mentioned session, a further condition has been included to the recommendation of this report (condition number 5). The condition provides greater clarity around the extent of activities that would be permitted through the issuing of a planning permit.

The report that was presented to Council at the November meeting, included 2 administrative errors which have been corrected in this report. The correction included the preplacement of a “0” with a “)” and the removal of a reference in relation to the keeping of puppies.

The applicant proposes to provide behavioural training to racing dogs for the purpose of rehabilitating and rehoming the animals at the completion of their racing careers. The application does not seek to undertake or provide facilities that allow for the training of dogs for racing purposes.

The application includes the development of:

- Two spelling yards (15m by 45m) which are enclosed spaces where racing dogs may spend short periods of time recuperating outdoors.
- Two exercise yards (60m by 4m) which are fenced enclosures used to exercise racing dogs adjacent to each other.
- Two empty yards (7.2m by 2.4m).

The proposed use and development is subject to a planning permit under the following clauses:

- Clause 35.03-3 – Rural Living Zone;
- Clause 42.01 – Environmental Significance Overlay (Schedule 1 – Designated Water Supply Area)

The application originally sought permission to keep and train (20) dogs. Following the mediation meeting, the application was amended to reduce the number of dogs eight (8).



**Figure 1: Site context map showing subject site in red (Spectrum Spatial)**

**SITE AND SURROUNDING CONTEXT**

<b>Location:</b>	Lot 13 on Plan of Subdivision 125867 (Vol: 09322, Fol: 648), 96 Wilcar Drive, Waubra VIC 3352.
<b>Area:</b>	1.238 hectares
<b>Current Use:</b>	Residential
<b>Existing structures:</b>	Existing dwelling and shedding
<b>Access:</b>	The site has road frontage along the northern boundary to Wilcar Drive.
<b>Other:</b>	All surrounding lots to the north, east and west are zoned for Rural Living. Lots directly south are zoned for Farming.

**REFERRALS AND NOTICE**

Under Section 52 of the *Planning & Environment Act 1987* (The **Act**), notice was sent to 62 adjoining landowners within a 500m radius of the site. Ten (10) submissions were received and are summarised within this report. The application was also sent to Greyhound Racing Victoria (“**GRV**”). At the time of writing this report, Greyhound Racing Victoria had not provided a response.

The application was subject to an internal referral to Council’s Environmental Health and Community Safety and Amenity Departments, who do not oppose the proposed development subject to conditions.

The application was referred under Section 55 of the Act to Central Highlands Water Authority and North Central Catchment Management Authority. Both authorities have provided conditional consent to the granting of a planning permit.

**Submissions**

Ten (10) submissions were received in relation to the application during the notice period. The grounds of the submissions have been summarised below:

- Impact on amenity;
- Suitability of the Rural Living Zone;
- Desecration to the tranquillity of the area;
- Limits the ability of surrounding landowners to attract potential buyers;
- Property is too small;
- More dogs will stir up noise in the neighbourhood;

- Not appropriate use of land;
- Distance of existing dwellings to exercise and spelling yards;
- Setting a precedence for this type of use in the area;
- Devalues neighbourhood properties;
- Concern around the composting and waste facilities;
- Application does not comply with the setbacks as specified in *Planning requirements for Racing Dog Husbandry (keeping and training)*;
- Increased traffic; and
- Impact of the liveability of the area.

In response to themes of the above objections, the assessing officer provides the following advice:

#### Amenity (noise and impact on the liveability of the area)

Noise levels emanating from the land must comply with the requirements of EPA Publication 1411 titled *Noise from Industry in Regional Victoria (NIRV)*. Additionally, the greyhound racing facility must adhere to the Code of Practice for the keeping of racing greyhounds (made under the *Domestic Animals Act 1994 (Vic)*) and the *Planning* requirements for racing dog keeping and training (made under the *Planning and Environment Act 1987*). Both documents identify kennel requirements and behavioural monitoring to minimise noise impacts on adjoining properties.

Failure to comply with the requirements of any of the documents relating to noise will constitute a breach of regulations and permit conditions resulting in enforcement action.

#### Suitability (size of the property, Rural Living Zone and setting a precedence)

The *Planning requirements for racing dog keeping and training* specify the number of racing dogs must not exceed twenty (20) in the Rural Living Zone. The application is seeking permission for eight (8) racing dogs. The site can suitably accommodate the proposed use and development and associated infrastructure.

The Rural Living Zone allows for the use of land for Agriculture as a section 2 use (permit required). Council, when acting in their role as the Responsible Authority, is required to assess every planning permit application on its own merits, facts and circumstances. Precedence of existing uses and developments is not a consideration under the *Planning and Environment Act 1987* or Pyrenees Planning Scheme.

The site adjoins the Farming Zone to the south which is currently used for cropping and is within an area that has established agricultural activities including the keeping of horses and sheep grazing.

#### Property values

In accordance with Section 57 (Objections to applications for permits) of the *Planning and Environment Act 1987*, the Responsible Authority (Pyrenees Shire Council) may reject an “objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector”. In this case, Council does not give regard to “property devaluation” in the assessment of this application.

#### Waste Management

The application was subject to an internal referral to Council’s Environmental Health Department, Central Highlands Water Authority and North Central Catchment Management Authority. The management of waste is also subject to compliance with EPA Guidelines for wastewater treatment.

#### Traffic

The introduction of this activity is not anticipated to cause adverse impacts to the traffic of the area. The site is serviced by a Council managed and maintained public road.

### **Mediation meeting**

Following the receipt of the submissions, a mediation session was facilitated by Council Officers between parties. No matters were successfully mediated at the meeting.

Subsequently to the meeting, the applicant directed that the application was to be amended and the number of dogs proposed to be kept reduced from twenty (20) to eight (8). This advice was forwarded to the objectors, however no withdrawal of submissions were received.

### **PLANNING CONSIDERATIONS**

The Responsible Authority is required, under Section 60 of the *Planning and Environment Act 1987*, to consider a range of matters including:

- the Pyrenees Planning Scheme; and
- the objectives of planning in Victoria; and
- all objections and other submissions which it has received, and which have not been withdrawn; and
- any decision and comments of a referral authority it has received; and
- any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
- any significant social effects and economic effects which the responsible authority considers the use or development may have.

### **ISSUE / DISCUSSION**

The Rural Living Zone allows for residential use in a rural environment whilst also providing for agricultural uses which do not adversely affect the amenity of surrounding land uses.

The Rural Living Zone of Waubra includes a range of lot sizes, residential uses and established agricultural activities. These include keeping and training of horses and sheep grazing. The addition of the Racing dog husbandry at the proposed facility scale (eight dogs) will not provide any further impact, particularly when the activity is strictly regulated by relevant Code of Practices, Planning requirements and EPA regulations for noise, odour and wastewater treatment.

The application meets the required objectives of the incorporated document (*Planning requirements for racing dog keeping and training*) of the Pyrenees Planning Scheme which outlines the specifications for managing, keeping and monitoring of racing dogs and to reduce amenity impacts on adjoining land uses.

The use of land for racing dog husbandry (keeping and training) is not incompatible with the rural environment and as such, amenity conflicts must be reasonably tolerated given the land is located within a zone which provides for residential use in a rural environment and the sites setting.

State policy allows for this activity, particularly when it is appropriately located and does not detrimentally impact the environment, operation of surrounding land uses and the amenity of the surrounding area.

### **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.

## ATTACHMENTS

13.2.1 - Planning Permit application PA2932/20 (*circulated separately*)

13.2.2 - Copy of Submissions (*circulated separately*)

13.2.3 - Planning Considerations - Section 60 of the *Planning and Environment Act 1987* assessment (*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

The proposed use and development accords with the objectives of the Pyrenees Planning Scheme, specifically the Rural Living Zone, and can be suitably accommodated upon the subject site, through the application of planning permit conditions and the requirement to comply with the industry code of conduct and other legislative obligations.

## OFFICER RECOMMENDATION

That Council having considered all matters required under Section 60 of the *Planning and Environment Act 1987* and the provisions of the Pyrenees Planning Scheme determines to issue a Notice of Decision to Grant a Planning Permit under the provisions of the Pyrenees Planning Scheme for the Use and development of land for Racing Dog Husbandry (keeping and training) for 8 dogs at Lot 13 on Plan of Subdivision 125867 (Vol: 09322, Fol: 648), 96 Wilcar Drive, Waubra VIC 3352 subject to the following conditions:

### Amended plans

1. Within 30 days of date of this permit, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions.

The plans must

- a) Comply with the requirements and objectives sought by the document titled *Planning requirements for racing dog keeping and training* (Department of Environment, Land, Water and Planning, August 2017), and applicable fence and gate heights for all dog containment areas;
- b) Show the layout of all dog keeping and training areas including kennels, exercise areas and other yards where the dogs may spend time;
- c) Indicate the heights and construction materials used for all fences and gates of all dog keeping and training areas;
- d) Show existing site features, including title boundaries, buildings, adjoining road/s and any other relevant features.

### Buildings and works

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

### Easements

3. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

### **Number and breed of dogs**

4. No more than 8 *racing dogs* may be kept on site at any one time, where the terms *racing dog* shall have the same meaning as that expressed in the document titled *Planning requirements for racing dog keeping and training* (Department of Environment, Land, Water and Planning, August 2017). Those dog numbers shall not be exceeded at any time, on either a short-term/temporary or longer-term basis.
5. This permit does not constitute approval for the training of the dogs for the purpose of *racing* where the term *racing* has the same meaning as that expressed in the document titled *Code of Practice for the Keeping of Racing Greyhounds* (Department of Economic Development, Jobs, Transport and Resources, April 2018).

### **External Materials and Colours**

6. The exterior colour and cladding of the building/s must be of a non-reflective nature and/or either painted or have a pre-painted finish in natural, muted toning to the satisfaction of the Responsible Authority.

### **Completion of buildings and works**

7. Once the plans required by Condition No. 1(a) - (d) inclusive are approved and endorsed, the buildings and works authorised by those plans must be completed within three (3) months of the date of this permit to the satisfaction of the responsible authority, unless otherwise authorised in writing by the responsible authority.

### **Landscaping**

8. Before the use and/or development commences, a landscape plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale, include relevant dimensions, and show the following:
  - a) Landscaping and planting consistent with the landscaping objective at section 4.4 of the *Planning requirements for racing dog keeping and training* (Department of Environment, Land, Water and Planning, August 2017) to ensure that views of buildings and infrastructure associated with the use of the land approved under this permit from Wilcar Drive and dwellings on neighbouring properties are screened to minimise their impact on the visual amenity.
  - b) A planting schedule of all existing and proposed plants that form the landscaping in accordance with sub point (a), including botanical names, common names, pot sizes (if applicable), sizes at maturity, and quantities of each plant.
  - c) All species selected must be to the satisfaction of the Responsible Authority. Landscaping must demonstrate the use of sustainable practices and if irrigation is to be provided it must not use potable water. Any planting within an easement must utilise species suitable for planting within easements and must have a natural growing height of no more than 2 metres.
  - d) The staging of the landscaping to align with any staging of the buildings and works as shown on the plans in accordance with condition 1 of this permit (if applicable).
9. The landscaping works shown on the endorsed plans must be carried out and completed within six (6) months of the endorsement of the plans (unless otherwise directed in writing by the responsible authority for climatic reasons), and thereafter maintained to the satisfaction of the responsible authority.

### **Site Management Plan**

10. Before the use and/or development commences (whichever is the first occurrence), a site management plan for the use hereby permitted must be prepared to the satisfaction of the Responsible Authority, and submitted to and approved by the Responsible Authority. When approved, the site management plan will be endorsed and will then form part of the permit. The site management plan must address, but not necessarily be limited to, the following matters:

- a) General management of the facility and details of how the operation and management of the facility satisfies the Site management objective at section 4.7 of the *Planning requirements for racing dog keeping and training* (Department of Environment, Land, Water and Planning, August 2017).
- b) Details of the hours during which a responsible person/staff member will be on the premises, and how the racing dogs are to be kept, managed, and/or monitored when a responsible person/staff member is not on the premises.
- c) Details of how the facility will address complaints about noise including:
  - i. Telephone contact numbers for the facility operator, responsible person, and/or staff member responsible for the management and control of the dogs and facility for out of hours contact.
  - ii. A complaint resolution mechanism to effectively manage any complaints received from neighbours. This must include:
    1. A telephone number with 24-hour access to the facility operator, responsible person, and/or staff member to be provided to identified neighbouring properties.
    2. Details of a Complaints Register to be kept by the facility operator, responsible person, and/or staff member that includes details of the complaint received, any action taken, and the response provided to the complainant.
    3. The Complaints Register to be maintained by the operator of the facility and available for inspection by the Responsible Authority at all times.

The endorsed site management plan must be complied with to the satisfaction of the responsible authority.

### **Fencing**

11. Fencing and gates as shown on the plans endorsed in accordance with Condition 1 of this permit must be constructed to the satisfaction of the responsible authority. The fences and gates must have the capacity to be closed at all times to limit access and prevent escape of racing dogs.

12. New and existing fences (including access gates) within the property and the fences enclosing the greyhound pens, greyhound runs, and other keeping areas must be maintained in a condition satisfactory to the responsible authority in accordance with a *fence and gate maintenance plan* to be endorsed by the responsible authority as part of this permit.

### **Dog control and containment**

13. The permit holder must ensure that no dog(s) escape beyond the property boundaries at any time while being kept on or trained at the property.

14. The permit holder (or a designated nominee) must be available to ensure that the dogs are under control at all times, and to ensure that the conditions of this permit are fully complied with. If the owner is absent from the site at any time, measures must be taken to ensure that all dogs are suitably contained.

### **Maintenance of facilities**

15. The kennels, yards and dog runs must be kept in a clean, tidy and sanitary condition at all times, to the satisfaction of the responsible authority.

### **Waste Management Plan**

16. Before the use commences, a waste management plan must be prepared to the satisfaction of the Responsible Authority, and submitted to and approved by the Responsible Authority. When approved, the waste management plan will be endorsed and will then form part of the permit. The waste management plan must address, but not necessarily be limited to, the following:

- a) The nature/types of waste that will be generated by the use.
- b) The expected volume of solid and liquid waste to be disposed of.
- c) How solid and liquid waste generated by the use is to be managed and disposed of.
- d) Where solid and/or liquid waste is to be disposed of on the site, the location and capacity of the waste disposal area/s and the method of disposal.
- e) Where solid and/or liquid waste is to be disposed of off the site, the location/s of any on-site waste storage areas prior to its disposal, the type and capacity of the storage receptacles, the frequency of collection/removal of the waste from the site, and where the waste is to be disposed of.
- f) How any on-site waste storage and disposal areas avoid and/or manage any potential risk to the flood prone land denoted by the Design and Development Overlay – Schedule 1 (DDO1) that applies to part of the land.
- g) Any staging of the waste management system to correlate with any staging of the development (as shown on the use and development plans endorsed in accordance with condition 1 of this permit) and/or the number of racing dogs to be kept on the site.

The endorsed site management plan must be complied with to the satisfaction of the responsible authority.

17. All dog waste must be regularly collected and disposed of to the satisfaction of the responsible authority.

18. All waste water must be treated and disposed of within the boundaries of the land and must not drain into an adjoining property, road, watercourse or drain, to the satisfaction of the responsible authority.

19. Waste disposal must not occur by way of incineration.

20. All washdown water and other liquid wastes are to be treated in a septic tank type or other system approved by the responsible authority.

### **Registration of dogs**

21. All dogs must be registered with *Greyhound Racing Victoria* or the responsible authority as required.

### **Registration of operator**

22. The operator of the facility must hold and maintain registration with *Greyhound Racing Victoria*.

### **General amenity**

23. The use hereby permitted must not cause injury to or prejudicially affect the amenity of the area by reason of wandering dogs, transportation of the dogs to or from the site, or by any reason of the appearance of any building or enclosure or yard area, or by reason of the emission of noise, smell, waste, or otherwise, to the satisfaction of the responsible authority.

### **Air quality and noise**

24. Appropriate ventilation must be provided in all dog keeping facilities, with appropriate noise abatement measures, to the satisfaction of the responsible authority.
25. Offensive odours must not be discharged beyond the boundaries of the premises.
26. Noise levels emanating from the land must comply with the requirements of the *Noise from Industry in Regional Victoria* (NIRV) (Environment Protection Authority Publication 1411).
27. Any outside feeding of Racing Dogs must be in secure location between the hours of 7.00am and 6.00pm.
28. Any outside training of Racing Dogs must be in a secure location during daylight hours.
29. The permit holder must demonstrate compliance with the NIRV within 15 days following the completion of any noise compliance works as nominated to the responsible authority. In the event of non-compliance occurring, further compliance work and compliance demonstration is to occur by a time to be nominated by the responsible authority, until such time as compliance is achieved, or the permit is revoked by the responsible authority for reasons of non-compliance.

### **Permit Expiry**

30. The permit will expire if any one of the following circumstances applies:
  - a) The development and use is not started within two years of the date of this permit;
  - b) The development is not completed within four years of the date of this permit;
  - c) The use ceases for a period of two (2) or more years.

The responsible authority may extend the period for starting the development if a request is made in writing before the permit expires, or within 6 months afterwards. The timeframe for completing the development (or any stage of it) may be extended by the responsible authority provided the development has been lawfully started before the permit expires, and the request for an extension is made within 12 months after the permit expires.

### 13.3 PA3011/20 DEVELOPMENT OF LAND FOR AGRICULTURE AND ASSOCIATED WORKS

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 31003000

#### 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 determination on Planning Permit Application PA3011/20 for the Use and development of land for agriculture and associated works at Crown Allotment 30 Section Z Parish of Amphitheatre (Vol: 05623, Fol: 526), Egans Lane, Glenlogie VIC 3469.

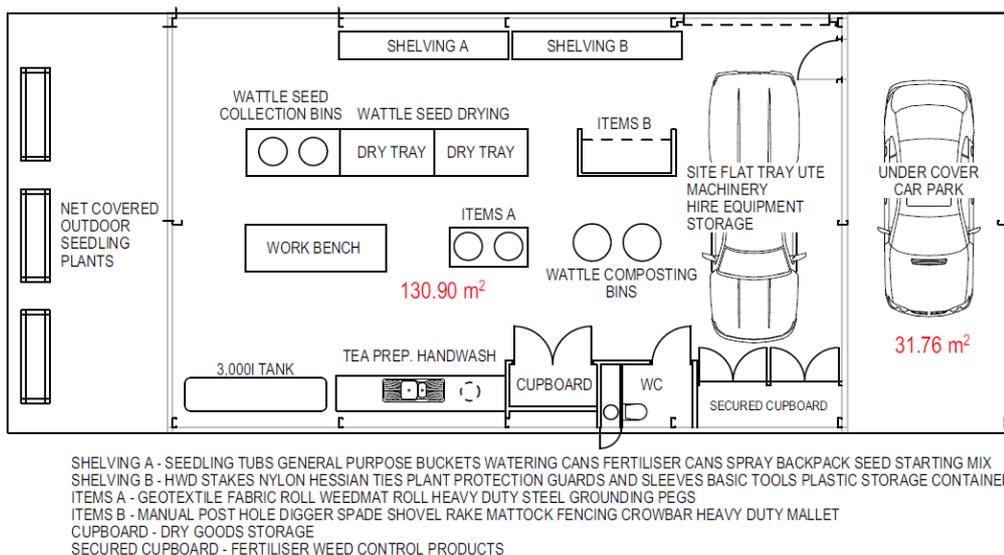
#### BACKGROUND

Council has received a planning permit application for the use and development of land for agriculture and associated works.

The application seeks permission to construct a shed to store site maintenance tools and native seeds which will be used to propagate plants to revegetate the property. The applicant also intends to sell harvested seed to nurseries.

The proposed works include the construction of a 21.6 meter by 9 meter shed, 756m accessway/driveway and installation of a wastewater treatment system. The shed contains:

- Two undercover car parks
- Under cover veranda area
- Shelving and storage areas,
- Assortment of work benches
- Collection bins
- Food preparation area and handwashing facilities
- Water tanks
- Toilet facilities.



**Figure 2: Proposed floor plan from the application**

The site falls within the Rural Conservation Zone, is partly subject to the Bushfire Management Overlay and wholly within a designated Bushfire Prone Area. Structure construction standards apply in this location.

The proposed use and development is subject to a planning permit in accordance with Clause 35.06 of the Pyrenees Planning Scheme, which specifies the use of land for agriculture and all associated infrastructure (including developments) as a Section 2 Use (permit required).

Despite the application being made for an agricultural use, the predominant elements of the proposal relate to land conservation and management.

Site and surrounding context

Location:	Crown Allotment 30 Section Z Parish of Amphitheatre (VoL: 05623, Fol: 526, Egans Lane, Glenlogie VIC 3469
Area:	32.79 hectares
Current use:	None
Existing Structures:	The site is clear of any buildings or structures.
Other:	The site adjoins land to the south that is zoned for Public Conservation and Resource Zone and contains the Raglan Softwood Timber Plantation. The site is subject to significant undulation and includes 5 gullies. The average slope of the site is 10.3 degrees.

The site is not physically accessible via a proclaimed government road. A network of 'paper roads' provide legal access to the property, however are subject to steep terrain and are under licence to adjoining landowners and have been declared by Council as not being required for *public traffic*.

The property is currently accessed via a plantation reserve, which is managed by Hancocks Victorian Plantations PTY LTD ("HVP"). This access has been facilitated via an annual licence that has been entered into by HVP and the landowner. The licence permits the landowner to use 4.7km of an operational track within the reserve to access their property, subject to a range of conditions.

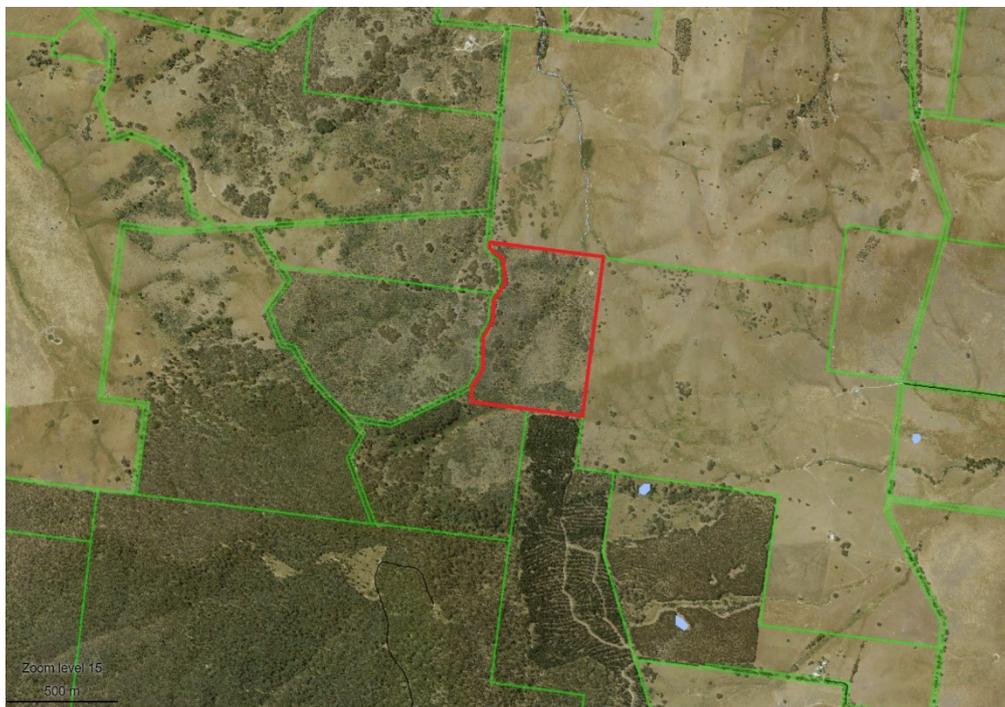
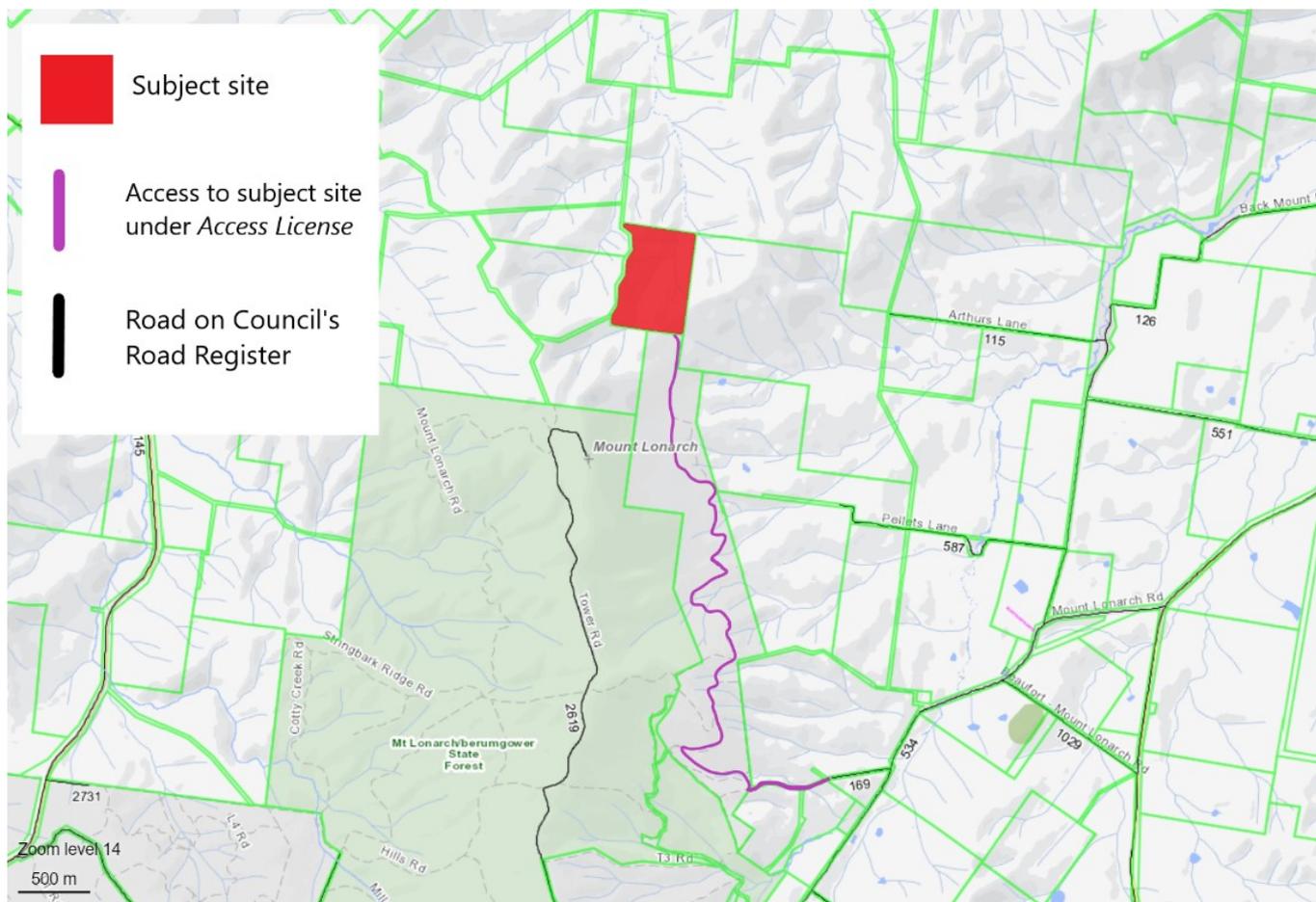


Figure 3: Site context with subject site (in red) (Spectrum Spatial, 2020)



**Figure 4: Map showing access arrangements to the subject site**

## REFERRALS AND NOTICE

Under Section 52 of the *Planning & Environment Act 1987* (The Act), notice was sent to nine (9) adjoining landowners. Public notice was also provided through Council's website.

The application was subject to an internal referral to Council's Environmental Health, Engineering and Environment and Sustainability Department, who do not oppose the proposed use and development subject to a range of conditions.

## Submissions

A submission was received from HVP and has been summarised below:

- 1.1 The subject site is accessed via 4km of privately managed road. HVP provide this reluctantly and strictly limit the agreement by way of time and purpose.
- 1.2 HVP do not intend to provide access that will support an intensification of the use of the subject site.
- 1.3 The [size and scale of the] development is not necessary to support the proposed 15 ha regeneration of the site.
- 1.4 Providing access for such a use and development is not the purpose for which HVP owns and operates the road network.
- 1.5 The applicant should establish "uninterrupted access" prior to pursuing the proposed development.
- 1.6 HVP are concerned about an increased fire hazard associated with the proposal and the risk it places on their timber asset.
- 1.7 Access is limited due to the high possibility of fire within the forest.

## PLANNING CONSIDERATIONS

The Responsible Authority is required, under Section 60 of the *Planning and Environment Act 1987*, to consider a range of matters including:

- the Pyrenees Planning Scheme;
- the objectives of planning in Victoria;
- all objections and other submissions which it has received, and which have not been withdrawn;
- any decision and comments of a referral authority it has received;
- any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
- any significant social effects and economic effects which the responsible authority considers the use or development may have.

The application was subject to a request for further information following submission and initial assessment. This request sought the following:

- a written statement explaining how the proposed use and development responds to the decision guidelines of the zone;
- a demonstrated link between the agricultural use and proposed development;
- a detailed site plan;
- development plans (floor, elevations etc);
- a current copy of title;
- a copy of the HVP access licence;
- a response to clause 52.17 (Native Vegetation); and
- Amended plans to address a falsely represented *defendable space*.

## ISSUE / DISCUSSION

The Rural Conservation Zone seeks to protect and enhance the natural environment and natural resources whilst considering the environmental sensitivity of the locality. Use and development applications must be considered against the environmental capacity of the site to sustain a rural enterprise whilst minimising adverse impacts on the natural environment of the area.

The site is subject to the Rural Conservation Zone due to the area having a high degree of environmental hazard and sensitivity to environmental deterioration (Clause 21.04-2).

The subject site is within an area identified to be environmentally sensitive and is defined as forming part of the Palaeozoic III (3) land system (Clause 21.04-4). This system includes prominent ranges and environmental hazards including high incidences of erosion, widespread salting and steep slopes. Local policy seeks to preserve the hill scapes, ridgelines and key topographic features by preventing and discouraging inappropriate use and development on land that is demonstrated to have serious environmental management constraints.

The *Integrated Land Management Plan* that was submitted with the application and describes the agricultural components of the proposal, does not demonstrate a sustainable rural enterprise in accordance with Clause 35.06.

The primary elements of the proposed use relate to land conservation and management, for which a permit is not required.

The Planning Scheme prioritises the protection of human life over all other policy considerations (Clause 13.02-1 and Clause 21.04-6). The site is designated as a Bushfire Prone Area where the Responsible

Authority must consider the bushfire hazards of the locality and site. Consideration must be given to ensure developments can be safely accessed and property and life protected.

Physical access to the site is via a forest track and subject to a highly conditioned, annual licence agreement between HVP and the landowner. The licence is temporary and does not guarantee construction and maintenance standards of the track network. Further, the licence restricts access during timber harvesting operations, during times of high fire danger and at the discretion of the licensor. The licence has not been issued with the intent of facilitating access to a permanent development.

### **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.

### **ATTACHMENTS**

13.3.1 - Planning Permit Application PA3011/20 (*circulated separately*)

13.3.2 - Copy of submission (*circulated separately*)

13.3.3 - Planning Scheme Considerations – Section 60 of the *Planning and Environment Act 1987* assessment (*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**

The application does not satisfactorily demonstrate accordance with policies relating to environmental management, sensitivity and hazard, bushfire and agriculture. Further, the application fails to justify the need for a permanent structure of this scale, to effectively carry out the proposed revegetation works and minor agriculture activities.

Despite the application being made for an agricultural use, the primary elements of the proposal relate to land conservation and management. These activities accord with and are supported by the zone, and are also general duties of all landowners, in accordance the *Catchment and Land Protection Act 1994*. A permit is not required to revegetate the site and its natural systems.

*Clause 65 states that '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.'*

The Pyrenees Planning Scheme does not support the application for the use and development of land for agriculture and associated works, at the above described location, as it would produce outcomes that are inconsistent with objectives and strategies of the scheme.

## OFFICER RECOMMENDATION

That Council:

1. Notes the objectives and strategies of the Local and State Planning Policy Framework and the Municipal Strategic Statement of the Pyrenees Planning Scheme.
2. Having considered all matters required under Section 60 of the *Planning and Environment Act 1987* and the provisions of the Pyrenees Planning Scheme, determines to issue a Notice of Refusal to Grant a Planning Permit under the provisions of the Pyrenees Planning Scheme for the Use and development of land for agriculture and associated works at Crown Allotment 30 Section Z Parish of Amphitheatre (Vol: 05623, Fol: 526, Egans Lane, Glenlogie VIC 3469 for the following reasons:
  - a. The proposed use and development is not supported by Local planning policy objective and strategies which relate to protecting environmental sensitive land with identified environmental hazards from inappropriate use and developments. Specifically, Clause 21.04 *Environmental Landscapes Value and Risks* due to:
    - i. Protecting sensitive rural areas; and
    - ii. Discouraging development on the steeper ground that is associated with the Palaeozoic III land systems from inappropriate use and development.
  - b. The proposed use and development does not comply with Clause 35.06 Rural Conservation Zone.
  - c. The proposed use and development is not supported by state policy objectives as described within the Pyrenees Planning Scheme.

## ASSET AND DEVELOPMENT SERVICES

### 13.4 ROADSIDE WASTE AND RECYCLING COLLECTION STRATEGY AND TRANSITION PLAN

**Douglas Gowans – Director Assets and Development Services**

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

**File No:** 68/04/04

#### PURPOSE

The purpose of this report is to provide information to Council on the proposed future changes to roadside waste and recycling collection and transfer station operations. The report also seeks direction on extending the waste and recycling collection area to all households.

#### BACKGROUND

The Victorian Government has announced reforms to household recycling to ensure that materials collected from households are of the highest quality material that can be processed and re used to make new products. The items that are placed in the recycling streams will have to be of the correct type to ensure the recyclable feed quality and reduce the possibility of contaminated loads. The reforms are proposed to ensure a viable and sustainable future for the waste and recycling sector. Some of the reforms include State-wide provisions for bin lid colouration to ensure one standard for the state. The four bin system that has been proposed includes a red lidded waste service bin, a yellow lidded recycling service bin, a green lidded organic waste bin and a blue lidded glass recycling service bin.

The waste and recycling reform program has four main elements:

- Develop a comprehensive Transition Plan.
- Standardise the bin components with coloured lids to represent the different waste streams.
- Upgrade Transfer Stations to manage additional collection material.
- Community Education and behaviour change activities.

State funding will be provided toward the cost for:

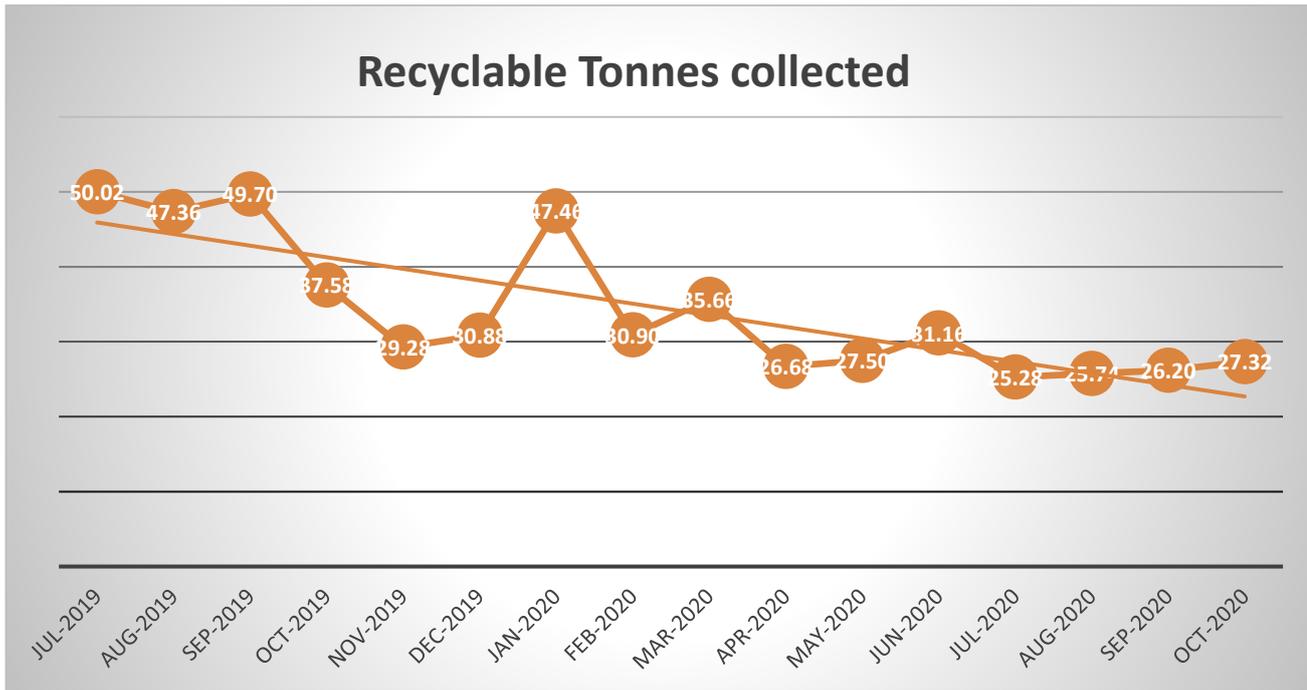
- Development of the transition plan e.g. staff costs, short term backfill, engagement of consultant
- Provision of bins for glass and food organics and garden organics, either street collection or other collection points
- Minor works to reconfigure rural/regional transfer stations to accommodate the new collection service

The new Container deposit Scheme (CDS) to help Victorians recycle beverage containers will be introduced by 2023 and will complement the existing collection services conducted by Council.

#### ISSUE / DISCUSSION

##### Recycled Tonne Collected

Approximately 60% of the volume of Commingled recycled material comes from the street collection and 40% from the Transfer Stations. The graph below shows the reduction of Commingled Recycle material since Glass has been collected separately from November 2019. There has been a reduction of 16 tonnes in recycling collection to 34 tonnes average per month.

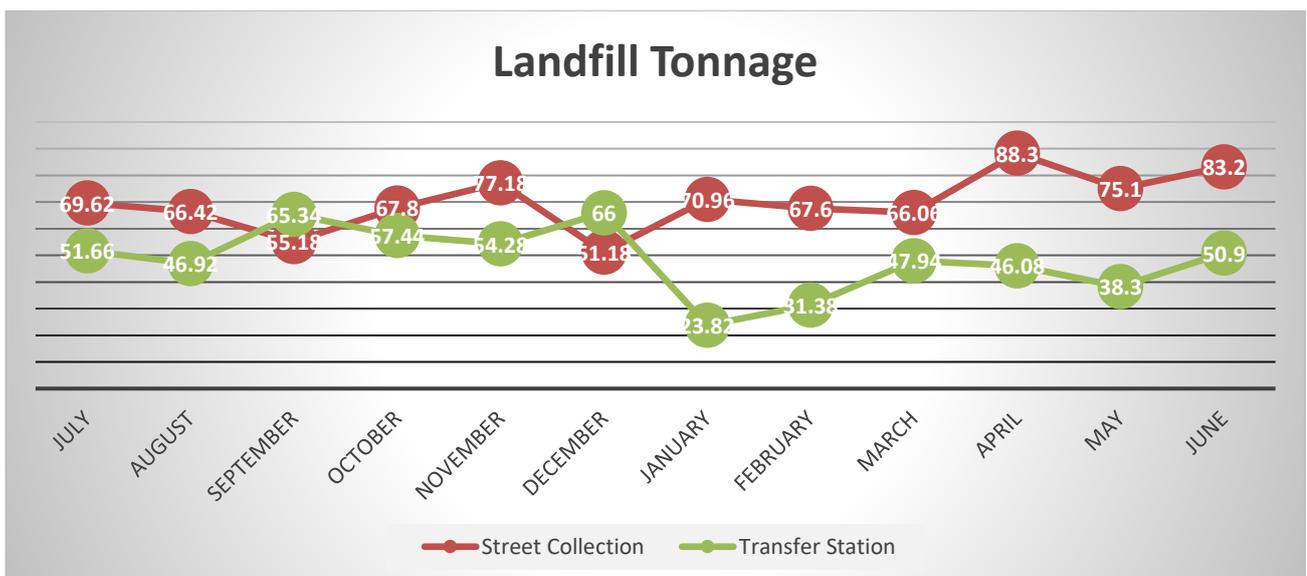


#### Waste to Landfill Service

There are currently 2,814 waste bins that predominantly service households within the shire. Currently the lids are a combination of green and burgundy. Township bins are 120 litres and collected weekly, rural bins are 240 litre and collected fortnightly.

The lids of the bins will have to be changed over to meet the Victorian Government household recycling reform program guidelines. The cost of this may be covered by funding.

The graph below shows monthly Landfill volumes collected via the street collection in burgundy and Landfill collected at the Transfer Station in Green. The graph below, shows the increase in the street collection compared to material received at the Transfer Stations during the 2019-2020 financial year.



### **Food Organics & Green Organics**

Council currently has 1,384 greenwaste bin collections in the Beaufort and Avoca townships. There is a potential to include another 2,491 households if the service is extended to all households. Currently the green organics are chipped and placed on Councils closed landfill areas to rehabilitate the sites.

Food organics have not previously been separated and may sometimes be discarded into the Landfill stream. The food organics collection will have to be provided to households by 2030 inline with the Victorian Government household recycling reform and may take the form of individual worm farms or similar or a collection container to be approved once an end market becomes available.

### **Glass**

The Glass Recycling Service introduced in November 2019 currently has 12 skip bins located at strategic locations across the shire. They are collected at different intervals depending on volumes received.

Councils draft transition plan recommends introducing an additional glass bin to households prior to 30 June 2021. The cost of the glass bin will be met by Victorian government funding.

The current street collection rate is 72% (2,800) of the total households (3,885) in the municipality. There are 1,084 households that can be included in street collection, some households may have accessibility issues that may require road upgrade, tree or overhead limb clearing or turnaround areas that will need to be constructed. If these issues are rectified it will not only increase the availability for the collection of waste material, it will provide accessibility for emergency services.

Any household can be excluded from the collection on confirmed financial grounds or by agreement.

Attachments 1 and 2 show the current and proposed households for street collection. A large section of the community in the south west currently do not have a street collection available to them.

### **Option 1**

Provide landfill bins (1,084), recyclable bins (1,084), greenwaste bins (2,800) and glass bins (3,885) to tenements not currently receiving a collection service. This will allow all households to be included in the street collection service for all waste streams.

For the delivery of the additional services bins in year one, Council may need to budget for a net cost of up to \$250,000 to cover the cost of the items not covered in the government funding.

Additionally change 2,800 existing landfill bin lids to red. This has been indicated to be covered by the funding.

### **Option 2**

Provide landfill bins (1,084) and recycle bins (1,084) to areas that are not currently serviced and skips for glass and greenwaste to properties that do not have access to the street collection service. The skips would need to be located in secure locations to prevent contamination.

Council may need to budget for a net cost of up to \$110,000 to cover the cost of the items not covered in the government funding.

Additionally change 2,800 existing landfill bin lids to red. This has been indicated to be covered by the funding.

Glass skip bin hire is \$10,800 annually.

The townships of Avoca and Beaufort are a compulsory street collection, this provides a guaranteed volume base to reduce collection costs. If all the households were to become compulsory street collection this will evenly distribute the operating costs between the township and country collection 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.

5.5 - Protect our environment by providing efficient and effective waste management.

### **ATTACHMENTS**

13.4.1 - Current Waste Services (*circulated separately*)

13.4.2 - Proposed Waste Services (*circulated separately*)

13.4.3 - Draft Waste Transition Plan (*circulated separately*)

### **FINANCIAL / RISK IMPLICATIONS**

The 2020/21 waste facilities levy is currently \$276, the street collection charge is \$160 per household. It is estimated that the cost in providing this street collection service to all households will require the annual household to pay \$200 rather than \$160 for the street collection service.

The Household Recycling Reform Program will provide funding to standardise household recycling services. This will allow the bin lids to be changed to the standard colour approved by the Victorian Government.

The purchase and delivery of a street collection bin would be \$50 per bin.

To provide for option 1, the cost would be \$248,400 in year 1.

To provide for option 2, the cost would be \$108,400 in year 1.

### **CONCLUSION**

The waste and recycling reform program introduced by the Victorian Government will provide a standardised waste collection service that is intended to be available to all households. The household collection service will provide a cleaner waste recovery system.

### **OFFICER RECOMMENDATION**

That Council:

1. Endorses the draft Waste Transition Plan for Pyrenees Shire Council.
2. Expands the tender for the collection service in the new contract to include all households within the Municipality.

## **CORPORATE AND COMMUNITY SERVICES**

### **13.5 RATE CAP 2021/22 FINANCIAL YEAR**

**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:** 52/04/20

#### **PURPOSE**

The purpose of this report is to seek Council's determination as to whether an increase should be sought on the rate cap for 2020-2021 financial year, and to notify Council of a minor non-compliance in rate cap compliance for the 2020/21 financial year.

#### **BACKGROUND**

The Victorian Government introduced rate capping effective from the 2015-2016 financial year. In previous years, the rate cap set ranged between 2.0% and 2.5%.

#### **Annual rate cap compliance reporting**

As part of statutory reporting requirements, Council must report annually to the Essential Services Commission on its compliance with the rate cap set for each financial year. An annual compliance report is produced by the Essential Services Commission based on these reports.

Where a non-compliance occurs, the Essential Service Commission determines whether this is a material or non-material non-compliance and seeks an explanation, which is subsequently included in its annual report.

#### **Potential to apply for rate cap increases**

Where appropriate, councils may apply for high rate cap consideration under the "Fair Go Rates" system subject to meeting certain criteria. Pyrenees Shire Council successfully applied for increases in the rate cap in 2015/16, 2016/17 and 2017/18:

- 2015/16 - additional 1.33% making a total rate cap of 3.83%
- 2016/17 - additional 1.5% making a total rate cap of 3.5%
- 2017/18 - additional 1.25% making a total rate cap of 3.5%.

Financial sustainability was the key driver for Council seeking a higher rate above the rate cap imposed in these years and all the additional revenue raised was quarantined for road renewal works. In 2018/19, 2019/20, and 2020/21 no increase in the cap was applied for and Council adopted the rate cap imposed by the Minister.

#### **ISSUE / DISCUSSION**

##### **Rate cap non-compliance for 2020/21 financial year**

The Pyrenees Shire Council has reported non-compliance with the 2020/21 rate cap. The non-compliance was due to an error in Council's rating database that meant twelve (12) properties added in 2019/20 were not attributed a value as at 1 July 2020 in the system. The value that should have been attributed was \$1,101,000.

Rates modelling for 2020/21 was based on this inaccurate data which resulted in the average rate increase applied being 2.07% instead of the rate cap of 2%. The additional 0.07% rate increase resulted in an additional \$6,046 being collected.

The error was not identified until after the rates notices were issued. Due to the costs involved in reissuing all rates notices, it is proposed to instead reduce the rate increase applied in 2021/22 to correct this error (e.g. if the rate cap for 2021/22 is set at 2%, Council will only apply 1.93% increase).

The Essential Services Commission has determined this error to be non-material and Council has provided an explanation as to how this happened. This will be included in the Commission's public annual report.

Council has reviewed its processes around calculating its rate increases and implemented additional safeguards to ensure the error will not be repeated.

### **Rate cap 2021/22 financial year**

The rate cap for the 2021/22 financial year has not yet been published.

The Essential Services Commission publishes guidance for councils seeking to make a higher cap application, which details six matters considered by the Commission when judging a rate cap increase application:

- The proposed higher cap and the specified year(s) in which it would apply,
- The reasons for which the council seeks the higher cap,
- How the views of ratepayers and the community have been considered in proposing the higher cap,
- How the higher cap is an efficient use of council resources and represents value for money,
- Whether consideration has been given to reprioritising proposed expenditures and alternative funding options and why the council does not consider those options to be adequate, and
- That the assumptions and proposals in the application are consistent with the council's long-term strategy and financial management policies set out in the council's planning documents and annual budget.

Council must take the above into considering when determining whether to apply for a rate cap for 2021/22.

An important consideration for Council in deciding whether to seek a higher rate cap in the past has been the financial impact on the community and the ability of ratepayers to pay. In the current environment, immediately post the greatest strictures of COVID-19, this becomes of greater import – specifically the loss of income by commercial or not-for-profit organisational ratepayers, and the potential loss of employment by residential ratepayers.

While the assessment of council's assets identifies an ongoing infrastructure gap, and other project opportunities can always be identified that would benefit from capital investment,

While Council can make an application for a higher rate cap for the 2021/22 financial year, the range of issues raised above need consideration and Council officers consider it unlikely that the community would support a 2021/22 rate cap in the current financial environment.

### **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**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

Council's long-term financial sustainability has been identified as a risk for the Pyrenees

## **CONCLUSION**

Due to an error in rates calculation modelling, Council increased rates in 2020/21 by 2.07%, an increase of 0.07% above the rate cap set for the financial year. This has been reported to the ESC and they have determined that this is an immaterial non-compliance but will be reported publicly.

The annual rate cap for 2021/22 has not yet been announced. Should Council choose to make an application to the Essential Services Commission for a higher rate cap for the 2021/22 financial year, notification of its intention should be provided to the Commission by 31 January 2021.

## **OFFICER RECOMMENDATION**

That Council:

1. Acknowledges the non-compliance of rates increases by 0.07% charged in the 2020/21 rates and endorses the proposed corrective action to proportionately reduce the rate increase applied in the 2021/22 rates.
2. Having considered relevant reasons for raising additional revenue to meet the service and asset needs of the community, the requirements set by the Essential Services Commission, and other issues raised in this report, not make application to the Essential Services Commission for a higher rate cap for the 2021/22 financial year.

### **13.6 RATES AND CHARGES WAIVER – COMMUNITY GROUPS**

#### **April Ure – Property Revenue Officer**

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

**File No:** 608006000

#### **PURPOSE**

The purpose of this report is for Council to consider a Rates and Charges Waiver within the Hardship provisions of Councils Revenue Collection Policy due to the impact of Covid-19 on Community Groups within the Pyrenees Shire Council.

#### **BACKGROUND**

Rates and Charges are raised against assessable properties annually and form a major part of Council's income in the annual Budget.

Ratepayers impacted by Covid-19 can apply for an interest free deferral of payment of Rates and Charges until 31<sup>st</sup> May 2021 upon application. These applications are assessed by the Property Revenue Officer within their delegation. There is no provision allowed for Community Groups, who due to the impacts of Covid-19 have been unable to conduct their usual business to raise revenue.

Councils' Revenue Collection Policy includes the following section specific to waivers of Rates and Charges:

*The intent of providing a waiver or partial waiver of rates and charges (including interest) will be to assist a ratepayer who owns and occupies a single rateable property that is used exclusively as that ratepayer's principal place of residence, to overcome immediate and significant financial difficulties.*

*Where a ratepayer is unable to make rate payments and the charging of interest would cause undue financial hardship, an application under section 171A will be considered subject to the following conditions:*

- 1. This assistance will only be considered -
  - a) To a person for a property or part of a property used exclusively for residential purposes and that is the sole or principal place of residence of the person*
  - b) For land classified as farm land and is the sole or principal place of residence of the applicant*
  - c) For land classified as commercial/industrial and is owned and operated by the applicant.**
- 2. The applicant is able to provide:
  - a) Certified Statement of Financial Position signed by a qualified accountant or financial counsellor.*
  - b) Application seeking waiver or deferral (obtained from Council) with a signed statutory declaration.*
  - c) Financial Plan to ensure future rates and charges can be paid.**
- 3. That an application will only apply for the current financial year after which a new application will be required.*

#### **ISSUE / DISCUSSION**

In order to provide good financial governance, Council is required to actively pursue long overdue rate accounts to avoid these leading to an increase in long-term debtors and a corresponding reduction in cash available to meet Council's operating requirements. The effect of this situation is that those ratepayers who pay their rates on time are ultimately subsidising those ratepayers who choose not to pay anything towards their rates for several years.

However, Council recognises that at times ratepayers may experience life events that lead them unable to pay their debts due to extreme hardship. Section 171A of the *Local Government Act 1989* allows Council to waive all or part of any Rate or charge, including Fire Services Property Levy, or any interest imposed for late payment, if a person is suffering financial hardship, or would suffer financial hardship if that person paid the full amount of a rate or charge for which they are liable.

Community groups are a unique sector within the Revenue Collection process, as the groups are for the benefit of the community rather than an individual, with their ability to raise revenue dependent on the community. In most circumstances, the payment of regular utility and tax invoices are excluded from the ability to apply for Community Grants.

In 2020/21 Council raised \$11,184.64 in Rates and Charges from the community groups in question, with a further \$2,420.70 raised in Fire Services Property Levy. Where a community group is liable for Rates and Charges, a discount of 50% of the General Rate is applied (referred to as Recreational & Cultural Land in the Rating Strategy). Council has been contacted by several community groups within the municipality who showed concern about their ability to pay the Rates and Charges for 2020/21 due to Covid-19 having impacted their usual revenue streams. Please refer to the attached spreadsheet for a list of community groups and their Rates and Charges in 2020/21.

Council Officers are continually assessing the impact of COVID19 on the community and it is recommended that Council consider a full or partial percentage-based waiver of Rates and Charges for the listed Community Groups in 2020/21 due to the impact of Covid-19. If a partial waiver is considered most appropriate, the same percentage of the waiver is applied to the Fire Services Property Levy.

#### **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**

13.6.1 - Community Groups Waiver 20201125 (*circulated separately*)

#### **FINANCIAL / RISK IMPLICATIONS**

Implementation of a full Rates and Charges waiver would cost Council \$11,184.64, and the State Government \$2,420.70 in lost revenue.

#### **CONCLUSION**

Community Groups are a unique sector as the groups are for the benefit of the community rather than an individual, with their ability to raise revenue dependent on the community. Council Officers are continually assessing the impact of COVID19 on the community and it is recommended that Council consider a full or partial percentage-based waiver of Rates and Charges for the listed Community Groups in 2020/21 due to the impact of Covid-19.

#### **OFFICERS RECOMMENDATION**

That Council considers a full or partial percentage-based waiver of Rates and Charges for the listed Community Groups in 2020/21 due to the impact of Covid-19.

### **13.7 DELEGATIONS UPDATE**

**Helen Swadling – Manager Governance, Risk & 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 review and adopt an updated Instrument of Delegation in accordance with the *Local Government Act 2020* (the Act).

#### **BACKGROUND**

The *Local Government Act 2020* (the Act) requires Council to review its delegations, appointments and authorisations, by 1<sup>st</sup> September 2020 or as required.

Council is advised by Maddocks Lawyers in preparation of Instruments of Delegation, Appointment & Authorisation. Updates were received in July 2020 following the introduction of the Act.

#### **ISSUE / DISCUSSION**

A change of officers in the role of Community Safety & Amenity requires an S11 Instrument of Appointment and Authorisation to appoint Jacinda Perry as an Authorised Officer.

Advice from Maddocks in 2019 indicated also that individual S11 and S11A Instrument of Appointment and Authorisation should be done for individual officers, this is considered best practice and allows for separate officers to provide original delegation documents in evidence where legally required.

A new Instruments relating to S11 has been created for this appointment and Council is requested to consider and adopt this document.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

The *Local Government Act 2020* provides allows for delegations to be provided by Council in respect of authorised officers.

#### **ATTACHMENTS**

13.7.1 - S11 - Instruments of Authorisation – Jacinda Perry – Community Safety & Amenity Officer  
(circulated separately)

#### **FINANCIAL / RISK IMPLICATIONS**

All financial and risk implications have been dealt with in the body of this report.

#### **CONCLUSION**

To legally allow staff to enforce provisions of legislation, Council must review its delegations and instruments of appointment and authorisation as and when required to maintain currency. A new Instrument of Authorisation has been prepared for a new officer and is provided for Council authorisation.

#### **OFFICER RECOMMENDATION**

In the exercise of the powers conferred by the *Local Government Act 2020* and other legislation referred to in the attached Instruments of Delegation and Instruments of Appointment and Authorisation, it is recommended that Council adopts the Instrument of Authorisation for Jacinda Perry, new Community Safety & Amenity Officer, authorisation the officer to undertake the duties of an Authorised Officer.

### **13.8 DRAFT COMMUNITY ENGAGEMENT POLICY**

**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:** 16/24/15

#### **PURPOSE**

The purpose of this report is to provide Council with a draft Community Engagement Policy and seek Council approval to publish for community consultation and feedback.

#### **BACKGROUND**

The *Local Government Act 2020* (the Act) was proclaimed on 6 April 2020 with transition from the former Act being implemented in stages between 1 May 2020 and 30 June 2022.

Section 55 of the Act requires Council to adopt and maintain a community engagement policy that must:

- Be developed in consultation with the municipal community,
- Give effect to the community engagement principles,
- Be capable of being applied to the making of the Council's local laws,
- Be capable of being applied in relation to the Council's budget and policy development,
- Describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required,
- Specify a process for informing the municipal community of the outcome of the community engagement
- Include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan, and
- Include any other matters prescribed by the regulations.

Council must adopt the first community engagement policy on or before 1 March 2021.

#### **ISSUE / DISCUSSION**

A working group has been established to work with our community in establishing community engagement processes and collaboratively develop a 10-year Community Vision.

As first step in this process, a draft community engagement policy has been drafted that meets the requirements of the Act. As the draft policy has been influenced to-date by internal stakeholders, it is proposed that the policy be made available for community comment.

It is proposed that the draft policy will be published on Council's website and made available at all of Council's front counters or on request. Community feedback will be open until Friday 15<sup>th</sup> January and opportunity provided in early February for members of the community wishing to present in person to Council on the document.

It is acknowledged that this consultation does not meet the standards of deliberative engagement that Council and officers are seeking to develop with its community. However, the short timeframes allowed under the Act preclude any more in dept consultation at this time. It is proposed, therefore, that a further review of the policy be undertaken in early 2022 to allow a greater community involvement in ensuring the policy meets community expectations for the long term.

It is requested that Council approves the publication of the draft policy for community feedback with a view to bringing a final draft back to Council for adoption in February 2021.

## **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.

2.1 - Develop and implement a Community Engagement Strategy incorporating an annual engagement plan.

## **ATTACHMENTS**

13.8.1 - Draft Community Engagement Policy 2020 (*circulated separately*)

## **FINANCIAL / RISK IMPLICATIONS**

All risk implications are discussed in the body of the report.

## **CONCLUSION**

The Local Government Act 2020 requires Council to adopt a Community Engagement Policy on or before 1 March 2021. A draft policy is provided for Council consideration and it is proposed that this be published for community feedback with a view to final Council adoption in February 2021.

## **OFFICER RECOMMENDATION**

1. That Council receives the draft Community Engagement Policy and approves publication of this document for community feedback from Friday, 11<sup>th</sup> December 2020 to Friday 14<sup>th</sup> January 2021,
2. That Council provides opportunity for community members, where requested, to provide feedback in person at the Councillor Briefing on Tuesday, 9<sup>th</sup> February 2021,
3. That a report be brought to Council at its meeting on Tuesday, 16<sup>th</sup> February 2021 to seek adoption of the final Community Engagement Policy, and
4. That appropriate consultation processes be implemented in early 2021 to facilitate a further review of the Community Engagement Policy to ensure it fully meets community expectations.

## **14. COUNCILLOR REPORTS AND GENERAL BUSINESS**

## **15. CONFIDENTIAL ITEMS**

### **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 personal matters.

### **RECOMMENDATION**

That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, in order to discuss personal matters considered in the report on:-

15.1 2021 Australia Day Awards

**16. RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC**

**RECOMMENDATION**

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

**17. CLOSE OF MEETING**

Meeting closed at

Minutes of the meeting confirmed \_\_\_\_\_

2020

Mayor