



**Pyrenees**  
Shire Council

# Minutes

## Ordinary Meeting of Council

**6:00pm Tuesday 24 November 2020**  
**Virtual Meeting**

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**1. WELCOME MEMBERS OF PUBLIC**

Mayor Cr Damian Ferrari welcomed all to the meeting.

**PRESENT**

**Mayor:** Cr Damian Ferrari

**Councillors:** Ron Eason, David Clark, Robert Vance, Tanya Kehoe

**Chief Executive Officer:** Jim Nolan

**Director Asset and Development Services:** Douglas Gowans

**Director Corporate and Community Services:** Kathy Bramwell

**EA to CEO and Councillors:** Jane Bowker (minutes)

**Communications Officer:** Kate Deppeler

**2. STREAMING PREAMBLE**

Mayor Cr Damian Ferrari read the livestream preamble.

**3. OPENING PRAYER**

The Mayor read the opening prayer.

**4. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged 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**

Nil

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

*Cr Kehoe declared an 'Interest held in Common' for Item 13.6 – Windfarms Complaints Management Procedure, as she lives in the vicinity of the Stockyard Hill Wind Farm*

**7. CONFIRMATION OF PREVIOUS MINUTES**

**CR KEHOE / CR EASON**

That the Minutes of the:

- Ordinary Meeting of Council held on 15 September 2020 with a change to Item 13.8 which should read PA241/99A instead of PA291/99A; and
- Closed Meeting of Council held 15 September 2020; and
- Statutory Meeting of Council held 10 November 2020

as previously circulated to Councillors, be confirmed.

**CARRIED**

**8. BUSINESS ARISING**

Nil

## 9. PUBLIC PARTICIPATION

### Steven Gallina

#### Question 1:

My 1st question relates to Council continuing to illegally drain storm water via a unregistered easement drain through Lot 2 Kimberley Dr Waubra (without a discharge point) where Council had previously advised, on several occasions, it was/finalized its negotiation with the property owner only to further advise us that "negotiations are unlikely" to occur now.

If Council are not going to install "Stage two" (as originally planned for) then what is it planning to do to finally resolve the documented flooding of Lot 2, Lot 3 and the ponding of water in the table drain fronting Lot 38 Kimberley Drive and Sunraysia Highway reserve in vicinity of Lots 2 & 3 that attracts mosquitoes?

#### Response by Mr Douglas Gowans:

Mr Gowans thanked Mr Gallina for his question and responded with 'the premise in the introduction to your first question is incorrect in that you state that storm water is illegally being drained through private property. Council's position is that there is an implied easement through Lot 2 Kimberley Drive Waubra which has been implied since the time of subdivision. Therefore, under common law, as it currently stands, there is no legal need to formally resolve the drainage of water through Lot 2 Kimberley Drive.

In respect to the concern of ponding of water, inspections have confirmed that water is draining from table drains, as intended, but may from time to time hold water following a rain event. This is no different to any table drain across the Shire. Therefore, it is not Council's intention to take any further action at this time. We will commit to monitoring whether water is draining as intended through our regular road management plan inspections'.

#### Question 2:

My 2nd question relates to the continued narrowing and obstruction of the usable road pavement widths (to both a lesser and greater degree) within Mark St, Kimberley Dr and Wilcar Dr Waubra Rural living Zone that has been known/communicated to Council to have been inundated with property storm water and sediment runoff with street cross flow for many years as documented by me within my Fb page "Waubra Heights Information by Steven Gallina".

Will Council at least act on the recommendation/suggestions of Cr David Clark (within his Customer Action request) in 'grading' back these narrowed roads communicated and display to him during a site meeting where I demonstrated at least a 400mm narrowing of Wilcar Drive that is now closer to at least 800mm in sections approaching a bend?

#### Response by Mr Douglas Gowans:

Mr Gowans thanked Mr Gallina for his second question and responded with 'Council, in the last few weeks, has undertaken a reseal of the pavement in the Waubra estate, as part of its resealing program. Prior to the reseal, grass on the edges of the pavement was sprayed. Council officers continue to monitor the condition of grass invasion of the pavement and will treat accordingly. It is worth noting that even if grass verges intrude into the pavement, the pavement still performs the task of supporting vehicle traffic. Regular grading back of the grass can cause damage to the sealed pavement.'

## Trevor Davey

### Question 1:

COVID-19 impacts are extensive, with that in mind and the large funds spent by the State Government creating a huge deficit, does the Council see a reduction in the available grants received in past years, in 2020 and 2021?

### Response by Mr Jim Nolan:

Mr Nolan thanked Mr Davey for his question and responded with 'Council's 2020/21 Budget provides for \$23M revenue needed to deliver the range of services and capital projects. Of the \$23M, approximately \$13M is raised through a combination of rates, waste charges, wind farm revenue, and user fees and charges. The remaining \$10M revenue is from state (24%) and commonwealth (76%) grants. The more significant grants include the Federal Assistance Grants (approx. \$5.7M), and Roads to Recovery (approx. \$1.4M). Other grants include funding to support the Commonwealth Home Support Program, Maternal and Child Health and Libraries. In addition to these ongoing / annual grants, Council receives funding for "one off" projects (such as the Lexton Community Hub, Snake Valley skate park or the Activate Avoca Project) or in response to identified community needs such as the Commonwealth Drought Communities Program (\$2M). Small Councils which are so heavily reliant on government grants to deliver works and services are exposed in the event of reduced government funding.

At this point in time there is no indication that the main recurrent funding programs will be reduced. However there have been occurrences in the past where this has occurred (e.g. the freezing of indexation of the Federal Assistance Grants Program previously which resulted in several hundred thousand dollars in reduced revenue). There is always a risk of reduced revenues in future, which highlights the need for Council, through our peak bodies such as the MAV, RCV or ALGA, to continue to advocate for funding of Councils in the longer term and beyond the current COVID-19 recovery environment where stimulus funding has been provided in the short term.'

### Question 2:

Revenue for Council is critical; therefore, is there thought that in the future to recruit a building surveyor and commence doing building permits again? The revenue would outweigh the cost of a person, I think.

### Response by Mr Douglas Gowans:

Mr Gowans thanked Mr Davey for his subsequent question and responded with 'up until mid 2018, Council had a building surveying service that, as a component of the role, was able to assess and issue building permits. This service was shared between Ararat Rural City Council and Pyrenees Shire Council. The building practitioner retired and both Councils were unable to secure a building practitioner that was prepared to provide a shared service and issue permits.

Council is obliged to engage a building surveyor in line with the Building Act 1993 to fulfil the requirement of the role of Municipal Building Surveyor. The role administers and enforces parts of the Building Act and regulations. The role is required to have the capability to issue emergency orders, Places of Public Entertainment Permits and Essential Safety measures.

Council currently provides this service through a contractor. Market forces have meant that there is a shortage of qualified building practitioners in rural areas. Those who are qualified are more attracted to issue permits from their own private business than working for a local government authority. It is also worth noting that Council has not previously sought to fully recover costs from the issuing of building permits but subsidised the service of issuing building permits. Council does have the power to set its own fees. Full cost recovery would most likely result in Council not being any more cost competitive than

private practitioners. Unfortunately, it is highly likely to be a moot point as attracting a qualified building surveyor to issue permits is very difficult.'

Belinda Faehrmann

Question 1:

Could Council please explain why PA2932/20 been allowed to go from 20 greyhounds (originally), to 8 greyhounds, to 28 greyhounds, with no official amendments to the planning application and no time or opportunity for community objectors to address the changes in an official capacity?

Response by Mr Douglas Gowans:

Mr Gowans thanked Ms Faehrmann for her question and responded with 'the Council officer's recommendation to Council on this item is before Council tonight and wouldn't normally answer a question directly relating to an item that is before Council however there is an important point to be made. Even though the officer recommendation recommends, in its opening, that seeks to provide a permit for eight dogs in the permit application, in the body of the condition number 11, there is an administrative error where 20 puppies is mentioned. It is fair to say that is an administration error and shouldn't be in there and if Council were to consider this issue tonight, it would be the officer's recommendation to remove any reference to puppies and leave eight dogs on condition 11 even though the front end of the recommendation clearly states that the permit is for eight dogs so do apologise for any concern that that particular administrative error has caused. Subsequently, at the mediation the applicant did make it clear that they were going to put a revised planning application in to only have eight dogs so it was part of the process.'

Question 2:

Objectors received tonight's agenda yesterday. Does Council believe that is sufficient notice to change the application so significantly from 20 greyhounds to 28 greyhounds giving objectors no voice on such a major change?

Response by Mr Douglas Gowans:

Mr Gowans thanked Ms Faehrmann for her subsequent question and responded with 'this has predominantly been answered in the first response however would state that the Council's agenda is up three full days before the Council meeting so was online on the Friday. Do understand that some people may not have been made aware of that until very recently and my understanding is that objectors were notified that the agenda would be online on last Friday.'

Julie Hendrix

Question 1:

Does Council think that other residents might have benefitted from this new information and major change to PA2932/20, of increase in greyhounds?

Response by Mr Douglas Gowans:

Mr Gowans thanked Ms Hendrix for her question and responded with 'again this has been previously been answered in that there is no major change from what was presented at the mediation.'

Question 2:

Could Council please explain the thinking behind, if this were to go through tonight, why one new resident's desires that could potentially cause departments of Council no end of grief, is more important than the needs, lives and peace of many of your residents?

Response by Mr Douglas Gowans:

Mr Gowans thanked Ms Hendrix for her subsequent question and responded with 'Council has a planning scheme and there are opportunities for objectors to have their say and voice their concerns, and our belief that this has occurred in this particular case. It is part of a State Government framework on how planning applications are considered and there is, if council were to decide to support the officer recommendation, opportunity for objectors to appeal any decision and also for the applicant to appeal any decision whether for or against the conditions so there are mechanisms that are in place that provide a fair and equitable way for people who are concerned and wish to object to a planning permit.'

### 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 by Mr Douglas Gowans:

Mr Gowans thanked Ms Gardner for her question and responded with 'this question goes to the application before Council so wish to take the question on notice. It may be answered in my presentation to Council or any questions from Council in the presentation of the report.'

Question 2:

PA2932/20 refers to the need to adhere to guidelines for Noise in Industries in Regional Victoria (NIRV). NIRV guidelines state the maximum decibel limits are 45 during the day, 38 in the evening and 33 at night. One greyhound sized barking dog measures between 80-122 decibels. How does Council envisage achieving ongoing compliance regarding impossible to achieve ongoing noise levels should it pass PA2932/20, to protect the emotional and mental health of its residents? What is this enforcement action mentioned in tonight's agenda?

Response by Mr Douglas Gowans:

Mr Gowans thanked Ms Garner for her subsequent question and responded with 'this issue goes to any potential conditions that might be put on this application if it were passed by Council and there are very strict guidelines around how noise is monitored, enforced and restricted from GRV and the EPA.'

### Steven Stewart

Question 1:

Could Council please speak to the way in which PA2932/20 has been handled, where communication has been inadequate to fully inform all relevant residents, information received has at times been too late for action, and the lack of adequate consultation, especially considering this application is controversial and extremely unpopular with many surrounding residents and already causing much stress and heartache?

Response by Mr Douglas Gowans:

Mr Gowans thanked Mr Stewart for his question and responded with 'Council has followed all due processes in assessing and providing notification for this application. As mentioned in an earlier response, there are mechanisms in place for Council to consider all objections that have been made and take them into consideration whether they chose to support the officer's recommendation. There are mechanisms available if the objectors still feel that their concerns haven't been met and feel that there is a way that they can be appealed and that process is through the Victorian Civil Administrative Tribunal.'

Question 2:

Tonight's agenda states that Council doesn't consider commercial advantage for the objector. Could Council please explain how the very likely devaluing of your resident's homes, their nest eggs, be considered a commercial advantage for the many objectors of this application?

Response by Mr Douglas Gowans:

Mr Gowans thanked Mr Stewart for his subsequent question and responded with 'as stated in the report that will be presented to Council tonight, there are only certain things in planning applications, by law, that are allowed to be considered and property devaluation is not one of those.'

Lawrence Lancucki

Question 1:

Have the Council members that are voting on PA2932/20 tonight been sufficiently informed of all the negative aspects to such a proposal and the strong opposition of all the objectors, so that they may fully appreciate how they would feel about 28 greyhounds and an abundance of steel fences moving in next to their home?

Response by Mr Douglas Gowans:

Mr Gowans thanked Mr Lancucki for his question and responded with 'this question is directed about whether Council members have been informed. Will say that Councillors have been briefed and will leave it to Councillors to determine whether they have received all the information that they need.'

Mayor Cr Ferrari thanked the community members for taking the time to submit questions.



## 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 September and October 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 September and October 2020 are summarised in the table below:-

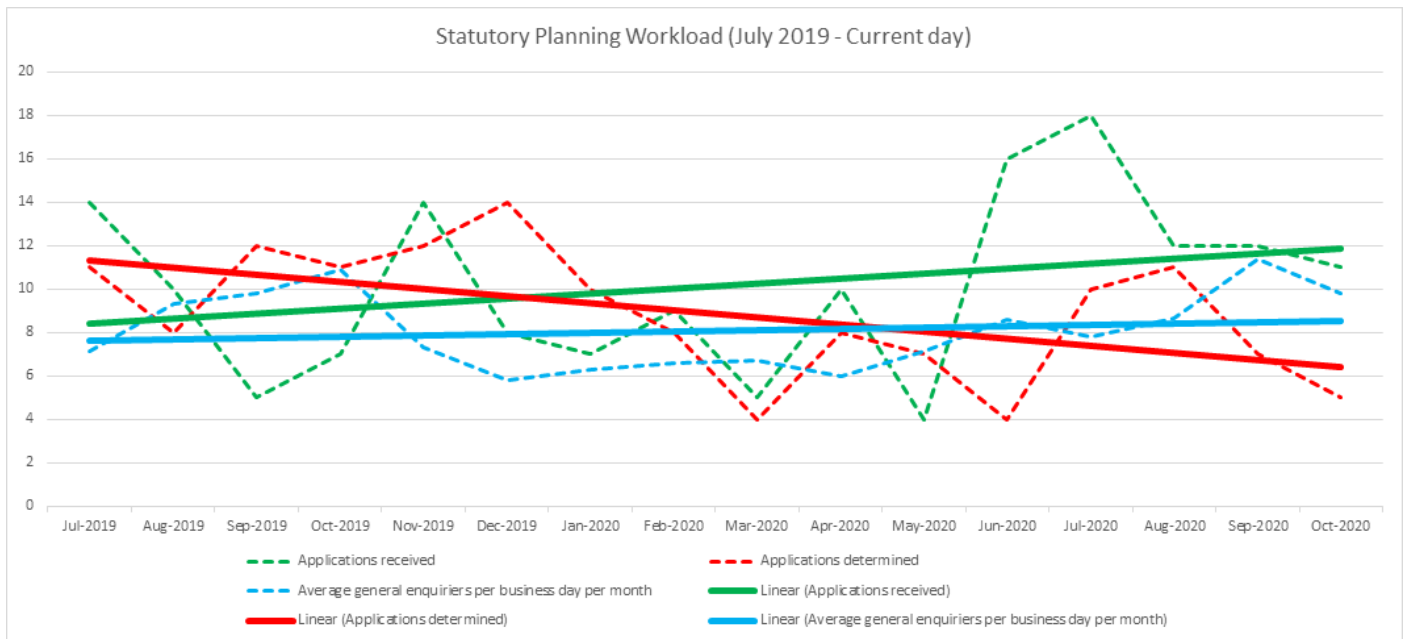
Activity	September 2020	October 2020	Financial Year to date
Applications received	12	11	52
Applications completed	7	5	21
Number of referrals	5	3	13
Requests for further information	7	4	24
Estimated cost of works	\$1,812,450	\$1,564,672	\$6,953,312

General Enquiries			
Enquiry Type	September 2020	October 2020	Financial Year to date
Pre-purchase enquiry	49	51	194
Pre-application enquiry	119	107	364
Existing permit enquiry	8	16	82
Current application enquiry	53	34	105
All other enquiries	33	17	104
<b>Total Enquiries</b>	<b>262</b>	<b>225</b>	<b>849</b>

#### STATUTORY PLANNING

Investment and development within the Pyrenees Shire continues to increase, with half of council's average annual permit applications being received within the first 4 months of the financial year. The number of enquiries being made has also increased, including pre-application and pre-land purchase enquiries.

The below chart displays the steady increase in the number of new applications and general enquiries, and the impact that this increase is having on the Department’s capacity to determine applications.



**STRATEGIC PLANNING**

Council’s new Strategic Planning officer (Place Making Facilitator) commenced with the organisation in August. Since commencement, they have been working to design and roll out a response to the state government’s outdoor dining initiative. This work has involved engaging all food premises within the shire’s major towns, to identify opportunities for place activation within the public realm.

As part of the outdoor dining initiative, many of the food premises within Avoca and Beaufort will have timber cafe barriers and shade umbrellas (where appropriate) installed. Opportunities for outdoor dining for businesses in other townships are being explored. The community can also expect to see some temporary amenity improvements through the installation of planter boxes and the activation of public common spaces. We expect works to commence late November and continue into the new year.

Officers have continued to engage with the community around the development concept for the Beaufort Lake foreshore. Site preparation works commenced in early November with the first stage of the project expected to be completed in late December. Stage two, which includes the installation of a nature-based play space and landscaping, will commence early in 2021. It has been acknowledged that access to the lake is particularly important during the warmer months, and efforts are being made to minimise impacts on accessibility, including the use of the walking track, during construction.

Officers will commence engagement with the Shire’s artistic community, with support from Regional Arts Victoria, to commence the development of a Creative Arts Strategy. The strategy aims to understand and clarify the objectives of and opportunities for artistic and creative collaboration within the Pyrenees.

A Signage Strategy is being drafted and is hoped to be submitted to Council at its December meeting. The strategy intends to guide the design of private, community and council signage within the public realm, to ensure new signage sits appropriately within the built and natural environment.

Small infrastructure projects identified within the adopted Framework Plans for Lexton, Snake Valley and Waubra are progressing as part of the Drought Communities funding program and are expected to be completed before March 2021.

Tree outstand and pedestrian friendly crossing point designs have been prepared for Avoca, and communicated with businesses and property owners adjacent to the identified locations.

## PART B: BUILDING

### **Activity**

The building activity statistics as at 30/10/2020 are summarised in the table below:

<b>CATEGORY</b>	<b>September 2020</b>	<b>October 2020</b>	<b>COMMENT</b>
<b>Permits issued by private Building Surveyor</b>	16	12	
<b>'Property Information Certificates' prepared and issued</b>	17	18	
<b>'Report and Consent' issued</b>	4	3	
<b>Building Notices</b>	1	0	
<b>Building Order</b>	7	12	
<b>Resolved Building Notices</b>	0	1	
<b>Resolved Building Orders</b>	3	6	
<b>Direction to Fix Building Work</b>	0	0	
<b>Building permit inspections undertaken</b>	1	0	
<b>Council issued permits finalised</b>	1	1	** Council have not issued building permits since June 2018.

### **Swimming Pool Update**

118 private pools and spas have been registered with Council, as at 1 November. There are approximately 15 further pools known to Council that are not yet registered. Officers have been using a combination of aerial photography, council records and site inspections to identify the existence of swimming pools and spas.

Council officers will continue to work with property owners to ensure registration and safety barrier compliance. In some cases, this will include the enactment of penalty infringements and/or prosecution, however Council is hopeful that compliance can be achieved without needing to enact such powers.

### **Council plan / legislative requirements**

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

### **Financial / risk implications**

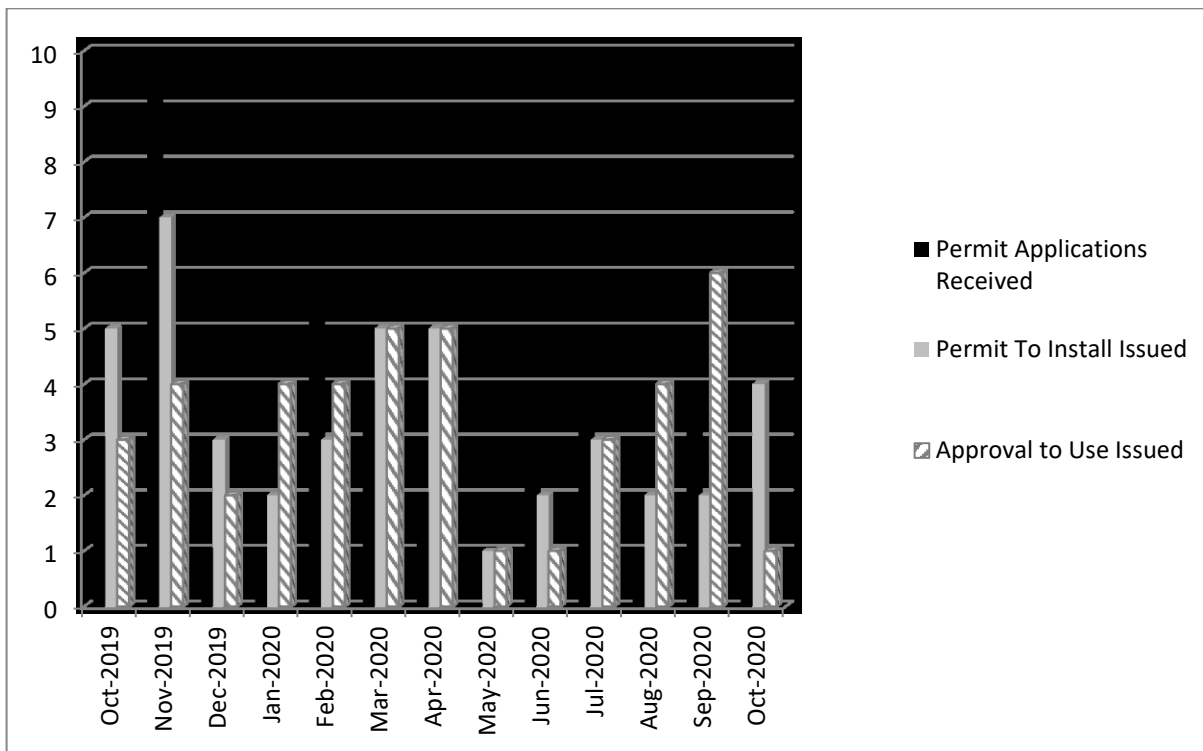
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act* 1993 or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

**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
1st – 30th September 2020	4	2	6	\$1435
1 <sup>st</sup> -31 <sup>st</sup> October 2020	2	4	1	\$820

Wastewater activity statistics for September and October 2020



Monthly wastewater activity (October 2020)

Wastewater related tasks for September & October 2020	
Septic Tank Inspections	8
Domestic Wastewater Management Plan Inspections	2
Domestic Waste Water Service Agent Reports	33

### 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
1st – 30th September 2020	1	24	0	3	\$0
1 <sup>st</sup> -31 <sup>st</sup> October 2020	2	26	0	4	\$599

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

In response to the easing of COVID19 restrictions, five Statements of Trade were received in the month of September 2020. Renewal applications were sent out in October 2020.

### Activity: Immunisations

Immunisation sessions in Beaufort and Avoca are not being conducted due to COVID-19. Individual appointments continue to be arranged through Council’s Maternal Child Health nurse.

Session Type	Number of Clients & Vaccines	2 Month - 4+ Yr Old	Secondary School	Adult
September 2020	Clients	30	3	0
	Vaccines	66	3	0
October 2020	Clients	31	1	1
	Vaccines	66	2	1

Immunisation activity statistics for September and October 2020

To support businesses in recovering from the impacts of COVID19, all annual registration fees for food (fixed, mobile and temporary), health and accommodation traders/premises have been waived until December 2021.

### 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

	September 2020	October 2020	Total YTD (20/21)
Cats Registered	566	568	-
Dogs registered	2329	2344	-
Cats impounded	7	2	14
Cats reclaimed	2	0	4
Cats Euthanised	0	1	5
Dogs impounded	0	0	3
Dogs Reclaimed	1	0	3
Dogs Euthanised/surrendered	0	0	0
Stock impounded	0	0	0

Registration and impoundment statistics

##### ACTIVITY - Infringements

Infringement Type	September 2020	October 2020	Total YTD (20/21)
Domestic Animals Act	0	0	6
Local Laws	0	2	2
Road Safety Act	0	0	0
Environment Protection Act	0	2	2
Impounding of Livestock Act	0	0	0
Other	0	0	0
<b>Total Infringements Issues</b>	<b>0</b>	<b>4</b>	<b>10</b>
Prosecutions	2	0	2

Infringement statistics

##### Key projects

Council's Community Safety and Amenity department continues to investigating a high number of complaints relating to a number of unauthorised structures and dwellings that have been constructed throughout the Shire.

Officers have provided support to Council's Place Making Facilitator, in the roll out of the outdoor dining initiative. This has included meeting with traders who wish to trade within the public realm, to ensure that relevant Local Law approvals are in place and that the safety and amenity of the shire is upheld. All local law permit fees relating to outdoor dining have been waived until November 2021.

**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) – AUGUST 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 months of September and October 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

388 customer action requests were received in September 2020, of which 306 related to telephone messages.

383 customer action requests were received in October 2020, of which 234 related to telephone messages. The number of telephone messages continues to be high reflecting the number of staff working from home due to COVID-19.

An increase was seen in requests seen in October, mainly attributable to: Roads and road maintenance, drainage issues, roadside vegetation (expected leading up to fire season), Local laws matters and dogs.

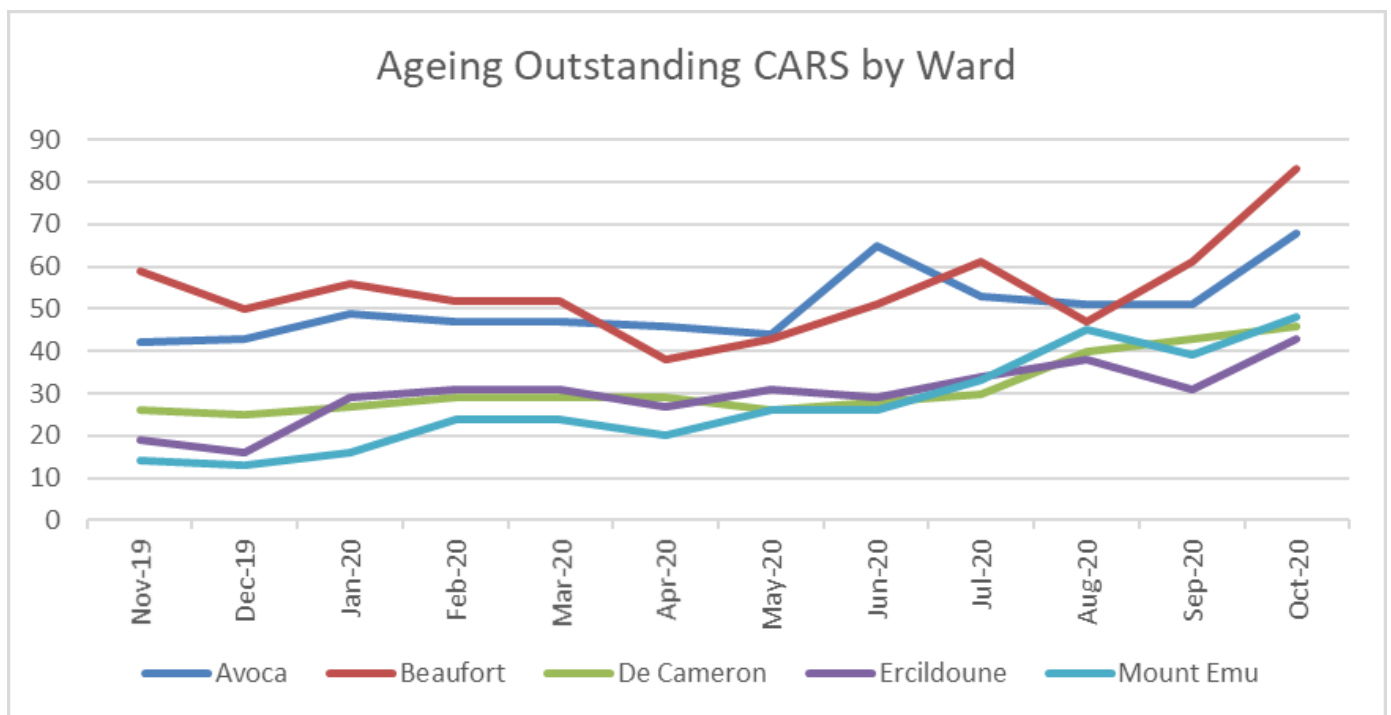
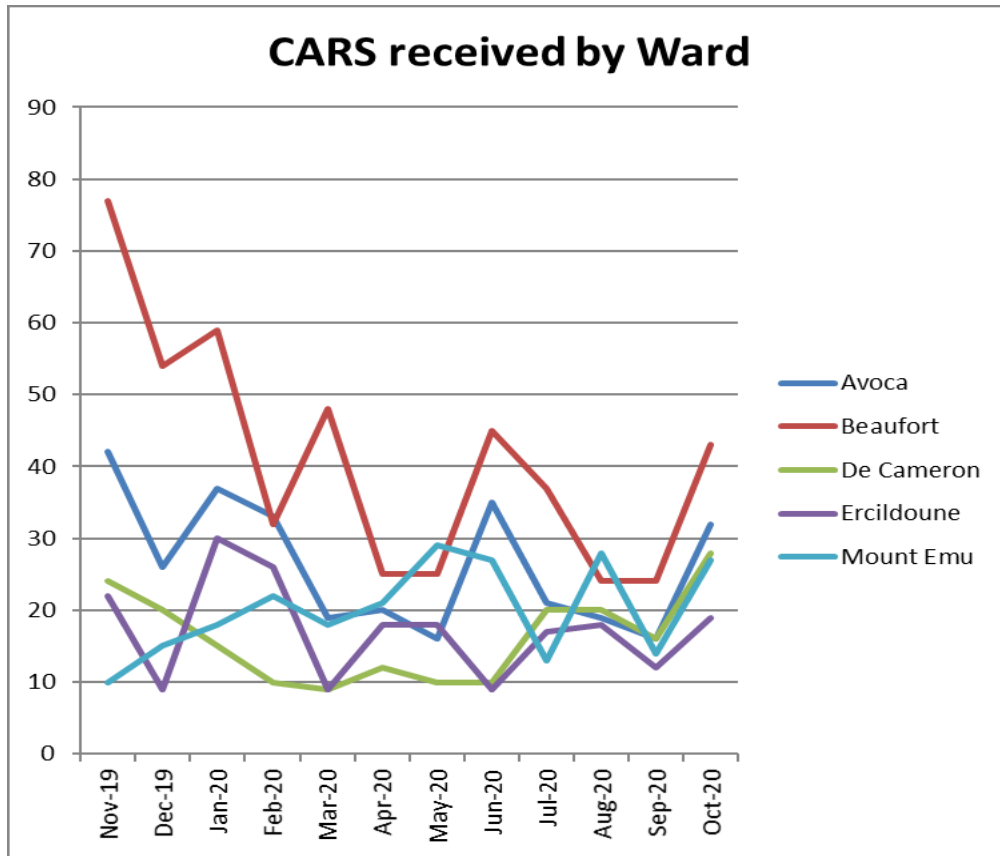
279 requests were closed during September and 294 during October, resulting in 398 outstanding as at the end of October 2020. 110 telephone messages remained outstanding at the end of October.

#### 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.

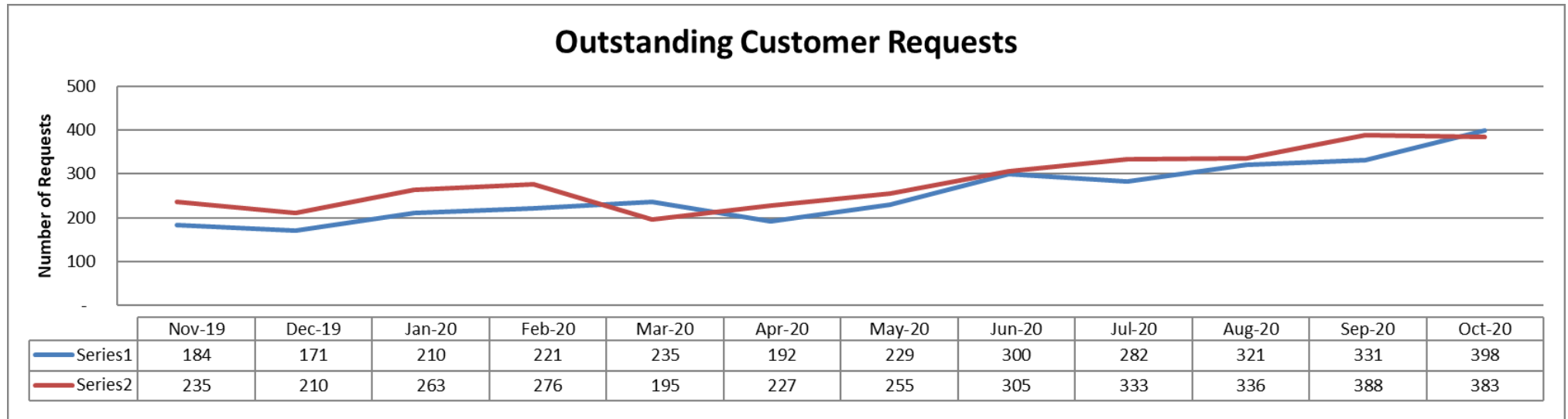
	<b>Avoca Ward</b>	<b>Beaufort Ward</b>	<b>De Cameron Ward</b>	<b>Ercildoune Ward</b>	<b>Mount Emu Ward</b>
Number of Requests received in October 2020 (previous month)	32 (16)	43 (24)	28 (16)	19 (12)	27 (14)
Requests received in October still outstanding	21	28	6	14	13
Outstanding requests older than 1 month	44	49	35	27	33
Total outstanding requests	68	83	46	43	48





**Total Customer Action Requests:**

Outstanding requests by age													
Year	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	% Change
2016	-	4	4	-	-	-	-						
2017	1	5	5	2	2	1	1	1	1	1	1	1	0%
2018	6	5	5	5	5	4	4	4	4	4	2	1	-100%
2019	177	157	107	80	75	57	50	48	44	39	39	35	-11%
2020	-	-	89	134	153	130	174	247	233	277	289	361	20%
<b>Total outstanding</b>	<b>184</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>17%</b>
<b>Total requests logged</b>	235	210	263	276	195	227	255	305	333	336	388	383	-1%



31 October 2020 - Open Requests - Type			
	Sep	Oct	Change
Roads & Rd Maint.	60	75	15
Streetlights	1	1	0
Drainage	37	43	6
Footpaths	8	10	2
Park & Reserves	15	18	3
Roadside Veg	29	46	17
Environmental Health	1	2	1
Planning	3	5	2
Bld maint	10	10	0
Local Laws	34	44	10
Cats	3	3	0
Dogs	14	21	7
Livestock Act	2	2	0
Parking	1	1	0
Fire Hazard	0	0	0
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	106	110	4
<b>Total</b>	<b>331</b>	<b>398</b>	<b>67</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 rather than un-managed matters.

**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. LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION UPDATE

**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:** 16/20/35

#### PURPOSE

The purpose of this report is to provide Council with a progress update on the implementation of the *Local Government Act 2020*.

#### BACKGROUND

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

#### ISSUE / DISCUSSION

##### Implementation Status – Policy and Plan development:

The status of implementation of policy and plan deliverables required under the 2020 Act provisions is provided in the table below:

Items to be implemented	Timeframe	Status
Councillor Expenses Policy revision and adoption	1 September 2020	Completed
Governance Rules development and adoption		
Delegated committees and asset committee Instruments of Delegation in place		
Audit & Risk Committee Charter adopted and Committee re-established		
Public Transparency Policy adopted		
Election candidate training completed	17 Sept 2020	Completed
Councillor Code of Conduct revision and adoption	Jan 2021	In progress
Community Engagement Policy adopted	Mar 2021	In progress
Gifts Policy revision and adoption	Apr 2021	In progress
Councillor induction training	May 2021	In progress
Budget adopted	30 Jun 2021	In progress
Revenue and Rating Plan revision and adoption		
Long Term Financial Plan	31 Oct 2021	In progress
Council Plan revision and adoption		Target reset to 30 June 2021 for PSC
Community Vision (Community Plan) – <b>PYRENEES 2030</b>		
Annual Report 2020/21	31 Oct 2021	Not yet started
CEO Employment & Remuneration Policy adopted	1 Jan 2022	Not yet started
Long-term Workforce Plan adopted		
Recruitment Policy revision and adoption		
Staff Code of Conduct revision and acceptance		
Complaints Policy revision and adoption		
Procurement Policy revision and adoption		
Long-term Asset Management Plans in place	30 Jun 2022	In progress

#### Integrated Strategic Business Planning Project

The 2020 Act requires Council to take an integrated approach to strategic business planning and reporting, and outlines the following:

- An integrated approach to planning, monitoring and performance reporting,
- Must address the Community Vision (Pyrenees 2030),
- Account for resources needed for effective implementation,

- Must identify and address the risks to effective implementation, and
- Must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

To deliver these requirements, Council officers must work collaboratively with the Pyrenees Shire Community to develop a suite of long-term, financially sustainable, integrated strategic plans that will steer Council and community decision-making over the next ten years.

Two key plans will steer all other business and financial plans throughout the next 4 to 10 years: the 10-year Community Vision (proposed to be entitled **Pyrenees 2030**) and the 4-year Council Plan.

Council officers have prepared a draft project plan to develop and deliver an integrated strategic business planning framework, which is attached for Council information. The plan includes key strategies, policies and plans required under the 2020 Act, plus reviews of other key municipal strategies and plans required under other legislation. The outcomes of the project are expected to be:

- Council and the community will have an agreed 10-year Community Vision – Pyrenees 2030 – for the Pyrenees Shire outlining what we want to be in 2030 and how we might get there.
- A Financial Plan that outlines how the financial sustainability of Council will be maintained over the next 10 years.
- A community-informed Council Plan that outlines the strategic agenda of Council for the next four years including linking how it will assist achieving the Community Vision.
- The Pyrenees Shire community will have increased awareness and involvement in the development of Council’s strategic direction and feel that they have been genuinely consulted with and involved in its development.
- Compliance with the Integrated Strategic Planning and Reporting Framework components of the Local Government Act 2020.
- A transparent monitoring and evaluation framework.

The table below details the key deliverables of the project:

Deliverable	Applicable Timeframe	Target for completion	Status
Community Engagement Policy	4 years	1 Mar 2021	Document drafting in progress. Community consultation planned
Community Vision – <b>Pyrenees 2030</b>	10 years	30 Jun 2021*	Planning underway Working Group convened
Council Plan 2021-2025	4 years	30 Jun 2021*	Council workshop 1 Dec 2020 to commence planning
Annual budget	1 + 3 years#	30 Jun 2021	In progress
Revenue & Rating Plan	4 years	30 Jun 2021*	Not yet started
Financial Plan (LTFP)	10 years	30 Jun 2021*	In progress
Gender Equality Action Plan (new Act - 31 Mar 2021)	4 years	30 Jun 2021	Planning underway Working Group convened
Municipal Public Health & Wellbeing Plan	10 years	Oct 2021	Planning for review underway
Municipal Early Years Plan		Oct 2021	Not yet started
Positive Ageing Plan		Oct 2021	Not yet started
Reconciliation Action Plan Phase 2	1 year	June 2021	Planning underway Working Group convened
Workforce Plan	4 years	31 Dec 2021**	Review in progress Workforce Plan already in place
Asset Management Plans	10 years	30 June 2022	In progress

\*Although these documents are not officially required to be completed before October 2021, Council officers are focusing completion by 30 June 2021 to enable alignment between all aspects of strategic business and short to long-term financial planning.

#From 2021, the budget will require to be a 4-year focus, with the first year detailed and an overview of the subsequent three.

\*\*The Workforce Plan is due for completion by 31 December 2021; however, it is envisaged that many of the deliverables for this plan will be determined by 30 June 2021 to align with other strategic business and financial planning.

### **Monitoring and corporate reporting**

To support the integrated strategic business planning project a requirement to implement robust monitoring and reporting processes.

A lot of effort is currently put into reporting and the development of an aligned reporting framework that captures existing reports and highlights the key measures to report to Council and its community against is essential to provide evidence of progress against strategic business and financial plans.

A project to review current reporting and how this can be streamlined / improved is under development.

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

The *Local Government Act 2020* was enacted in April 2020 and includes a requirement for councils to develop an integrated and collaborative approach to strategic business and financial planning, monitoring and reporting.

### **ATTACHMENTS**

10.3.1 - Draft PSC Council Integrated Strategic Business Planning Project Plan 2020-2021 (*circulated separately*)

### **FINANCIAL / RISK IMPLICATIONS**

Alignment of strategic business and financial plans is a primary requirement of the 2020 Local Government Act. Robust and effect monitoring and reporting mechanisms are key in managing any risks, enterprise or financial, involved with the delivery of the Pyrenees Shire Council Plan and Community Vision.

### **CONCLUSION**

I The *Local Government Act 2020* was enacted in April 2020 and is being implemented in stages throughout 2020-2022. Council has developed a project plan to develop an integrated strategic business planning framework, together with improving its monitoring and reporting framework in alignment. This report provides a progress update on these plans.

### **OFFICER RECOMMENDATION**

That Council notes this report on the progress within the Pyrenees Shire Council on implementing the Local Government Act 2020 requirements.
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#### **10.4. 2020 CHRISTMAS/NEW YEAR HOLIDAY ARRANGEMENTS**

**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 for Council to note the closure of the Pyrenees Shire Council offices and other arrangements during the 2020 Christmas / New Year holiday period.

#### **BACKGROUND**

It has been the practice of Pyrenees Shire Council to close during the Christmas / New Year holiday period. The holiday period closure enables staff to take a break with very little impact on service delivery and at the same time provides the opportunity for staff to reduce outstanding annual leave and rostered day off balances.

This has been the practice over the past few years as there is limited demand placed on municipal services over this period and the closure is generally accepted by the community.

#### **ISSUE / DISCUSSION**

The following closures or service amendments are planned:

##### **End-of-year break-up staff function**

Each year the Pyrenees Shire Council holds an end-of-year break-up function to thank staff for their contribution to the organisation over the 12 months. In 2020 this event is especially important to recognise the extraordinary efforts of staff in a year of extreme change and challenges related to the COVID-19 Pandemic.

It was originally thought that health-related restrictions might preclude the holding of an annual event in 2020 but thankfully, a COVID-safe event will be permissible and is scheduled to be held at Cave Hill Creek on Friday 18<sup>th</sup> December 2020. In order to facilitate this celebration, it is proposed that all areas close early on that date – 12.00 midday.

##### **Council offices, Lawrence Street, Beaufort**

Will be closed from 1.00pm on Thursday 24<sup>th</sup> December 2020 and will reopen on Monday, 4<sup>th</sup> January 2021. The Council offices will also close at 12.00pm on Friday 18<sup>th</sup> December 2020 to allow for attendance at the staff end of year break-up function.

The period comprises 3 work days and 3 public holidays. Public holidays have been assigned, under the Public Holidays Act, to Friday 25<sup>th</sup> December 2020, Monday 28<sup>th</sup> December 2020 and Friday 1<sup>st</sup> January 2021 as Christmas Day, Boxing Day and New Year's Day respectively.

It is proposed that the three days between those dates (Tuesday 29<sup>th</sup> December, Wednesday 30<sup>th</sup> December and Thursday 31<sup>st</sup> December 2020) will be taken by staff as leave during this period, unless other arrangements have been made.

##### **Pyrenees Shire Municipal Depots**

Will be closed from 12.00pm on Friday 18<sup>th</sup> December 2020 and will reopen on Monday, 4<sup>th</sup> January 2020.

The period comprises 8 workdays and 3 public holidays. Monday 21<sup>st</sup> December 2020 will be taken as a collective RDO and the other workdays will be taken by staff as leave during this period, unless other arrangements have been made.

A skeleton staff will continue to operate during the closure period to ensure that essential services continue.

### **Resource / Information Centres**

The Beaufort Resource Centre and Avoca Information Centre will close at approximately midday on Friday, 18<sup>th</sup> December 2020 to allow for their attendance at the staff end of year break-up function.

The Beaufort and Avoca Resource / Information Centres will operate as follows over the holiday period:

		<b>Beaufort Resource Centre</b>	<b>Avoca Information Centre</b>
Friday	18 December 2020	10.00am to 12.00pm	10.00am to 12.00pm
Thursday	24 December (Christmas Eve)	Normal hours	
Friday	25 December 2020 (Christmas Day)	Closed	
Saturday	26 December 2020	Closed	
Sunday	27 December 2020	Weekend hours	
Monday	28 December 2020	Public holiday – weekend hours	
Tuesday	29 December 2020	Normal weekday hours	
Wednesday	30 December 2020	Normal weekday hours	
Thursday	31 December 2020	Normal weekday hours	
Friday	1 January 2021	Public holiday – weekend hours	
Saturday	2 January 2021	Weekend hours	
Sunday	3 January 2021	Weekend hours	
Monday	4 January 2021	Normal weekday hours	

### **Emergency Management capability**

Staff involved in Emergency Management will undertake their roles and responsibilities in accordance with the municipal emergency management procedures. Council will have a roster for emergency response over the holiday period closure.

### **Encouragement to take extended leave**

In recognition of the stressful year that has been 2020, and to assist in reducing outstanding leave balances, staff are being encouraged to extend their leave over the 2020 Christmas / New Year period to include either the week before or the week after the end-of-year closure as mutually convenient to staff and the organisation.

### **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.

4.1 - Continue to build and develop an engaged, responsive, accountable and capable workforce.

### **ATTACHMENTS**

Nil



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**FINANCIAL / RISK IMPLICATIONS**

There is no financial impact associated with this report.

**CONCLUSION**

It is appropriate that the Pyrenees Shire Council offices close during the Christmas / New Year holiday period as detailed in the above report.

**OFFICER RECOMMENDATION**

That Council notes this report.
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## **10.5. AVOCA CARAVAN PARK LEASE EXTENSION**

**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:** C2004-109 and 219033550

### **PURPOSE**

The purpose of this report is to advise Council of the final arrangements regarding extending the lease for the Avoca Caravan Park from 6 June 2020.

### **BACKGROUND**

The Avoca Caravan Park (Crown Allotment 14, No Section Township and Parish of Avoca and part of Crown Allotment 12, Section 39, Township and Parish of Avoca) is situated on DELWP property with the Pyrenees Shire Council acting as the Committee of Management.

The property was leased to KCA Nominees Pty Ltd from 6<sup>th</sup> June 2005 for an initial period of fifteen (15) years; with a subsequent further term of five (5) years agreed in 2015.

### **ISSUE / DISCUSSION**

A report was provided to Council in May 2020 indicating that the former lease between the Pyrenees Shire Council and KCA Nominees Pty Ltd in respect of the Avoca Caravan Park had expired and Council, at that meeting, endorsed the extension of the lease for a further 12 months.

It was subsequently brought to Council's attention that the existing lease included provisions for a five-year extension to the existing lease that did not expire until 2025. Council officers had formerly interpreted this as ending in 2020.

The five-year extension option has, therefore, been taken up by KCA Nominees Pty Ltd to operate the Avoca Caravan Park until 5 June 2025 with no requirement to formally review the operation of the park until that time.

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

S115(3) of the Local Government Act 2020 does not come into force until July 2021. Until that time, S190 of the Local Government Act 1989 is in force which provides for arrangements under which Council must enter into public consultation prior to entering into a lease.

### **ATTACHMENTS**

Nil

### **FINANCIAL / RISK IMPLICATIONS**

All financial implications are included within the body of the report.

### **CONCLUSION**

Council approved a 12-month lease extension for the Avoca Caravan Park in May 2020. Subsequent review of the existing lease identified a five-year extension option already in place that extends the lease to 5 June 2025. This option has been exercised by KCA Nominees Pty Ltd which extends the existing lease accordingly.

### **OFFICER RECOMMENDATION**

That Council notes the information provided in this report.

## 11. COUNCILLOR ACTIVITY REPORTS

<b>Cr Tanya Kehoe – Mount Emu Ward</b>		
<b>1 – 22 September</b>		
Thu 03	Department of Transport Liaison Meeting	Virtual
Fri 04	CHCV CEO and Mayor’s Meeting	Virtual
Mon 07	CEO / Mayor Meeting	Phone
Tue 08	Councillor Briefing Session	Virtual
Mon 14	CEO / Mayor Meeting	Phone
Tue 15	Councillor Briefing Session	Virtual
Tue 15	Council Meeting	Virtual

<b>Cr David Clark – Ercildoune Ward</b>		
<b>1 – 22 September</b>		
Tue 08	Councillor Briefing Session	Virtual
Tue 15	Councillor Briefing Session	Virtual
Tue 15	Council Meeting	Virtual

<b>Cr Robert Vance – De Cameron Ward</b>		
<b>1 – 22 September</b>		
Thu 03	TTV General Meeting	Virtual
Tue 08	Councillor Briefing Session	Virtual
Fri 11	RCV Committee Meeting	Virtual
Tue 15	Councillor Briefing Session	Virtual
Tue 15	Council Meeting	Virtual

<b>Cr Ron Eason – Avoca Ward</b>		
<b>1 – 22 September</b>		
Tue 01	Audit & Risk Committee Meeting	Virtual
Tue 08	Councillor Briefing Session	Virtual
Tue 15	Councillor Briefing Session	Virtual
Tue 15	Council Meeting	Virtual

<b>Cr Damian Ferrari – Beaufort Ward</b>		
<b>1 – 22 September</b>		
Tue 08	Councillor Briefing Session	Virtual
Tue 15	Councillor Briefing Session	Virtual
Tue 15	Council Meeting	Virtual

## 12. ASSEMBLY OF COUNCILLORS

<b>MEETING INFORMATION</b>			
Meeting Name	Councillor Briefing Session		
Meeting Date	8 September 2020 commenced at 2.00pm and closed at 6.10pm		
Meeting Location	Virtual		
Items Discussed	<ol style="list-style-type: none"> <li>1. <b>Glenelg Hopkins CMA Presentation</b></li> <li>2. <b>Upper Avoca Flood Study</b></li> <li>3. <b>Pyrenees Shire Council Style Guide</b></li> <li>4. <b>Grampians Region Recreation Strategy – Activate 2020-2030</b></li> <li>5. <b>L2P Funding Proposal</b></li> <li>6. <b>Finance Report and Working Capital Surplus</b></li> <li>7. <b>Planning Matters</b></li> <li>8. <b>Council Election / Caretaker Period and Induction</b></li> <li>9. <b>Climate Pledge</b></li> <li>10. <b>Rural Councils Transformation Project</b></li> <li>11. <b>COVID-19 Regional Roadmap</b></li> <li>12. <b>Agenda Review (September Council Meeting)</b></li> </ol>		
<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) Jane Bowker (EA to CEO and Councillors) - Support Ed Riley (Strategic Planning Officer) – Items 1 and 2 Kate Deppeler (Communications Officer) – Item 3 Martin Walmsley (Manager Community Wellbeing) – Items 4 and 5 Carmel Pethick (Community Wellbeing and Grants Coordinator) – Item 5 James Hogan (Manager Finance) - Item 6 Katie Gleisner (Manager Planning and Development) – Item 7		
Visitors	Jane Walker, Adam Bester and Graham Jeffery (Glenelg Hopkins CMA) – Item 1 Camille White, Peter O’Toole and Michael South – Item 2		
<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	15 September 2020 commenced at 2.00pm and closed at 5.00pm		
Meeting Location	Virtual		
Item Discussed	<ol style="list-style-type: none"> <li>1. <b>Beaufort Friends of the Pool</b></li> <li>2. <b>Economic Recovery</b></li> <li>3. <b>Beaufort Lake Foreshore Concept Plan</b></li> <li>4. <b>Outstanding Rates and Charges</b></li> <li>5. <b>Election Period Matters</b></li> <li>6. <b>Agenda Review (September Council Meeting)</b></li> </ol>		
<b>ATTENDEES</b>			
Councillors	Mayor Cr Tanya Kehoe Cr Ron Eason Cr Robert Vance		Cr Damian Ferrari (3.35pm) 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) Jane Bowker (EA to CEO and Councillors) – Support Martin Walmsley (Manager Community Wellbeing) – Item 1 Ray Davies (Manager Economic Development and Tourism) – Item 2 Ed Riley (Strategic Planning Officer) – Item 3 Damien Day (Project Coordinator) – Item 3 Kate Joss (Strategic Planner – Place Making Facilitator) – Item 3 April Ure (Property Revenue Officer) – Item 4		
Visitors	Sandy Watkins and Garry Wilson (Beaufort Friends of the Pool) – Item 1		
<b>CONFLICT OF INTEREST DISCLOSURES</b>			
Item No:	Councillor making disclosure	Particulars of disclosure	Councillor/ Officer left meeting
6: Agenda Review	Cr Ron Eason	Declared an interest in the report being presented to the September Council meeting around Planning Permit Application PA2954/20 – Liquor Licence at 29 Brooke St, Moonambel	Left - 4.25pm  Returned – 4.30pm
6: Agenda Review	CEO Jim Nolan	Declared an interest in the report being presented to the September Council meeting around Contract 2020/033 – Services associated with the sale of land in Correa Park	Left - 4.50pm  Returned 5.00pm

**CR CLARK / CR VANCE**

That the items for noting be received.

**CARRIED**

## 13. ITEMS FOR DECISION

### ECONOMIC DEVELOPMENT AND TOURISM

#### 13.1 SPONSORSHIP REQUEST – AVOCA RACES

**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:** 32/13/06

#### PURPOSE

The purpose of this report is to seek Council approval of a request for sponsorship by Avoca Shire Turf Club

#### BACKGROUND

Council received a report in September regarding a request for sponsorship from the Avoca Shire Turf Club.

The ASTC are seeking a three year sponsorship commitment from Council of between \$2,000- and \$3,000 annually or up to \$9,000- over three years.

Due to the impending Council election at the time of receiving the request Council passed the following motion at the September Council:-

1. That Council denies the sponsorship request by the Avoca Turf Club for their 2020 Avoca Cup event due to the event being scheduled during the Election (Caretaker) Period;
2. That officers communicate the reasons for the Council decision; and
3. The matter of support for the Avoca Turf Club be referred for further consideration by the newly elected Council.

Races have been hosted at the Avoca racecourse since 1857. Currently there are two meetings per year, comprising a race day in March and the more renowned and long standing Avoca Cup held on the third Saturday of October each year.

Council has supported the ASTC with sponsorship for its race meetings for many years.

During the past seven years Council sponsorship for the races has fluctuated between \$2,000 and \$4,000- (plus GST) per year.

At the time of receiving the latest request from ASTC Australia is suffering the effects of the global Coronavirus pandemic. Victoria is in a State of Emergency with bans on mass gatherings which currently excludes crowds from attending events.

Racing Victoria is continuing to conduct races throughout the State without crowds at this time.

The Avoca Cup normally attracts a crowd of between five and six thousand people making it one of the Shires premium events, with patrons coming from across the State, including Melbourne, Geelong and Ballarat.

In most years this results in booking of all local and some regional accommodation, increased activity by campers and RV travellers, and promotes the regions nature based and wine tourism assets.

Around 400 patrons camp at the turf club site for the races while many of the other patrons remaining in the region over the weekend and some for a number of days in the lead up to and days after the Avoca cup weekend to take in the benefits the region has to offer during mid spring.

The race event held in March attracts a smaller crowd of around 1,200 people.

The Council's latest data on tourism visits indicates that day visitors spend \$83- on average while overnight visitors spend \$109- per day. The average overnight visitor stays for three nights making an economic contribution of \$321-. The event therefore generates upwards of \$5M in economic activity and it also benefits a number of local community groups.

The ASTC is run by a volunteer committee who have a fantastic working relationship with many community groups that assist in organising and running the event. These include, Avoca Landcare Group, Natta-Bealiba Football and Netball Club, Avoca RSL, Avoca CFA, Avoca Rec Reserve Committee, Avoca Men's Shed, Amphitheatre CFA, Avoca Primary School and many more.

The club makes financial contributions to these organisations for their assistance in excess of \$10,000 each season. A volunteer team of up to 170 are also rewarded and many of these are local and regional residents.

### **ISSUE / DISCUSSION**

Council's sponsorship support over a number of years has contributed to the marketing reach and success of the event which has assisted lift the profile of the Avoca Cup, Avoca Races and the region as a desirable place to visit. This is a key function of Council's sponsorship fund and consistent with the objectives of the Economic Development and Tourism Strategy's.

With the Avoca Cup having such a strong presence in Country Racing Victoria's spring racing season, and the degree of economic activity generated, the sponsorship support by Council is considered to be well justified.

Should Council approve this request then these funds will be used for marketing purposes to continue to engage with regular attendees of the event and to attract new patrons to the event once mass gatherings are able to resume. This support will assist ASTC retain the connection it has with its clientele through the use of social media and circulation of Electronic Direct Mail to its database of clients. The races are also broadcast on the Sky television network.

Although crowds may not be able to attend the races for some time due to the current health pandemic, providing Council sponsorship will support marketing campaigns which engage supporters of ASTC and therefore provide an opportunity for future events to be well attended once pandemic restrictions are lifted, so the economic benefits can once again be shared with local tourism and hospitality businesses, plus local community groups.

Council's sponsorship approval policy requires decisions on applications of more than \$2000- (plus GST) to rest with Council.

Council's Tourism Strategy includes as a strategic objective to continue to provide event sponsorship for events that promote visitation to the region and to assist build awareness and profile of the Pyrenees.

### **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.

5.4 - Increase the visitor economy by implementing the Pyrenees Shire Council Tourism Strategy.

### **ATTACHMENTS**

Nil

### **FINANCIAL / RISK IMPLICATIONS**

The ASTC sponsorship application is for support of up to \$3,000 (plus GST) per annum over a three year term.

### **CONCLUSION**

The race events hosted by ASTC have brought excellent benefits to the regions tourism industry and local community groups.

In this context continuing sponsorship support by Council is considered to be warranted for an amount of \$2,500- (plus GST) per annum over a three year period, culminating in overall support of \$7,500- (plus GST).

### **CR VANCE / CR EASON**

That Council approves sponsorship of the Avoca Shire Turf Club race events for an amount of \$2,500- (plus GST) per annum over a three year term.

**CARRIED**



## ASSET AND DEVELOPMENT SERVICES – PLANNING AND DEVELOPMENT

### 13.2 PA2932/20 DOG KEEPING AND RE-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 the Use and development of land for Racing Dog Husbandry (keeping and training) for eight (80 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.

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 - Planning Considerations - Section 60 of the *Planning and Environment Act 1987* assessment (*circulated separately*)

13.2.3 - Copy of Submissions (*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.

### Endorsed Plans

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

### Buildings and works

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

#### **Layout not to be altered**

4. The proposed use and development as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.

#### **Easements**

5. 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.

#### **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.

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

11. 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.
12. This permit allows the keeping of greyhounds only.

#### **Fencing**

13. 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.
14. 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**

15. 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.
16. 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**

17. 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**

18. 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.

19. All dog waste must be regularly collected and disposed of to the satisfaction of the responsible authority.
20. All wastewater 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.
21. Waste disposal must not occur by way of incineration.
22. 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**

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

### **Registration of operator**

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

### **General amenity**

25. 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***

26. Appropriate ventilation must be provided in all dog keeping facilities, with appropriate noise abatement measures, to the satisfaction of the responsible authority.
27. Offensive odours must not be discharged beyond the boundaries of the premises.
28. 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).
29. Any outside feeding of Racing Dogs must be in secure location between the hours of 7.00am and 6.00pm.
30. Any outside training of Racing Dogs must be in a secure location during daylight hours.
31. 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**

32. 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.

**CR EASON / CR CLARK**

That Council lay the decision on the table.

**CARRIED**

### 13.3 PA2960/20 SINGLE DWELLING – MENA PARK

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 713061910

#### **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 PA2960/20 for the Use and development of a single dwelling at Lot 1 on Title Plan 515915P (Vol: 08205, Fol: 927), Beaufort-Carngham Road, Mena Park VIC 3373.

#### **BACKGROUND**

Council has received a planning permit application, seeking permission for the use and development of a single dwelling. The proposed dwelling contains three bedrooms, a kitchen, lounge room, laundry, bathroom and deck area.

The site falls within the Farming Zone and no overlays apply.

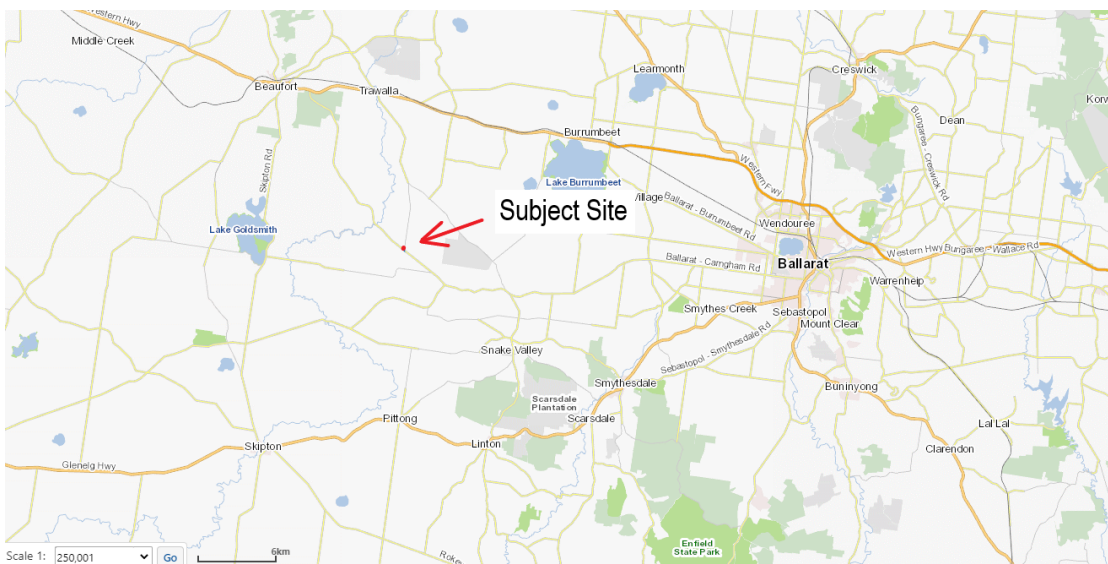
The proposed use and development is subject to a planning permit in accordance with Clause 35.07 of the Pyrenees Planning Scheme, which specifically requires that the development of all dwellings on lots less than 80ha must be treated as a Section 2 use (permit required).

#### Site and surrounding context

Location:	Lot 1 on Title Plan 515915P (Vol: 08205, Fol: 927), Beaufort-Carngham Road, Mena Park VIC 3373
Area:	5,040 square metres (0.5ha)
Current use:	Fenced and capable of accommodating livestock (subject to water).
Existing Structures:	The site is clear of any buildings or structures and currently fenced for stock
Access:	The site has road frontage along the southern boundary (Beaufort Carngham Road) and the eastern boundary (Trawalla Road). The application proposes the primary access to the dwelling via Trawalla Road.
Other:	All lots surrounding the site (>10km radius) are zoned for Farming and currently used for a range of agricultural activities, including cropping, grazing, market gardens and some remnant plantation timber.



**Figure 2: Site context map showing the subject site in red (Spectrum Spatial, 2020)**



**Figure 3: Locality context map showing the subject site in red (Vicplan, DELWP, 2020)**

## REFERRALS AND NOTICE

Under Section 52 of the *Planning & Environment Act 1987* (The **Act**), notice was sent to seven (7) adjoining landowners. Public notice was also provided through Council's website.

The application was subject to an internal referral to Council's Environmental Health Department, who do not oppose the proposed development subject to conditions.

The application was referred under Section 55 of the Act to Regional Roads Victoria. Regional Roads Victoria have provided consent to the granting of a planning permit with no comments or conditions.

## 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 a written statement from the applicant which explains how the proposed dwelling responds to the decision guidelines for dwellings on the zone, and detailed plans to enable further assessment.

### **ISSUE / DISCUSSION**

State and Local Planning Policy emphasises the importance of protecting viable agricultural land from fragmentation and dispersed urban activities (including small lot residential development). It also seeks to ensure that agricultural and productive rural land use activities are managed for long-term sustainable outcomes, whilst supporting and encouraging the diversification of the agriculture base.

The application submitted to Council, seeks to justify the need for a dwelling to “provide additional accommodation for people working on local farms”. It should be noted that the townships of Beaufort and Snake Valley are within 20km of the subject site, where there is ample opportunity for residential development that can support the agricultural workforce.

Local policy states that *extensive small lot rural development is considered to be unsuitable particularly where this involves the construction of a house and associated facilities and is likely to result in adverse environmental, economic and social impacts. There is no demonstrated community need for extensive small lot settlement in these areas. In this regard, ad hoc and piece-meal development of these areas for small lot rural purposes is likely to result in unacceptable levels of land use conflict and misuse of land* (Clause 21.05-6).

The scheme requires Council to avoid and minimise amenity conflicts between adjoining land uses where possible. The site subject to this application is within an area of established agriculture production, and the proposed residential development, that has no demonstrated linkages to the surrounding industry, will result in an amenity and land use conflict.

Clause 21.05-1 of the scheme identifies that patterns of residential development in rural areas cause serious planning issues including the destabilisation of agricultural land values. The policy seeks to limit the opportunity for small lot rural excisions and discourage non-agricultural use and development in rural areas.

In instances where lots are less than 80ha, such as this matter, the Farming Zone allows for permit applications to be made (section 2 use), however the application must demonstrate how the proposed use and development (single dwelling) meets the objectives of the zone. In the case of this application, the applicant has not satisfactorily addressed the relevant decision guidelines.

### **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 PA2960/20 (*circulated separately*)

13.3.2 - 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

An application to use the lot must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone. The application has failed to demonstrate how the proposed use and development can be undertaken without having an impact on agricultural production and how the use will not present a conflict with surrounding land uses.

Despite a request for further information being made to the applicant, the application fails to satisfactorily respond to the decision guidelines of the Zone.

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 Planning Policy Framework does not support the application for the use and development of a single dwelling at Lot 1 on Title Plan 515915P (Vol: 08205, Fol: 927), Beaufort-Carngham Road, Mena Park VIC 3373, as it would produce planning outcomes that are inconsistent with the objectives and strategies of the Pyrenees Planning Scheme.

## CR EASON / CR CLARK

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 Lot 1 on Title Plan 515915P (Vol: 08205, Fol: 927), Beaufort-Carngham Road, Mena Park VIC 3373 for the following reasons:
  - a) The proposed use and development is not supported by State planning policy objectives and strategies which relate to the protection of agricultural land, land use compatibility and amenity. Specifically, Clause 14.01-1S *Protection of Agricultural Land* due to:
    - i. the incompatibility between the proposed use and development and the use of surrounding land;
    - ii. the non-agricultural use will cause a permanent loss of agricultural land; and
    - iii. The failure to prevent dispersed urban activities in rural areas
  - b) The proposed use and development does not comply with Clause 35.07 – *Farming Zone*.
  - c) The proposed use and development is not supported by local policy objectives as described within the *Pyrenees Planning Scheme*.

**CARRIED**

### **13.4 PA2984/20 SINGLE DWELLING, CAMPING AND CARAVAN PARK - LAMPLOUGH**

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 319052700

#### **PURPOSE**

The purpose of this report is to provide Council with information on the state and local planning policy that is relevant to deciding on Planning Permit Application PA2984/20 for the Use and development of land for a single dwelling, camping and caravan park (cabins) and associated outbuildings (Staged) and access to a Road Zone Category 1 at Sunraysia Highway, Lamplough being Lot 7 on Plan of Subdivision 112639 (Vol: 09086, Fol: 932).

#### **BACKGROUND**

Council has received an application for a planning permit for the Use and development of land for a single dwelling, camping and caravan park (three cabins) and associated outbuildings, 3.5km south of Avoca.

The applicant intends to deliver a staged project that will include the establishment of a garlic and lavender farm with sheep grazing, a new two bedroom dwelling, domestic shed and three accommodation cabins.

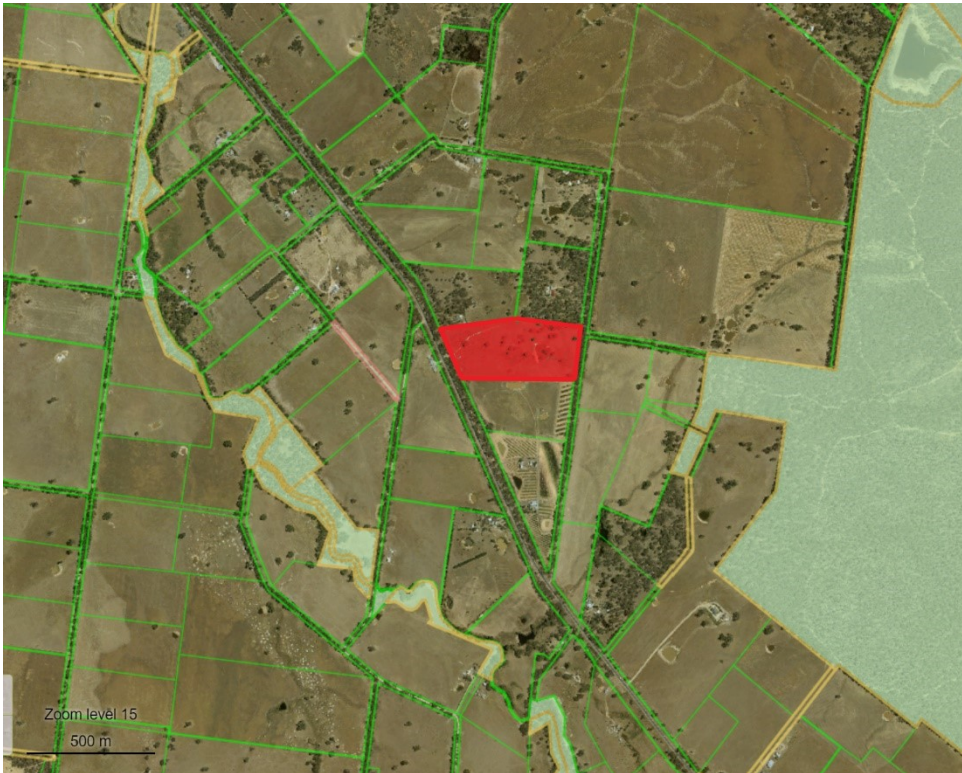
The accommodation cabins will be managed independent of the farming activities and intends to focus on tourism.

The land is subject to the Farming Zone and Restructure Overlay - Schedule 10 (Avoca Environs) and as such the proposed use and development requires a planning permit, in accordance with clauses:

- Clause 35.07 – Farming Zone
- Clause 45.05 – Restructure Overlay

#### Site and surrounding context

Location:	Lot 7 on Plan of Subdivision 112639 (Vol: 09086, Fol: 932) Sunraysia Highway, Lamplough
Area:	10.49 hectares
Current Use:	Vacant Grazing Land
Access:	Access to be constructed off the Sunraysia Highway
Other:	The site contains two water courses and a dam



**Figure 4: Site context plan showing subject site in red (Spectrum Spatial 2020)**

## **REFERRALS AND NOTICE**

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

Council referred the application to Regional Roads Victoria under section 55 of the *Planning & Environment Act 1987*. At the time of writing this report, Regional Roads Victoria had not provided a response.

The application was also subject to an internal referral to Council’s Environmental Health Department, who do not oppose the proposed development, subject to conditions.

## **SUBMISSIONS**

Two submissions were received which are summarised below:

### **Submission 1**

- 1.1 Lost appeal to potential future buyers (devaluation)*
- 1.2 Submitter’s dog may bark due to increased activity on neighbouring site*
- 1.3 Perceived loss of view*
- 1.4 Concerns that the use of Mitchell Road will have an impact on its condition*
- 1.5 Concerned that the proposed sheep grazing will be noisy and smelly*

### **Officer response to submission 1**

#### Lost appeal to potential future buyers (devaluation)

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 cannot consider “property devaluation” in the assessment of this application.

Submitter’s dog may bark due to increased activity on neighbouring site

The management and care of an animal rests with the owner, and it is up to the owner of that animal to ensure that it is contained and controlled appropriately. Neighbouring land users have a right to use and develop their property in accordance with the Pyrenees Planning Scheme, and as such, consideration cannot be given to this element of the submission.

Perceived loss of view

The subject site slightly slopes towards the south-west corner of the lot (see figure 2 below). The proposed dwelling is appropriately set back from the property boundaries and is not located at the highest point of the lot. It is therefore unreasonable to expect there to be impacts on view lines.

Further, VCAT reference *Tashounidis v Shire of Flinders & Others* [1 AATR 116] (1987), and more recently, *J Healy & Other v Surf Coast SC* (13 May 2005), objections stating ‘loss of views’ cannot be considered as there are “no legal right[s] to a view” and that “the availability of views must be considered in the light of what constitutes a reasonable sharing of these views” (Senior Member Marsden).

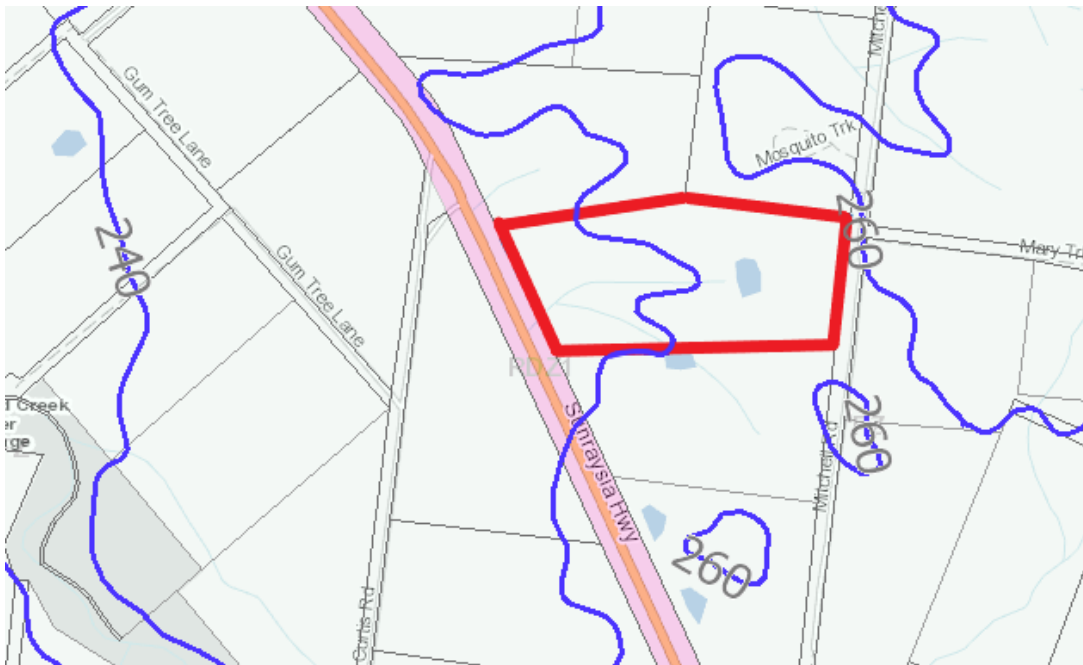


Figure 2: Contours (ten metre contour) shown in site context (subject site in red) (Vicplan (DELWP))

Concerns that the use of Mitchell Road will have an impact on its condition

Mitchell Road is on Council’s Road Register and is maintained and managed by Council. The road is a publically gazetted road and accessible for public use.

Concerned that the proposed sheep grazing will be noisy and smelly

The subject site and surrounding land is within the Farming Zone, which identifies agriculture (including the keeping of farm animals) as a Section 1 use (no permit required). Animal keeping is an acceptable land use and is ‘as of right’.

**Submission 2:**

*2.1 Concern that dogs kept at or visiting the subject site, may chase sheep through fences, onto roads and maul neighbouring stock.*

*2.2 Bushfire hazard/campfires/ open cooking facilities associated with a caravan and camping park and the possible use of neighbouring dam water for firefighting efforts.*



2.3 Transient seasonal workers, gold detectors that enter private property, excavation danger to livestock, thieves and rustlers.

2.4 Traffic management, Sunraysia Highway only being a single lane with high volumes of trucks, harvesters etc, egress and ingress to the site, Vicroads would need to be consulted due to this point.

### Officer response to submission 2

Concern that dogs kept at or visiting the subject site, may chase sheep through fences, onto roads and maul neighbouring stock.

The management and care of an animal rests with the owner, and it is up to the owner of that animal to ensure that it is contained and controlled appropriately, and as such, consideration can not be given to this element of the submission.

Bushfire hazard/campfires/ open cooking facilities associated with a caravan and camping park and the possible use of neighbouring dam water for firefighting efforts.

The proposed used and development, although being assessed as a caravan park, in accordance with the Pyrenees Planning Scheme, is not a camping and caravan park. The proposed use is limited as per the description provided in the ‘background’ section of this report, and does not propose any outdoor cooking facilities.

The site is not subject to the Bushfire Management Overlay; however the proposed dwelling is required to be connected to a water supply with adequate storage for domestic use as well as for firefighting purposes.

Transient seasonal workers, gold detectors that enter private property, excavation danger to livestock, thieves and rustlers.

Nothing in the application identifies the ‘type’ of visitation that the operators may seek to attract. The concerns raised cannot be considered in the assessment of this application and are matters for Victoria Police to respond to as required.

Traffic management, Sunraysia Highway only being a single lane with high volumes of trucks, harvesters etc, egress and ingress to the site. VicRoads would need to be consulted due to this point.

The application was referred under Section 55 of the Act to Regional Roads Victoria in their capacity as determining authority for Road Zone Category 1 (significant roads). An access crossover from the Sunraysia Highway will require Regional Roads Victoria approval.

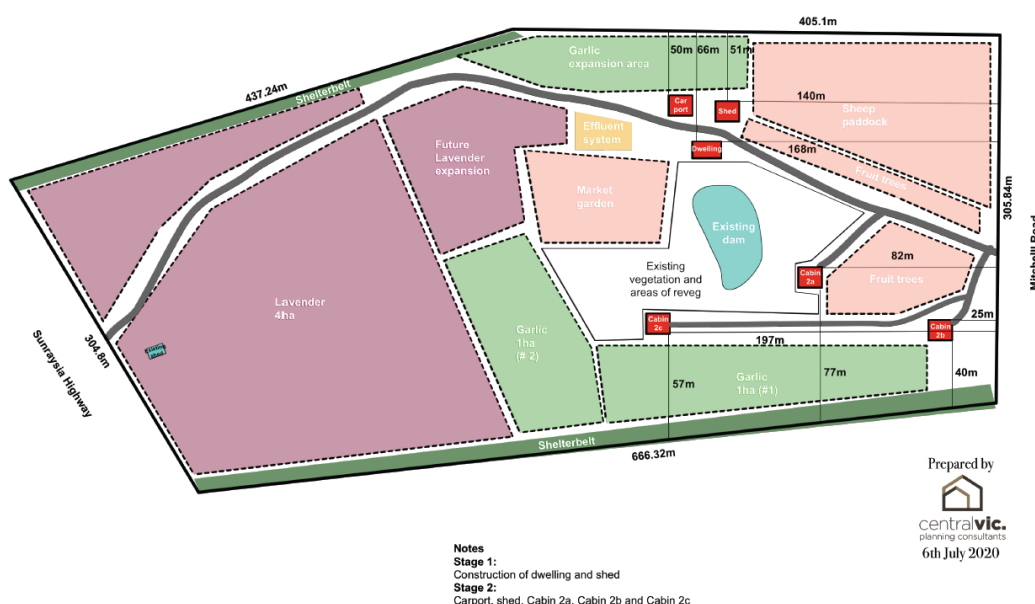


Figure 3: Farm plan (Central Vic Planning Consultants)

## **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 Planning Policy Framework and the *Planning and Environment Act 1987* seek to protect and enhance environmental values whilst mitigating risks resulting from the inappropriate use and development of land. It also seeks to ensure that agricultural and productive rural land use activities are managed for long-term sustainable outcomes, whilst also supporting and encouraging the diversification of the agriculture base.

The proposed use and development provides for the use of land for agriculture and ensures that non-agricultural uses do not adversely affect the use of land, in accordance with the zone. Further, the proposed use and development will support and enhance sustainable agricultural production at the site.

The proposal seeks to intensify agricultural activities by committing 93% of the total site to the production of lavender and garlic, and sheep grazing.

With the site being 3.5km south of Avoca, the proposed use and development will support the emerging tourism needs of the area in accordance with the local policy (21.06-2). State policy encourages the promotion of tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions. This includes the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities

The site is subject to the Restructure Overlay that encourages the protection and enhancement of the natural environment and the character of the area. The application proposes to protect existing vegetation and preserve the natural environment through siting and design.

The development has been designed to minimise visual impacts on the surrounding natural landscape. This has been achieved through the use of small and non-obtrusive structures that have been appropriately sited.

The proposed use and development has been assessed as a camping and caravan park in accordance with the planning scheme due to the land use definitions and the way in which the scheme describes and categorises certain activities. However, the accommodation elements of the proposed use are limited to three tourist accommodation cabins.

## **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**

13.4.1 - Planning Permit Application PA2984/20 (*circulated separately*)

13.4.2 - Planning Considerations – Section 60 of the *Planning & Environment Act 1987* assessment (*circulated separately*)

13.4.3 - Copy of Submissions (*circulated separately*)

## **FINANCIAL / RISK IMPLICATIONS**

The area of settlement is currently serviced by Council in the form of road maintenance and rubbish collection. Council will not incur any further service delivery costs through the supporting of this application.

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 satisfactorily demonstrates how the proposed use and development accords with the purpose and decision guidelines of the Farming Zone and Restructure Overlay. Further, it seeks to support state and local policy objectives that encourage tourism and visitation to rural areas.

It is the assessing officer's opinion that the proposed use and development is a good planning outcome for the shire as it will enhance agricultural productivity, diversity and tourism.

## **CR CLARK / CR EASON**

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 a single dwelling, camping and caravan park (cabins) and associated outbuildings (Staged) at Sunraysia Highway, Lamplough being Lot 7 on Plan of Subdivision 112639 (Vol: 09086, Fol: 932) subject to the following conditions:

### **Staging**

1. Prior to the endorsement of plans for stage 1, staging plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the staging plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted to Council as part of the planning permit application.
2. Before the use & development of Stage 2 commences, 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. These will not be endorsed until the agricultural activity has commenced to the satisfaction of the Responsible Authority.

### **Building and works**

3. The layout of the site and size of the development hereby permitted must be generally in accordance with the plans submitted with the application and endorsed by the Responsible Authority.

### **Construction Waste**

4. The applicant shall be responsible for the control of construction waste during construction and its removal upon completion and the reinstatement of damaged areas about the site to the satisfaction of the Responsible Authority.

### **Easements**

5. 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.

### **Storm water management**

6. No storm water from the development shall drain or discharge from the land to water ways or adjoining properties, without the prior approval of the Responsible Authority.

### **Vehicle Access (to Regional Roads Victoria standard)**

7. A Road Excavation Permit will be required for any works to install or upgrade a driveway
8. Vehicle access to the proposed development shall be constructed at an approved location to the satisfaction of the Responsible Authority.
9. All vehicle access works shall be completed to the satisfaction of the Responsible Authority prior to the development hereby approved commencing

**Note:** Please contact Council's Engineering Department as the construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Road Excavation Permit (which includes a driveway and new crossover), or other approval to be obtained from the Pyrenees Shire Council. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc. or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Pyrenees Shire Council development requirements.

### **Environmental Health Department**

10. All wastewater from proposed dwelling/lots must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements.
11. The area set aside for the disposal of waste referred to in this permit shall not be developed by the erection of buildings or the construction of hard standing surfaces.
12. Prior to their occupation, the building or buildings allowed by this permit must be connected to a sewerage disposal system as approved by the Responsible Authority.
13. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).

### **Services**

14. The dwelling hereby permitted shall not be occupied until such time as it is:
  - a) Connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes
  - b) Connected to reticulated electricity services (or an alternative electricity supply approved by the responsible authority);
  - c) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the dwelling site.
  - d) Connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

All service works must be completed to the satisfaction of the responsible authority, prior to the occupation of the dwelling.

### **Vegetation protection works**

15. The following vegetation protection works shall be undertaken during site construction including:
  - a) No stockpiling around the base of any vegetation;
  - b) No excavation works shall be carried out within the drip line of any tree canopy;
  - c) No damaging roots greater than 50mm in diameter;
16. Weeds around the construction area are to be removed and controlled.
17. All vegetation protection works shall be undertaken to the satisfaction of the Responsible Authority.
18. No trees are permitted to be removed from within the development area without the further approval of the Responsible Authority.

### **Time for starting and completion**

19. This permit will expire if one of the following circumstances applies:
  - a) The development and use is/are not started within two years of the date of this permit (Stage 1- Dwelling)
  - b) The development and use is/are not started within four years of the date of this permit (Stage 2 – Cabins)
  - c) The development is not completed within six years of the date of this permit.

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 Responsible Authority may extend the timeframe for completing the development (or any stage of it) 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.

### **Permit Notes**

#### Building approval

- a) All building works associated with this development must be in accordance with the Building Act 1993 and Building Regulations 2018.

#### Effluent Disposal Permit

- a) A separate permit must be obtained from Council's Environmental Health Department prior to the installation of any effluent disposal system for either the dwelling and or the cabins. A land capability assessment may need to accompany these applications.

**CARRIED**

### **13.5 BEAUFORT ROTARY CLUB SERVICE SIGN PROPOSAL**

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 36/16/04

#### **PURPOSE**

The purpose of this report is to provide Council with information regarding a signage installation project that has been proposed by the Rotary Club of Beaufort; and to seek confirmation that Council will give further consideration to the final design and placement of the proposed signage, following the confirmation of design.

#### **BACKGROUND**

Council has received an application from the Beaufort Rotary Club (Rotary), seeking consent to install two new Service Club signage boards, within the public realm, at the eastern and western town entrances of Beaufort.

The proposed sign design features an art easel, with service clubs being identified on what would be the 'canvas' area of the easel. The proposed sign is 4.66 meters high and 3.6 meters wide and would replace the two existing service club signage structures.

The design also features the text "Beaufort – The "ART" of the PYRENEES" and proposes to advertise a range of clubs and organisations that operate within Beaufort.

The scale and proposed location of the signs trigger a range of approvals which require consideration to be given to the following:

- The requirement for a planning permit and consideration of relevant decision guidelines and policy
- Other council permits and approvals, including public land manager consent
- Regional Roads Victoria signage requirements
- Public notification, engagement and collaboration
- The definition of a 'service club' and representation of other clubs/community groups

Funding for the project has been provided by the Beaufort Bendigo Community Bank community grants program and is subject to a funding agreement.

Council has been working with Rotary to support an improved design that addresses the above considerations and demonstrates a high quality, professionally designed product that has a positive visual impact on Beaufort's town entrances.

#### **ISSUE / DISCUSSION**

Rotary have expressed a commitment to the original signage design and are eager to progress communication of the concept to the broader community. Council understands that the eagerness to proceed with the initial proposal, relates to the funding agreement and expenditure timelines.

Informal enquiries with the funding body have been made by council officers, where it has been indicated that a funding agreement variation and time extension would be reasonable in this instance.

Despite the sign being intended to advertise and promote service clubs, the proposed text implies linkages to other groups and interests within the Beaufort township and broader municipality. It is important to ensure that advertising text and slogans do not impact other groups and organisations, or falsely imply ownership over unrelated activities.

Council has engaged a graphic design company to facilitate the development of an improved signage concept that gives regard to the following elements:

- Layout, including the even and consistent representation of participating service clubs;
- Text selection and placement
- Design appropriateness to site and surrounding context

### **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**

13.5.1 - Rotary Club of Beaufort signage concept (*circulated separately*)

13.5.2 - Rotary Club of Beaufort signage proposal (*circulated separately*)

13.5.3 - Rotary Club of Beaufort signage engineering specifications (*circulated separately*)

13.5.4 - Alternative design options (*circulated separately*)

### **FINANCIAL / RISK IMPLICATIONS**

No financial risk to Council.

A potential need for Rotary to seek a 'grant variation' and extension of time from the funding body

### **CONCLUSION**

Council is confident that a design can be developed that represents the intentions and needs of Rotary, whilst satisfying the approval requirements described in this report; and looks forward to continuing to work with Rotary on this project.

### **CR VANCE / CR KEHOE**

That Council:

1. Acknowledges the efforts of the Beaufort Rotary Club in seeking funding to replace the Service Club signage at Beaufort's town entrances;
2. Supports officers to continue working with Beaufort Rotary Club to refine the design to address the key issues raised in this report;
3. Supports officers to develop a working relationship with funding bodies, including the Beaufort Community Bank, to ensure that landowner/manager consent becomes a criteria requirement of any future funding applications; and
4. Requires officers to bring a further report to Council, seeking endorsement of the location and design of a new Service Club sign within the public realm, subject to recommendation 2.

**CARRIED**

### **13.6 WINDFARMS COMPLAINTS MANAGEMENT PROCEDURE**

**Katie Gleisner – Manager Planning and Development**

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

**File No:** 66/22/20

#### **PURPOSE**

The purpose of this report is to seek Council's adoption of a Windfarm Noise Complaint Management Procedure.

#### **BACKGROUND**

Due to the number of windfarm projects within the shire, it is in the interest of Council and the community to have a confirmed and consistent approach to the way in which Council responds to complaints received regarding windfarms.

Complaints relating to wind energy facilities are typically investigated in accordance with either the Public Health and Well Being Act 2008 or the Planning and Environment Act 1987 (planning permit conditions).

#### **ISSUE / DISCUSSION**

Policies have been prepared to provide clear understanding to all interested parties on how council will respond to complaints relating to wind energy facilities.

The policies clarify the roles and responsibilities of complainants, proponents/operators and council officers, whilst having regard to relevant legislation, including the *Public Health and Wellbeing Act 2008* and the *Planning and Environment Act 1987*.

The *Environment Protection Act 2017*, which is expected to come into effect on 1 July 2021, introduces the new "General Environmental Duty" and the "Unreasonable Noise" provisions which will apply to wind energy facility operators. The EPA will be responsible for enforcement of these provisions, and as such, the procedures proposed in this report will be amended accordingly.

#### **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.

5.7 - Develop and enforce appropriate Local Laws and policies to protect amenity and environmental values which are reflective of community expectations.

#### **ATTACHMENTS**

13.6.1 - Procedure - Windfarm Complaint Management Procedure (*circulated separately*)

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

Nil

#### **CONCLUSION**

The Windfarm Complaint Management Procedure should be adopted to support council officers in responding to complaints, and to provide process clarity to the community, complainants, proponents and operators.



**CR KEHOE / CR EASON**

That Council adopts the Windfarm Complaints Management Procedure.

**CARRIED**

*Cr Kehoe declared an 'Interest held in Common' as she lives in the vicinity of the Stockyard Hill Wind Farm*

## **ASSET AND DEVELOPMENT SERVICES**

### **13.7 CROSS OVER / ROAD EXCAVATION PERMIT FEES**

**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:** 32/08/02 and 58/02/02

#### **PURPOSE**

The purpose of this report is for Council to assess the current charges associated with new cross over installations and consider whether to have a single standard fee regardless of the road speed limit.

#### **BACKGROUND**

It was brought to Council's attention earlier this year that some community members had raised concerns with the fees associated with cross over permits. A cross over permit is typically for the installation of a driveway in the road reserve managed by Council. The intention is to ensure that through inspections and approval of any design plans that any new construction complies with the infrastructure design manual and does not have an adverse impact on roadside drainage, native vegetation or roadside safety.

Council currently utilises fees set by the State Government and are shown in the Road Management Regulations. Currently there are different fees for cross over/road excavation permits depending upon the speed limit that applies to the locality. Currently for works with a speed limit greater than 50km the fee associated is \$638.31 and for works in a 50km zone the fee is \$348.04.

#### **ISSUE / DISCUSSION**

The differential fees are to cover the cost of inspections and officer time associated with assessing an application for a cross over permit. There are additional considerations to assess in higher speed zones to ensure the safety of road users. However, considering the concerns that have been raised regarding the cost of fees, Council officers are prepared to put forward an internal recommendation that the lower fee apply in all circumstances.

There are some circumstances where multiple cross overs may be requested. Council officers currently use their discretion to assess whether multiple cross overs are in close proximity that only one fee would apply.

#### **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**

Council officers have assessed what the impacts of a lower fee may have on Council's budget. In any given year there would be approximately 10 applications for cross over permits in a 100km speed zone. Therefore, the impact on Councils budgets could be up to \$3,000 per year.

## **CONCLUSION**

It is important that cross over permits are utilised by the community to ensure appropriate cross overs are put in place and to ensure the safety of all road users. Fees associated with permit applications should reflect the officer time involved to undertake the assessment.

## **CR EASON / CR VANCE**

That Council adopts a single fee for major works in a road reserve for any given speed limit, being the lower fee listed in the road management regulations of 23.5 fee units which currently equals \$348.04.

**CARRIED**

## **CORPORATE AND COMMUNITY SERVICES**

### **13.8 QUARTERLY FINANCE REPORT – Q1 JULY TO SEPTEMBER 2020**

**James Hogan – Manager Finance**

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

**File No:** 32/08/18

#### **PURPOSE**

The purpose of this report is to provide Council with an update of the operating and capital financial performance for the three months from 1 July to 30 September 2020. The report compares the current budget against year-to-date actuals for each operating program and for all capital works in the 2020/21 financial year to-date.

#### **BACKGROUND**

Council adopted the budget for the 2020/21 financial year at its meeting on 21 July 2020. The budget was adopted based on projected completion of projects and capital works at 30 June 2020 and information available at that time.

Council, at the 15 September 2020 Council meeting, considered a report on the 2019/20 year-end financial position. At this meeting Council approved the carryover of certain projects that remained incomplete as at 30 June 2020. Council also endorsed the funding of \$555,000 in projects from the working capital surplus during this meeting. These projects have now been added to the original budget amounts to form the amended budget.

In addition to these projects Council has also been notified of successful grant applications for the following fully funded projects which were not included in Council's 2020/21 Budget but have been incorporated into the amended budget.

- Rural Council ICT Infrastructure Support Program (\$98.5K)
- Local Roads and Community Infrastructure Program (\$1,395K)
- Working for Victoria Program (\$283K)
- COVID Outdoor Eating & Dining (\$250K)
- Beaufort New Practice Nets & Storage Shed (\$165K)

It is the amended budget amounts that this report, and future reports, will be using for comparison purposes.

#### **ISSUE / DISCUSSION**

The financial reports are prepared in consultation with the senior leadership team.

The attached financial report comprises of the following sections:

- Working capital report
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Summary Operating Results by Service Unit
- Detailed Operating Results by Service Unit
- Capital & Projects Report

The operating results show variations against the amended budget.

### **Working capital result**

At this stage of the financial year Council's overall financial result is showing a projected working capital surplus of \$1.693m as at 30 June 2021.

From this surplus, it is usual practice to reserve \$800,000 in case of a call from the defined benefits superannuation scheme or in the event of unexpected expenditure such as a natural disaster, leaving a projected surplus of \$893,000 for the 2020/21 financial year.

### **Income Statement**

Total YTD income is \$710,000 lower than YTD budget. This variance is driven primarily by timing differences in the receipt of grants.

Total YTD expenditure is \$647,000 lower than YTD budget. This variance is primarily due to timing differences in the payment of expenditure.

The Original Budget shows a deficit of \$698,000 and the Current Budget shows a surplus of \$1,165,000. The movement primarily relates to carried forward capital grants.

### **Major (Capital) projects**

Capital expenditure YTD is 10.1% of the full year budget. This variance is driven by:

- Seasonal spend patterns
- Projects pending government grants

### **Balance Sheet**

#### **Assets:**

- Cash and investments at 30<sup>th</sup> September 2020 total \$11.72 million which include \$2.4 million for the Long Service Leave and Annual Leave provisions.
- Trade debtors (receivables) are \$9.546 million which includes outstanding rates from prior years, current year rates and other miscellaneous debtors. Rates are invoiced in August but not generally received as lump sums.

#### **Liabilities:**

- Creditors balance is \$3,503,000
- Loan Liability at 30<sup>th</sup> September is nil
- Employee provisions are \$2.4 million

### **Cash Flow**

- Cash and investments at 30<sup>th</sup> September 2020 total \$11.72 million which include \$2.4 million for the Long Service Leave and Annual Leave provisions.

## **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**

13.8.1 - Q1 Jul-Sep 2020 Quarterly Finance Report (*circulated separately*)

## **FINANCIAL/RISK IMPLICATIONS**

All financial implications have been dealt with in the report.

## **CONCLUSION**

The finance report for the period 1 July to 30 September 2020 was developed in consultation with the Senior Leadership Team. At this stage of the financial year Council's overall financial result is projected to be a net working capital surplus of \$556,000 as at 30<sup>th</sup> June 2021.

## **CR CLARK / CR KEHOE**

That Council receives the Finance Report for the period 1<sup>st</sup> July to 30<sup>th</sup> September 2020.

**CARRIED**

### **13.9 COUNCILLOR REMUNERATION**

**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:** 18/02/02

#### **PURPOSE**

The purpose of this report is for Council to consider the setting of Councillor allowances for the next four years.

#### **BACKGROUND**

Section 39 of the *Local Government Act 2020* provides that Mayors and Councillors are entitled to receive an allowance while performing their duty as an elected official. The Victorian Government sets the upper and lower levels for allowances paid to councillors.

Despite the repeal of sections 73 and 74 of the *Local Government Act 1989*, this section continues to apply in respect of allowances payable to Mayors and Councillors until the first Determination is made by the Victorian Independent Remuneration Tribunal, under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, which has not yet been made. Allowances payable to Councillors are currently determined by councils in accordance with limits set by the Victorian Government.

Section 74 of the *Local Government Act 1989* requires councils to review allowance levels by 30 June in the year following a general election and the allowance level determined remains in effect for the full term of the Council.

Allowances levels are subject to annual automatic adjustments that are announced in the Victorian Government Gazette by the Minister for Local Government. A Council can only undertake a further review of its allowance level during its term if:

- The limits set by the Government for any of the categories are changed,
- A council's category status was changed after an annual assessment found extraordinary movements in its population and revenue figures, or
- A council makes a successful submission to a Local Government Panel to have its category changed on the basis of an exceptional circumstances case.

Councils are divided into three categories based on the income and population of each Council. Pyrenees Shire Council is a Category 1 Council.

In addition to the annual allowances, Councillors remain entitled to be reimbursed for any necessary out-of-pocket expenses they incur while performing their duties as a councillor. Allowances are also subject to the 9.5% superannuation guarantee.

#### **ISSUE / DISCUSSION**

Following the 2020 local government general election in October 2020, it is now appropriate for Council to review its allowances for the next four years. This review will consist of Council setting an in-principle position on the level of allowances to be paid. Council will then invite public consultation under section 223 of the *Local Government Act 1989* on the proposed level of allowances to be paid.

At the end of the public consultation period, which must be a minimum of 28 days, Council will meet to hear any person who wishes to address Council on this matter and also to consider any written submissions.

Council will then formally adopt its level of allowances for the next four years. It is proposed that submissions on allowances be considered at Council's February meeting. After considering any submissions, Council will then adopt allowances for the next four years.

Pyrenees Shire Council, as a Category 1 Council, have a range of permitted allowances within the following ranges:

- Councillor: \$8,833 - \$21,049
- Mayor: up to \$62,884

Pyrenees Shire Mayor and Councillors allowances are currently paid at the maximum allowable of:

- Councillor - \$21,049 per annum
- Mayor - \$62,884 per annum

Superannuation at 9.5% is paid in addition to this.

Allowance levels are subject to annual reviews undertaken by the Minister for Local Government. The Minister for Local Government annually reviews the current amounts, limits and ranges of mayoral and councillor allowances to determine whether an 'adjustment factor' should be applied.

The Minister has conducted this review under section 73B of the *Local Government Act 1989* and determined that, this year, no adjustment to allowances will be made in respect of all councils.

In this review, the Minister had regard to the Victorian Premiers' recent decision determining a 0% adjustment to Victorian Public Service executive remuneration for the 2020/21 financial year. Councils will therefore continue to pay mayors and councillors the same allowance amounts that applied prior to the recent general election.

A copy of the letter providing this decision is attached for Council information.

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

Under s74 of the *Local Government Act 1989* Council must review its mayoral and councillor allowances within six months of a general election.

#### **ATTACHMENTS**

13.9.1 - Letter to Council CEO - Annual Adjustment of Allowances (*circulated separately*)

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

Councillor allowances have been provided for in the 2020/21 budget and all long-term financial planning.

#### **CONCLUSION**

In accordance with s74 of the *Local Government Act 1989* Council is required to review mayoral and councillor allowances by the 30<sup>th</sup> June after a general election.



## CR VANCE / CR CLARK

That Council:

1. In principle, resolves that Councillor allowances for the term of the new Council remain as in place before the general election, as follows:
  - a. That the Mayoral allowance be \$62,884 per annum plus superannuation guarantee.
  - b. That the Councillor allowance be \$21,049 per annum plus superannuation guarantee.
  - c. That allowances be adjusted annually in accordance with reviews undertaken by the Minister for Local Government.
2. Gives notice, pursuant to s223 of the *Local Government Act 1989*, of the level of allowances to be paid, and request public submissions on the level of allowances, and that submissions be received up until Friday 15<sup>th</sup> January 2021 (providing additional time for the holiday period).
3. At its first briefing scheduled in February 2021, will hear any submissions requested to be provided in person and consider submissions provided in writing.
4. At its Ordinary Meeting in February 2021, will resolve to adopt with or without amendments Councillor allowances for the next four years.

**CARRIED**

### **13.10 UNUSED ROAD – NOT REQUIRED FOR PUBLIC USE**

**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:** 30/02/08

#### **PURPOSE**

The purpose of this report is for Council to consider making a determination that a section of government road, in the township of Beaufort, is not considered to be required for public traffic and is an unused road.

#### **BACKGROUND**

Council has received a request from a property owner, seeking that Council gives notice to the Secretary of the Department of Environment Land Water and Planning, advising that the section of unused government road, North East of Crown Allotments 73B, in the parish of Trawalla, is not required for public traffic and is unused, in accordance with section 400 of the *Land Act 1958*.

The landowner has made an application to the Department of Environment Land Water and Planning, to licence the described portion of road in accordance with section 138 of the *Land Act 1958*, for the purposes of Conservation.

#### **ISSUE / DISCUSSION**

Before the Department of Environment Land Water and Planning can enter into a licence agreement over the described land, Council must have first provided notice that the road is not required for public traffic and is unused.

The portion of road is not currently on Council's road register and is not made or maintained.

The intent to licence was advertised in the Pyrenees Advocate – Public Notice on the 14<sup>th</sup> August 2020.

#### **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.

Section 400 of the Land Act 1958, provides that *"a municipal council may give notice to the Secretary that any road or part of a road which is within the municipal district of that council and which it considers is not required for public traffic is an unused road and upon the giving of any such notice any such road or part of a road specified therein shall be an unused road"*.

#### **ATTACHMENTS**

13.10.1 - Location map

13.10.2 - Evidence of public advertising of intent

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

The management responsibility that currently rests with Council will be transferred to the applicant at such time as a licence under section 138 of the Land Act is issued.

#### **CONCLUSION**

A request was received for Council to give notice advising of a section of unused government road is not required for public traffic and is unused, in accordance with section 400 of the *Land Act 1958*. It has been determined that the portion of road in question is not currently on Council's road register and is not made or maintained.

**CR EASON / CR KEHOE**

That Council authorises Council officers to give notice to the Secretary of the Department of Environment Land Water and Planning, advising that the section of unused government road, North East of Crown Allotment 73B in the parish of Trawalla, is not required for public traffic and is unused, in accordance with section 400 of the *Land Act 1958*.

**CARRIED**

### **13.11 PYRENEES SHIRE COUNCIL 2019/20 ANNUAL REPORT**

**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:** 16/20/04

#### **PURPOSE**

The purpose of this report is for Council to receive the draft Annual Report for 2019/20.

#### **BACKGROUND**

The 2019/20 Annual Report has been prepared in accordance with Section 98 of the *Local Government Act 2020* and details the operational and financial activities of Council throughout the 2019/20 financial year.

An Annual Report must contain the following:

- A report of operations of the Council
- An audited performance statement
- Audited financial statements
- A copy of the auditor's report on the performance statement
- A copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*
- Any other matters prescribed by the regulations

The Annual Report must be prepared as soon as practicable after the end of the financial year.

#### **ISSUE / DISCUSSION**

The Annual Report provides useful information to the community on Council's operations for the 2019/20 financial year, including its achievements and challenges.

The financial statements and performance statement for the 2019/20 financial year were provided to Council at their meeting in September 2020, prior to the general election. An end of financial year progress report against the Council Plan was also provided to Council at the same meeting, content of which is included as part of Council's Annual Report.

Development of the Annual Report was delayed in 2020 and the report is in its final stages of preparation. A copy of the proof document is provided to Council under separate cover and will be published on Council's website by the end of November.

As the opening statements indicate, 2019/20 has been a year of extreme change:

- A new Local Government Act was enacted, bringing increased focus on principles-based governance, collaborative engagement with our community, and much greater involvement by our residents in strategic planning for the Shire.
- Recycling uncertainties and changes occurred progressively throughout the year, culminating in the removal of glass from the normal recycling system.
- Bushfires in the Lexton area in December and January, with significant impact on our community, particularly the farming sector, with animal and property losses. Recovery support and activity was still ongoing at the end of the financial year.
- The COVID-19 Pandemic, beginning in March 2020, continues to impact all of us still – well after the end of the financial year. The Pandemic continues to distract Council officers away from their normal duties, however Council has remained willing and able to provide the same level of service provision as before the Pandemic – a great achievement both in 2019/20 and ongoing in the next financial year.

The Pandemic created many other challenges – widespread fear of catching the virus, additional stress in our private, work and social lives that were suddenly changed, a need to pull together and support each other, and not-least the challenges associated with having to embrace technology at a rate not experienced by many of us. Finding new ways to community, consult and just talk to each other without the ability to meet face-to-face. Six months prior to COVID-19, we would never have thought that 90% of our workforce, and presumably the national workforce where possible, might be working from home or alternate workplaces.

Notwithstanding the challenges, 2019/20 saw some highlights in many different focus areas, including:

- Funding to commence flood studies in the Upper Avoca River, Raglan and Mount Emu Creek,
- Council launched its first Reconciliation Action Plan, paving the way to a greater recognition of our Traditional Owners in the future,
- Cr Vance was recognised as a leader in Local Government by receiving an invitation to join a joint Australia-New Zealand Trade Mission to China.
- The 2019 Walk to School Initiative saw 100% participation by schools across the Pyrenees Shire.
- The Shire’s bridges program was enhanced through the \$1.5 million replacement of the twin bridges over the Wimmera River – a shared project with the Ararat Rural City Council.
- Council awarded close to \$90,000 as part of its community grants program.
- Council hosted a World Migrant Day as part of the Opportunities Pyrenees Ararat and Northern Grampians Program.
- Council engagement included hearing ideas about the Beaufort Lake Foreshore improvements and listing to community members on the Avoca Streetscape.
- Funding was received to undertake projects to stimulate the economy in bushfire impacted communities, in drought affected communities and many community-focused projects including Activate Avoca, Snake Valley Linear Park Skate Park and the Lexton Community Hub.

When the final document is published, the community will be advised by public notice that the Annual Report has been prepared and copies available through Council’s website. Hard copies will be available from Council’s front counters at the Beaufort Council office, Resource Centre and Avoca Information Centre.

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

Under Section 100 of the *Local Government Act 2020* a council must consider the Annual Report at a meeting of the Council.

#### **ATTACHMENTS**

13.11.1 - Draft 2019/20 Pyrenees Shire Council Annual Report (*circulated separately*)

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

No financial risks are attached to this report.

#### **CONCLUSION**

The 2019/20 Pyrenees Shire Council Annual Report has been prepared and the final draft is now provided for Council information.

#### **CR KEHOE / CR CLARK**

That Council receives the Pyrenees Shire Council Annual Report for 2019/20.

**CARRIED**

## **CHIEF EXECUTIVE OFFICER**

### **13.12 BEAUFORT GOLF CLUB – REQUEST FOR COUNCIL TO ENTER INTO A GUARANTEE AGREEMENT WITH THE BENDIGO BANK**

**Jim Nolan – Chief Executive Officer**

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

**File No:** 528050500

#### **PURPOSE**

The purpose of this report is to seek Council direction in relation to a request from the Beaufort Golf Club to enter into a guarantee agreement with the Bendigo Bank in relation to the construction of a synthetic bowls green.

#### **BACKGROUND**

Council has received a request from the Beaufort Golf Club Inc. for Council to enter into a guarantee agreement with the Bendigo Bank in respect of a loan that they propose to take up for the construction of a synthetic bowls green.

Council was briefed on the matter at a briefing held on Tuesday 17 November 2020.

The estimated total cost of the project is \$275,000 to be funded by the loan. The club has negotiated (but not yet signed) a sponsorship agreement with Stockyard Hill Wind Farm Pty Ltd under the Community Investment Program for \$270,000 sponsorship proposed to be paid to the club in seven annual instalments commencing 1 April 2023 and concluding on 1 April 2029.

The purpose of the project is to support a sustainable solution for lawn bowls.

#### **ISSUE / DISCUSSION**

Council's Recreation Strategy 2017-2027 identified the replacement of a bowls green with a synthetic green at the Avoca Bowls club as a recreation priority, and funds were allocated in 2020 under the Drought Communities Program for the new green which has recently been successfully completed. The strategy did not however identify the Beaufort site as a priority. However, the club has since considered its options and determined that it is necessary for a synthetic surface to provide a sustainable option for the club.

The club, having negotiated a sponsorship under the Stockyard Hill Community Investment Program, had sought to have the project initiated and funded via a loan from the Beaufort Community Branch of Bendigo Bank which requires a guarantee agreement to be entered into with Council to secure the loan.

Golf and bowls provide an important avenue for active participation in sport for residents and visitors to the region, and require significant infrastructure to be maintained and renewed. The club is well governed and Council has previously partnered with the club and supported the activities there in several ways including through the provision of water for the playing surfaces. The recently funded recycled water project which is a significant public infrastructure investment will look to provide an additional sustainable water source for the club for the playing surfaces.

That the club has secured sponsorship is a credit to the club management, and thereby reduces the demand on future Council and other government grants.

Whilst noting the benefits associated with the project, there is a risk that Council may be required to pay out the loan in the event that the club defaults on the payment of the loan. This may occur if the club was to become financially unviable or if the sponsor of the project was to withdraw sponsorship. These risks are considered to be possible, the implication is that the community be left with a piece of infrastructure in the form of a bowls green.

Should Council agree to the club's request, Council may seek to ensure that the infrastructure remain in public hands, should the club become insolvent, and thereby ensuring the community continues to have access to the facility.

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

Strategic Objective 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.

3.1 - Health - Building partnerships to ensure that all residents have access to a range of preventative and health services that enhances the quality of life of our residents.

3.2 - Physical activity - Ensure our residents have access to facilities and programs that allow them to maintain a healthy and active lifestyle.

### **ATTACHMENTS**

13.12.1 - Letter of request from Beaufort Golf Club Inc (*circulated separately*)

### **FINANCIAL / RISK IMPLICATIONS**

The risks associated with the request are outlined above.

### **CONCLUSION**

This report seeks Council direction in respect of a request from the Beaufort Golf Club Inc. for Council to enter into a guarantee agreement with the Bendigo Bank in for a loan that they propose to take up for the construction of a synthetic bowls green.

### **OFFICER RECOMMENDATION**

1. That Council:
  - a. Provides in principle support for the request by the Beaufort Golf Club for Council to enter into a guarantee agreement with the Bendigo Bank in for a loan for the construction of a synthetic bowls green.
  - b. Authorises the Chief Executive Officer to negotiate the details of the agreement and to sign the agreement.
2. That the outcome of the negotiation be reported back to a future meeting of Council.

*Cr Vance dropped out of the meeting due to technical issues. The Mayor suspended the meeting at 7.21pm.*

*Cr Vance re-joined the meeting and Mayor recommenced the meeting at 7.25pm.*

**CR CLARK / CR EASON**

1. That Council:
  - a. Provides in principle support for the request by the Beaufort Golf Club for Council to enter into a guarantee agreement with the Bendigo Bank in for a loan for the construction of a synthetic bowls green.
  - b. Investigates mechanisms through which Council can ensure the ongoing public use of these facilities
  - c. Authorises the Chief Executive Officer to negotiate the details of the agreement and to sign the agreement.
2. That the outcome of the negotiation be reported back to a future meeting of Council.

**CARRIED**



### **13.13 COVID-19 BUSINESS SUPPORT - WAIVING OF REGISTRATION FEES FOR FOOD AND ACCOMMODATION BUSINESSES**

**Jim Nolan – Chief Executive Officer**

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

**File No:** 32/08/02

#### **PURPOSE**

The purpose of this report is for Council to endorse COVID-19 support provided to food and accommodation businesses for the waiving of registration fees.

#### **BACKGROUND**

Food and accommodation businesses in the Pyrenees shire have been significantly impacted by the restrictions imposed by government in response to the COVID-19 pandemic.

Council has previously considered reports on the impact of the pandemic and resolved to provide a range of support.

The state and commonwealth governments have also made available a range of support mechanisms including taxation relief, the job keeper program, and more recently the grants to enable increased outdoor dining to name just a few.

Council has received a \$250,000 grant from the state government to enable outdoor dining infrastructure and other measures to be taken to support outdoor activity in retail precincts and adjoining food premises. Council has assigned a place making officer to this project to facilitate, and this work is currently underway. Council has also invested in a tourism marketing campaign “unplug and unwind” as part of its Tourism Marketing Strategy to encourage visitors to our region and increase economic activity.

An Economic Taskforce has been established (facilitated by Council officers) to provide input and advice to Council on other mechanisms to support and enable economic recovery.

In the 2019/20 financial year Council agreed to support pro rata fee relief to food and accommodation businesses for the period that they were not able to operate due to the pandemic up until 30 June 2020.

With the easing of restrictions, businesses have been able to reopen their doors albeit in a restricted capacity. However, social distancing provisions exist which limit the numbers of patrons able to be accommodated. Travel restrictions have prevented metropolitan Melbourne residents (until November 2020) from travelling to regional Victoria, and interstate and international travel bans have been imposed.

Businesses choosing to reopen are required to comply with registration requirements under the Food Act 1984, and Public Health and Wellbeing Act 2008, and in order to support the (food and accommodation) business reactivation, the Chief Executive Officer has enacted fee waiving for the relevant businesses. Consistent with Council’s objective to provide support for the business sector, this decision was made in a period a period of pandemic recovery coinciding with Council caretaker.

#### **ISSUE / DISCUSSION**

This report seeks Council endorsement of the actions of the Chief Executive Officer to waive the registration fees for the food and prescribed accommodation (including hair dressing and beauty parlour) businesses in the Pyrenees shire for the 2020/21 period, to support the sector most impacted by the pandemic to reactivate and recover from the impact of COVID-19 on the local economy.

## **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.

5.4 - Increase the visitor economy by implementing the Pyrenees Shire Council Tourism Strategy.

## **ATTACHMENTS**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

The 2020/21 budget provides that:

- The standard fee for renewal of registration of a Class 1 food premise under the Food Act 1984 is \$389.
- The standard fee for the renewal of registration for a prescribed accommodation premise under the Public Health and Wellbeing Act 2008 is \$221.

## **CONCLUSION**

This report seeks Council endorsement to waive the registration fees for the food and prescribed accommodation businesses in the Pyrenees shire for the 2020/21 period, to support the sector most impacted by the pandemic to reactivate and recover from the impact of COVID\_19 on the local economy.

## **CR CLARK / CR EASON**

That Council endorses the waiving of fees associated with the registration and renewal of registration of food and accommodation businesses for 2020/21, having regard to the financial impact of the COVID-19 pandemic and in order to assist stimulating the local economy.

**CARRIED**

### **13.14 2021 COUNCIL MEETING DATES**

**Jane Bowker – EA to CEO and Councillors**

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

**File No:** 16/17/02

#### **PURPOSE**

The purpose of this report is for Council to decide on the meeting schedule for Council Meetings and Briefing Sessions for 2021.

#### **BACKGROUND**

A 2021 schedule of meetings has been prepared in consultation with Councillors and is circulated with this report.

The schedule contains dates for Ordinary Council Meetings to be held monthly as well as Assemblies of Councillors (Briefing Sessions), Special Meetings, Community Cuppas and the annual Statutory Meeting.

#### **ISSUE / DISCUSSION**

The schedule also contains locations for the meetings to be held across this municipality to enable Councillors to engage with the various communities and in particular those communities who maintain Community Action Plans.

#### **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**

13.14.1 - Council Meeting and Briefing Schedule for 2020

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

Council has made provisions in its 2020-21 Budget to meet the costs associated with meetings.

#### **CONCLUSION**

Subject to Council's agreement to the meeting schedule, it is proposed that public notice be given in accordance with Council Policy - Governance Rules 2020.

#### **CR VANCE / CR KEHOE**

That Council:

1. Adopts the meeting schedule for 2021 as attached to this report; and
2. Gives public notice, in accordance with Council Policy - Governance Rules, of the proposed Council meetings.

**CARRIED**

## 2021 Council Meeting Calendar - DRAFT

January			
19th	Cuppa	1.00pm	
19th	Briefing	6.00pm	Beaufort
19th	Council Meeting	6.00pm	Beaufort
February			
9th	Meeting - target interest groups	1.00pm	Beaufort
9th	Briefing	2.00pm	Beaufort
16th	Briefing	2.00pm	Beaufort
16th	Council Meeting	6.00pm	Beaufort
March			
9th	Cuppa	1.00pm	Lake Goldsmith
9th	Briefing	2.00pm	Beaufort
16th	Briefing	2.00pm	Beaufort
16th	Council Meeting	6.00pm	Beaufort
April			
13th	Cuppa	1.00pm	Glenpatrick
13th	Briefing	2.00pm	Avoca
20th	Briefing	2.00pm	Avoca
20th	Council Meeting	6.00pm	Avoca
May			
11th	Cuppa	1.00pm	Raglan
11th	Briefing	2.00pm	Beaufort
18th	Briefing	2.00pm	Beaufort
18th	Council Meeting	6.00pm	Beaufort
June			
8th	Meeting - target interest groups	1.00pm	Beaufort
8th	Briefing	2.00pm	Beaufort
15th	Briefing	2.00pm	Beaufort
15th	Council Meeting	6.00pm	Beaufort

Ercildoune
De Cameron
Mt Emu
Avoca
Beaufort

July			
13th	Meeting - target interest groups	1.00pm	Avoca
13th	Briefing	2.00pm	Avoca
20th	Briefing	2.00pm	Beaufort
20th	Council Meeting	6.00pm	Beaufort
August			
10th	Cuppa	1.00pm	Crowlands
10th	Briefing	2.00pm	Avoca
17th	Briefing	2.00pm	Beaufort
17th	Council Meeting	6.00pm	Beaufort
September			
14th	Meeting - target interest groups	1.00pm	Beaufort
14th	Briefing	2.00pm	Beaufort
21st	Briefing	2.00pm	Beaufort
21st	Council Meeting	6.00pm	Beaufort
October			
12th	Cuppa	1.00pm	Waubra
12th	Briefing	2.00pm	Beaufort
19th	Briefing	2.00pm	Beaufort
19th	Council Meeting	6.00pm	Beaufort
November			
9th	Meeting - target interest groups	1.00pm	Avoca
9th	Briefing	2.00pm	Avoca
9th	Special & Statutory Meeting	6.00pm	Lexton
16th	Briefing	2.00pm	Avoca
16th	Council Meeting	6.00pm	Avoca
31st	Planning Day	1.00pm	
December			
7th	Cuppa	1.00pm	Snake Valley
7th	Briefing	2.00pm	Beaufort
14th	Briefing	2.00pm	Beaufort
14th	Council Meeting	6.00pm	Beaufort

National General Assembly scheduled 20/06/2021 - 23/06/2021

## 14. COUNCILLOR REPORTS AND GENERAL BUSINESS

### Cr Kehoe

- The Snake Valley skate park is nearing completion. It has already been used by many people who are really excited about it.
- Bridge and road projects have been completed, which is fantastic.
- Roadside mowing underway.
- The Carranballac Hall servery has been completed, thanks to drought funding.
- An Op Shop has been proposed in the Snake Valley Uniting Church.
- Snake Valley Reserve Committee has started working bees to maintain and improve the reserve.
- The Mag Dam Committee has started to clean up the dam in partnership with DELWP. It's a great asset for the community.
- Congratulations to the Mount Emu community for their hard work and support of each other particularly this year.

### Cr Clark

- Great to see activity in all small communities in the Ercildoune Ward.
- The Lexton Community Hub site has been pegged out which is exciting to see.
- A meeting was held in relation to the new tennis courts in Waubra.
- Been working with the Raglan Hall Committee and Council officers to help secure funds to finish the cladding at the hall.
- CVGA will be holding its AGM in a fortnight. There have been a number of announcements particularly for the community around renewable energy.
- Great to see the slashers working on the roadsides.

### Cr Vance

- Laid a wreath in Landsborough for Remembrance Day.
- Attended the Statutory Meeting.
- The roadside mowing and grading work have been great in the north of the municipality in particular mowing the shoulders, table drains and out to the edge of the trees on the roadside.
- Thanks to a windfarm grant, the local newsletter group produced their 150<sup>th</sup> edition newsletter was in colour. 450 newsletters go out each month. The newsletter is spread far and wide.
- New floor laid in the Landsborough Hall entrance.
- Great sadness with the loss of a local Geoff Jolly. In recognition, a mural has been painted on the side of the pavilion in Landsborough of Geoff and his horse.

### Cr Eason

- Minister Symes visited the Avoca railway station recently. It is great to have MPs visit rural areas to look at country projects.
- Attended the Remembrance Day at Avoca. The primary school live-streamed the ceremony which was projected back to the school so all the kids back at the school could be involved.
- Attended the Food Pantry Committee AGM. They do a wonderful job in providing support for those in need.

### Cr Ferrari

- Attended Statutory Meeting.
- Opened the Beaufort Bowls season.
- Attended Beaufort Football and Netball Club AGM. They will have a busy year ahead after not playing for a whole year however they have a great Committee.
- Laid a wreath on Remembrance Day.
- Pleasing to see that Council staff continue to work hard during both in caretaker and due to COVID. Congratulations to Council staff for their hard work.
- Been involved in the Beaufort Secondary College hands on learning program.
- Really pleased with generosity and good will of people in own communities during the tough times with COVID. The patience and resilience of our communities, Councillors and Council staff is fantastic. Look forward to moving to some sort of normality.
- Thanks to the community members who took the time to submit questions to the meeting.

## 15. CONFIDENTIAL ITEMS

### CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 66(2) of the Local Government Act 2020, the meeting be closed to the public in order to consider personal matters.

### CR EASON / CR KEHOE

That the meeting be closed to members of the public under Section 66(5) of the Local Government Act 1989, in order to discuss personal matters considered in the report on:-

15.1 Appointment of an Independent Member to the Audit & Risk Committee

**CARRIED**

*The livestream of the meeting ceased at 7.52pm*

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

**CR EASON / CR KEHOE**

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

**CARRIED**

**17. CLOSE OF MEETING**

Meeting closed at 7.57pm

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

2020

Mayor