

ORDINARY MEETING OF COUNCIL

Notice is hereby given of the
Ordinary Meeting of Council to be held at
the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh on
Wednesday 7 October 2015,
commencing at 5:00 p.m.

Members:

Cr. Paul Tatchell (Mayor)	Central Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

Almighty God be with us as we work for the people of the Shire of Moorabool.

Grant us wisdom that we may care for the Shire as true stewards of your creation.

May we be aware of the great responsibilities placed upon us.

Help us to be just in all our dealings and may our work prosper for the good of all.

Amen

2. ACKNOWLEDGEMENT TO COUNTRY

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3. PRESENT

4. APOLOGIES

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 2 September 2015

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 2 September 2015.

5.2 Special Meeting of Council – Wednesday 9 September 2015

Recommendation:

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 9 September 2015.

6. DISCLOSURE OF CONFLICT OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
 - (section 77A, 77B)
- an indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)

Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

7. PUBLIC QUESTION TIME

The Council has made provision in the business of the Ordinary Meetings of the Council for the holding of a Public Question Time.

Public Question Time is required to be conducted in accordance with the requirements contained within the Public Question Time Protocols and Procedural Guidelines as provided for in the *Local Law No. 8 Meeting Procedure Local Law* Division 8 . Clause 57.

The person asking the question is to stand and identify themselves by name and residential address before asking the question.

All questions are to be directed to the Mayor as Chairperson, who shall determine the appropriate person to respond to the question.

The person asking the question must be present in the gallery when the question is considered and may be asked for clarification by the Mayor.

At the discretion of the Mayor, a lengthy question may be required to be placed into writing by the person asking the question. The Mayor may accept a question on notice, in the event that research is required to provide a response. In the case of questions taken on notice, both the question and response shall be recorded in the Minutes of the Meeting.

8. PETITIONS

Council has received a petition containing 12 signatures from residents of Baker Street, Bacchus Marsh, pertaining to a request to install speed humps along Baker Street in the interests of community safety.

Recommendation:

That the petition containing 12 signatures requesting that speed humps be installed in Baker Street, Bacchus Marsh be received by Council and that a report be prepared by officers for Council's consideration.

9. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

Item No	Description	Name	Position
-	-	-	-

List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/ Objector
-	-	-	-

10. OFFICER'S REPORTS**10.1 CHIEF EXECUTIVE OFFICER****10.1.1 Australia Day Recipient Selection Panel****Introduction**

File No: 02/04/003
Author: Dianne Elshaug
Chief Executive Officer: Rob Croxford

Background

Moorabool Shire Council Australia Day 2016 Celebrations are scheduled to be held on Tuesday 26 January, 2016 in the Mechanics Institute, Ballan and will include a community breakfast and award presentations.

Advertisements have been placed in the local papers and on the website calling for nominations for Moorabool Shire Council's Australia Day Citizen of the Year, Young Citizen of the Year and Community Event of the Year. Nominations close on 20 November, 2015.

Proposal

A selection panel for the Awards made up of three Councillors and the 2015 Australia Day Citizen/s of the Year (if available) will be required to meet in late November to determine the award recipients for 2016.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community Self Reliance
Strategy	Support community and cultural events.

The proposal to have a selection panel made up of Councillors and the 2015 Australia Day Citizen/s of the Year to determine 2016 award recipients is consistent with the 2013-2017 Council Plan.

Financial Implications

Nil.

Risk & Occupational Health & Safety Issues

Nil.

Communications and Consultation Strategy

Advertising and media releases will be prepared leading up to Australia Day celebrations, including utilizing social media as a promotional tool.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Manager – Rob Croxford

In providing this advice to Council as the CEO, I have no interests to disclose in this report.

Author – Dianne Elshaug

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

That a selection panel for the Awards be made up of three Councillors and the 2015 Australia Day Citizen/s of the Year and will meet in late November to determine the award recipients for 2016.


Recommendation:

That Council:

- 1. Establishes an Australia Day Selection Panel to determine award recipients for 2016.**
- 2. Appoints the following Councillors as members of the Australia Day Selection panel:**
 - a)
 - b)
 - c)

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Friday, 11 September 2015.

10.1.2 Rural Living Campaign

Introduction

File No: 19/01/006
Author: Rob Croxford

Background

A request has been received from the Buloke Shire Council seeking support for the Rural Living Campaign it has initiated to ensure that all Victorians are entitled to receive a minimum set of local government services.

Proposal

The letter from the Buloke Shire Council dated 27 August 2015 is attached Attachment 10.1.2(a).

The campaign has been running for some months now and has been initiated as a result of the poor financial sustainability of many Councils that has resulted from a range of factors, but most notably declining populations and services, the reduction in Federal Assistance Grants (FAG), declining general grants from other levels of government and increasing service level expectations from declining asset bases. This will be exacerbated with the introduction of rate capping.

The plight of Buloke certainly resonates with Moorabool but on a different level. Moorabool is faced with growth pressures, proximity to larger service centres and a reasonable financial position prior to FAG and rate capping scenarios. Sustainability is, however, certainly an issue.

It is difficult to support the Buloke campaign unreservedly.

Firstly the listing of minimum service levels is very difficult to define and achieve. Secondly, Rural Councils Victoria (RCV) provides representation to 38 rural councils across the State and has recently commenced a Rural Councils Sustainability Project that will result in a range of tools and guidance on assisting councils to be financially sustainable into the future.

A copy of the project summary is included as Attachment 10.1.2(b). Outcomes of the project are expected in early 2016. RCV has provided in principal support for the Buloke campaign.

It is suggested that until the RCV report is finalised that this Council advise the Buloke Shire Council that it understands the financial sustainability issues of rural councils across Victoria, but has concerns over the ability to determine minimum service levels for diverse communities. Further, it is expected that RCV, as representative of 38 councils, should provide the leadership and representation of financial sustainability via its project on sustainability.

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of Our Community
Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs.
Strategy	Advocate on behalf of the community to improve services and infrastructure within the shire.

The proposal to address the financial sustainability and services levels for all Victorians is consistent with the 2013 . 2017 Council Plan.

Financial Implications

Whilst the request to support the Buloke Campaign has no direct financial implications, the underlying financial sustainability of all rural Councils is at threat.

Risk & Occupational Health & Safety Issues

There are no risk and OHS issues to be addressed.

Communications and Consultation Strategy

Following consideration of this matter by the Council it is proposed to respond to the Buloke Shire Council, write to RCV advising of the decision and requesting that the sustainability project be expedited as soon as possible.

Further, in anticipation of media interest in this matter, a press release will be prepared on the Buloke request, RCV project and financial sustainability of rural and peri urban Councils.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Author – Rob Croxford

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

That the Council respond to the Buloke Shire Council advising that it understands the financial sustainability issues of rural Councils across Victoria but has concerns over the ability to determine minimum service levels for diverse communities.

Further, it is expected that RCV as representative of 38 councils should provide the leadership and representation on financial sustainability via the project RCV it is leading.


Recommendation:

That Council:

- 1. Thanks the Buloke Shire Council for its initiative in commencing the Rural Living Campaign.**
- 2. Understands the difficult financial sustainability issues facing the 38 rural councils across the State.**
- 3. Believes that Rural Councils Victoria should provide the leadership and advocacy on the financial sustainability issue via its Rural Councils Sustainability Project and general advocacy.**
- 4. Requests Rural Councils Victoria to finalise its Rural Councils Sustainability Project as a priority.**
- 5. Requests a further report at the March 2016 Council meeting on the outcomes of the Rural Councils Victoria project and progress of the Buloke Campaign.**

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Wednesday, 16 September 2015.

10.1.3 Financial Assistance Grants

Introduction

File No.: 02/06/004
06/03/007
Author: Rob Croxford

Background

The Australian Local Government Association (ALGA) and Municipal Association of Victoria (MAV) have been lobbying on behalf of local government for the reintroduction of indexation on federal assistance grants (FAG) to councils.

This report recommends that this Council pass a resolution consistent with other councils across Australia recognising the importance of FAG and requesting that the indexation be reintroduced to offset a significant shortfall in untied revenue.

Proposal

The presidents of the ALGA and MAV have written a joint letter to Council (Attachment 10.1.3) requesting council consider the impact of the removal of indexation on the FAG program, acknowledge the importance of federal funding to the council's services and infrastructure and identify in council publications the level of federal grant funding received.

A briefing note was provided to Councillors in May 2014 that set out the following information that is still pertinent.

The intention of this briefing note is to provide Council with a high level update of the status of the proposed 2014/15 Budget post the 2014 Federal Budget. The 2014 Federal Budget announced a number of specific measures that will have a significant impact on the 2014/15 budget and the 10 year outlook for Council's finances.

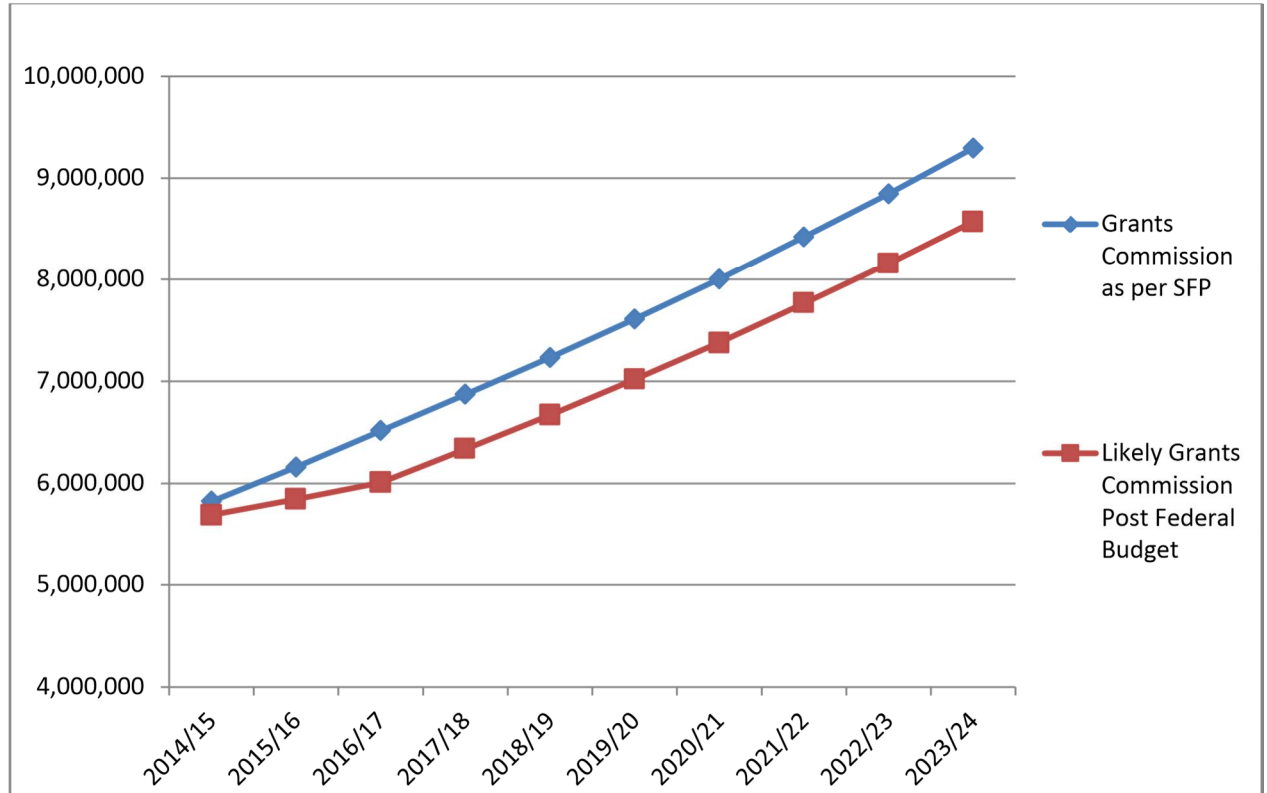
As things currently stand, there is still a high level of uncertainty surrounding specific details of the Federal budget initiatives. As further details of the budget measures are released, Council will be kept informed. As a result, the numbers provided in this briefing note are indicative and subject to change.

Federal Budget Measure 1: Pause indexation of Local government financial assistance grants for 3 years;

The Federal government has announced that the indexation of financial assistance grants will not be indexed for the next 3 years. Based on this advice, it is likely that the 2014/15 budget for general purpose grant funding will be reduced by at least \$135K.

Due to the freezing of annual indexation for three years, this will compound and have an even greater impact in future year's budget. Based on the table provided below, it is likely that the decision by the federal government will result in a shortfall in excess of \$5.3m including interest forgone for MSC as compared to the SFP.

When presented graphically, it can be seen that the implication of the budget measures is a major downward structural adjustment in federal assistance grants into the future;



Federal Budget Measure 2: Cancellation of early payment of 50% of grants commission funding.

In recent years, the local government sector has benefitted from the early payment or 'bringing forward' of grants commission payments. This was a measure that was implemented during the GFC. Council has been notified that the early payment of the grants commission funding has ceased with grants commission payments occurring in the 2014/15 year. As a result, the delay in payment will result in a reduction in investment interest of approximately \$40- \$50K in 2014/15 and an estimated \$633K reduction in investment interest in the 10 year SFP.

Federal Budget Measure 3: Annual indexation of fuel excise.

The Federal government has announced the reintroduction of fuel excise indexation. This means that the fuel excise which is currently levied at a rate of 38.1 cents will be indexed to inflation 2 times a year. Based on an inflation rate of 3%, this will see the fuel excise rise from a rate of 38.1 cents to 51.2 cents in 10 years. Whilst the financial impact of the increase to fuel excise in 2014/15 will be small (estimated at \$5,144) this will grow to an estimated \$72,000 increase in 10 years. The estimated impact of the indexation of fuel excise on the 10 year SFP is \$359,000.

Federal Budget Measure 4: Additional funding of \$350 million for the Roads to Recovery Programme in 2015/16 and \$200m for the black spot program

The Federal government announcement of \$200m for the black spot program and \$350m for the Roads to recovery program in 2015/16 will see the continuation of an important funding source for Councils CIP. Whilst the additional announcements are welcome, there is no guarantee that Moorabool Shire will directly benefit from these grants.

Postscript note:

1. The cancellation of the early payment of the grants commission funding has been reintroduced just prior to the 30 June 2015 thus offsetting the compounding interest forgone after one year.
2. The indexation of fuel excise has resulted in a significant increase in roads to recovery grant funding from 2015/16 that needs to be acknowledged.

Following the 2015 Federal Budget a Briefing Note was provided to Council that sets out the announcement to allocate road funding to the Moorabool shire as a result of the indexation of fuel excise.

Roads to Recovery Program

The Australian Government has recently announced a further boost to Roads to Recovery funding following a decision that it will be re-introducing the indexation of fuel excise to inflation. An additional \$1.105B is expected to be allocated to Councils across Australia over the next two years making the total program \$3.6B over five years (2014/15 to 2018/19).

This change increases the proposed R2R allocation for Moorabool in 2015/16 and 2016/17, as outlined below which is over and above the double allocation in 2015/16. The allocations for 2017/18 and 2018/19 remain unchanged and revert back to base funding at this stage.

	<i>Original Allocation (\$)</i>	<i>New Allocation (\$)</i>	<i>Increase (\$)</i>
2015/16	1,757,094	2,510,005	752,911
2016/17	878,547	2,898,859	2,020,312
2017/18	878,547	878,547	-
2018/19	878,547	878,547	-
Total Program Funding	5,271,283	8,044,506	2,773,233

The 2015/16 increase will require a proposal and recommendation to Council as part of the Capital Improvement Program quarterly report in August, to enable works to be done within the financial year. The 2016/17 allocation will form part of the normal CIP budget development.

Financial Assistance Grants

The Victorian Grants Commission has advised that the Commonwealth Government has brought forward half of the estimated total of the Financial Assistance Grant allocation for 2015/16 and was paid on 30 June 2015.

The below payment represents half of the estimated full year aggregate for 2015/16, which is based on the 2014/15 grant allocations. Advice regarding the actual final allocation of funds will be provided to Councils in August 2015.

	<i>Bought Forward Payment</i>
General Purpose Grants	1,973,754
Local Road Funding	894,724
Total Bought Forward Funding	2,868,478

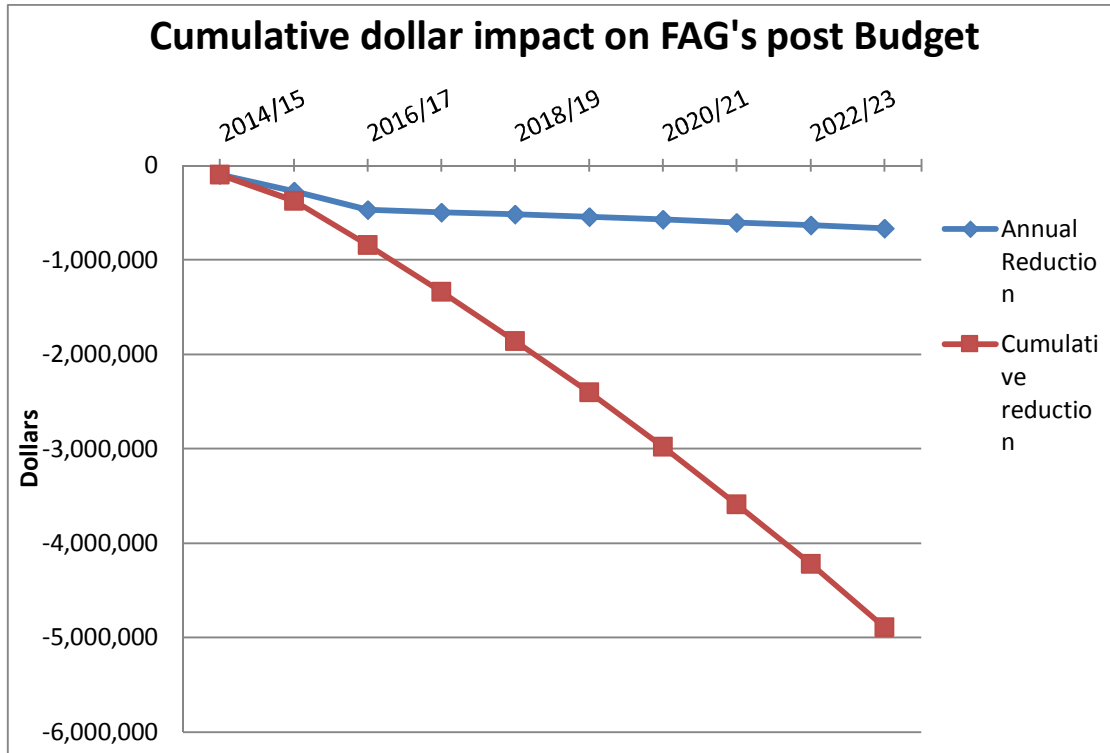
The remaining allocation for 2015/16 will be made in line with the regular payment schedule, being four equal instalments in the middle of each quarter (mid-August, and mid-November 2015, mid-February and mid-May 2016).

No additional funds are proposed, just the timing of receipt of funds and the financial year in which part of it is paid which requires an accounting treatment recognising the income in the 2014/15 reporting period.

Impact of the FAG reduction.

The reduction in grant excluding interest forgone for 2014/15 was \$98,644 and in 2015/16 is \$276,059. In 2016/17 the amount forgone will be \$468,549.

The compounding impact by 2023/24 i.e. 10 years from the change even though the pause was for three years will be \$4.9 mil.



To put the decrease into perspective, 1 km of gravel road resheeting on average will cost \$50,000, debt servicing on a loan for \$1mil will cost \$120,000 and the cost of a new early learning hub or sporting pavilion costs on the order of \$3 mil to \$4 mil. When considered in this context the communities of Moorabool will be impacted by reduced capital investment that is desperately required.

Policy Implications

The 2013 . 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of Our Community
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage council's assets.

The proposal to advocate for the reinstatement of the indexation of the FAG program is consistent with the 2013 . 2017 Council Plan.

Financial Implications

As set out in this report the cumulative impact of the pausing of the indexation of the FAG Program by 2023/24 will result in a cumulative decreased income to the Moorabool shire of \$4.9 mil.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial . sustainability	Inadequate funds to deliver services and infrastructure	High	Lobby for reinstatement. Reduce operating and capital expenditure.

Communications and Consultation Strategy

The ALGA and MAV have been lobbying on Councils behalf for the reinstatement of lost funding.

Following consideration of the request formal notification will be forwarded to ALGA and MAV plus the local member on the issue.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Author – Rob Croxford

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Officers have deferred bringing this report to Council for the past few months to gain a greater understanding of the impacts of the positive R2R announcements in the context of the reducing FAG grants.

On balance, the communities of Moorabool and the financial sustainability of this Council is threatened by the reduction of the FAG program to an amount of \$4.889 mil over the period to 2023/24. When this is considered in the context of the implication of state governments rate capping it is considered prudent to send a message to the federal government in line with that suggested by the ALGA and MAV.


Recommendation:

That Council:

1. **Acknowledges the importance of federal funding through the Financial Assistance Grants (FAG) program for the continued delivery of councils services and infrastructure.**
2. **Acknowledges that the Council received \$3.936 mil in 2014/15 that was a reduction of \$98,644 on expectations.**
3. **Points out that the cumulative impact of the reduction in FAG program will have a compounding effect of \$4.889 mil by 2023/24.**
4. **Urges the Federal government to reinstate the indexation of the FAG program as a matter of urgency.**
5. **Will ensure that FAG funding and other funding provided by the federal government under relevant grant programs is appropriately identified as commonwealth grant funding on council publications including annual reports, and**
6. **Forwards a copy of this report and resolution to the ALGA, MAV and local federal member for information.**

Report Authorisation

Authorised by:

Name: Rob Croxford 
Title: Chief Executive Officer
Date: Wednesday 23 September 2015.

10.2 GROWTH AND DEVELOPMENT

10.2.1 Planning Scheme Amendment C70 – Correction of Anomalies, Consideration of Submissions and Adoption

Introduction

File No.: 13/06/073
Author: Rod Davison
General Manager: Satwinder Sandhu

This purpose of this report is to consider submissions made in response to the recent public exhibition of Amendment C70 to the Moorabool Planning Scheme.

The Amendment seeks to correct a number of minor anomalies in the planning scheme by:

- Applying the appropriate public land zone to publicly owned land;
- Applying the appropriate private land zone to privately owned land;
- Correcting errors in Heritage Overlay mapping;
- Correcting errors in the Schedule to the Heritage Overlay;
- Removing a redundant referral trigger in the Schedule to Clause 66.04.

Specifically, the Amendment:

- Rezones the following privately owned land from Public Conservation and Resource Zone to Rural Conservation Zone:
 - Part of 58 Possumtail Run, Merrimu (lot 1 PS 647445);
 - Part of 64 Possumtail Run, Merrimu (lot 19 PS 545410);
 - Part of 98 Possumtail Run, Merrimu (lot 18 PS 545410);
 - Part of 118 Possumtail Run, Merrimu (lot 11 PS 540095);
 - Part of 128 Possumtail Run, Merrimu (lot 10 PS 540095);
 - Part of 289 Bences Road, Merrimu (CA E, Sec 18, Parish of Merrimu);
 - Part of 235 Bences Road, Merrimu (CA 16 & 16A, No Sec, Parish of Merrimu);
 - Part of CA 15, No Sec, Parish of Merrimu (Bences Road, Merrimu);
 - Part of 1560 Greendale-Trentham Road, Lerderderg (Crown allotments F4 and F5, Parish of Blackwood).
- Rezones the following privately owned land from Public Use Zone 4 to Township Zone:
 - Part of 322 Bungaree-Wallace Road, Bungaree (CA 1C, Sec 8, Parish of Warrenheip);
 - Part of 324 Bungaree-Wallace Road, Bungaree (CA 1B, Sec 8, Parish of Warrenheip);
 - Part of 338 Bungaree-Wallace Road, Bungaree (CA 2C, Sec 8, Parish of Warrenheip).

- Rezones the following privately owned land from Public Use Zone 4 to Farming Zone:
 - Part of 100 Murphys Road, Bungaree (lot 1 on TP671178).
- Rezones the following privately owned land from Public Park and Recreation Zone to Township Zone:
 - 61 Main Street, Myrniong (lot 1 on TP171894).
- Rezones the following privately owned land from Public Park and Recreation Zone to Farming Zone:
 - Part of 21 Bradys Lane, Greendale (PC367720).
- Rezones the following privately owned land from Commercial 1 Zone to General Residential Zone . Schedule 1:
 - Part of 4/77 Simpson Street, Ballan (lot 4 on SP22337);
 - Part of 83A Simpson Street, Ballan (lot 2 on PS646360).
- Rezones the following publicly owned land from Farming Zone to Public Use Zone 5:
 - Morrison Cemetery, Cemetery Lane, Morrisons (CA 3B, Sec B, Parish of Borhoneyghurk);
 - Elaine Cemetery, Horsehill Road South, Elaine (CA 205A, Parish of Meredith).
- Rezones the following publicly owned land from Rural Living Zone to Public Use Zone 5:
 - Greendale Cemetery, Napoleon Street, Greendale (Crown allotments 7, 8, 9, 10 and 11, Sec 3, Township of Greendale);
- Rezones the following publicly owned land from Farming Zone to Public Conservation and Resource Zone:
 - Crown allotment 12D, Section 8, Parish of Merrimu (Long Forest Road, Long Forest).
- Rezones the following publicly owned land from General Residential Zone . Schedule 1 to Special Use Zone 3:
 - CA 2007, Township of Ballan (part of Ballan Golf Course, Berry Street, Ballan).
- Amends the Heritage Overlay mapping relating to HO110 (South Africa War Memorial and Drinking Fountain outside 156 Main Street, Bacchus Marsh).
- Amends Schedule 1 to Clause 42.01 (Environmental Significance Overlay), by deleting the kinds of applications which must be referred to the Department of Primary Industries.

- Amends the Schedule to Clause 43.01 (Heritage Overlay), by:
 - Replacing the word ~~noq~~with ~~y~~esq in the Victorian Heritage Register column of the table to the schedule, in relation to HO47 (Elm Trees along Bacchus Marsh Road Avenue of Honour), inserting the Victorian Heritage Register reference number (H2238) and replacing the word ~~noqor~~ ~~y~~esq with a dash ~~±±~~ in each of columns three, four, five and six ;
 - Replacing the word ~~y~~esq with ~~noq~~ in the Victorian Heritage Register column of the table to the schedule, in relation to HO191 (Mt Blackwood Hotel Ruins [Drury's Hotel]), located at CA 36 Section 7 Parish Blackwood, Mt Blackwood Road, Korobeit.
- Amends the Schedule to Clause 66.04 (Referral of permit applications under local provisions), by deleting the Department of Primary Industries as a referral authority with respect to applications for a permit under Schedule 1 to Clause 42.01 (Environmental Significance Overlay).

Background

The Role of Council as a Planning Authority

In accordance with section 8A(1) of the *Planning and Environment Act 1987*, Moorabool Shire Council is a planning authority for the Moorabool Planning Scheme.

Section 12 of the Act sets out the duties and powers of planning authorities. In preparing a planning scheme amendment, a planning authority:

- must have regard to the Minister's directions; and
- must have regard to the Victoria Planning Provisions; and
- must have regard to any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme; and
- must take into account any significant effects which it considers the amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the amendment; and
- must take into account its social effects and economic effects.

Authorisation of Amendment C70

At its ordinary meeting on 5 March 2014, Council resolved to seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C70 to the Moorabool Planning Scheme. Council also resolved to seek a partial exemption from the notification requirements of section 19 of the *Planning and Environment Act 1987*.

On 14 April 2014, Council was granted conditional authorisation by the Minister to prepare and exhibit the Amendment (see Attachment 10.2.1a). However, the Minister did not approve Council's request for a partial exemption from the notification requirements.

Pre-Exhibition Consultation

Prior to formal exhibition of the Amendment, Council officers wrote to all affected landowners, referral authorities, government agencies and committees of management (with respect to Crown land parcels), advising each party how the proposed Amendment would affect their property or their interests (see Attachment 10.2.1b for a summary of the consultation results).

As a result of this consultation process, five properties were deleted from the proposed Amendment due to either an unfavourable response, or no written response being received. At the time of authorisation, the Amendment also proposed to delete Schedule 1 to the Environmental Significance Overlay from the sewerage area of Ballan. However, this component of the Amendment was deleted as Council received an unfavourable response from Central Highlands Water and no response from Melbourne Water.

Formal Public Exhibition Process

Amendment C70 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 30 July 2015 to 31 August 2015. Notice was provided to all relevant Government departments, agencies and affected landowners. Notices were placed in the Moorabool News, Melton and Moorabool Star Weekly, and Victorian Government Gazette publications.

A copy of all documents that were placed on exhibition can be viewed on the website of the Department of Environment, Land, Water and Planning (go to 'Planning Schemes' then 'Planning Scheme Amendments Online').

A total of five submissions were received during the exhibition period, four of which indicate support for, or no objection to, the Amendment (see Attachment 10.2.1c).

One submission, from Heritage Victoria, does not object but provides comments about the Amendment (see Attachment 10.2.1d).

Consideration of Submissions

In accordance with section 22 of the *Planning and Environment Act 1987*, Council must consider all submissions made on or before the closing date set out in the notice.

Pursuant to section 23 of the Act, after considering any submission which requests a change to the amendment, Council as the planning authority must:

- a) change the Amendment in the manner requested in any submissions;
or
- b) refer the submissions to an independent planning panel appointed under Part 8 of the Act; or
- c) abandon the Amendment or part of the amendment.

Heritage Victoria's submission was the only one that expressed any concerns about the Amendment. Heritage Victoria's comments can be summarised as follows:

- Heritage Victoria is preparing proposed Amendment C65 to the Moorabool Planning Scheme, pursuant to section 48 of the *Heritage Act 1995*. Amendment C65 seeks to correct a number of errors in the Heritage Overlay maps and the Schedule to Clause 43.01 (Heritage Overlay), in relation to a number of heritage places that are included on the Victorian Heritage Register (VHR). The planning scheme will be updated to include reference to any heritage places that are on the VHR but are not currently in the planning scheme (e.g. H2277 on the VHR).
- Current mapping for HO47 (H2238 on the VHR) '*Elm Trees Along Bacchus Marsh Road Avenue of Honour*' is incorrect and requires updating, so that it coincides with the mapped extent of H2238 on the VHR. Amendment C65 proposes to delete a polygon from each of the eastern and western extremities of the current mapped extent of HO47. The deleted polygons encompass trees that are of local heritage significance, and will therefore be assigned a new HO number to reflect this.
- Heritage Victoria had not previously identified the error in relation to HO191, however, the draft documents pertaining to Amendment C65 have since been updated; in particular the draft amended Schedule to Clause 43.01 (Heritage Overlay).

Officer Response to Heritage Victoria's Submission

S48 of the Heritage Act allows the Minister for Planning to prepare an amendment to the schedule to the heritage overlay once a place has been included in the Victorian Heritage Register. This is generally undertaken within 6 months to ensure that the appropriate permit authority is identified. Heritage Victoria first contacted Council in 2013 to request a number (C65) to undertake such a change, primarily to incorporate the Bacchus Marsh Avenue of Honour.

The state listing of the Avenue is for an area lesser in extent than that of the local listing. Heritage Victoria will ensure that a local listing is maintained on the eastern and western extents outside the registered area.

At the time of seeking Council resolution for Amendment C70 this amendment had not progressed. Heritage Victoria has informed Council that C65 is nearing completion. As such this change can be removed from Amendment C70 as Amendment C65 is likely to be approved first.

This resolves the submission and therefore no Panel will be required.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced infrastructure and natural and built Environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.

Strategy Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

The proposed Amendment is consistent with the 2013 . 2017 Council Plan.

Financial Implications

To date, Council has invested Council officer time and resources into the preparation exhibition of this Amendment. Some additional Council officer time and resources will be required before the Amendment is approved by the Minister, however, costs will be minimal as there is no need to refer submissions to an independent planning panel.

Risk & Occupational Health & Safety Issues

There are unlikely to be any risk and occupational health and safety implications for Council.

Communications and Consultation Strategy

As discussed above and summarised below, Council officers undertook two phases of community consultation for this Amendment:

- Pre-exhibition consultation (see Attachment 10.2.1b for a summary of the consultation results); and
- Formal public exhibition in accordance with the provisions of the *Planning and Environment Act 1987*.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Rod Davison

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Amendment seeks to correct errors found in the Moorabool Planning Scheme over time, with a majority being minor map changes and rezoning of land to reflect ownership and location.

The Amendment implements the objectives of planning as set out in the *Planning and Environment Act 1987*, by supporting changes to the planning scheme that provide for the fair, orderly, economic and sustainable use and development of land.

Recommendation:

That Council, having considered the submissions regarding Moorabool Planning Scheme Amendment C70, pursuant to Section 22 of the *Planning and Environment Act 1987*, resolves to:

1. **Adopt Moorabool Planning Scheme Amendment C70, with the following changes in accordance with the documents included in Attachment 10.2.1e:**
 - a) **Deletion of changes to the schedule to Clause 43.01 in relation to HO47**
2. **Submit the adopted Amendment C70, together with the prescribed information, to the Minister for Planning requesting approval pursuant to Section 31(1) of the *Planning and Environment Act 1987*.**

Report Authorisation

Authorised by:



Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 30 September, 2015

10.2.2 Planning Permit 2015-071 – Subdivision of the land into two lots at Lot 2 on Plan of Subdivision 332018D, 995 Glenmore Road Rowsley

Application Summary:	
Permit No:	PA2015-071
Lodgement Date:	10/04/2015
Planning Officer:	Nicholas Harrison
Address of the land:	Lot 2 on Plan of Subdivision 332018D, 995 Glenmore Road Rowsley
Proposal:	Subdivision of the land into two lots
Lot size:	63.15 hectares
Why is a permit required?	Clause 35.07 Farming Zone . Permit required for subdivision. Clause 42.01 Environmental Significance Overlay . Permit required for subdivision.
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Number of notices to properties:	Six (6)
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	None
Consultation meeting:	None held
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.

Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	
Officer's Declaration of Conflict of Interests	
Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest. <i>Manager – Sian Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Nicholas Harrison</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	The application was referred externally to Southern Rural Water. The application was referred internally to Infrastructure and Environmental Health.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	The applicant was requested by Environmental Health to provide a plan showing the location of the existing dwelling and onsite waste water management system, including tank and effluent lines in relation to the proposed subdivision boundaries.
Any discussions with applicant regarding concerns	The applicant responded to the abovementioned matters by providing a plan indicating the location of the effluent disposal field.
Any changes made to the application since being lodged?	Provision of plan indicating the location of the effluent disposal field.
VCAT history?	None
Previous applications for the site?	None

<p>General summary</p>	<p>The application is for the subdivision of the land at 995 Glenmore Road Rowsley. The total land area for the subject site is 63.15 hectares.</p> <p>The subject site is located on the southern side of Glenmore Road approximately 7 kilometres to the south west of Bacchus Marsh.</p> <p>The proposed subdivision would be a house lot excision with the existing dwelling on the land to be located on a new 2 hectare lot, while the remainder of the land will continue to be used for agricultural purposes.</p> <p>This would be the second time that a house lot had been excised from the property with the adjoining lot at 993 Glenmore Road being excised from the subject site in 1995.</p> <p>It is considered that that proposal is inconsistent with relevant State and Local Planning Policies of the Moorabool Planning Scheme, which is discussed later in this report.</p> <p>While Council's Rural Housing Policy recognises that there are a variety of lots sizes in the rural areas of Moorabool Shire and allows for the development of dwellings on lots smaller than 40 hectares it does not encourage the creation of further lots smaller than 40 hectares in the Farming Zone.</p> <p>The proposed subdivision will result in fragmentation of land suitable for agriculture and will break the nexus between the existing dwelling on the land and the potential agricultural activities that can be carried out on the land.</p> <p>In effect the proposed subdivision would result in the creation of a rural lifestyle lot that will reduce the area of land available for agriculture, reduce the agricultural productivity of the land and will have the potential for adverse impacts on farm production through land use conflicts.</p> <p>The use of a Section 173 Agreement requiring that the new lots not be further subdivided and that no additional dwellings be erected on either lot was considered.</p>
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General summary cont.	This, however, would not overcome the fundamental issue of creating a small rural residential lot now, or future conflict between residents of the house and surrounding farming activities which may change over time and may be more intensive.
Summary Recommendation:	
It is recommended that Council issue a Notice of Refusal of Permit in accordance with Section 61 of the Planning and Environment Act 1987 for the reasons outlined in the recommendation section of this report.	

Public Notice

The application was advertised to adjoining landowners by mail on 17 April 2015 and a sign placed on site from 2 to 25 May 2015. No objections were received.

Proposal

It is proposed to subdivide the land into two lots.

Lot 1 will contain the existing dwelling on the land and associated outbuildings. This lot would be located in the north east corner of the existing lot adjacent to the Glenmore Road frontage. The lot would have a 136m long frontage to Glenmore Road and an average depth of 159m.

Lot 2 consists of the remainder of the subject site and would have an area of 61ha.

The applicant lives in the dwelling on the adjoining property at 993 Glenmore Road. The information submitted with the application states that the applicant's mother previously lived in the dwelling on the subject site until she passed away some years ago. The applicant's son now wishes to reside in the existing dwelling on the subject site on the new lot 1 while lot 2 would continue to be used of agricultural purposes.

Site Description

- The subject site is located on the southern side of Glenmore Road approximately 7 kilometres to the south west of Bacchus Marsh.
- The existing lot was created in 1995 after a previous subdivision of the land which created a 2 hectare house lot in the north eastern corner of the site now known as 993 Glenmore Road. Since that date a dwelling has been constructed on this new lot and the applicant lives in the dwelling.
- The site has a 468m wide frontage to Glenmore Road an average depth of 1261m and a total area of 63 hectares.

- There is a dwelling located 70 metres from the eastern end of the Glenmore Road frontage near the north east corner of the lot. There are a number of outbuildings and shipping containers located behind the dwelling. The remainder of the land is used for agriculture. The dwelling is accessed via an existing crossover located on the eastern end of the Glenmore Road frontage.
- There are a number of small dams located on the property with a larger dam located on the western boundary of the site.
- The lot is largely cleared for pasture with a number of trees located in the north eastern corner of the site around the dwelling and along the Glenmore Road frontage.

Surrounding land is in the Farming Zone and the pattern of subdivision and land ownership varies although examples of numerous contiguous land parcels held in single ownership are evident in the surrounding area. Land to the north across Glenmore Road consists of a number of smaller lots, many of which are developed with single dwellings. Surrounding land is mostly cleared of vegetation and predominately used for grazing. Dwellings are not uncommon in the area, although given the pattern of land ownership described above there are numerous undeveloped lots.

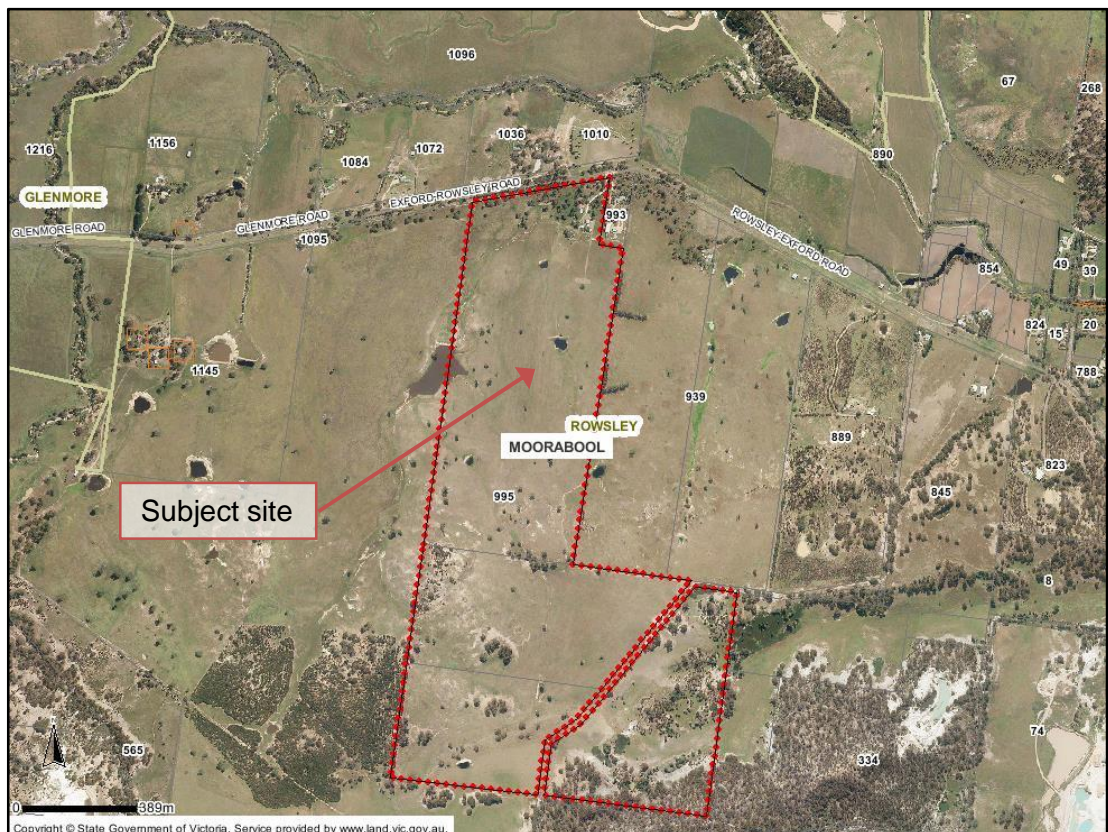


Figure 1: Aerial photograph of the subject site

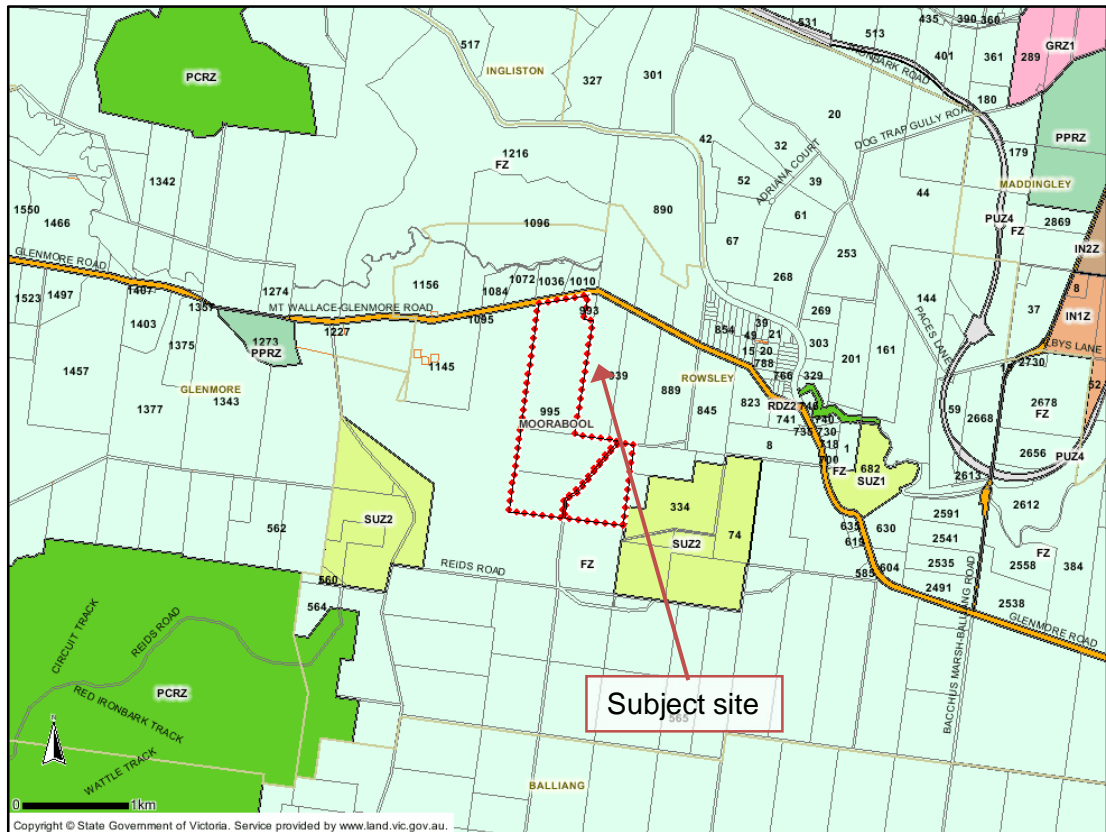


Figure 2: Locality and Zoning map

Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- 11.05-3 Rural productivity;
- 11.06-8 Agricultural productivity;
- 14.01-1 Protection of agricultural land;
- 16.02-1 Rural residential development;
- 21.02-3 Water and Catchment Management;
- 21.03-4 Landscape and neighborhood character;
- 21.03-5 Rural lifestyle opportunities;
- 22.02 Special Water Supply Catchments; and
- 22.03 Houses and house lot excisions in rural areas.

The proposal complies with the relevant sections of the SPPF and LPPF, with the exception of the clauses outlined in the table below:

SPPF	Title	Response
11.05-3	Rural productivity	<p>The objective of this policy is to manage land use change and development in rural areas to promote agriculture and rural production.</p> <p>One of the strategies to achieve this objective is to limit new housing development in rural areas, including discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.</p> <p>It is considered that the proposed subdivision is not consistent with this objective as it will create a small lot in the farming zone for a single dwelling.</p>
11.06-8	Agricultural productivity	<p>The objective of this clause is to support long-term agricultural productivity.</p> <p>The proposed subdivision will not support the ongoing viability of agriculture as the existing dwelling on the land will no longer support agricultural activities on the same lot and will have the potential to impact on farming practices on the larger lot to be created.</p>
14.01-1	Protection of agricultural land	<p>In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:</p> <ul style="list-style-type: none"> • The desirability and impacts of removing the land from primary production, given its agricultural productivity. • The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production. • The compatibility between the proposed or likely development and the existing uses of the surrounding land. • Assessment of the land capability. <p>Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.</p> <p>The proposed subdivision will detract from the long-term productive capacity of the land by reducing the area available for agriculture and detract from the long-term productive capacity of the land.</p>

16.02-1	Rural residential development	<p>Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.</p> <p>Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.</p> <p>It is considered that the creation of a small lot in the rural zone for rural living is not consistent with the rural residential development policy.</p>
LPPF		
21.03-4	Landscape and neighborhood character	<p>One of the strategies to achieve the Landscape and neighbourhood character objective is to avoid residential development in the farming areas unless it is required for the agricultural use of the land.</p> <p>The proposed subdivision is not consistent with this objective as it will result in the existing dwelling no longer being required for the agricultural use of the land.</p>
21.03-5	Rural lifestyle opportunities	<p>The strategies to achieve the Rural lifestyle opportunities objective include:</p> <ul style="list-style-type: none"> • Prevent the fragmentation of farm land through inappropriate subdivisions. • Limit residential development in areas without reticulated services where the development would compromise water quality (particularly in Special Water Supply Catchments), adversely affect agricultural production, or impact on native vegetation and habitat values. <p>The proposed subdivision is not consistent with the objective as it will result in further fragmentation of rural land and would result in the creation of a rural lifestyle lot which may adversely affect agricultural production.</p>
22.02	Special Water Supply Catchments	<p>It is policy under this clause to strongly discourage the subdivision of the land in proclaimed water catchment areas.</p> <p>The proposed subdivision is not consistent with this clause as it will result in the subdivision of land in a proclaimed catchment area.</p>

<p>22.03</p>	<p>Houses and house lot excisions in rural areas</p>	<p>The policy basis of this clause is:</p> <p>Agriculture is still the major land use in the Shire and a significant component of the economy. The Shire is committed to facilitating sustainable agriculture and protecting the long term supply of productive agricultural and horticultural land. There is need to avoid fragmentation of land suitable for rural production by discouraging subdivision and houses that are unrelated to the rural use of the land. It is also important to ensure that farm production is not compromised or adversely affected by residents living in rural areas.</p> <p>It is policy to:</p> <ul style="list-style-type: none"> • Discourage subdivision and dwellings unless they are directly related to the agricultural use of land. • Discourage non-agricultural use and development in areas of productive agricultural land. • Encourage the consolidation of small lots. • Ensure that lots created under Clause 35.07-3 have a maximum area of two hectares. • Maintain the right of existing farms to continue their operations without being adversely affected or constrained by residential concerns. • Include the following requirements on a permit to excise a lot for a dwelling where it is considered this would facilitate ongoing agricultural use of the remaining land: <ul style="list-style-type: none"> ○ Consolidate all of the remaining land with the title of an existing farm; or ○ If the remainder land is less than 40ha, require the landowner to enter into an agreement under S173 of the Planning and Environment Act that no further applications will be made to erect a dwelling on the balance allotment. <p>This clause clearly discourages the type of subdivision proposed in this application as the subdivision of the land is not directly related to the agricultural use of the land.</p> <p>The subdivision is not required to increase agricultural productivity of the land and will actually result in the productivity of the land being reduced.</p>
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		<p>The proposed subdivision will result in fragmentation of land suitable for agriculture and will break the nexus between the existing dwelling on the land and the potential agricultural activities that can be carried out on the land.</p> <p>The subdivision will result in the creation of a rural lifestyle lot surrounded by a larger lot that will be used for agricultural activities. This will lead to an increase in the number of residents living in the area that do not live in dwellings that are related to the rural use of the land and potential conflicts with adjoining agricultural uses.</p>
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Zone

Under Clause 35.07-1 (Farming Zone) of the Moorabool Planning Scheme, a permit is required to subdivide land.

The purpose of the Farming Zone is to:

- Implement the State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies;
- Provide for the use of land for agriculture;
- Encourage the retention of productive agricultural land;
- Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture;
- Encourage the retention of employment and population to support rural communities; and
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposed subdivision will result in the removal of 2 hectares of agricultural land. Lot 2 will be too small for any meaningful agricultural uses. The creation of a new lot containing a dwelling not in the same ownership, will also reduce the viability of the adjoining land.

Overall, the proposed subdivision of the land into two lots is considered to be inconsistent with the purpose and decision guidelines of the Farming Zone, as discussed below.

Overlays

The site is affected by Environmental Significance Overlay, Schedule 1 (ESO1), and Design and Development Overlay, Schedule 2 (DDO2).

Under Clause 42.01 (ESO) of the Moorabool Planning Scheme, a permit is required to subdivide the land. There are no applicable exemptions under Schedule 1.

Under Clause 43.02 (DDO) of the Moorabool Planning Scheme, Schedule 2 (DDO2), subdivision does not require a permit.

Relevant Policies

Council's Rural Housing Policy, adopted on 19 September 2012, gives direction for assessing planning permit applications which propose new residential development of land in the Farming Zone. The Policy encourages residential development in farming areas which satisfies the purpose of the Farming Zone and supports agricultural opportunities. The policy does not specifically address subdivision of land in the farm zone or house lot excisions.

Particular Provisions

None applicable.

Discussion

This would be the second time that a 2 hectare house lot had been excised from the property with the property being previously subdivided in a similar manner in 1995.

In the context of State and Local Policy it is considered that the proposed use and development generally does not satisfy the relevant provisions of the Moorabool Planning Scheme.

There are a plethora of policies in the State and Local Planning Policy Frameworks that reinforce the objectives of retaining and promoting agricultural activities in the Farming Zone.

In the State Planning Policy Framework, Clauses 11.05-3, 11.06-8 and 14.01 set out the clear intent of maintaining agricultural uses in rural areas. Clause 16.02-1 (Rural Residential Development) takes a step further to state that rural residential use should take place in an orderly fashion: that is to direct such uses to land identified as suitable for such purposes instead of taking up agricultural land. This is to protect agricultural activities in farming areas, to maintain a buffer separating farming and rural activities from residential uses, to ensure that rural residential uses do not encroach on high quality productive agricultural land, and to ensure that land zoned for rural living or rural residential are located close to towns and urban centres.

In the Local Planning Policy Framework, Clauses 21.03-4, 21.03-5, 22.02 and 22.03 reaffirmed these sentiments. Clause 22.03 is the specific local policy relating to house lot excisions in rural areas. This policy acknowledges the need to avoid fragmentation of land suitable for rural production by discouraging subdivision and houses that are unrelated to the rural use of the land. It also acknowledges the impacts that rural residential use can have on farm production through land use conflicts.

The subdivision is not required to increase agricultural productivity of the land and will actually result in the productivity of the land being reduced.

The proposed subdivision will result in fragmentation of land suitable for agriculture and will break the nexus between the existing dwelling on the land and the potential agricultural activities that can be carried out on the land.

The subdivision will result in the creation of a rural lifestyle lot surrounded by a larger lot that will be used for agricultural activities. This will lead to an increase in the number of residents living in the area that do not live in dwellings that are related to the rural use of the land and an increase in the potential conflicts with adjoining agricultural uses.

While Council's Rural Housing Policy recognises that there are a variety of lots sizes in the rural areas of Moorabool Shire and allows for the development of dwellings on lots smaller than 40 hectares it does not encourage the creation of further lots smaller than 40 hectares in the Farming Zone.

Given that it is likely that the dwelling will not be connected to the farming operation of the parent lot, its use is inherently contrary to the policies in the State and Local Planning Policy Frameworks to retain and maintain agricultural land and to discourage incompatible land uses such as residential to adversely impact on such farming activities.

Although the applicant has stated that the lots will be retained within the same family it is not demonstrated that it would be the case in the future. It is entirely plausible that any future owner of the dwelling would treat the property as a life style property and expect quiet country living which may not be delivered by the legitimate farming operations on neighbouring land.

The son can live in the existing dwelling on the land now without the lot being subdivided. If both lots are to remain in the same family then the house lot excision is not required. If the lots do not remain in the same family then the likelihood of conflict between the owners of the house lot and the surrounding farming activities will increase significantly.

The use of a Section 173 Agreement requiring that the new lots not be further subdivided and that no additional dwellings be erected on either lot was considered. It would prevent the further use and development of a dwelling and excision of another rural residential lot in the future.

This, however, does not overcome the fundamental issue of creating a small rural residential lot now, or future conflict between residents of the house and surrounding farming activities which may change over time and which may be more intensive or moving farming nodes closer to the dwelling than at present.

The proposed subdivision would still not have policy support even with such an agreement in place.

General Provisions

Clause 65 . Decision Guidelines have been considered by officers in evaluating this application as appropriate.

Referrals

The following referral was made pursuant to s.55 of the Planning and Environment Act 1987:

External Authority (Section 55)	Response
Southern Rural Water	No objection, no conditions

The following referrals to Council departments were made pursuant to s.52 of the Planning and Environment Act 1987:

Internal referral (Section 52)	Response
Infrastructure	No objection subject to conditions
Environmental Health	No objection subject to conditions

Financial Implications

The recommendation of a refusal for this subdivision would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of a refusal for this subdivision does not implicate any risk or OH & S issues to Council

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

The responsible authority could consider to issue a Notice of Decision to grant a permit for the subdivision with relevant conditions including a Section 173 Agreement requiring that the new lots not be further subdivided and that no additional dwellings be erected on either lot. However this is not recommended as it will still result in the fragmentation of rural land and the creation of a rural residential lot.

Conclusion

The proposal is considered inconsistent with relevant policies contained within the Moorabool Planning Scheme. The subject site is productive agricultural land located within the Farming Zone where this type of subdivision is discouraged by state and local policies.

The proposed subdivision is not consistent with the objectives of the Farming Zone as it will result in further fragmentation of rural land and would result in the creation of a rural lifestyle lot which will have the potential for adverse impacts on farm production through land use conflicts.

In accordance with Section 61(1) of the Planning and Environment Act, 1987 the Responsible Authority should refuse the application on grounds outlined in the recommendation section of this report.

Recommendation

That, having considered all matters as prescribed by s.61 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for the subdivision of the land into two lots at Lot 2 on Plan of Subdivision 332018D, 995 Glenmore Road, Rowsley for the following reasons:

- 1. The proposed subdivision is not consistent with the objectives of the local planning policy at Clause 22.03 as it will not increase agricultural productivity and will increase the potential for adverse impacts on farm production through land use conflicts.**
- 2. The proposed subdivision is not consistent with the purpose of the Farming Zone as the subdivision will result in the fragmentation of productive agricultural land.**
- 3. The proposed subdivision is not consistent with the State Planning Policy Framework, Clauses 11.05-3, 11.06-8, 14.01 and 16.02-1.**
- 4. The proposed subdivision is not consistent with the Local Planning Policy Framework, Clauses 21.03-4, 21.03-5 and 22.02.**

Report Authorisation

Authorised by: 

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 18 September, 2015

10.2.3 2014/15 Moorabool Shire Council Annual Report

Introduction

File No.: 02/02/002
Author: Peter Forbes
Manager: Satwinder Sandhu

Background

Under Section 133 of the Local Government Act (1989), Council is required to prepare an Annual Report and submit it to the Minister for Local Government within three months after the end of the financial year reported on. The Moorabool Shire Council Annual Report 2014/15 was submitted to the Minister for Local Government on Wednesday 30 September, 2015.

Under Clause 17 of the Local Government (Finance and Reporting) Regulations 2004 No. 30 of the Act, Council must hold a meeting to consider the Annual Report within one month of providing the Annual Report to the Minister pursuant to section 131 (6) of the Act.

Council is required to advertise that the Annual Report will be presented to Council for consideration.

Public notice has been given in the Moorabool News on 22 and 29 September, 2015 and the Ballarat Courier on 19 September and 3 October that the 2014/15 Annual Report is being presented to Council on Wednesday 7 October, 2015. Further advertisements have been scheduled to appear in the Courier (10 October, 2015) and the Moorabool News (13 October, 2015) stating that the report is available for public inspection at Council offices and on Council's website.

Proposal

In accordance with requirements of the Local Government Act (1989), the 2014/15 Annual Report has been advertised for at least the mandatory 14 day period before the meeting is held and presented to Council to consider and receive the report. Advertising during this period will outline the places from which copies of the Annual Report can be obtained prior and post the meeting.

Once considered, hard copies of the Annual Report will be available at Council offices for inspection and supplied upon request. The public will be able to download a copy of the Annual Report from the Council website.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Good governance through open and transparent processes and strong accountability to the community.
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The proposal to consider the 2014/15 Annual Report is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications as a result of this report.

Risk & Occupational Health & Safety Issues

There are no risk implications in relation to this report

Communications Strategy

Advertisements have been placed in the Moorabool News advising that the Annual Report is being presented to Council for consideration and that the report will be available for inspection at Council offices. An electronic copy and a hard copy of the 2014/15 Annual Report were lodged to the office of the State Government's Minister for Local Government.

The Annual Report will be available for inspection at all Council Service Centres and hard copies of the report will be distributed to stakeholders and customers who have requested a copy of the report. The report is also on the Council's website.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager Growth and Development – Satwinder Sandhu

In providing this advice to Council as the General Manager, Growth and Development, I have no interests to disclose in this report.

Author – Peter Forbes

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Having complied with the requirements of the Local Government Act (1989), the 2014/15 Annual Report can now be made a public document and either distributed to stakeholders or made available for inspection on request.

Recommendation:

That Council, in accordance with section 134 of the Local Government Act (1989) accepts the 2014/15 Annual Report.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday 30 September, 2015

10.2.4 Proposed Consent to Closing of Road – North of TP5870, Parish of Buninyong pursuant to Section 349 of the *Land Act 1958*

Introduction

File No.: 271260
Author: Michelle Morrow
General Manager: Satwinder Sandhu

Background

Council has received a request from the Department of Environment, Land, Water and Planning (DELWP) seeking Council's consent to the closure of a government road as highlighted in red on the attached plan adjoining Crown Allotment 9 Section 8 TP5870, Parish of Buninyong. This matter is being presented to Council at this meeting in order to respond within the specified timeframe and to satisfy the requirements of Section 349 of the *Land Act 1958*.

A road laid out on land of the Crown, which is unused as to the whole or any portion of the length or width, may be closed by the Governor in Council by order published in the Government Gazette; but only with the concurrence in writing of the Council of the municipality in whose district the road is located and the owners of any adjoining land.

Proposal

It is the intention of DELWP to formally sell this portion of land to the abutting landowner under Section 209 of the *Land Act 1958* subject to road closure and final Ministerial approval.

It is recommended that Council, pursuant to Section 349 of the *Land Act 1958*, gives its consent to the closure of this portion of unmade government road.

In resolving to consent to the closure of this portion of government road, Council will be aware of the following:

- a) The closing will be absolute;
- b) The road will be shown as closed on all departmental plans and Office of Title charts and on the titles of the abutting land;
- c) All rights of carriageway enjoyed by the public will cease; and
- d) The land in the closed road will be unalienable land of the Crown and can be dealt with under the provisions of the *Land Act 1958* which includes the sale of the freehold.

An aerial photograph of the proposed road closure appears on the following page.



Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community.

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

There will be no financial implications for Council.

Risk & Occupational Health & Safety Issues

There are no Risk or Occupational Health and Safety issues in relation to this report.

Communications Strategy

Consultation in relation to the closure of the portion of road abutting a freehold land title will be undertaken by DELWP as required under Section 349 of the *Land Act* 1958.

Council officers have been consulted and have offered no objection to the closure of this portion of government road. As the applicant to DELWP owns the land on both sides of the road to be closed and has a view to purchase the road once it is closed, there are no other parties considered to be affected by this proposal.

The Governor in Council by order will publish the government road closure in the Victorian Government Gazette.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act* 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Michelle Morrow

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

This matter is an administrative issue that requires Council's formal consent under Section 349 of the *Land Act 1958*.

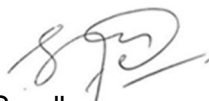
It is recommended that Council, pursuant to Section 349 of the *Land Act 1958*, gives its consent to the closure of this unmade Government road as highlighted on the attached map.

Recommendation:

1. **That Council give its consent to the closing of a road adjoining Crown Allotment 9 Section 8 TP5870, Parish of Buninyong as highlighted on the attached plan.**
2. **In giving this consent, Council is aware that should the road be closed, the effect will be that:**
 - a) **The closing will be absolute;**
 - b) **The road will be shown as closed on all departmental plans and Office of Title charts and on the titles of the abutting land;**
 - c) **All rights of carriageway enjoyed by the public will cease; and**
 - d) **The land in the closed road will be unalienable land of the Crown and can be dealt with under the provisions of the *Land Act 1958*, which includes the sale of the freehold.**

Report Authorisation

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Wednesday, 30 September, 2015

10.2.5 M2041 Urban Growth Strategy - Feedback from Exhibition of Community Consultation Report

File No.: 13/01/014
Author: Andrew Goodsell
General Manager: Satwinder Sandhu

Background

In June 2015 Council resolved to exhibit the Community Consultation Report for the Urban Growth Strategy for a month.

The purpose of this report is to provide feedback to Council on feedback received, thus clarifying whether the summary of issues contained within the Community Consultation Report is a fair and accurate reflection of community opinion.

Engagement and Feedback Received

Overall, the Urban Growth pages on the Have Your Say portal were visited 173 times over the four week consultation period (9/7-9/8/15). The summary document was downloaded forty-one times and forty-eight people visited the survey and forum.

The opportunities to comment were promoted via Moorabool Shire Council's Facebook page on 21 July, 4 August and 11 August. Each of these posts was seen by a possible audience of 725 followers and had active engagement from 13 people. The Facebook post of 21 July resulted in eighty-one people visiting the project pages in a single day.

An email was also sent to the database of residents that expressed an interest in staying informed about the project and opportunities to comment. Additionally, the feedback received from school students was provided to each of the participating schools.

One comment was registered on Have Your Say as follows ~~it~~ reflects the current difficulty in road travel with the flood of busses, but rail needs improvement, especially with the new PTV timetable that favours Ballarat commuters.q

The feedback reflects an ongoing concern over the performance of the rail network timetabling and its significant role in the future of Bacchus Marsh. Council has recently flagged concerns on timetabling with PTV and is advocating for enhanced service delivery as part of the Regional Network Development Plan.

It is evident from this process that many readers spent some considerable time reading documentation prepared, taking time to download content. Equally it is apparent that the summary of issues contained in Report was widely accepted as an accurate record of the consultation carried out.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	<p>Adoption of Moorabool 2041 Framework and vision.</p> <p>Development of Urban and Rural Growth Strategies in conjunction with other related plans.</p> <p>Advocate and lobby government for increased infrastructure funding and ensure state land use plans are in line with the Moorabool community needs.</p> <p>Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.</p>

The Community Consultation Report for the Urban Growth Strategy is consistent with the 2013-17 Council Plan.

Financial Implications

There are no financial implications to Council.

Risk & Occupational Health & Safety Issues

Not applicable.

Communications and Consultation Strategy

Not applicable.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Andrew Goodsell

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Council has conducted a comprehensive round of community engagement in preparing the Community Consultation Report for the Urban Growth Strategy. The findings and summary provided in that Report accurately reflect the issues raised by stakeholders.


A set of key principles which respond to the issues summarised in the Community Consultation Report is now being prepared which will underpin the Urban Growth Strategy. It is expected a report containing these key principles will be provided to the S86 Urban Growth Committee in coming months.

Recommendation:

That Council reviews and notes the feedback received from exhibition of the M2041 Urban Growth Strategy Community Consultation Report.

Report Authorisation

Authorised by:


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday 18 September, 2015

10.2.6 Moorabool Shire Advocacy Document (September 2015 edition)

Introduction

File No.: 02/14/005
Author: Peter Forbes
General Manager: Satwinder Sandhu

Background

Since 2012, Council has used the *Moorabool Shire Council Key Priority Projects* document to assist in informing and lobbying stakeholders and decision makers about important funding and policy requirements for Moorabool Shire.

Many projects advocated for in previous editions have now received the funding required to come to fruition. Highlights include:

- Darley Civic Hub Pavilion;
- Darley Early Years Hub;
- Mobile telecommunications infrastructure in Blackwood; and
- Halletts Way Southern Extension (bridge over Werribee River).

The current edition (May 2014) has been updated to reflect Council's progress, evolving priorities and the likelihood of an imminent Federal election.

A Briefing Note dated 8 September, 2015 was distributed to Councillors with the updated version of the *Moorabool Shire Council Key Priority Projects* document attached for review.

Regular review and updates are necessary to ensure the information remains current, accurately represents Council's views on the Shire's infrastructure and policy priorities and reflects the organisation's preparedness.

Notable adjustments to this edition include:

- Greater detail on the four Bacchus Marsh traffic improvements projects;
- Greater strategic context on the Shire's recreation and small town servicing requirements;
- Updates on the Parwan Employment Precinct;
- Removal of Coal Mining; and
- Elevation of Dales Creek and Greendale as the next highest ranking mobile telecommunications priority locations.

Proposal

That Council review the September 2015 edition of the advocacy document and adopt it as an accurate reflection of the current key priority projects of Moorabool Shire Council.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs.
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire. Represent Council at a regional level to improve services and infrastructure within the shire

The proposal to produce and distribute the updated advocacy document is consistent with the 2013-2017 Council Plan.

Financial Implications

The revision of the document has been funded out of the existing 2015/16 marketing budget.

Risk & Occupational Health & Safety Issues

No OHS risk has been identified in the updating of the document.

Community Engagement Strategy

Once adopted, an electronic version will be made available via the Council website. Hard copies will be available for viewing at Council Customer service centres in Darley, Bacchus Marsh and Ballan.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Collaborate	Councillors	Discussions	Various		Councillors provided feedback in formulating the proposal
		AOC	Ballan	22 April 2015	Council formulated priorities via Council Plan Review
		Briefing Note	N/A	8 Sept	Councillors reviewed the document and provided feedback

		Council Meeting	Bacchus Marsh	7 Oct 2015	Consider and adopt the final version
Inform	Community	Website Hard Copies	Various Ballan, Bacchus Marsh and Darley	June 2015 June 2015	Community informed of the Council priorities and what we will be advocating for to State and Federal Government
Collaborate	State and Federal Government	Discussion with decision makers and agencies about funding opportunities and policy alignment	Various	October 2015 onwards	Awareness of Moorabool Shire's key priority projects and funding requirements

Communications Strategy

Once adopted, the document will be used and widely distributed to policy makers and funding body representatives as a tool to assist efforts to advocate on behalf of Moorabool.

It will be used by the CEO and Mayor in their meetings with the State and Federal Government and is versatile enough to assist a range of other stakeholders' lobbying efforts.

If adopted, the September 2015 version will be produced in a printable A4 version and an interchangeable A5 size card hard copy version printed for distribution and presentation in an A5 size Shire branded wallet.

Complex projects like the four Bacchus Marsh Traffic Improvements have been combined with a map as an A1 size poster (see Attachment 10.2.6(b)). The proposed Parwan Employment Precinct and proposed Racecourse Reserve Master Plan are candidates for the A1 size poster, should Council approve their aligning strategies.

An electronic version will be made available to the local community and the general public via the Council website. Hard copies will be available for viewing at the Darley, Bacchus Marsh and Ballan Service Centres.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Peter Forbes

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Moorabool Shire Council Key Priority Projects document has been reviewed and updated. If Council adopt the document, it can be printed and distributed as required.

Recommendation:

That Council:

1. **Endorses the *Moorabool Shire Council Key Priority Projects (September 2015)* edition for advocacy and presentation to other levels of government and agencies.**
2. **Receives a further report at least annually on changes required to the advocacy document to reflect Council priorities.**

Report Authorisation

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Wednesday 30 September, 2015

10.2.7 Change in Venue – Ordinary Meeting of Council - 4 November 2015

Introduction

File No.: 02/01/001
Author: John Whitfield
Manager: Satwinder Sandhu

Background

The November Ordinary Meeting of Council (OMC) is scheduled for Wednesday 4 November 2015 at the Blackwood Public Hall. Repairs will be taking place at the hall at that time and it is therefore unavailable for the meeting.

Proposal

It is proposed to change the venue for the 4 November 2015 OMC to the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Good governance through open and transparent processes and strong accountability to the community.
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The proposal to hold the November 2015 OMC at the James Young Room, Bacchus Marsh is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications as a result of this report.

Risk & Occupational Health & Safety Issues

There are no risk implications in relation to this report

Communications Strategy

The proposed change in venue for the OMC will be advertised in local newspapers, Council's website and on Council's social media sites.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, Growth and Development, I have no interests to disclose in this report.

Author – John Whitfield

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Due to the unavailability of the Blackwood Public Hall, the venue for the OMC on 4 November 2015 be changed to the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh.

Recommendation:

That Council;

- 1. Change the venue for the Ordinary Meeting of Council on 4 November 2015 at 5.00pm from the Blackwood Public Hall to the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh;**
- 2. Provides public notice in local papers, Council's website and social media sites, as required by the *Local Government Act 1989*, advising the changed venue of the Ordinary Meeting of Council on 4 November 2015 is the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh.**

Report Authorisation

Authorised by: 

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday 30 September, 2015

10.3 COMMUNITY SERVICES

10.3.1 Community Development Strategy 2015-2021

Introduction

File No.: 12/01/001
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to present the Council with the Community Development Strategy 2015-2021 for adoption, following the community exhibition period.

At the Ordinary Meeting of Council on the 1 July 2015, the Council resolved to: endorse the Draft Community Development Strategy for the purposes of community exhibition for a period of four (4) weeks; receive a further report at the conclusion of the community exhibition period seeking adoption of the Community Development Strategy; and before the document comes back to Council for final adoption that a report be presented to an Assembly of Councillors.

In accordance with this resolution, the Draft Community Development Strategy was presented to an Assembly of Councillors on Wednesday 26 August 2015 for consideration, following the community exhibition period.

The Strategy contained in Attachment 10.3.1 is a six year plan developing community capacity and social sustainability in the Shire. The Strategy provides an overview of the principles and practices of community development and an action plan for improving and enhancing community development activities across the Shire.

The Strategy has been developed through community engagement undertaken as well as research into community development practices at other local governments and State and Federal Government departments.

The Strategy outlines:

- What is community development
- Definitions of community and development
- Council's role in Community Development
- State and Federal Government context
- Demographic indicators
- Action Plan

The Strategy will be implemented over the next six years by the Council's Community Development team in conjunction with other service units and community partner. The Strategy includes an action plan to ensure the strategy is progressed, including an annual review.

Proposal

It is proposed that the Council adopts the Community Development Strategy 2015-2021, following the community exhibition process undertaken.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community self-reliance and resilience
Strategy	Provide community development support and partnership projects

The proposal Community Development Strategy 2015-2021 is consistent with the 2013-2017 Council Plan.

Financial Implications

The Plan contains an action plan outlining key strategies and actions to be implemented over the next six years. A number of actions will require Council funding, and will be subject to the normal Council budget process. The Plan will be reviewed annually and actions adjusted to reflect budget and resourcing outcomes. A number of actions are also subject to external funding and officer will submit funding applications for these projects to be implemented.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Development Strategy	The development of a Community Development paper is a Council plan action for 2014/15.	Low	Council to develop and adopt the Community Development Strategy

Communications and Consultation Strategy

The following community engagement activities were undertaken to develop the Plan, in accordance with the Council's Community Engagement Policy and Framework:

Level of Engagement	Stakeholder	Activities	Outcomes
Consult	Community	Survey and discussion forum Have Your Say and paper copies	43 surveys
Consult	Community	Fact sheet . principles and objectives on Have Your	

Involve	Stakeholders and internal staff	Workshop	20 people attended
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Following the Council meeting held on the 1 July, the Draft Community Development Strategy was released for community exhibition on Have Your Say and at the Council offices and Library.

The following represents the outcome from this engagement period:

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Have Your Say Hard copies Council officers and Library.	Visits . 25 Document downloads -14

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Kate Diamond-Keith

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Community Development Strategy 2015-2021 outlines the purpose and objective of community development and the benefit for the community. The Strategy will provide future direction for community capacity building and developing activities for the Council to support its community. The Strategy will be implemented and evaluated by the Community Development team in conjunction with other Council staff and community groups and government organisations.

Recommendation:

That Council adopt the Community Development Strategy 2015-2021.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.3.2 Volunteer Strategy 2015-2021 and Volunteer Policy

Introduction

File No.: 12/01/001
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to present the Council with the Volunteer Strategy 2015-2021 and Volunteer Policy for adoption, following the community exhibition period.

At the Ordinary Meeting of Council on the 1 July 2015, the Council resolved to:

Endorse the Draft Volunteer Strategy and Draft Volunteer Policy for the purposes of community exhibition for a period of four (4) weeks; receive a further report at the conclusion of the community exhibition period seeking adoption of the Volunteer Strategy and Volunteer Policy; before the documents comes back to Council for final adoption, that a report be presented to an Assembly of Councillors.

In accordance with this resolution, the Draft Volunteer Strategy and Volunteer Policy was presented at an Assembly of Councillors on Wednesday 26 August 2015 for Council consideration, following the community exhibition period.

A Volunteer Management Internal Audit of Council operations was completed by Council's Internal Auditors, in February 2014. The audit outlined a number of volunteer management actions to be undertaken by Council, including the following:

- Preparation of a Volunteer Strategy detailing how Council will maximise the benefits of volunteering whilst effectively managing the risks.
- Preparation of a Volunteer Policy and Management System associated procedures to provide guidance to management regarding:
 - where volunteers can be used with Council,
 - policies regarding the recruitment, orientation and ongoing training of volunteers,
 - responsibilities of the volunteers and management with regards to volunteer activities,
 - expected standards of employees such as adherence to any code of conduct or other employee policies,
 - details of resources provided to volunteers.
- Development of a comprehensive training register to record the specific training provided to each volunteer.

- Development of a consistent training programs for delivery to individual volunteers. The training should address:
 - Council requirements such as code of conduct and managing conflicts of interests,
 - Occupational health and safety,
 - Job specific requirements,
 - Expectations regarding the use of Council resources.

The Strategy contained in Attachment 10.3.2a is a six year plan developing community capacity and social sustainability for volunteerism in the Shire. The Strategy provides an overview of the principles of volunteering and provides an action plan to support volunteers in the Shire. The Policy contained in Attachment 10.3.2b provides a guiding policy document for the volunteers directly managed by the Council, whilst also recognising the principles and benefits of volunteering.

The Strategy and Policy have been developed through community engagement undertaken as well as research into volunteering policies and strategies by other bodies.

The Strategy includes an action plan to ensure the strategy is progressed, including an annual review. The Policy will be reviewed every three years to ensure consistency and relevance.

Proposal

It is proposed that the Council adopts the Volunteer Strategy 2015-2021 and Volunteer Policy, following the community exhibition process undertaken.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community self-reliance and resilience
Strategy	Support and recognise the vital role and contribution of volunteers in our community

The proposed adoption of the Volunteer Strategy and Policy are consistent with the 2013-2017 Council Plan.

Financial Implications

The Strategy contains an action plan outlining key strategies and actions to be implemented over the next six years. A number of actions will require Council funding, and will be subject to the annual Council budget process. The Strategy will be reviewed annually and actions adjusted to reflect budget and resourcing outcomes. A number of actions are also subject to external funding and officers will submit funding applications for these projects to be implemented.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Audit committee recommendations	Audit committee recommendations not completed	Low	Council to develop and adopt the Volunteer Policy and Strategy

Communications and Consultation Strategy

The following community engagement activities were undertaken during the development of the Strategy and Policy, in accordance with the Council's Community Engagement Policy and Framework:

Level of engagement	Stakeholder	Activities	Outcome
Inform	General community	Information about how to provide input (e.g. media release, advert in Moorabool News, flyers in Council offices and libraries, email to Council volunteers).	Community informed about opportunities for input.
Consult	Volunteers and organisations in the Shire community Peak bodies and regional volunteer networks (Volunteering Victoria, Ballarat Volunteer Resource Centre)	Have your Say Council's On line Community Engagement Portal - survey and discussion forum Hard copy surveys available at Council offices and libraries Email re templates and resources	<ul style="list-style-type: none"> 20 people completed the online survey. Five people participated in the online forum. 21 people completed hard copy surveys. Information and resources obtained from peak bodies and regional volunteer networks. Youth Action Group meeting
Involve	Volunteers and organisations in the Shire Committees of Management Volunteers engaged by Council services Internal Council staff who manage volunteers or functional areas that impact on volunteers	Community forum Project control group meetings One on one meetings	19 people (volunteers and organisations) participated in the community forum One meeting held and regular communication with staff who manage volunteers.

Following the Council meeting held on the 1 July, the Draft Volunteer Strategy and Policy were released for community exhibition on Have Your Say and at the Council offices and Library.

The following represents the outcome from this engagement period:

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Have Your Say Hard copies Council officers and Library.	Visits . 7 Document downloads -2

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Kate Diamond-Keith

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Strategy and Policy have been developed in direct response to the audit undertaken in February 2014. The Strategy outlines the benefits and importance of volunteering in the community and how the Council can continue to support and recognise volunteers in the Shire. The Policy provides a statement and context for how the Council can support and manage its own volunteers. These documents will provide the strategic and policy basis for supporting and developing volunteerism in the Moorabool Shire into the future.

Recommendation:

That Council adopt the Volunteer Strategy 2015-2021 and Volunteer Policy.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.3.3 Community Grants Program Winter 2015

Introduction

File No.: 06/03/004
Author: Kate Diamond-Keith
General Manager: Danny Colgan

Background

The purpose of this report is to present the Council with an assessment of applications received under the Winter 2015 round of Community Grants.

Community grants totalling \$140,000 per annum are available in two separate funding rounds of \$70,000. The Winter round of the Community Grants Program opened on the 1 August and closed on the 31 August 2015.

At the Ordinary Council Meeting on Wednesday 4 September 2013, the Council adopted the revised Community Grants Policy and Guidelines. The policy will be reviewed again in 2016. The Winter 2015 Community Grant Program represents the fifth round under the revised Community Grant Policy.

Council's Community Grants program enables not for profit community groups to apply for funding under the following three program categories:

- " Community Strengthening Grants: Community projects, programs and initiatives with a specific focus on connecting communities and building community capacity (\$50,000 available per round).
- " Events Grants: Non-recurrent, seed funding designed to encourage and promote the development of sustainable local events (\$10,000 available per round).
- " Arts Grants: Supporting local artists and organisations to use a creative approach to the development of community projects and initiatives (\$10,000 available per round).

Community groups and organisations can apply for up to \$5,000 for Community Strengthening Grants and up to \$3000 for Arts and Events Grants. Groups also need to demonstrate a cash or in-kind contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). Small Community Strengthening Projects under \$1,000 are not required to demonstrate a contribution.

The categories under the Community Grants Program recognise the diverse range of activities that community groups in Moorabool are engaged in and the areas in need of financial support from Council.

The Community Grants Program Policy Guidelines state that applicant groups must demonstrate the support of the committee responsible for management of the proposed facility/service. This includes demonstrating that proposed projects are consistent with the service or facilities Master Plan, Strategic Plan or Business Plan.

Policy Assessment Criteria:

- a. Project Description and why the applicant wants to do the project . 10%
- b. What will this project achieve? . 20%
- c. Why is this project needed in your community? . 20%
- d. Who will be involved in the project? 15%
- e. How will you carry out your project? (including risk management) . 15%
- f. Project budget and explanation of how the group arrived at the costs? 20%.

Each criterion is given a score between 0 and 10 and this score is weighted according to the criteria percentage. The maximum possible score for any application is 100.

Application Support

The Community Grants Program Policy specifies that applicant groups are encouraged to meet with a Community Development Officer prior to lodging an application. The majority of applicant groups for the Winter 2015 round of Community Grants received support and advice from Community Development Officers.

Number of applications and amount requested

In total, 30 applications were received across the three program categories: Community Strengthening (18), Events (8) and Arts (4). A total of \$88,290 was requested with \$70,000 available. (\$50,000 for Community Strengthening, \$10,000 for Events, \$10,000 for Arts)

Category	Applications Received	Amount Requested	Amount recommended	Amount Available
Community Strengthening	18	\$58,581	\$51,301	\$50,000.00
Events	8	\$19,985	\$10,050	\$10,000.00
Arts	4	\$9,725	\$9,725	\$10,000.00
Total	30	\$88,290	\$71,076	\$70,000.00

Assessment

Assessment of applications was conducted by a panel of officers and ranked according to the extent to which the application addressed Council's policy assessment criteria.

Proposal

Based on the above process and funding criteria, it is proposed that the Council allocate the grants for the Winter 2015+round of Community Grants as follows:

Community Strengthening Grants:

Groups demonstrating Council Policy criteria of, or better than, a score of 71.65 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Bacchus Marsh Public Hall Committee	Life Saving Defibrillator	Installation of defibrillator and first aid boxes	\$1,440	\$2,880	\$1,440	84.7	No
Darley Cricket Club	Purchase of turf care equipment	Purchase of new turf care equipment to replace deteriorated equipment	\$5,000	\$29,573	\$6,440	82.85	No
Bacchus Marsh Golf Club	Purchase of SNAG golf equipment	Program to teach golf to all ages	\$1,500	\$4,000	\$7,940	81.7	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Bacchus Marsh Little Athletics Centre	Informative Signage	Signage for Little Athletics at Mason's Lane	\$1,000	\$1,609	\$8,940	77.4	2012
Ballan Senior Citizens	Self-opening sliding glass doors for senior citizen centre	Installation of automatic entrance doors for Ballan Senior Citizen Centre to assist people with disabilities	\$5,000	\$10,000	\$13,940	78.3	No
Bacchus Marsh Badminton	Bacchus Marsh Badminton Start-up	Equipment for new badminton club	\$2,500	\$5,000	\$16,440	78	No
Ballan Shire Historical Society	Heritage Interpretation Sign at Mill Park Ballan	Historical sign at the site of the old Ballan Flour and Caff Mill	\$1,000	\$1,740	\$17,440	77.7	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Ballan District Health and Care	We remember: WWII Memorial	WWII Memorial in gardens of Ballan District Health and Care	\$5,000	\$29,728	\$22,440	77.3	Summer 2014
Rowsley Landcare Group	Rowsley Landcare Group Equipment	Equipment for Landcare members	\$625	\$1,253	\$23,065	77.15	No
Greendale Reserve Management Committee	Re-fencing Egan's Reserve, Greendale	To replace existing 40 year old perimeter fencing	\$5,000	\$10,000	\$28,065	77.15	Summer 2014
Elaine Tennis Club	Elaine Tennis Courts Resurfacing X2	Resurfacing 2 courts with blue acrylic surface	\$5,000	\$17,700	\$33,065	76.7	No
Lady Northcote Association	Restoration of the kitchen at house 12 Lady Northcote Children's Farm	Restoration of the kitchen at house 12 Lady Northcote Children's Farm	\$5,000	\$10,000	\$38,065	75.4	No

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Maddingley Park Committee of Management	Restoration of the kitchen adjacent the Evans Pavilion in Maddingley Park	Restoration of the kitchen adjacent the Evans Pavilion in Maddingley Park	\$1,000	\$1,020	\$39,065	75.1	No
Bacchus Marsh Community Radio Group	Computer Refurbishment Program	New equipment for Apple FM	\$2,601	\$5,601	\$41,666	73.35	No
Moorabool Landcare Network	MLN Mapping improving the capacity of the community to understand their natural assets	GPS data collection and GIS training for Landcare groups	\$4,635	\$10,867	\$46,301	71.75	No
Bluebird House	Bluebird House	Starting up Rehabilitation facility in Bacchus Marsh	\$5,000	\$10,000	\$51,301	71.65	No

Life Saving Victoria	Sink or swim: meet a life guard in Moorabool Shire	Water safety education program in schools	\$2,280	\$4,810	\$53,581	65.3	No
Mt Egerton Primary School Parents Association	Mt Egerton Primary School Community Bus	Purchase of 2nd hand bus for school and community use	\$5,000	\$10,000	\$58,581	60.75	No
Total			\$58,581	\$155,781			

Events Grants:

Groups demonstrating Council Policy criteria of, or better than, a score of 78.95 may be provided with funding if Council so determine.

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
The Churches Association	Bacchus Marsh Community Carols	Community Carols for Bacchus Marsh and district	\$ 2,000	\$ 16,600	\$ 2,000	83.15	No
Ballan and District Chamber of Commerce	Ballan and District Chamber of Commerce Business Excellence Awards	A local Business Excellence Awards event organised by the Ballan and District Chamber of Commerce	\$ 3,000	\$ 28,000	\$ 5,000	80.55	Summer 2013

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Gordon Parish	Community Festival	Community Festival at Moorabool Reservoir	\$ 3,000	\$ 7,750	\$ 8,000	80.15	No
Coimadai Landcare Group	Coimadai Landcare Group: Gaining momentum working with the community	Family Christmas Event to encourage community to gather and talk about Landcare issues.	\$ 2,050	\$ 4,704	\$ 10,050	78.95	No
St Brendan's Primary School Parents and Friends Association	Mt Warrenheip Mountain of Fun Run	Fun Run	\$ 3,000	\$ 44,850	\$ 13,050	76.25	Winter 2013
Greendale Wombat Landcare Group	Greendale Wombat Christmas BBQ	End of year community BBQ	\$ 1,514	\$ 3,814	\$ 14,564	72.95	No
Ballan District and Community House	November Cup Madness	Spring racing carnival activities	\$ 2,550	\$ 5,100	\$ 17,114	72.6	Summer 2014

Name of Organisation	Project Name	Brief Description of Project	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Glow Youth	Youth Wellbeing Event	Youth event- drug education	\$ 2,871	\$ 8,436	\$19,985	62.75	No
TOTAL			\$ 19,985	\$ 110,818			

Arts Grants:

Groups demonstrating Council Policy criteria of, or better than a score of 76 may be provided with funding if Council so determine.

Name of Organisation/Artist	Project Name	Brief Project Description	Requested Amount	Project Total Value	Progressive Total	Policy Score	Previous Community Grant awarded
Ballan Life Drawing Club	Artist Studio Development and Equipment	Turning old men's shed into artist studio	\$3,000	\$6,319	\$3,000	80.3	2011
CWA Ballarat District Group (includes 2 Bacchus Marsh Branches and 3 Gordon/Daylesford Branches)	Art and craft exhibition for Ballan	Art and Craft exhibition Ballan for CWA	\$3,000	\$20,561	\$6,000	77.25	No
Myrniong Primary School, School Council's Parents Group	Values of Myrniong Primary School	Creating school values out of mosaics	\$725	\$1,650	\$6,725	76.3	No
Darley Neighbourhood House Mosaics Group	"Sign Here"	Mosaic Sign for front of Darley Neighbourhood House	\$3,000	\$8,166	\$9,725	76	No
Total			\$9,725	\$36,696	\$9,725		

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community Self Reliance
Strategy	Provide community development support and partnership projects

The proposed allocation of grants under the Community Grants Winter 2015 Program is consistent with the 2013-2017 Council Plan.

Financial Implications

Consistent with the Community Grants Policy and 2015/16 budget allocation, a total of \$70,000 is available for allocation in the Winter 2015 round: \$50,000 for Community Strengthening, \$10,000 for Events, \$10,000 for Arts. The total of grants being recommended for allocation in this round is \$71,076.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk rating	Control/s
Project timelines	Grant recipients exceeding prescribed timelines	Medium	-Terms and conditions agreements required to be signed by grant recipients -Scheduled monitoring of projects
Financial	Grant recipients appropriate expenditure of Council funds	Medium	- Terms and conditions agreements required to be signed by grant recipients -Grant acquittal required upon completion of projects

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Groups	Meetings with applicant groups	Various	August 2015	Applicants groups supported to submit applications

Communications and Consultation Strategy

Applicants for the Winter 2015 round of Community Grants Program will be advised in writing of the outcomes of their grant applications.

Community Development Officers will provide feedback to unsuccessful applicant groups via meetings or phone contact. Feedback will include:

- Advice to applicant groups of the relative strengths and areas for improvement in their Community Grant applications
- Options for alternative funding
- Supporting a group to re-lodge their application in the next appropriate round of Community Grants Program

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Kate Diamond-Keith

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Applications received under the ~~W~~ Winter 2015+ round of Community Grants are reflective of the diverse range of activities that community groups are engaged in and the areas in need of financial support from Council. In total, 30 applications were received across the three program categories: Community Strengthening (18), Events (8) and Arts (4).

This is the fifth round of Community Grants under the revised Community Grants Policy and Guidelines adopted by the Council on the 4 September 2013. The standard of applications in this round was very high, which is demonstrated by the higher scores achieved by most applications. The majority of applicants met with Community development Officers prior to submitting an application, which may demonstrate why applications were of a high standard.

Recommendation:

1. That Council allocates the following grants in the Community Strengthening Grant category.

Name of Organisation	Project Name
Bacchus Marsh Public Hall Committee	Life Saving Defibrillator
Darley Cricket Club	Purchase of turf care equipment
Bacchus Marsh Golf Club	Purchase of SNAG golf equipment
Bacchus Marsh Little Athletics Centre	Informative Signage
Ballan Senior Citizens	Self-opening sliding glass doors for senior citizen centre
Bacchus Marsh Badminton	Bacchus Marsh Badminton Start-up
Ballan Shire Historical Society	Heritage Interpretation Sign at Mill Park Ballan
Ballan District Health and Care	We remember: WWII Memorial
Rowsley Landcare Group	Rowsley Landcare Group Equipment
Greendale Reserves Management Committee	Re-fencing Egan's Reserve, Greendale
Elaine Tennis Club	Elaine Tennis Courts Resurfacing X2
Lady Northcote Association	Restoration of the kitchen at house 12 Lady Northcote Children's Farm
Maddingley Park Committee of Management	Restoration of the kitchen adjacent the Evans Pavilion in Maddingley Park

Name of Organisation	Project Name
Bacchus Marsh Community Radio Group	Computer Refurbishment Program
Moorabool Landcare Network	MLN Mapping improving the capacity of the community to understand their natural assets
Bluebird House	Bluebird House

2. That Council allocates the following grants in the Community Events Grant category

Name of Organisation	Project Name
The Churches Association	Bacchus Marsh Community Carols
Ballan and District Chamber of Commerce	Ballan and District Chamber of Commerce Business Excellence Awards
Gordon Parish	Community Festival
Coimadai Landcare Group	Coimadai Landcare Group: Gaining momentum working with the community

3. That Council allocates the following grants in the Community Arts Grant category

Name of Organisation/Artist	Project Name
Ballan Life Drawing Club	Artist Studio Development and Equipment
CWA Ballarat District Group (includes Ballan and Gordon)	Art and craft exhibition for Ballan
Myrniong Primary School, School Council's Parents Group	Values of Myrniong Primary School
Darley Neighbourhood House Mosaics Group	"Sign Here"

4. That all applicants be notified in writing of the outcome of their application.
 5. That Council Staff provide feedback to unsuccessful groups and provide suggestions for alternative funding, or how the group may choose to improve and re-develop their application for submission to the next appropriate round of the Community Grants Program.
-

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.3.4 Wallace Recreation Reserve Amenities

Introduction

File No.: 280400 (1)
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of the report is to provide the Council with a status report on work undertaken and being planned to address concerns raised by the Wallace Recreation Reserve Committee of Management and user groups in relation to public use of the amenities at the Wallace Recreation Reserve.

Background

At the Special Meeting of Council held on 3 June, as part of the 2015/16 budget submission process, the Wallace Recreation Reserve Committee of Management presented a submission titled the Wallace Recreation Reserve Public Amenity Project for consideration. The Project is contained in the Wallace Recreation Reserve Master Plan and is also listed in Council's long term Capital Improvement Program. In their submission to the Council, the Wallace Recreation Reserve Committee of Management advised the Council the project was their highest priority which previously had been the installation of an irrigation system.

At the Ordinary meeting of Council on 3 June, the Council resolved that:

"in relation to the matters raised by the Chair of the Wallace Recreation Reserve at the Special Meeting of Council on Wednesday, 3 June 2015, that a further report be presented to Council".

Proposal

Council staff have met with representatives of the Committee of Management to put in place an immediate solution to address access to the toilets through the home change rooms at the facility. Officers have organised for the installation of a vanity screen in the shower area so pedestrian movement can occur between the social space and toilet area without vision of the shower area.

At the meeting with representatives of the Committee of Management it was also agreed to convert the old umpire's room into a unisex accessible toilet and Officers have sought to design and prepare appropriate documentation for construction in the future. Once completed the pre-planning work will support the project being considered in the 2016/17 Capital Improvement Program process.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Well Being
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

The installation of the vanity screen at the Wallace Recreation Reserve Sportsground Pavilion has been undertaken as part of Council's Asset Management program for the 2015/16 budget.

Future development of the facility will be referred to the Capital Improvement Program and budget processes.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Risk management issues associated with using the facilities if improvements are not implemented	High	Future strategic planning for high priority recommendations identified in context of other community priorities
Financial	Funding required to progress future development of the facilities	Medium	Business cases will be prepared for consideration in future Council's budgets.

Communications and Consultation Strategy

Council Staff have been liaising with the Wallace Recreation Reserve Committee of Management to develop appropriate solutions to the issues presented.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Troy Scoble

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

At the Ordinary Meeting of Council on the 3 June, as part of the 2015/16 budget submission process, the Wallace Recreation Reserve Committee of Management outlined that the current building configuration has presented risk management issues to the Committee.

Officers have addressed the immediate risk through the installation of vanity screens in the toilet and shower areas, whilst also commencing a pre-planning process to inform future Capital Improvement Project processes.

Recommendation:

That Council notes the works undertaken and those being proposed, to address the issues relating to the Wallace Recreation Reserve amenities.

Report Authorisation

Authorised by:



Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.3.5 Maddingley Park – Bacchus Marsh Senior and Junior Football Netball Club and Bacchus Marsh Senior and Junior Cricket Club License Agreements

Introduction

File No.: 17/02/013
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council enter into a license agreement with the Bacchus Marsh Senior and Junior Football Netball Club and Bacchus Marsh Senior and Junior Cricket Club for the use of the Maddingley Park sportsgrounds and pavilions

Background

The Bacchus Marsh Senior and Junior Football Netball and Bacchus Marsh Senior and Junior Cricket Clubs have operated at Maddingley Park for many years contributing significantly to the capital development of the facilities.

Council officers have been facilitating discussions between the Reserve Committee of Management and the Clubs on the establishment of a license agreement to govern their usage of the facilities. The normal practice has been for sporting groups on Council owned and managed reserves to operate on seasonal or annual agreements.

Proposed Terms of the License Agreement

Licence agreements like Seasonal/Annual user agreements outline the terms and conditions that facilities are provided to the community. Standard terms within an agreement include facilities to be licensed, parties that the agreement is between, financial arrangements including user fees, relationship with other users including multi use of facilities, club management and usage responsibilities, Council/Committee management responsibilities, insurance, capital works development and processes and terms outlining processes should either party default on the agreement. Both the Bacchus Marsh Senior and Junior Football Netball Clubs and the Bacchus Marsh Senior and Junior Cricket Clubs agree to all the standard terms of the agreement.

The clubs are requesting a 5 year license term to secure their tenure at the reserve and to provide further incentives to invest into the capital development of the facilities.

The Clubs have requested that the Council only increase the user fee by CPI each year during the term of the proposed license agreement in recognition of a proposed capital investment in the facilities. The current practice is for the Council to set the user fees and charges for the annual users at the category one reserves (Maddingley Park, Darley Park, Masons Lane and Bacchus Marsh Racecourse and Recreation Reserve) through the budget process.

The capital project involves the refurbishment of the existing pavilion to accommodate female participation, improvements to the existing amenities; relocation of the kitchen; and the expansion of the social/community space. The Clubs are seeking a capital contribution from Council of \$100,000 in the 2016/2017 budget. In a separate report, the Maddingley Park Committee of Management are seeking Council's endorsement of the submission of the project for \$100,000 funding under the current round of the Victorian Government's Community Sports Infrastructure Fund. As represented in the separate report, the project still requires the preparation of schematic designs endorsed by the Council; with \$25,000 in funding from AFL Victoria and \$100,000 from Council (in addition to the State Government grant) still to be confirmed. Evidence of increased participation will also be required to support the project.

Proposal

It is proposed that the Council enter into a Licence Agreement with the Bacchus Marsh Senior and Junior Football Netball Club and Bacchus Marsh Senior and Junior Cricket Clubs for a period of 5 years.

Given the uncertainty with the funding mix for the proposed refurbishment of the pavilion and consequently the timing of the project, it is proposed that consideration of the request for the Council to only increase the user fees by CPI each year during the term of the proposed license agreement be held over until the capital project is confirmed ready for commencement.

A Council plan action for this financial year is the preparation of a Fees and Charges Policy for Recreation Reserves. Council currently doesn't have a fees and charges policy that guides the setting and application of fees. The aim of the proposed Fees and Charges policy will be to increase equity and access of usage of facilities.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposed Maddingley Park Licence Agreement is consistent with the 2013-2017 Council Plan.

Financial Implications

The user fees that are levied on user groups for use of the facilities are collected as a contribution toward Sports ground Maintenance, Reserve Maintenance, Water supply and management, Building Maintenance and Court/Practice area maintenance.

If Council was to commit to a user fee for a 5 year period with an annual CPI increase, it would potentially forgo income if the fees were to be increased at the same rate of the approved general rate increase.

If the Council was to commit to a user fee for a 5 year period with an annual CPI increase, any future increase in reserve maintenance required will be totally borne by Council as the user fees are used to offset the gross cost.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OH&S	Agreement required to outline conditions of usage set out in the agreement	Medium	Implement a user agreement to ensure roles and responsibilities of user and Council are agreed.

Communications and Consultation Strategy

Community Engagement has been undertaken in partnership with the Maddingley Park Reserve Committee of Management to facilitate the development of the license agreements.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Troy Scoble

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Bacchus Marsh Football Netball Club and Bacchus Marsh Cricket Club have operated at Maddingley Park for many years all contributing significantly over the year into the capital development of facilities at the reserve.

Officers have been facilitating discussions between the Reserve Committee of Management and user groups on the establishment of a license agreement for a period of 5 years providing security of tenancy to each of the user groups.

The Clubs have requested that the Council only increase the user fee by CPI each year during the term of the proposed license agreement in recognition of a proposed capital investment in the facilities. The current practice is for the Council to set the user fees and charges for the annual users at the category one reserves through the budget process.

Recommendation:

That Council resolves to enter into a license agreement with the Bacchus Marsh Senior and Junior Football Netball Club and the Bacchus Marsh Senior and Junior Cricket Club for a period of five years.

Report Authorisation

Authorised by:



Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.3.6 Sport and Recreation Victoria Community Sports Infrastructure Fund

Introduction

File No.: 02/14/001 (1)
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of the report is recommend that the Council endorse the submission of projects for funding under the Victorian Government's Community Sports Infrastructure Fund, which replaces the long running Community Facilities Funding Program.

Background

The Community Sports Infrastructure Fund is a Victorian Government funding program delivered by Sport and Recreation Victoria that helps provide high-quality, accessible community sport and recreation facilities across Victoria by encouraging:

- Increased sport and recreation participation for all Victorians
- Increased female and junior participation
- Increased access to sport and recreation opportunities
- Better planning of sport and recreation facilities
- Innovative sport and recreation facilities
- Environmentally sustainable facilities
- Universally designed facilities

The Community Sports Infrastructure Fund provides grants for planning, building new, and improving existing facilities where communities conduct, organise and participate in sport and recreation. Funding is available under the following categories:

- **Better Pools*** - Grants of up to \$3 million to build new or upgrade existing aquatic centres;
- **Major Facilities*** - Grants of up to \$650,000 to develop or upgrade major sport and recreation facilities;
- **Small Aquatic Project*** - Grants of up to \$200,000 to upgrade pools and aquatic leisure facilities;
- **Minor Facilities**** - Grants of up to \$100,000 to develop or upgrade local sport and recreation facilities;
- **Female Friendly Facilities**** - Grants of up to \$100,000 to build new or upgrade existing change rooms to prioritise female participation;
- **Cricket Facilities**** - Grants of up to \$100,000 to develop or upgrade cricket facilities;
- **Planning** - Grants of up to \$30,000 to fund initiatives that assess the future sport and recreation needs of local communities, and up to \$50,000 for regional planning initiatives.

*Only one project can be submitted under the Better Pools, Major Facilities and Small Aquatic Projects categories.

**Councils may apply for the maximum grant amount for up to three (3) projects across the Minor Facilities, Cricket Facilities and Female Friendly

Facilities categories with a maximum of two (2) applications from any single category

Applications for funding under the Minor Facilities, Cricket Facilities, Female Friendly Facilities and Planning categories are due by 29 October.

Local government can apply directly to the Department of Health & Human Services for funding from this program. However, Community organisations can only access funds from the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories by submitting an Expression of Interest form directly to Council for consideration. Council must then determine which applications it will submit for the grant funding.

2015/16 Capital Improvement Plan projects

The Council 2015/2016 Capital Improvement Program contains three projects that are linked to external funding and eligible for application to the Community Sports Infrastructure Fund. These projects meet the funding conditions; are consistent with the strategic priorities of the Council's Recreation and Leisure Strategy in supporting Council meeting existing community demand for sport and recreation facilities. These projects are:

Darley Civic Hub Multi-Purpose Pavilion Project

Description: Construction of pavilion at the Darley Hub Sportsground to support competition usage of the ground.

Funding Model:	<u>Project Budget</u>	\$700,000
	Council Contribution	\$600,000 (2015/16 CIP)
	Required Grant Funding	\$100,000

Masons Lane Oval 1 Sportsground Lighting

Description: Install sportsground lighting at Masons Lane Oval 1 to provide increased usage opportunities to meet demands

Funding Model:	<u>Project Budget</u>	\$200,000
	Council Contribution	\$140,000 (2015/16 CIP)
	Required Grant Funding	\$ 60,000

Whilst \$60,000 is required, Council can apply for \$100,000 to support this project. Since the adoption of the budget, further site investigations have identified an additional \$40,000 will be required to upgrade power on site to support the project.

Bacchus Marsh BMX track Development Project (Community Development Fund Project)

Description: Construction of BMX track at the BM Racecourse recreation Reserve

Funding Model:	<u>Project Budget</u>	\$127,840
	Council Contribution	\$25,000
	BM BMX Club In-kind	\$52,840
	Required Grant Funding	\$50,000

Whilst no funding allocation for external grants is detailed in the Capital Improvement Plan budget for Community Development Fund projects, it is outlined in the program guidelines that external funds must be leveraged to support the development of Projects. The BMX Track development project meets the criteria for Community Sport Infrastructure Fund.

Community Expression of Interest Projects

The funding guidelines outline that Community organisations can only access funds from the Minor Facilities, Cricket Facilities and Female Friendly Facilities categories by submitting an Expression of Interest form directly to Council for consideration. The following project proposals have been submitted to Council from community groups for consideration. The projects are:

Maddingley Park Facility Development Project

Description: Refurbishment of the existing pavilion to accommodate female participation, improve existing amenities, relocate kitchen and expand social community space

Funding Model:	<u>Project Budget</u>	\$325,000 (Current Estimate)
	Council Contribution	\$100,000 requested in 16/17 CIP
	BM Football Club	\$35,000
	BM Cricket Club	\$35,000
	Reserve Com (Donation)	\$30,000
	AFL Victoria (to be confirmed)	\$25,000
	Required Grant Funding	\$100,000

Bungaree Bowling Club Development Project

Description: Construction of a bowling green at the Bungaree Recreation Reserve

Funding Model:	<u>Project Budget</u>	\$322,680 (Quotes received)
	Council Contribution	\$25,000 requested in 16/17 CIP
	Public Contributions	\$110,000 (Pledges only)
	Community In-kind	\$33,210
	Bungaree Bowling Club	\$29,470
	Reserve Com	\$25,000
	Required Grant Funding	\$100,000

In accordance with the program guidelines, all project proposals were provided to Sport and Recreation Victoria (SRV) to seek feedback as to how each meet the criteria of this funding program. Feedback provided by SRV was that projects need to be strategically supported and ready to go with Council and Community endorsed plans, permits and confirmed funding contributions. Project specific feedback is detailed below:

- Darley Civic Hub Multipurpose Pavilion Project: recommended to submit under the Female Friendly Facilities with SRV contribution specifically toward the female amenity component. This project must meet the AFL Facility Guidelines and be supported by AFL Victoria through in a letter of support which has been received.
- Masons Lane Oval Number 1 Sportsground Lighting: Supported in principle by SRV and recommended to be submitted under the Minors category.
- Bacchus Marsh BMX Track Development Project: Supported in principle by SRV and recommended to be submitted under the Minors category.
- Maddingley Park Facility Development Project: SRV believe this project is not ready for consideration for funding as it requires the preparation of schematic designs endorsed by the Council; along with confirmation of the \$125,000 in outstanding funding (\$100,000 Council and \$25,000 from AFL Victoria). Evidence of increase participation will also be required to support the project. It was suggested this project be referred to the Country Football Netball Grants Program for consideration which has just been announced and applications close February 2016. However to do so would require confirmation of the outstanding funding of \$25,000 from AFL Victoria along with the requested (and presently unbudgeted) contribution from the Council of \$100,000.
- Bungaree Bowling Club Development Project: SRV raised concerns about the funding contributions that are yet to be confirmed especially the public contributions.

Proposal

Based on the alignment with the Recreation and Leisure Strategy, Reserve Master Plans and the advice from SRV regarding the eligibility of the projects, it is recommended that the Council endorse the submission of the following projects for funding under the Victorian Government Community Sports Infrastructure Fund:

1. Darley Civic Hub Multipurpose Pavilion Project (Female Friendly Facilities Category \$100,000)
2. Masons Lane Oval 1 Sportsground Lighting Project (Minors Category \$100,000)
3. Bacchus Marsh BMX Track Development Project (Minors Category \$50,000)

It is proposed that the Maddingley Park Facility Development and the Bungaree Bowling Club projects be further developed for consideration in future funding rounds and the request for a Council contribution be referred to the 2016/2017 Capital budget process for consideration. The Maddingley Park Reserve Committee of Management and Bungaree Bowling Club will be provided with the feedback from SRV and Council Officers will continue to support the Committee and club in the development of the projects.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposal to submit applications for funding under the Victorian Government Community Sports Infrastructure Fund is consistent with the 2013-2017 Council Plan.

Financial Implications

The Council has allocated funding in the 2015/2016 Capital Improvement Program for the Darley Civic Hub Multi-purpose pavilion project; Masons Lane Oval 1 Sportsground Lighting Project and Bacchus Marsh BMX Track Development Project. All funding models for these projects are linked to external funding being required. If funding is not received for the endorsed projects, further advice will be provided to the Council as part of the quarterly capital improvement program status reports. If Council was to support the applications for Maddingley Park and Bungaree Bowling Club, it would be making a commitment to provide funding to these projects in the 2016/2017 Capital Improvement Program.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Current Community needs will not be met if improvements are not implemented at these facilities	High	Future strategic planning for high priority recommendations identified in context of other community priorities
Financial	Funding required to progress future development of the facilities	Medium	Business cases will be prepared for consideration in future Council budgets.

Communications and Consultation Strategy

Projects recommended and approved in the 2015/16 Capital Improvement Program are strategically based with community engagement undertaken to inform the approval of those projects.

The State Government in partnership with Sport Associations when launching the grant program encouraged community groups to complete an Expression of Interest form for community projects to be considered.

Outcomes of this report will be communicated to all community groups and key stakeholders and action plans for further development outlined.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Troy Scoble

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Community Sports Infrastructure Fund is a Victorian Government funding program delivered by Sport and Recreation Victoria that helps provide high-quality, accessible community sport and recreation facilities across Victoria.

Applications for funding under the Minor Facilities, Cricket Facilities, Female Friendly Facilities and Planning categories are due by 29 October.

It is recommended consistent with the adopted Capital Improvement Program for 2015/16 to apply for funding to support the Darley Civic Hub Multipurpose Pavilion Project, the Masons Lane Oval 1 Sportsground Lighting Project and the Bacchus Marsh BMX Track Development Project.


Officers will continue to work with the Maddingley Park Committee of Management and the Bungaree Bowling Club to better position their projects for future funding opportunities.

Recommendation:**That Council:**

1. endorse the submission of the following projects for funding under the Victorian Government Community Sports Infrastructure Fund
 - Darley Civic Hub Multipurpose Pavilion Project (Female Friendly Facilities Category \$100,000)
 - Masons Lane Oval 1 Sportsground Lighting Project (Minors Category \$100,000)
 - Bacchus Marsh BMX Track Development Project (Minors Category \$50,000)

 2. refer the request from the Maddingley Park Committee of Management and the Bungaree Bowling Club for a Council contribution to their respective projects to the 2016/2017 Capital budget process for consideration.
-

Report Authorisation**Authorised by:**


Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.3.7 Bacchus Marsh West Golf Club Lease Agreement

Introduction

File No.: 471850
Author: Troy Scoble
General Manager: Danny Colgan

The purpose of this report is to recommend that Council enter into a lease with the Bacchus Marsh West Golf Club Inc. situated at the Bacchus Marsh Racecourse and Recreation Reserve.

Background

The Bacchus Marsh West Golf Club Inc. (Golf Club) has operated a public golf course at the Bacchus Marsh Racecourse and Recreation Reserve for many years prior to Council being granted land management of the reserve by the Victorian Government. Prior to the Council becoming land manager, the Golf Club managed the land under a Crown Land (Reserves) Act 1978 lease agreement.

Discussions have been held with the Golf Club to establish a lease agreement that provide exclusive rights to the Bacchus Marsh West Golf Club for the management, maintenance and operation of the golf course at the Bacchus Marsh Racecourse and Recreation Reserve.

The Council Plan 2013-2017 includes a commitment to undertake a review of the master plan for the Bacchus Marsh Racecourse and Recreation Reserve inclusive of the area under the management of the Bacchus Marsh West Golf Club. This review has been completed and with the revised Reserve Master Plan adopted at the September 2015 Ordinary Meeting of Council.

Proposed Terms of the Lease Agreement

Tenure

It is proposed that the term of the lease be seven years with two additional seven year options. The Golf Club is supportive of the proposed terms. The proposed term of the lease is suitable given the significant investment that the Golf Club have already made to the Golf Club and the future plans the Club has to improve the facilities. It is proposed that the draft lease contain a provision that provides Council with the rights to undertake any further developments at the reserve in consultation with the Golf Club to ensure there is no disadvantage to the club. This provides Council with opportunities to consider outcomes from the master planning of the reserve in consultation with the Golf Club.

Under section 190 of the Local Government Act (the Act), if a lease is to be for 10 years or more, then the Council is required to publish a public notice of the proposed lease and allow the community four weeks to make a submission under S223 of the Act.

Water Allocations

The Golf Club are currently allocated 20mgl of Council's irrigation water allocation. This allocation equates to approximately 22.5% per cent of Council's water rights when Council is provided with 100 per cent of the water right by Southern Rural Water. The Golf Club are proposing an increased allocation of at least 5% (currently equivalent to 28% or additional 5 mgl) of the Council's irrigation water allocation subject to the supply being made available to the Council at existing supply rates (100% of water right) by the supplier. Should the supply of water fall below the existing rate, the tenant will be provided with the proportionate percentage being offered by the supplier to the Council.

Due to the fluctuating water rights being made available, it is proposed that the water allocation to the Golf Club be increased by 2.5% to 25% of Council's water right. This provides the Golf Club with an additional 2.5mgl per year (25% of Council's water allocation) on current supply rates. Any surplus water identified toward the end of the third quarter each financial year can be negotiated with the Golf Club for allocation. The water supply also irrigates other reserves with the demand for water at these reserves expected to increase also as the reserves are further developed.

A water trading policy is currently being prepared that will guide the process for the trading of surplus water allocation. Council staff are also working with Southern Rural Water sourcing water from a deep aquifer in the local area.

Maintenance / Management

The lease agreement provides the Golf Club with exclusive management and usage rights in return for the Golf Club undertaking the majority of maintenance required at the facility.

It is proposed that as land manager the Council be responsible for the following:

- the upgrade of all external fencing to the Golf course site with the club responsible for the ongoing maintenance and upkeep. Any replacement or upgrade will be undertaken in the context of the reserve master plan and will also require funding to be secured.
- the initial part of the entrance roadway into the site (cross over outside the boundary fence and 50 metres of the internal access road as indicated on the attached map) leading to the car park with the Golf Club responsible for internal car parking areas and the remainder of the roadways.
- Rubbish collection in accordance with the Council's policy at other Recreation Reserves which involves the provision of six 240 litre wheelie bins collected weekly. Two bins will be collected at the cost of the Council with the remaining four bins collected at the cost of the Golf Club.
- the underground water infrastructure leading to the dam.

Under the previous agreement with the former Department of Sustainability and Environment, the Golf Club paid an annual fee of \$3,638.25. It is recommended that given the Golf Club will be responsible for the maintenance of the Golf Club and plan to invest in capital improvements at

the site that the rental is set at a peppercorn rate in the first 7 years of \$1 payable upon request. It is recommended that the fees be reviewed at the end of the first 7 years of the agreement.

Proposal

Section 190 of the Local Government Act 1989, the Council has a restriction of power to lease land. The section is as follows:-

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) If the lease is to be .
 - (a) for 1 year or more and .
 - (i) the rent for any period of the lease is \$50,000 or more a year; or
 - (ii) the current market rental value of the land is \$50,000 or more a year; or
 - (b) for 10 years or more; or
 - (c) a building or improving lease .

the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.

- (4) A person has a right to make a submission under section 223 on the proposed lease.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

The proposed lease with the Bacchus Marsh West Golf Club is consistent with the 2013-2017 Council Plan.

Financial Implications

The Bacchus Marsh West Golf Club Lease Agreement outlines conditions of responsibility for Council to be implemented over the course of the agreement. Officers will continue to source funding and resource opportunities both internally and externally to implement these actions.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Funding required to progress conditions set out in the Draft lease agreement	Medium	Business cases will be prepared for consideration in future Council budgets along with applications for external funding.

Communications and Consultation Strategy

To comply with Section 190 of the Local Government Act 1989, the Council is required to give four weeks public notice of its intention to enter into a lease of 10 years or more for the lease of land which includes a building. The public then have the right to make public submissions in accordance with Section 223 of the Act.

Community Engagement has been undertaken with the Bacchus Marsh West Golf Club, the Bacchus Marsh Racecourse Recreation Reserve Committee of Management and the Department of Environment, Land, Water and Planning.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Troy Scoble

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Bacchus Marsh West Golf Club has operated the golf course at the Bacchus Marsh Racecourse and Recreation Reserve as a public golf course for many years. Council Staff have been in discussions with the Golf Club to establish a lease agreement that provides exclusive rights to the Bacchus Marsh West Golf Club for the management, maintenance and operation of the golf course at the Bacchus Marsh Racecourse and Recreation Reserve.

Recommendation:

That Council:

1. in accordance with section 190 of the Local Government Act 1989, gives four weeks public notice of its intention to enter into a lease with the Bacchus Marsh West Golf Club Inc. for the lease of the Bacchus Marsh Racecourse and Recreation Reserve Golf Course under the following conditions:
 - a) An initial term of seven years plus two further seven year options.
 - b) An annual lease fee of \$1 per annum payable on request for the first seven year term of the lease with the fee to be reviewed at the conclusion of the seven year period.
 - c) The water allocation to the Golf Club be increased by 2.5% to 25% of Council's water rights when Council is provided with 100 per cent of the water right by Southern Rural Water. This provides the Golf Club with an additional 2.5mgl per year (25% of Council's water allocation) on current supply rates.
 - d) Council will maintain the water infrastructure at the South of the reserve as depicted in Attachment 10.3.7.
 - e) The Golf Club and Council will maintain the areas of the roadway entrance into the reserve including the car park as outlined in attached map in Attachment 10.3.7.
 - f) Council will be responsible for the upgrade of all external fencing of the reserve and will continue to work with the tenant to identify and source funding opportunities to improve the fencing.
 - g) The Council reserves the right to undertake any future development works at the site (minor or major capital works projects). Any works will be planned and undertaken in consultation and agreement with the Golf Club. The Golf Club must agree to such works provided there is no obvious disadvantage to the Golf Club.
2. receive, following the completion of the public submission process, a further report considering all public submissions received.

Report Authorisation

Authorised by:

Name: Danny Colgan

Title: General Manager Community Services

Date: Wednesday, 30 September 2015

10.3.8 Gordon Recreation Reserve Draft Master Plan

Introduction

File No: 17/02/007 (1)
Author: Troy Scoble
General Manager: Danny Colgan

Background

At the Ordinary Meeting of Council on 17 March 2010, the Council resolved to endorse a program to update Reserve Master Plans for recreation reserves.

The purpose of this report is to present to the Council the draft Gordon Recreation Reserve Master Plan (Attachment 10.3.8), as approved by the Gordon Recreation Reserve Committee of Management. The draft Master Plan has been prepared to provide a strategic basis for development and to source grant funding for the development of the reserve.

The Gordon Recreation Reserve Committee of Management, in partnership with Council's Recreation Development Unit has prepared the draft Master Plan. The draft master plan outlines a clear, comprehensive plan for the future development of all facilities (active and passive) provided at the reserve. Importantly, the Reserve Committee of Management confirmed their written endorsement of the plans at the conclusion of the process.

The Gordon Recreation Reserve is crown land managed by a Committee of Management reportable to Department of Environment, Land Water Planning. The reserve did not have a formal existing Master Plan prior to the completion of the attached draft. The draft master plan has a focus on improving the existing facilities and infrastructure provision to cater for increased usage in the future. The key directions for the plan are to reconstruct and expand the sportsground with irrigation and drainage; improve and develop netball facilities including an additional court, change space and toilet facility; develop sportsground and netball court lighting to Australian standards; undertake vehicle/pedestrian management improvements, undertake general reserve improvements, and; redevelop the pavilion facilities.

The recommendations, including priorities and indicative costs, are provided under Section 5.2 of the draft Gordon Recreation Reserve Master. The proposed projects have been identified to drive the development of the reserve.

Policy Implications

The 2013. 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Participation in diverse sport, recreation and leisure activities

Strategy Promote community health and well-being through the provision of recreation facilities, open space, programs and activities

Financial Implications

A strategic approach toward project funding will be required for the successful implementation of actions outlined in the draft Master Plan including:

- Prioritising projects that strategically align with Council’s Recreation and Leisure Strategy in Council’s Capital Improvement Program & Strategic Financial Plan
- Sourcing external funding through relevant State & Federal Government Grants.
- Collaboration with user groups, including each of the Recreation Reserves Committee of Management, community groups and other stakeholders to source appropriate funding contributions.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Exposes Council to a number of service gaps if high priorities in master plan not implemented	High	Future strategic planning for high priority recommendations identified in context of other capital priorities
Financial	Funding required to progress actions set out in plan	Medium	Future budgets will need to accommodate matching funding for grants.

Communications and Consultation Strategy

The engagement process undertaken to inform the development of the plan included:

- Workshops with the Committee of Management
- Community Member Questionnaire
- User group survey submissions
- Site visits and meetings with Council Officers
- Internal stakeholder meetings

The community engagement public exhibition process for the draft master plan will involve seeking comment from key stakeholders and the community throughout the Shire. The draft Master Plan will be placed on Council’s online engagement portal [Have your Say](#) and in key community facilities and points of interest across the Shire.

The process for submissions will also be advertised through local newspapers and other communication processes i.e. email groups and Council's website. The outcomes of this report will be communicated to the Committee of Management. The plan will be placed on public exhibition for a period of four weeks following Council's endorsement to proceed to that stage.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager . Danny Colgan

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author . Troy Scoble

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The Draft Gordon Recreation Reserve Master Plan provides a shared vision and framework for the future use and integrated development of the reserves.

The Draft Master Plan has been prepared and driven by the community to provide a strategic basis to source grant funding for the development of the reserve.

The Draft Master Plan has been endorsed by the Gordon Recreation Reserve Committee of Management and all current user groups.

Recommendation:

That Council:

- 1. Endorses 'in principle' the Draft Gordon Recreation Reserve Master Plan 2015 for the purposes of public exhibition for a period four (4) weeks;**
- 2. Receives a further report at the conclusion of the community engagement seeking adoption of the Gordon Recreation Reserve Master Plan.**

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 30 September 2015

10.4 INFRASTRUCTURE SERVICES

10.4.1 Submission to the Regional Network Development Plan

Introduction

File No.: 17/06/001
Author: Phil Jeffrey
General Manager: Phil Jeffrey

Background

In May 2015, the Victorian Government announced its intent to develop a Regional Network Development Plan (RNDP), setting out the short, medium and long term priorities for public transport, infrastructure and investment in Regional Victoria.

Public Transport Victoria (PTV) is leading the development of the plan, in partnership with V/Line and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

As part of the engagement process, PTV recently sought input into the local community and region needs in relation to public transport through a number of community workshops within the Grampians Region (including Moorabool) during July, as well inviting online submissions to be made.

To assist in the formation of Council's submission to the RNDP, a consultant was engaged to develop a Moorabool Heavy Rail Development Plan. The plan is initially intended to form the basis of Council's rail submission to the RNDP, however will also feed into the actions in the Bacchus Marsh Transport Strategy.

A workshop with Councillors and officers was held on Tuesday, 1 September to assist in determining the priorities and key points to be outlined in the Heavy Rail Development Plan.

Proposal

Noting the tight timeframe, with submissions closing on Friday, 11 September 2015, the attached submission to the RNDP has been made to PTV.

PTV will now work to collate and analyse the feedback received and have stated that they will work with key stakeholders to discuss priorities for each region and develop the draft document. Following that, it is assumed a draft document will be available to comment on. It is the state government's objective to complete the RNDP by late 2015.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area Representation and Leadership of Our Community

Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

There are no financial implications associated with the recommendation within this report.

Risk & Occupational Health & Safety Issues

There are no Risk or Occupational Health & Safety issues associated with the recommendation within this report.

Community Engagement Strategy

Since the beginning of February 2015, Council has conducted a significant program of community consultation in a number of townships within the municipality. As part of that program, Councillors and officers met with 285 residents at 13 public sessions.

Public transport was a key issue raised, in particular, concerns in relation to lack of bus and rail services for a number of communities in the Shire. These key points are outlined within the attached submission to PTV.

Community engagement specific to the Regional Network Development Plan is being led by PTV and to date has included community workshops within the Grampians Region (including Moorabool) during July 2015, as well inviting online submissions and hosting online discussion forums.

Communications Strategy

Following the development of the draft RNDP, it is anticipated that a draft will be released with a further opportunity to submit feedback.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Phil Jeffrey

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Phil Jeffrey

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

PTV (in partnership with V/Line and DEDJTR) is currently developing a Regional Network Development Plan (RNDP), setting out the short, medium and long term priorities for public transport, infrastructure and investment in Regional Victoria.

To inform the plan, PTV recently sought input into the local community and region needs in relation to public transport.

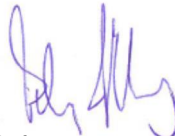
Given the tight timeframes for submissions to the RNDP, the attached document, including the Heavy Rail Plan, has been forwarded to PTV and officers are seeking Council's endorsement of the submission.

Recommendation:

That Council endorses the actions of the Chief Executive Officer in making a submission to the Regional Network Development Plan, noting the limited timeframe available.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday, 17 September 2015



10.4.2 Draft Bacchus Marsh Integrated Transport Strategy

Introduction

File No.: 16/03/001
Author: Corinne Jacobson
General Manager: Phil Jeffrey

Background

The Bacchus Marsh Integrated Transport Strategy (BMITS) has been jointly funded by Moorabool Shire Council and VicRoads.

Transport movements around Bacchus Marsh critical issue for the town. Maintaining vehicle access is vital to the prosperity of many local business that rely on the movement of goods and services transported into and out of Bacchus Marsh as well as local activities. An unsustainable transport network restricts the development potential for Bacchus Marsh with negative impacts on the local economy and growth.

Bacchus Marsh is currently experiencing a rapid residential growth rate. The town is also included in the Central Highlands Regional Growth Plan and the draft Plan Melbourne Metropolitan Planning Strategy as a locality for urban development. As a result of the growth, the community is encountering increasing transport pressures, including compounding traffic congestion during peak periods on a restricted road network. With land that is zoned for further residential development, pressures on the arterial roads, commercial traffic and other transport modes will be exacerbated.

The transport network is a key challenge facing population growth in Bacchus Marsh and as such, future planning for the area will need to consider and address existing constraints within the network to ensure that the future development of Bacchus Marsh can be sustained. The future planning of the transport network will need to consider not only existing populations and developments, but future growth projections for the wider area.

In developing the ITS, Council recognises the importance of shifting to a more integrated and sustainable transport system. Like other peri-urban towns, Bacchus Marsh is facing a future of change and our transport system must be flexible and resilient enough to adapt. While all transport modes are of importance, the ITS will need to ensure that sustainable transport is a key focus for Council, in line with Council's mission to deliver valued outcomes that improve community wellbeing.

The strategy builds on the findings of the Technical Findings report completed in 2015 which identifies existing constraints within the transport network and potential opportunities for improvement moving forward. The strategy identifies a number of required improvements needed to improve the level of service for residents and businesses in the Township today and into the future.

Proposal

The study area for the Bacchus Marsh Integrated Transport Strategy encompasses the urban areas of Bacchus Marsh, Darley and Maddingley, together with the rural hinterland. The strategy also considers transport links to key external destinations.

The Strategy will enable Moorabool Shire Council to investigate and implement changes to the network to ensure it is responding to population growth.

The Strategy has been prepared with the aim of ensuring that a high standard transport network is developed and maintained and can accommodate the accessibility requirements of the growing community. The BMITS recognises the challenges faced by the Bacchus Marsh area, and identifies a number of principles and actions that may be adopted to guide future transport planning and development.

The strategy has been developed from the Technical Findings Report outcomes which includes an overview of future land use projections, growth scenarios and key activity destinations that have informed the strategic traffic modelling that has been undertaken. The strategy is attached to the report and is recommended to be placed on public exhibition. There are supporting documents to the report that include technical findings, traffic modelling, issues and opportunity paper and community consultation outcomes. Whilst they are not attached, it is proposed that they also be available to the public during the exhibition period.

Modes of Transport

The strategy considers all modes of transport, their roles, and the upgrades required to ensure that the transport network, as a whole will be capable of accommodating the existing and future demand associated with the expected population growth of Bacchus Marsh. The key focus areas included:

Active Transport

- Walking
- Cycling

Public Transport

- Bus
- Rail

Road Network

- Traffic
- Freight

Key Projects and Priorities

The plan identifies and prioritises, the key projects required to ensure Bacchus Marsh has a sustainable transport system into the future.

Immediately, Bacchus Marsh needs:

- East facing freeway ramps on Halletts Way to relieve reliance and congestion on the Gisborne Road interchange and Gisborne Road/Grant Street corridor.
- Construction of a pedestrian/cycle bridge on Halletts Way over the Western Freeway to address significant safety issues.
- A planning study for an eastern town bypass and with connection to Geelong Road, Gisborne Road and Western Freeway to set a road alignment. From a traffic perspective, an alignment less than 2km from Gisborne Road/Grant Street connecting existing east west roads would have the greatest impact on traffic volumes.
- An investigation for capacity improvement opportunities to Gisborne Road and Grant Street including possible additional lanes and intersection upgrades.

By 2021, Bacchus Marsh needs:

- Construction of an Eastern Town Bypass to cater for expected growth within the township and surrounding areas and to remove freight movements from the town centre.
- Completion of the Western Link Road (Halletts Way/O'Leary Way) to provide additional north-south capacity through the township and relieve pressure on the Gisborne Road/Grant Street corridor.
- Implementation of identified capacity improvements to Gisborne Road and Grant Street including possible additional lanes and intersection upgrades.
- A network of connecting bicycle paths around the town servicing key activity centres.
- A bus service that provides coverage to all residential areas, stops at key activity centres and matches train timetables.

By 2031, Bacchus Marsh needs:

- An extension of Young Street (from Main Street to Station Street) incorporating the greenway as a means of providing additional north-south capacity within the township and enhanced connectivity between the Bacchus Marsh town centre and Railway Station.
- Capacity improvements at key intersections within Bacchus Marsh to alleviate projected traffic volumes.
- Duplication of the Ballarat-Melbourne rail corridor to Bacchus Marsh
- Capacity improvements to key local roads including Griffith Street, Station Street and Halletts Way between Bacchus Marsh Road and Western Freeway

Key Challenges

These key projects present a challenge to Bacchus Marsh as the town continues to grow. Extensive roadworks projects are required within a constrained environment and at significant cost. A number of projects identified also require further investigation and engagement with the community to achieve good transport outcomes for Bacchus Marsh.

Key Challenges include:

- Traffic Congestion which reduces liveability of urban areas and productivity of the economy
- Population and Economic Growth which places pressure on the transport network and effects productivity
- Missing links which force trips through already congested areas. This is evident in the already constrained north-south connection through the township
- Social Exclusion which results from a lack of access to transport due to limited physical mobility, financial constraints, or due to the inadequacy of local transport infrastructure and services.
- Existing narrow road reservations that restrict expansion for capacity improvements and inclusion of bicycle and pedestrian infrastructure.
- Implementation of major projects identified through the strategy, including the ability to attract major funding in competition with other priority projects throughout Victoria.

Implementation

An implementation plan for the strategy has been developed. It includes high level actions for each mode. Each action lists specific projects which will be undertaken to achieve these actions. These actions are either the responsibility of MSC, VicRoads, Southern Rural Water or PTV. MSC will be required to take on a strong advocacy role and work with VicRoads and PTV to ensure these projects proceed.

The implementation of this strategy through key projects will ensure a higher level of service for the Bacchus Marsh community enabling growth and development into the future. If not implemented there growth and development within the Bacchus Marsh area will be significantly restricted.

It is proposed that Council receive the draft Bacchus Marsh Integrated Transport Strategy and supporting documentation and approve its release for the purposes of public consultation.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Representation and leadership of our community
Objective	Advocate for services and infrastructure that meets the Shire's existing and futures needs
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire

The proposal to endorse the Bacchus Marsh Integrated Transport Strategy is consistent with the 2013-2017 Council Plan.

Financial Implications

The Bacchus Marsh Integrated Transport Study is jointly funded by Council and VicRoads and there are no direct financial implication to completing or endorsing it. All projects would be referred to the capital program and if recommendation are to be funded, there are multiple financial commitments to the capital, maintenance and operation costs that would need to be considered by MSC. The major road projects are the responsibility of VicRoads and required State and Federal Government funding. MSC's responsibility will be to advocate to VicRoads and Government for these necessary projects to be funded.

Risk & Occupational Health & Safety Issues

There are no direct Risk or Occupational Health and Safety issues that need to be considered as part of this report.

Community Engagement Strategy

In June 2014, community consultation sessions were held to gain as much information as possible regarding both network issues and constraints. Further to the specific consultation session, engagement with the community has occurred through the preparation of an Urban Growth Strategy focusing on Bacchus Marsh. Between November 2014 and January 2015 Council undertook extensive consultation on the UGS with the Bacchus Marsh district community, state agencies and representatives of the development industry. Feedback from the community through the consultation process has been included within the strategy.

Communications Strategy

Once endorsed by Council it is proposed that the draft Bacchus Marsh Integrated Transport Strategy be put out on exhibition for a period of four weeks.

The exhibition of the draft strategies will involve:

- Have Your Say Website;
- Copy of the Draft BMITS available at Council's Customer Service Locations; and
- Drop in sessions to be scheduled in mid October

This process will be advertised through local newspapers and other communication processes. A media release announcing the placement of the Strategy on public view will be circulated.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Phil Jeffrey

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Corinne Jacobson

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

A draft Bacchus Marsh Integrated Strategy has been developed. The strategy aims to provide an integrated transport system that supports a sustainable, vibrant and prosperous community by providing for sustainable, equitable and efficient movement of people and freight both within Bacchus Marsh and between Bacchus Marsh, Melbourne and the surrounding region. The implementation of this strategy through key projects will ensure a higher level of service for the Bacchus Marsh community enabling growth and development.

It is proposed that Council receive the draft Bacchus Marsh Integrated Transport Strategy and approve the release of the strategy and supporting documents for the purposes of public consultation.

Recommendation:

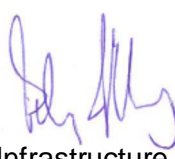
That Council:

- 1. Endorses in principle the draft Bacchus Marsh Integrated Transport Strategy for the purposes of public exhibition for a period of four weeks.**
- 2. Receives a further report at the conclusion of the exhibition period seeking adoption of the Bacchus Marsh Integrated Transport Strategy.**

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 30 September 2015



11. OTHER REPORTS

11.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable .

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors . Wednesday 9 September 2015 . Audit Committee Presentation to Councillors

Recommendation:

That Council receives the record of Assemblies of Councillors as follows:

- **Assembly of Councillors – Wednesday 9 September 2015 – Audit Committee Presentation to Councillors**

11.2 Section 86 - Delegated Committees of Council - Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
Bacchus Marsh Hall Committee of Management	13 August	Cr. Spain
Blacksmith's Cottage and Forge Advisory Committee of Management	25 August	Cr. Comrie
Development Assessment Committee	16 September	Cr. Comrie, Cr. Dudzik, Cr. Spain, Cr. Tatchell

Recommendation:

That Council receives the reports of the following Section 86 - Delegated Committees of Council:

- **Bacchus Marsh Hall Committee of Management meeting of Thursday, 13 August 2015.**
- **Blacksmith's Cottage and Forge Advisory Committee of Management meeting of Tuesday, 25 August 2015.**
- **Development Assessment Committee meeting of Wednesday, 16 September 2015.**

11.3 Section 86 - Advisory Committees of Council - Reports

Section 86 Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Section 86 Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 . Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative
Audit and Risk Committee	20 May 2015	Cr. Spain Cr. Dudzik

Recommendation:

That Council receives the reports of the following Section 86 Advisory Committees of Council:

- **Audit and Risk Committee meeting of Wednesday, 20 May 2015.**

12. NOTICES OF MOTION**12.1 Cr. Edwards: N.O.M. No. 253 – Car Parking Exemptions****Motion**

That Council:

1. Ensure all planning applications that require an exemption or off set for car parking provisions are only approved by either the Development Assessment Committee (DAC) or at an Ordinary Meeting of Council (OMC).

Preamble

Bacchus Marsh and Ballan are both commuter towns that have a higher than average number of cars per household than that of both inner Melbourne and the interface Councils. The Planning Act allows both exemptions and/or parking offsets; this can have long term negative impacts on the liveability of commuter towns.

I have received many complaints from residents about the lack of appropriate parking within Bacchus Marsh and Ballan and have determined that council should consider carefully any planning applications that require a car parking exemption.

I contend that by ensuring all car parking exemptions are approved by either DAC or OMC, Council will become better informed of the potential long term issues and possible remedies required.

13. MAYOR'S REPORT

To be presented at the meeting by the Mayor.

Recommendation:

That the Mayor's report be received.

14. COUNCILLORS' REPORTS

To be presented at the meeting by Councillors.

Recommendation:

That the Councillors' reports be received.

15. URGENT BUSINESS

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC**16.1 Confidential Report****16.2 Confidential Report****16.3 Confidential Report****Recommendation:**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

17. MEETING CLOSURE