

ORDINARY MEETING OF COUNCIL

Minutes of the
Ordinary Meeting of Council to be held at
Bungaree Community Facility,
279 Bungaree-Wallace Road, Bungaree
on Wednesday 3 June 2015,
at 6:00 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

AGENDA

1.	OPENING OF MEETING AND PRAYER	4
2.	ACKNOWLEDGEMENT TO COUNTRY	4
3.	PRESENT.....	4
4.	APOLOGIES	4
5.	CONFIRMATION OF MINUTES	5
5.1	<i>Ordinary Meeting of Council – Wednesday 6 May 2015.....</i>	5
6.	DISCLOSURE OF CONFLICT OF INTEREST.....	6
6.1	<i>Disclosure of a Direct Conflict of Interest</i>	7
7.	PUBLIC QUESTION TIME.....	8
8.	PETITIONS.....	9
9.	PRESENTATIONS / DEPUTATIONS	10
10.	OFFICER'S REPORTS.....	12
10.1	CHIEF EXECUTIVE OFFICER.....	12
10.2	GROWTH AND DEVELOPMENT	13
10.2.1	<i>Planning Permit PA2015-006; Use of an Existing Residential Building for Short-term Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road Myrniong VIC 3341.....</i>	13
10.2.2	<i>Planning Permit PA2014-118 – Staged six (6) lot subdivision and development of five (5) dwellings – 91 Edols Street and 94 Atkinson Street Ballan</i>	30
10.2.3	<i>Rescission of the Development Assessment Committee decision regarding Planning Permit 2014-293 Development and Use of a Service Station and Display of Associated Signage at Lot 1 on PS 063032 and Lot 1 on TP 910059D, 20-22 Gell Street, Bacchus Marsh VIC 3340.</i>	60
10.2.4	<i>Moorabool Planning Scheme Amendment C73</i>	76
10.2.5	<i>M2041 Urban Growth Strategy – Draft Community Consultation Report.....</i>	86
10.3	COMMUNITY SERVICES.....	89
10.4	INFRASTRUCTURE SERVICES.....	90
10.4.1	<i>Consideration of the Proposed 2015/16 Annual Budget.....</i>	90
10.4.2	<i>Review of Procurement Policy</i>	125
10.4.3	<i>Rate Payments – Alternative Instalment Options</i>	128
10.4.4	<i>Draft Street and Public Place Lighting Policy</i>	132
10.4.5	<i>Draft Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Draft Masterplan.....</i>	135
10.4.6	<i>Gordon Infrastructure Study.....</i>	147
11.	OTHER REPORTS	151
11.1	<i>Assembly of Councillors.....</i>	151
11.2	<i>Section 86 - Delegated Committees of Council - Reports</i>	152
11.3	<i>Section 86 - Advisory Committees of Council - Reports.....</i>	153

12.	NOTICES OF MOTION	154
12.1	<i>Cr. Spain: N.O.M. No. 248 – Accessibility at the Bacchus Marsh Public Hall.</i>	154
12.2	<i>Cr. Spain: N.O.M. No. 249 – Proposed Changes to Councillor Information Bulletin.....</i>	155
12.3	<i>Cr. Dudzik: N.O.M. No. 250 – Shipping Containers.....</i>	156
12.4	<i>Cr. Dudzik: N.O.M. No. 251 – Disability Advisory Committee.....</i>	157
13.	MAYOR’S REPORT	158
14.	COUNCILLORS’ REPORTS.....	160
15.	URGENT BUSINESS	162
15.1	<i>Wallace Recreation Reserve</i>	162
15.2	<i>Fire Services Levy.....</i>	162
16.	CLOSED SESSION OF THE MEETING TO THE PUBLIC	163
16.1	<i>Confidential Report.....</i>	163
16.2	<i>Confidential Report.....</i>	163
17.	MEETING CLOSURE	183

1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Tatchell, opened the meeting with the Council Prayer at 6.00pm.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

*Cr. Paul Tatchell
Cr. Allan Comrie
Cr. John Spain
Cr. Tonia Dudzik
Cr. Tom Sullivan
Cr. Pat Toohey*

*Central Ward
East Moorabool Ward
East Moorabool Ward
East Moorabool Ward
West Moorabool Ward
Woodlands Ward*

Officers:

*Mr. Rob Croxford
Mr. Phil Jeffrey
Mr. Satwinder Sandhu*

*Chief Executive Officer
General Manager Infrastructure
General Manager Growth and Development
General Manager Community Services
Coordinator Statutory Planning
Manager Statutory Planning and Community Safety
Manager Finance
Manager Engineering Services
Manager Recreation & Youth Development
Statutory Planner
Acting Manager Strategic and Sustainable Development
Senior Strategic Planner
Minute Taker*

*Mr. Danny Colgan
Mr. Robert Fillisch
Ms. Sian Smith*

*Mr. Steve Ivelja
Ms. Sam Romaszko
Mr. Troy Scoble*

*Ms. Victoria Mack
Ms. Lisa Gervasoni*

*Mr. Andrew Goodsell
Ms. Lace Daniel*

4. APOLOGIES

Cr. David Edwards

East Moorabool Ward

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 6 May 2015

Resolution:

Crs. Comrie/Spain

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 May 2015.

CARRIED.

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.

6.1 Disclosure of a Direct Conflict of Interest

Cr. Comrie declared a Direct Conflict of Interest in relation to Item 10.2.3 Rescission of the Development Assessment Committee decision regarding Planning Permit 2014-293. The nature of the Conflict of Interest is due to Cr. Comrie owning a service station in Bacchus Marsh.

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.

Nil.

8. PETITIONS

Nil.

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
10.4.5	<i>Draft Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Draft Masterplan</i>	Pat Griffin	Supporter and Objector

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 Officers' report on the planning item.

Item No	Description	Name	Applicant/ Objector
10.2.1	<i>Planning Permit PA2015-006; Use of an Existing Residential Building for Short-term Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road, Myrniong VIC 3341</i>	David Stokes	Objector
10.2.1	<i>Planning Permit PA2015-006; Use of an Existing Residential Building for Short-term Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road, Myrniong VIC 3341</i>	Robert Eskdale	Applicant
10.2.2	<i>Planning Permit PA2014-118 – Staged six (6) lot subdivision and development of five (5) dwellings – 91 Edols Street and 94 Atkinson Street, Ballan</i>	Robert Eskdale	Applicant
10.2.3	<i>Rescission of the Development Assessment Committee decision regarding Planning Permit 2014-293 Development and Use of a Service Station and Display of Associated Signage at Lot 1 on PS 063032 and Lot 1 on TP 910059D, 20-22 Gell Street, Bacchus Marsh VIC 3340</i>	Jarrah Lukjanov	Applicant

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

10.2 GROWTH AND DEVELOPMENT

10.2.1 Planning Permit PA2015-006; Use of an Existing Residential Building for Short-term Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road Myrniong VIC 3341.

Application Summary:	
Permit No:	PA2015-006
Lodgement Date:	16 January 2015
Planning Officer:	Roger Cooper
Address of the land:	Lot 1 on PS 328461J, 18 Pykes View Road Myrniong VIC 3341.
Proposal:	Use of an Existing Residential Building for Short-term Accommodation
Lot size:	0.4 hectares
Why is a permit required	Clause 35.03-1 . Use of the land for Accommodation
Public Consultation:	
Was the application advertised?	Yes to all owners and residents of the Pykes View Estate including the owners corporation and one adjoining neighbour.
Notices on site:	Nil
Notice in Moorabool Newspaper:	No
Number of Objections:	3
Letters of support:	2
Consultation meeting:	Yes
Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
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	
<p>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.</p>	
Officer's Declaration of Conflict of Interests	
<p>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.</p> <p><i>Manager – Sian Smith</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Roger Cooper</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application referred?	Southern Rural Water and Western Water
Any issues raised in referral responses?	<p>Southern Rural Water says the sewer system they manage for the estate is somewhat at capacity and they have concerns about the additional wastewater that will be generated by accommodating up to ten guests at once. Their approval of the application is conditional that no more than five (5) guests be accommodated in line with estimated household sizes for the development. This condition is supported by Western Water.</p>
Preliminary Considerations?	<p>The applicant is currently operating his accommodation business on the subject site and after a complaint, Council Enforcement Officers investigated the use and asked the owner to apply for a planning permit.</p> <p>Council Officers were generally satisfied a planning permit with appropriate conditions may be issued for the use. However it is being conducted within a private gated community and three land owners within the community have objected to the proposal on social/amenity grounds. It should be noted two of the objectors own vacant land within the gated community with one set to commence development this June.</p>

	<p>Changes to Section 60 (matters the responsible authority must consider) of the Planning and Environment Act in 2013, introduced social and economic effects to what must be considered by the responsible authority.</p> <p>Officers believe resident expectations of privacy and certainty are afforded a higher level of protection in a gated community. In researching the interpretation of a gated community in previous VCAT decisions, consistent elements were they are locked, private and closed to the public (refer to discussion section of this report).</p> <p>Officers also note the comments of Southern Rural Water, supported by Western Water where capacity of approval for the use should be restricted, which compromises the suitability of the proposal.</p>
Any discussions with applicant regarding concerns	<p>Copies of objections were provided to the applicant who prepared a written response.</p> <p>The applicant has advised Officers the primary market for the accommodation is bridal parties involved with weddings at St Anne's Winery. General bookings are also available.</p> <p>The applicant is having ongoing discussions with Southern Rural Water about the application.</p>
Any changes made to the application since being lodged?	None.
VCAT history?	None.
Previous applications for the site?	PA2010-172 Development and Use of a Dwelling and Shed
General summary	<p>This application seeks approval for Use of an Existing Residential Building for Short-term Accommodation at 18 Pykes View Road, Myrniong. The lot is a rectangular shape containing a dwelling (approved under PA2010-172) located towards the north-east corner of the Pykes View gated community and comprises approx. 0.4ha. There are 11 individual allotments within the estate.</p> <p>The land is located within the Rural Living Zone with accommodation being a Section 2 use. One of the purposes of the zone is to provide for residential use in a rural environment.</p>

	<p>The applicant has 65% entitlement to private land within the estate including a super lot known as S3 which is approx. 75% of the land area of the estate. Access to the subject site and the applicant's super lot, which is being promoted as private land for use by accommodation guests is via common property roads within the gated community funded by an owners corporation.</p> <p>The application received three (3) objections from the eight individual owners of land in the estate. Grounds for objection include security & privacy concerns, threat to sense of community and inadequate insurance cover.</p> <p>Other than the subject site, developed land in the estate is being used for a dwelling by permanent residents. Being a gated community, public access is prohibited other than with the assistance of existing residents. The nature of a gated community affords residents a higher level of protection from general public access. Clientele of the accommodation and their associated security risks for existing property owners can not be adequately regulated by Council's approval.</p> <p>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.</p>
Summary Recommendation:	
<p>That, having considered all relevant matters as required by s.61 of the Planning and Environment Act 1987, Council Refuse to Grant a Permit for Use of an Existing Residential Building for Short-term Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road Myrniong VIC 3341.</p>	

Public Notice

The application was notified by letter to all land owners within the Pykes View estate, the owners corporation and one adjoining neighbour. Three (3) objections were received.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Loss of security . The subject site is situated within a gated estate that is enclosed with a fully fenced boundary and locked coded front gates. Owners are protected from public access and associated security risks such as theft and the need for public liability insurance on private land.	Section 4(1)(c) of the Planning and Environment Act, 1987 is <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.</i> Clause 65.01 Approval of an application or plan for <i>the orderly planning of the area;</i> and <i>the effect on the amenity of the area.</i>
Officer's response – The Officer agrees restricted public access to a gated community creates a perception of privacy and security for residents. The applicant says accommodation guests will have remote access to the estate via a clicker for the duration of their stay only.	
Loss of privacy . Movement within the estate is facilitated by the common property road and unwanted guests would be an invasion on our quite, private lifestyle.	Section 4(1)(c) of the Planning and Environment Act, 1987 is <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.</i> Clause 65.01 Approval of an application or plan for <i>the orderly planning of the area;</i> and <i>the effect on the amenity of the area.</i>
Officer's response – It is difficult to substantiate the objector comments as movements of accommodation guests can not be accurately predicted or accounted for, however the common property roads funded by all property owners provide access to the applicant's subject site and super lot being promoted for private leisure use by his guests. Some loss of privacy is to be expected where accommodation guests have free roam within the gated community.	
Operating a business from a dwelling in the Rural Living Zone is in contravention of the planning scheme.	Clause 35.03-1 Table of uses in the Rural Living Zone

Officer's response – Officers advised the applicant, who is currently operating an accommodation business, a permit is required because accommodation is a section 2 use in the Rural Living Zone. This application only relates to short-term accommodation. If other matters are raised, Council's Enforcement Officers will investigate as appropriate.	
Potential increase in noise levels. Accommodation guests are in holiday mode out to enjoy themselves and would have little concern for the amenity of surrounding residents.	Section 4(1)(c) of the Planning and Environment Act, 1987 is <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.</i> Clause 65.01 Approval of an application or plan for <i>the orderly planning of the area</i> ; and <i>the effect on the amenity of the area.</i>
Officer's response – It is difficult to substantiate the objector comments as behaviour of accommodation guests can not be predicted, however accommodation guests may be an increased source of noise to nearby dwellings. The nearest neighbouring dwellings are 50 metres to the south-west, 120 metres to the west and 150 metres to the south-east. It may be considered accommodation guests will be noisier than permanent residents as their motivation to stay is leisure.	
Potential disturbance of settled wildlife. Accommodation for up to ten guests effectively doubles the population of the estate which threatens the existence of local wildlife.	Clause 65.01 Approval of an application or plan for <i>the orderly planning of the area</i> ; and <i>the effect on the amenity of the area.</i>
Officer's response – The effect of accommodation guests on local established wildlife is unpredictable. It is generally thought the impact of accommodation guests on local wildlife would not exceed those of permanent residents.	
Need for short term accommodation in Myrniong is not substantiated.	Clause 17.03-1 Facilitating tourism Clause 21.04-3 Objective . Commerce
Officer's response – The applicant claims there is a need for short term accommodation stay in the shire but does not provide evidence to this effect. Two of the objectors said they have spoken to the Plough Hotel and their demand for accommodation sees them only open on weekends and holidays, often with vacancies. State and local policies support and encourage appropriate tourism development.	

Does this proposal require adjoining land owners to have public liability insurance?	None
The applicant is attempting to burden all Owners Corporation members with additional fees to cover his own public liability insurance needs for the proposal.	
Officer's response – It is not Council's role to substantiate these claims or anticipate individual or owners corporation insurance requirements.	
The use is actively seeking large groups, including wedding parties, enjoying unsupervised consumption of alcohol.	None
Officer's response – While the precise nature of this claim cannot be substantiated by Council, the applicant is offering the residential building to a broad range of paying groups. Alcohol consumption on the premises is by BYO only, which is the same for all properties in the estate.	
I pay owners corporation fees for my share of the estate and ambient country living lifestyle, which his clients derive benefit.	Clause 65.01 Approval of an application or plan for <i>the orderly planning of the area</i> ; and <i>the effect on the amenity of the area</i> .
Officer's response – Of note is the applicant has entitlement over 65% of private land within the estate, including the super lot (S3). Owners corporation fees paid by all private land owners contribute to the provision and maintenance of common property. There is a perceived advantage for the applicant by objectors over the use of common property for access within the estate.	

A community consultation meeting was held on Monday, 4 May at Council's Darley Office and attended by one of the objectors, the applicant, his representative and three groups supporting the application.

The objector present said he would withdraw his objection should the use of the dwelling/residential building be for a periodical permanent lease (i.e. minimum six months).

Proposal

This application seeks approval for the use of an existing residential building for short-term accommodation at 18 Pykes View Rd, Myrniong.

Approved as a dwelling under PA2010172, the proposed residential building comprises four bedrooms (master with ensuite), bathroom, sitting room, rumpus room, open plan kitchen/dining/family area, separate wc, laundry and attached garage. Ancillary to the residential building is a storage shed and parking is available in the double garage with an additional three spaces in front of the shed. Bin storage is in the garage.

The maximum stay is expected to be one week and the average stay is currently projected at two nights.

The proposed maximum number of people to be accommodated on the site is ten (10). In accordance a minimum of five (5) parking spaces are available on site.

Access to locked gates in the estate is via a remote clicker which is returned to the property owner at the conclusion of the guest stay. Accommodation guests will not be given the secure gate code.

Accommodation guests will otherwise have free roam throughout the estate and the applicant has provided a golf buggy as transportation.

Site Description

The lot is a rectangular shape located towards the front north boundary of the Pykes View Estate at 18 Pykes View Road, Myrniong. It comprises 4,050 square metres and is one of eleven (11) lots within a gated community, which currently has eight (8) individual owners.

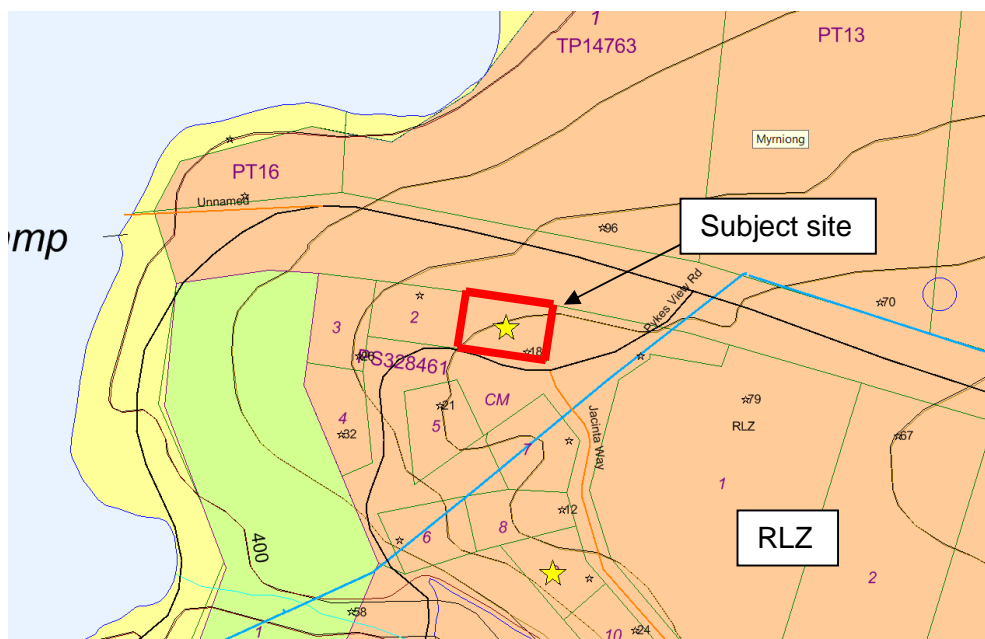
The north boundary is 80.02 metres, the south boundary is 80.01 metres, the east boundary is 50.17 metres and the west boundary is 50.63 metres. There is a slight decline from the south-east corner to the north-west.

The land contains an existing dwelling being used as a residential building for short-term accommodation. There are no easements on the land but access is via a common property driveway servicing all lots in the subdivision.

On the opposite side of Pykes View Road is a dwelling on a lot of approx. 10ha. To the east is a dwelling on a lot of approx. 5ha. Both dwellings are in excess of 100 metres from the subject site. Immediately west of the subject site is a vacant block approx. 0.4ha and to the south is a common property driveway followed by a dwelling which is within 100 metres of the subject site.

Locality Map

The site below indicates the location of the subject site and the zoning applicable to the surrounding area.



Caveats, Encumbrances and Restrictions

Registered on title to the subject land is Section 173 Agreement S847113X between Ballan Shire Council and LJ O'Hanlon. The agreement covenants the owner to develop the land in accordance with an approved Pykes Creek concept plan, engage an owners corporation, connect the lots to reticulated sewerage when available and maintain landscaping. The agreement carries Pykes Creek Design and Siting Guidelines for development to follow and any variation of the standards of the guidelines requires the agreement on title to be varied.

The agreement has no bearing on the use of an existing residential building for accommodation.

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:

Clause 11.06-1, 17.03-1 and 21.04-3.

SPPF	Title	Response
Clause 11.06-1	Planning for growth	<p>The responsible authority should support the development of Ararat and Bacchus Marsh as the key service centre for each end of the region and provide adequate land and infrastructure in appropriate locations to support anticipated population growth.</p> <p>The proposal generally complies with this strategy by providing a service close to Bacchus Marsh. However the current land use within this gated community is dwellings forming a small community of familiar people.</p>
Clause 17.03-1	Facilitating tourism	<p>The responsible authority should encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.</p> <p>It should also seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.</p> <p>The proposal fails to protect the integrity and amenity of existing environments, where compatible tourist facilities are concerned.</p>

LPPF	Title	
Clause 21.04-3	Objective . Residential Development	<p>The objective of this policy is to reinforce Bacchus Marsh and Ballantraleah role as regional centres for employment, shopping, tourism, industry, business, and cultural services.</p> <p>The proposal generally complies with this objective by providing a tourist attraction close to Bacchus Marsh.</p>

Zone

The site is located within the Rural Living Zone and the provisions of Clause 35.03 apply.

The purposes of the RLZ are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A permit is required for use of the land for accommodation under Clause 35.03-1.

A permit is required for buildings and works associated with a Section 2 use under Clause 35.03-4, however as the residential building was previously constructed as a dwelling (Section 1) under PA2010172, this is not a permit trigger for this application.

Overlays

The site is covered by an Environmental Significance Overlay . Schedule 1 (ESO1). In accordance with Clause 66.02-5 Special Water Supply Catchment, any application to use land must be referred to the relevant water supply authorities.

General Provisions

Clause 65 . Decision Guidelines have been considered by officers in evaluating this application in particular the following:

Clause 65.02	Response
<i>The matters set out in Section 60 of the Act.</i>	<p>In accordance with S. 60(1)(f) the responsible authority must consider any significant social and economic affects which the responsible authority considers the use or development may have.</p> <p>The use has a social effect on the amenity and privacy of members of the gated community, which would reasonably expect their environment be limited to invited guests.</p>
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	<p>The proposal is generally in keeping with State and Local Planning Policies, however does not accord with Clause 17.03-16 strategy which seeks to protect the integrity and amenity of existing environments from incompatible tourist facilities.</p> <p>Given a consistent interpretation of the key elements of a gated community by VCAT (i.e. locked, private and closed to the public), it is generally considered a gated community is not an appropriate location for short term accommodation stays.</p>
<i>The purpose of the zone, overlay or other provision.</i>	<p>These policies are generally not relevant to the proposal with the exception of the zone which provides for residential uses in a rural environment.</p> <p>Given a consistent interpretation of the key elements of a gated community by VCAT (i.e. locked, private and closed to the public), it is generally considered a gated community is not an appropriate location for short term accommodation stays.</p>

<i>Any matter required to be considered in the zone, overlay or other provision.</i>	<p>These policies are generally not relevant to the proposal with the exception of the zone which provides for residential uses in a rural environment.</p> <p>Given a consistent interpretation of the key elements of a gated community by VCAT (i.e. locked, private and closed to the public), it is generally considered a gated community is not an appropriate location for short term accommodation stays.</p>
<i>The orderly planning of the area.</i>	<p>Given a consistent interpretation of the key elements of a gated community by VCAT (i.e. locked, private and closed to the public), it is generally considered an accommodation facility in a gated community does not favour good orderly planning.</p> <p>Officers also note the comments of Southern Rural Water, supported by Western Water where capacity of approval for the use should be restricted.</p>
<i>The effect on the amenity of the area.</i>	<p>Because the use is in a gated community where residents reasonably expect to have certainty in terms of who their neighbours are and their general behaviour, allowing public use of the estate for guest accommodation could reasonably have a detrimental impact on residential amenity.</p>
<i>The proximity of the land to any public land.</i>	<p>There is no public land nearby.</p>
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</i>	<p>The use is unlikely to contribute to land degradation, salinity or reduce water quality.</p>
<i>Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	<p>The use will not impact the quality of stormwater within the site any more than the approved dwelling already does.</p>

<i>The extent and character of native vegetation and the likelihood of its destruction.</i>	Native vegetation is not expected to be affected by the use.
<i>Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	Native vegetation is not expected to be affected by the use.
<i>The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.</i>	The use will not contribute as a fire hazard any more than the approved dwelling. The existing residential building provides refuge in the of event fire.

Discussion

The use is being conducted within a private gated community and a number of land owners (including one existing resident) within the estate have objected to the proposal on social/amenity grounds including unwanted public access and security concerns. The Planning and Environment Act requires consideration of social and economic effects as what must be considered by the responsible authority.

Officers believe resident expectations of privacy and certainty are afforded a higher level of protection in a gated community. In researching the interpretation of a gated community in previous VCAT decisions, the responsible authority in *Orchard View Village Unit Trust Pty Ltd v Casey CC* [2009] para 55 said "We take a gated community to be one where the gates are locked day and night, where staff and residents can gain access but where others will need the assistance of staff or residents to gain access, day or night." In *Trimble and Ors v Casey CC* [2009] para 35 Senior Member Cimino said a gated community has "no opportunity for general public (access)".

Public access is protected from Pykes View Estate other than with the assistance of existing residents. The proposed use has a social effect on the amenity and privacy of all members of the gated community, which would reasonably expect their environment be restricted to known residents and their invited guests.

The applicant has 65% entitlement to private land within the estate including a super lot known as S3 which is approx. 75% of the land area of the estate. Access to the subject site and the applicant's super lot, which is being promoted as private land for use by accommodation guests is via common property roads within the gated community funded by an owners corporation. Use of this common land should be for the equal benefit of all residents in the estate and not necessarily advantage one owner.

Officers also note the comments of Southern Rural Water, supported by Western Water where capacity of approval for the use should be restricted, which compromises the suitability of the proposal.

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.

Referrals

The following referrals were required pursuant to s.55 of the Planning and Environment Act 1987. No discretionary referrals were made under Section 52 of the Act.

External Authority	Response
Southern Rural Water	No objection, subject to one (1) condition
Western Water	No objection, no conditions
Internal referral	Response
Nil	

Financial Implications

The recommendation to refuse a permit for the use will not represent any financial implications for Council other than the potential for the matter to be taken to VCAT for review.

Risk and Occupational Health and Safety Issues

The recommendation of refusal of this application does not implicate any risk or OH & S issues for Council.

Communications Strategy

A community consultation meeting was scheduled on 4 May and attended by the applicant, his representative and a number of objectors/supporters of the proposal.

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. The applicant was 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 use with relevant conditions, however objectors have indicated a strong interest in taking such a decision to VCAT for review.

Conclusion

The proposal is considered inconsistent with relevant policies contained within the Moorabool Planning Scheme. The subject site is located within a private access gated community where developed land has dwellings with permanent residents and the use compromises their amenity on social grounds such as privacy and security. Southern Rural Water's restriction on the number of guests to be accommodated in the residential building also undermines the suitability of the use dependent on an effluent treatment system operating near capacity.

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.

Consideration of Deputations – Planning Permit Application No. PA2015-006

Mr. Robert Eskdale addressed Council in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

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 PA2015-006, Use of an Existing Residential Building for Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road Myrniong for the following reasons:

1. Having considered the social affects the proposal has on surrounding residents within the gated community, the proposal does not accord with Section 60(1)(f) of the Planning and Environment Act, 1987.
2. The proposal does not accord with Clause 65.01 for the orderly planning of the area.
3. The proposal does not accord with Clause 65.01 for the effect on the amenity of the area.

Resolution:

Crs Comrie/Toohey

That Item 10.2.1; Planning Permit PA2015-006; Use of an Existing Residential Building for Short-term Accommodation at Lot 1 on PS 328461J, 18 Pykes View Road Myrniong VIC 3341 be deferred to the August Ordinary Meeting of Council to allow for further information on the application to be provided.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Friday, 15 May 2015



10.2.2 Planning Permit PA2014-118 – Staged six (6) lot subdivision and development of five (5) dwellings – 91 Edols Street and 94 Atkinson Street Ballan

Application Summary:	
Permit No:	PA2014-118
Lodgement Date:	23 May 2014
Planning Officer:	Victoria Mack
Address of the land:	91 Edols Street Ballan Lot 1 on TP238242K 94 Atkinson Street Ballan Lot 1 on TP340787T
Proposal:	Staged six (6) lot subdivision and the development of five (5) dwellings
Lot size:	Total size of both lots 1931.45sqm
Why is a permit required	Subdivision and development of multiple dwellings in the General Residential Zone Schedule 1
Public Consultation:	
Was the application advertised?	Yes
Number of notices to properties:	12
Notices on site:	Two notices: one on Edols Street and the second on Atkinson Street
Notice in Moorabool Newspaper:	No
Number of Objections:	2, one later withdrawn
Consultation meeting:	Not 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 – Sain Smith</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Victoria Mack</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	Yes
Any issues raised in referral responses?	No
Preliminary Concerns?	Street tree in Atkinson Street in front of proposed crossover.
Any discussions with applicant regarding concerns	Applicant advised

Any changes made to the application since being lodged?	Minor adjustments to the site plan to show additional features prior to advertising.
VCAT history?	Nil
Previous applications for the site?	Nil
General summary of the proposal.	<p>The application is for a staged six (6) lot subdivision and the development of five dwellings. There would be four new dwellings constructed on the Edols Street lot and two dwellings on the Atkinson Street lot - one existing and one to be moved onto the rear of the lot. The house to be moved is currently located on the Edols Street lot.</p> <p>This is a compact development that generally complies with Clause 55 Rescode of the Moorabool Planning Scheme and subject to some adjustments to both the site layout plan and the dwelling plans, which can be conditioned; it is considered that the proposal contributes positively to a diversity of dwelling choice in Ballan.</p> <p>It is recommended that the proposal is supported.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to grant permit PA2014118 for a Staged six (6) lot subdivision and development of five (5) dwellings at 91 Edols Street and 94 Atkinson Street Ballan VIC 3342 subject to conditions.	

Public Notice

The application was advertised to adjoining and surrounding landowners by letter, and two signs were placed on the site, one facing Edols Street and the second facing Atkinson Street.

Summary of Objections

The objections received are detailed below with officers' comments accompanying them:

Objection	Any relevant requirements
Storm water drainage	The objector states that the storm water drainage in this area of Ballan is inadequate and causes problems and the drainage of the area should be rectified before more dwellings are constructed.
Officer's response: Infrastructure agreed that there has been flooding issues reported in the precinct in the past, but the proposed development would be required to submit drainage plans and construct the development to meet best practice storm water and drainage management.	

Proposal

The application is for a Staged six (6) lot subdivision and the development of five dwellings. The subject site comprises two lots. Currently there is one dwelling on each lot with each lot have an area of approximately 966sqm. The dwelling on Edols Street would be moved to the rear of Atkinson Street. Four new dwellings would then be constructed on the Edols Street Lot.

Details of the proposal are as follows:

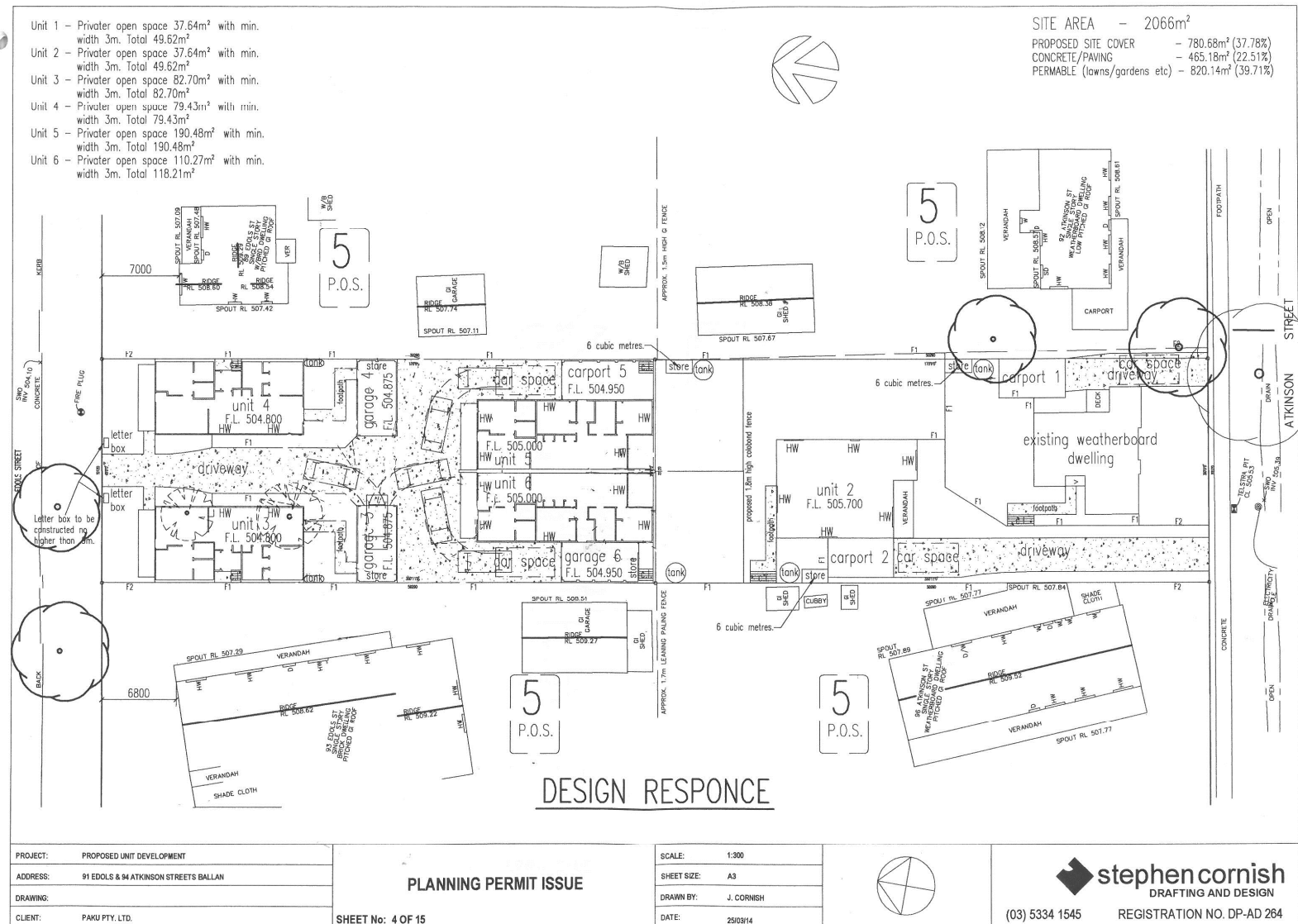
94 Atkinson Street lot:

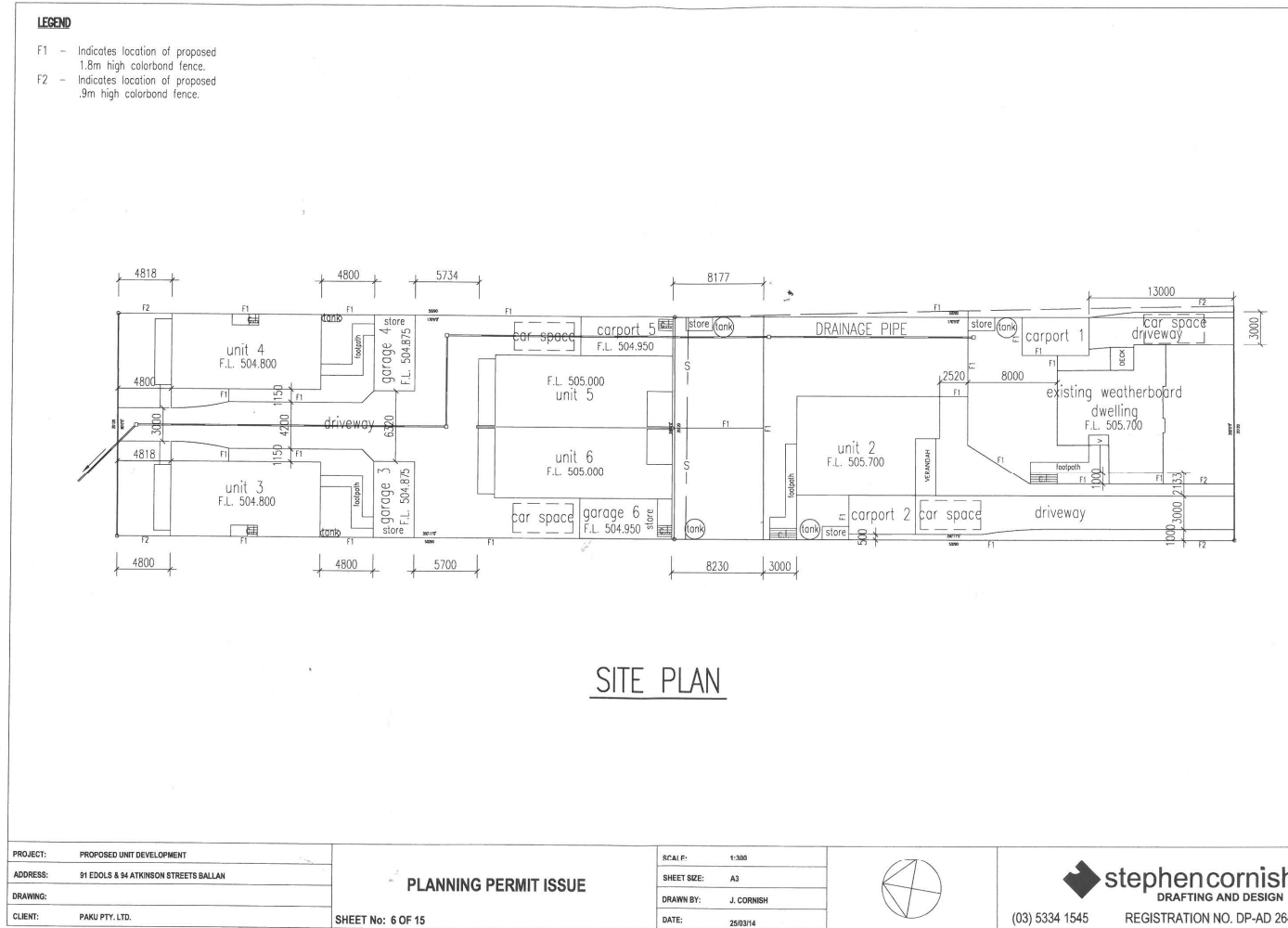
1. It is proposed to move the dwelling currently constructed at 91 Edols Street to the rear of the site known as 94 Atkinson Street. The Atkinson Street allotment would be subdivided into two lots. Lot 1 would contain the existing dwelling and would have an area of 358sqm and the rear Lot 2 would have an area of 508sqm. There would be no common property shared between these lots.
2. The existing single storey weatherboard dwelling at 94 Atkinson Street has two bedrooms, a bathroom, an open plan kitchen/dining/living area, a laundry with separate WC and a small attached deck on the eastern side.
3. A new single space carport would be constructed on the east side of the dwelling and a new crossover is proposed to be constructed in the south-east corner of the site. The site of this crossover would impact on an existing street tree, Asset No. 39, which would have to be removed unless changes to the crossover were made. The dwelling and porch would have a floor area of 83.09sqm and the carport would have an area of 21sqm.

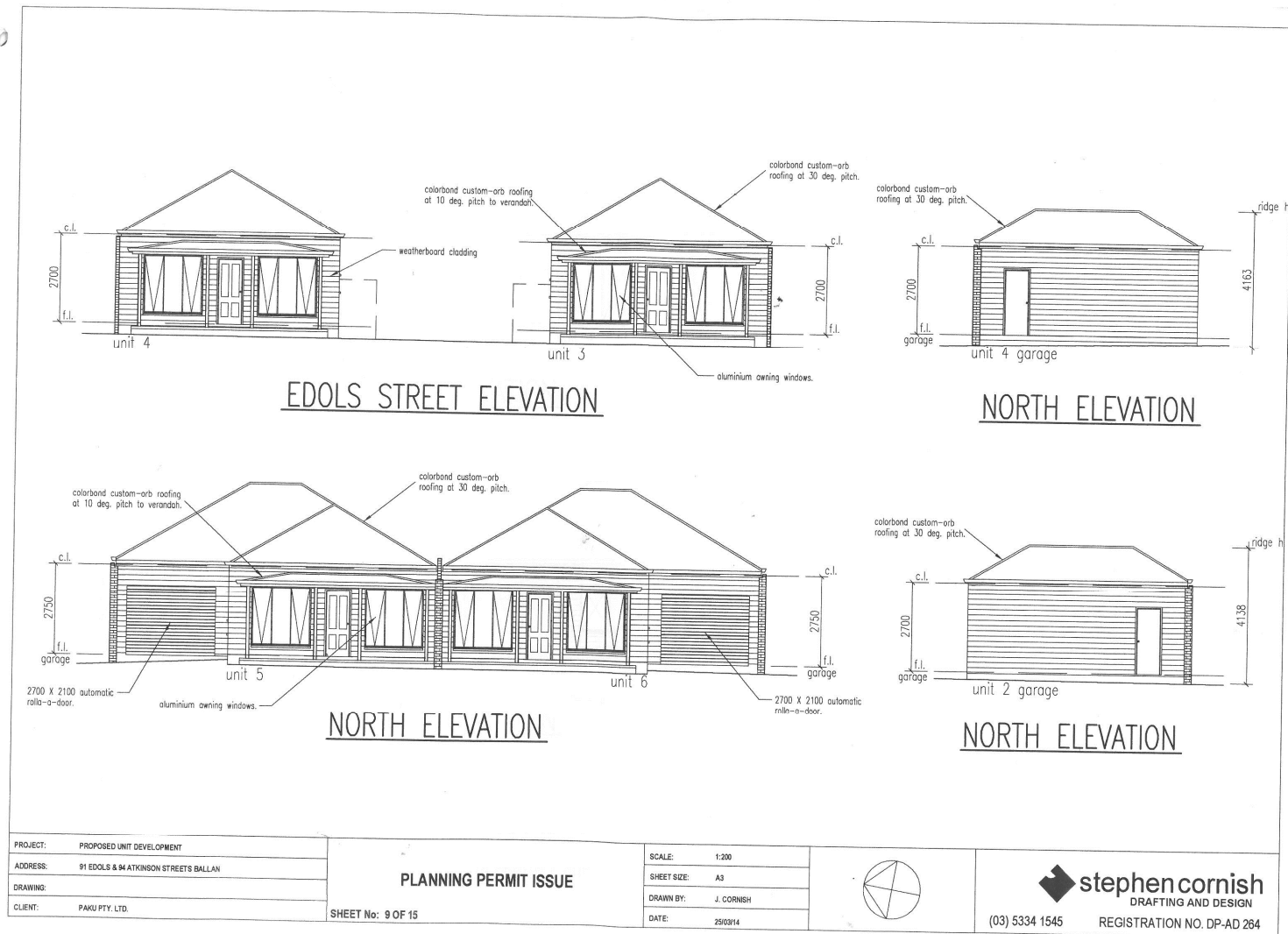
4. A relocated dwelling (currently located at 91 Edols Street) would be moved to the rear of the Atkinson Street allotment and would be extended. The dwelling would have three bedrooms, a family bathroom, an open plan family/meals/kitchen area, a separate lounge, an entrance hallway and a laundry with separate WC. There would be a verandah on the south side of the dwelling.
5. A single space carport would be constructed on the west side of the dwelling with a tandem uncovered car space in front of the carport. The floor area of the dwelling and verandah would be 113.02sqm and the carport would be 21sqm. The relocated dwelling would be accessed via the existing crossover and driveway to the rear. An existing fibro and galvanised iron shed would be removed.

91 Edols Street lot:

1. Four new dwellings would be constructed on the 91 Edols Street allotment. Vehicle access to all four new dwellings would be via a central driveway with single garages for the two front two-bedroom dwellings and a single garage and tandem car space for the two rear three-bedroom dwellings.
2. The four (4) new dwellings would be constructed with weatherboard cladding, aluminium windows and Colorbond® roofing with a 30 degree roof pitch. The western wall of Dwelling 3 and the eastern wall of dwelling 4 would be constructed with brick. Dwellings 5 and 6 would be attached. Access to all dwellings would be via a common property internal driveway and new crossover in the centre of the allotment. The street tree adjacent to the Edols Street lot, Asset No. 53, would not be impacted by the construction of a new crossover.
3. All dwellings would be provided with the required private open space







Six (6) lot subdivision

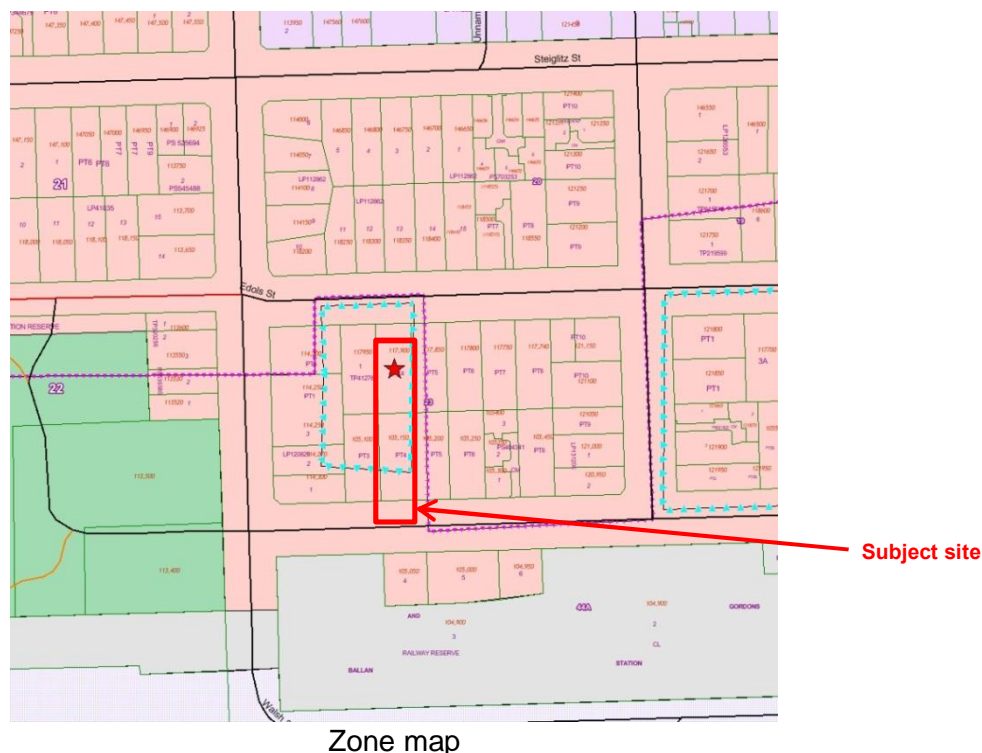
The application contained a written response to Clause 56 of the Moorabool Planning Scheme in relation to the staged subdivision. The subdivision will generally be in accordance with the development plan for the dwellings.

Locality Map

The images below show the location of the subject site and the zoning applicable to the surrounding area.



Aerial map



Site Description

1. The application relates to two lots.
2. Neighbouring dwellings are generally weatherboard or brick single storey construction and generally of an older architectural style.
3. There is an existing weatherboard dwelling on each of the lots in garden settings. Both dwellings have a constructed access on the west side.
4. The site is flat and the garden setting including a few exotic and native trees.
5. Surrounding allotments are residential allotments generally with single dwellings on lots with an average size of approximately 1000sqm.
6. However, there is a three dwelling development at 88 Atkinson Street which is the only multiple dwelling development in this part of Ballan.
7. The site is in close proximity to the Ballan railway station, the football oval, bowling club and other sporting facilities and approximately 450m south of the main street of Ballan with access to retail and health services.

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 . Settlement
- 11.02-1 . Supply of urban land
- 11.05-2 . Melbourne's hinterland areas

- 15.01-3 . Neighbourhood and subdivision design
- 15.01-5 . Cultural identity and neighbourhood character
- 21.03-2 . Urban growth management
- 21.03-3 . Residential development
- 21.03-4 . Landscape and neighbourhood character objective
- 21.08 . Ballan

The proposal complies with the relevant sections of the SPPF and LPPF.

Zone

The subject site is in the General Residential Zone, Schedule 1 (GRZ1), and the provisions of Clause 32.08 of the Moorabool Planning Scheme apply.

Pursuant to Clause 32.08-2 and 32.08-4 a permit is required to:

- Subdivide land
- Develop two or more dwellings on a lot

An application to develop multiple dwellings must meet the relevant requirements of Clause 55 of the Moorabool Planning Scheme.

The proposal is generally consistent with the GRZ1.

Overlays

The subject site is affected by Environmental Significance Overlay, Schedule 1.

Pursuant to Clause 42.01-2 of the Moorabool Planning Scheme a permit is required to:

- Subdivide land.

Schedule 1 does not specify any exemptions for subdivision, therefore a permit is required.

Relevant Policies

Council adopted the **Urban Growth Policy Statement** at the OMC of the 19th September 2012. Council can give weight to this document under the provisions of section 60(1A)(g) of the Planning and Environment Act 1987.

The policy states that:

The Moorabool Growth Strategy 2041 aims to provide a vision for the type of community Moorabool Shire will be in 2041 and to outline how Council can facilitate an outcome that both allows for growth and keeps the community connectedness, character and sense of place so valued by our current residents.

The urban strategy is about planning and managing the pressures of growth in a proactive manner so that a sustainable environment where people can live, work, access retail, social and recreational services and be involved and connected. The strategy looks at what our future

population will be and what employment, services and infrastructure will be required to meet their needs so that Council can identify what growth options will meet these needs in a sustainable and cost effective manner.

Particular Provisions

Clause 52.01 Public open space contribution and subdivision

In accordance with Clause 52.01 a person who proposes to subdivide land must make a contribution to council for public open space being 5% of the value of the land proposed to be subdivided.

For this application it is considered that a 5% contribution to Public Open Space is appropriate as the occupants of the multiple dwellings will contribute to demand on Council public open space infrastructure.

Clause 55 – Rescode

Clause 55 provides objectives and standards for residential development. This clause requires the submission of detailed information which was provided. Residential development must meet all of the objectives and should meet all of the standards contained in the clause.

The proposal complies with ResCode (Clause 55), with the following comments:

91 Edols Street four-dwelling development

Clause Rescode	Title	Response
B1	Neighbourhood character	The proposal is a compact medium density development which challenges the rural character of Ballan ^g more spacious allotments and leafy streets. However the proposal complies with the objectives and standards of Clause 55 and due to the site ^g close proximity to Ballan ^g many services and public transport, the development is well located to provide diversity in housing choice for future residents.
B6	Street setback	The average setback of front walls of existing dwellings on either side of 91 Edols Street is 6.9m. The required setback is therefore 6.9m. The proposed setback of the front dwellings is 4.8m with the verandahs encroaching into this setback by 1.5m. The applicant is seeking a reduced setback to 4.8m for this development.

B11	Safety	Internal lighting is required within the internal accessway to the rear dwellings which can be conditioned.
B13	Landscaping	A landscaping plan has not been provided and should be a condition of the permit.
B10	Energy efficiency	Some of the proposed dwellings have variable access to sunlight through the day. Dwelling 2 has poor morning sunlight and dwelling 3 has poor afternoon sunlight. Dwellings 5 and 6 have variable access to sunlight with bedrooms receiving more sunlight than living spaces and this should be reversed. Skylights in all dwellings and should be conditioned.
B15	Parking location	The internal vehicle accessway is tight but meets the minimum requirements. A large car would have difficulty negotiating the access.
B34	Bin and recycling enclosures	Bin enclosures need to be added to the site plan which can be conditioned.

94 Atkinson Street two dwelling development

The dwelling currently located at 91 Edols Street would be relocated to the rear of the 91 Atkinson Street site and the existing driveway would be used to access this rear dwelling. The existing dwelling at 94 Atkinson Street would be retained and it is proposed to construct a new carport to service the dwelling and a new crossover in the south-east corner of the site.

However, a street tree, Asset Number 39, is located directly opposite the proposed crossover entrance and would be required to be removed if this crossover was to be approved.

Council's Parks and Garden Coordinator provided documentation about this tree which indicated that the tree is a Desert Ash with a height of 8m which is in good condition with fair structure. The Asset Report estimated that the life expectancy of this tree would be 9-20 years.

The removal of the tree is unlikely to be approved as it contributes positively to the Atkinson Street streetscape.

Therefore the site layout plan needs to be redesigned to change the proposed access to the front dwelling to ensure that the street tree remains.

Otherwise the development of this site with two (2) dwellings complies with Clause 55 of the Moorabool Planning Scheme without issue.

6 Lot subdivision

The application was accompanied by a Clause 56 response to the proposed subdivision.

The proposed subdivision is in accordance with the development plan and does not present any issues.

Stage 1:

The first stage would be a two lot subdivision of the 94 Atkinson Street lot. The subdivision plan currently does not require any common property. However if the access to Lot 1 is amended then a revised Stage 1 subdivision plan may be required. Particularly if a common property access is determined.

Stage 2:

The stage 2 subdivision would follow the development of the four dwellings. There would be a common property internal driveway which would provide access to the garages/carports for all the dwellings.

Discussion

It is considered that the application is generally in accordance with the Moorabool Planning Scheme subject to adjustments to the layout plan and minor adjustments to design of the new dwellings. These include:

- a) An amended layout plan relocating the proposed new crossover from Lot 1 to Atkinson Street to another location to ensure the street tree, recorded as Asset No. 39, is not impacted by the development.
- b) A landscape plan for all proposed lots.
- c) Amended dwelling plans to include the following:
 - i. Reconfiguration of rooms in Dwellings 5 and 6 to provide improved light and solar efficiency to living spaces; and / or
 - ii. Sky lights in dwellings 5 and 6 to ensure natural light is achieved in kitchen and living areas.
 - iii. Lighting within the Edols Street development along the common property internal accessway to ensure safety for occupants of the rear dwellings.
 - iv. Bin and recycling enclosures for all dwellings.

It is not considered that the single objection received for the application has bearing on the merits of the proposal. The objection relates to storm water drainage in the immediate area and drainage management. The objector's property does not adjoin the subject site. The application was referred to Melbourne Water who indicated as follows:

*Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property **is not subject to flooding from Melbourne Water's drainage system**, based on a flood level that has a probability of occurrence of 1% in any one year.*

The application was referred to Council's Infrastructure Department who consented to the application subject to conditions, including a suite of conditions in relation to storm water drainage and general drainage management of the site.

The application was referred to the required water authorities, Powercor and the gas distributors all of which consented to the application subject to conditions.

It is not considered that the reduced front setback is an issue in this instance. Infill development in Ballan is likely to increase in the future and a 4.8m setback would be generally in accordance with Rescode.

In new subdivisions if there were no neighbouring dwellings, Rescode would require a setback of 4m from this type of street.

The application highlighted a number of similar developments in Ballan which have been approved by Council. These include particularly a development of four (4) dwellings at 61 Simpson Street which is similar to the development proposed in this application.

It is understood that multi-dwelling developments of this type do meet the changing needs of residents for more affordable accommodation with smaller dwellings and lot sizes appealing to a range of occupants including older people, first home buyers, investors, and single people.

General Provisions

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

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Central Highlands Water	Consent subject to conditions
Southern Rural Water	Consent subject to conditions
Melbourne Water	Consent no conditions
Powercor	Consent subject to conditions
Tenix / Downer	Consent subject to one condition
APA group -Gasnet	Consent no conditions
Infrastructure	Consent subject to conditions

Financial Implications

- There are no known financial risks to Council in determining this application.

Risk and Occupational Health and Safety Issues

- The recommendation of approval of this development 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 proposal is for a compact medium density development of the site. It may be considered by Council that this is an overdevelopment that does not respect the rural character of Ballan. However, the application generally accords with Clause 55 of the Moorabool Planning Scheme (Rescode) and also responds to demand for smaller more affordable housing choice for residents that do not require large gardens or large allotments.

The applicant highlighted several previously approved developments of this type in Ballan.

If Council was to decide to refuse this application it is likely that the applicant would apply to VCAT for Review and it is likely that a decision to refuse the application may be overturned.

Conclusion

It is considered that the application is generally acceptable. And generally accords with state and local policies, the purposes of the zone and overlay and the standards and objectives of Rescode with a few exceptions which are addressed in this report. It is considered on balance that the proposal will contribute positively to providing choice of accommodation in the Ballan township.

Consideration of Deputations – Planning Permit Application No. PA2014-118

Mr. Robert Eskdale addressed Council in favour of the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant Permit PA2014-118 for a Staged six (6) lot subdivision and development of five (5) dwellings – 91 Edols Street and 94 Atkinson Street Ballan subject to the following conditions:

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies**

must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:

- a) An amended layout plan relocating the proposed new crossover from Lot 1 to Atkinson Street to another location to ensure the street tree, recorded as Asset No. 39, is not impacted by the development.
 - b) An amended Stage 1 subdivision plan if the changed access to lot 1 requires a common property to be created for access to both Lot 1 and Lot 2.
 - c) A landscape plan for all lots in accordance with condition 7.
 - d) Amended dwelling plans to include the following:
 - I. Reconfiguration of rooms in Dwellings 5 and 6 to provide improved light and solar efficiency to living spaces; and / or
 - II. Sky lights in dwellings 5 and 6 to ensure natural light is achieved in kitchen and living areas.
 - III. Accessway lighting in the Edols Street development to the rear dwellings.
 - IV. Bin and recycling enclosures for all dwellings.
2. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority and cannot be varied without the consent of the Responsible Authority.
 3. The formal plans of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.
 4. Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.
 5. The owner of the land must enter into agreements with:
 - a) A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry

specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.

6. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.
7. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) details of surface finishes of pathways and driveways
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) landscaping and planting within all open areas of the site
 - f) canopy trees (minimum two metres tall when planted) in the private open spaces of all dwellings.
 - g) That no trees or shrubs are planted over existing or proposed drainage infrastructure and easements
 - h) All species selected must be to the satisfaction of the responsible authority.

Infrastructure conditions

8. Prior to the issue of a Statement of Compliance for the subdivision, all vehicle crossings must be constructed to urban residential standard to the satisfaction of the Responsible

Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.

- 9. Prior to the issue of a Statement of Compliance for the subdivision, the common property driveway must be constructed in reinforced concrete to a depth of 125mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 55.03-9 of the Planning Scheme.**
- 10. Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:**
 - a) The development as a whole must be self draining.**
 - b) Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.**
 - c) Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.**
 - d) Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".**
- 11. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.**
- 12. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.**
- 13. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**
- 14. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**
- 15. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

16. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:
- a) location of vehicle crossings
 - b) details of the underground drainage
 - c) location of drainage legal points of discharge
 - d) standard details for vehicle crossings and legal points of discharge
 - e) civil notes as required to ensure the proper construction of the works to Council standard.

Central Highlands Water conditions

17. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
18. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
19. A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
20. The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
21. If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Southern Rural Water conditions

22. All lots must be connected to Central Highlands Water reticulated sewerage system and the towns stormwater drainage system.
23. The plan of subdivision submitted for certification must be referred to Southern Rural Water in accordance with Section 8 Subdivision Act 1988.

Tenix / Downer condition

24. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor conditions

25. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

26. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.**
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

Permit expiry condition

27. This permit will expire if one of the following circumstances applies:

- a) the development and the use is not started within two years of the date of this permit;**
- b) the development is not completed within four years of the date of this permit;**
- c) the plan of subdivision is not certified within two (2) years of the date of issue of the permit;**
- d) each subsequent stage is not certified within two years of the date of certification of the previous stage.**

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Permit Notes:**Central Highlands Water**

Please be advised prior to Central Highlands Water endorsing the proposed plans, a minimum 3.0m wide easement will be required over the existing sewer infrastructure.

Melbourne Water

Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

Resolution:

Crs. Toohey/Dudzik

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act, Council issues a Notice of Decision to Grant Permit PA2014-118 for a Staged six (6) lot subdivision and development of five (5) dwellings – 91 Edols Street and 94 Atkinson Street Ballan subject to the following conditions:

- 1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:***
 - a) An amended layout plan relocating the proposed new crossover from Lot 1 to Atkinson Street to another location to ensure the street tree, recorded as Asset No. 39, is not impacted by the development.***

- b) **An amended Stage 1 subdivision plan if the changed access to lot 1 requires a common property to be created for access to both Lot 1 and Lot 2.**
 - c) **A landscape plan for all lots in accordance with condition 7.**
 - d) **Amended dwelling plans to include the following:**
 - i. **Reconfiguration of rooms in Dwellings 5 and 6 to provide improved light and solar efficiency to living spaces; and / or**
 - ii. **Sky lights in dwellings 5 and 6 to ensure natural light is achieved in kitchen and living areas.**
 - iii. **Accessway lighting in the Edols Street development to the rear dwellings.**
 - iv. **Bin and recycling enclosures for all dwellings.**
2. **Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority and cannot be varied without the consent of the Responsible Authority.**
3. **The formal plans of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.**
4. **Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes. The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose.**
5. **Before the Statement of Compliance is issued under the Subdivision Act 1988, a payment of \$900 per lot must be made to Council as part of the social development infrastructure.**
6. **The owner of the land must enter into agreements with:**
 - a) **A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) **A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry**

specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.

7. Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.**

8. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed**
- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- c) details of surface finishes of pathways and driveways**
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
- e) landscaping and planting within all open areas of the site**
- f) canopy trees (minimum two metres tall when planted) in the private open spaces of all dwellings.**
- g) That no trees or shrubs are planted over existing or proposed drainage infrastructure and easements**
- h) All species selected must be to the satisfaction of the responsible authority.**

Infrastructure conditions

9. ***Prior to the issue of a Statement of Compliance for the subdivision, all vehicle crossings must be constructed to urban residential standard to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.***
10. ***Prior to the issue of a Statement of Compliance for the subdivision, the common property driveway must be constructed in reinforced concrete to a depth of 125mm. The layout of the driveway must be designed to ensure that all vehicles are able to enter and exit the property in a forward direction in accordance with Clause 55.03-9 of the Planning Scheme.***
11. ***Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:***
 - a) ***The development as a whole must be self draining.***
 - b) ***Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.***
 - c) ***Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.***
 - d) ***Stormwater runoff must meet the "Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)".***
12. ***Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.***
13. ***Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.***
14. ***Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).***

15. ***Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.***
16. ***Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.***
17. ***Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:***
 - a) ***location of vehicle crossings***
 - b) ***details of the underground drainage***
 - c) ***location of drainage legal points of discharge***
 - d) ***standard details for vehicle crossings and legal points of discharge***
 - e) ***civil notes as required to ensure the proper construction of the works to Council standard.***

Central Highlands Water conditions

18. ***Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.***
19. ***Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
20. ***A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
21. ***The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.***
22. ***If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.***

Southern Rural Water conditions

- 23. All lots must be connected to Central Highlands Water reticulated sewerage system and the towns stormwater drainage system.**
- 24. The plan of subdivision submitted for certification must be referred to Southern Rural Water in accordance with Section 8 Subdivision Act 1988.**

Tenix / Downer condition

- 25. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.**

Powercor conditions

- 26. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.**
- 27. The applicant shall:**
 - a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
 - c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
 - d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
 - e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any**

electric substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.***
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.***
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.***
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.***
- j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.***

Permit expiry condition

27. This permit will expire if one of the following circumstances applies:

- a) the development and the use is not started within two years of the date of this permit;***
- b) the development is not completed within four years of the date of this permit;***
- c) the plan of subdivision is not certified with two (2) years of the date of issue of the permit;***

- d) *each subsequent stage is not certified within two years of the date of certification of the previous stage.*

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Permit Notes:

Central Highlands Water

Please be advised prior to Central Highlands Water endorsing the proposed plans, a minimum 3.0m wide easement will be required over the existing sewer infrastructure.

Melbourne Water

Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 15 May 2015



Cr. Comrie declared a Direct Conflict of Interest in relation to Item 10.2.3 Rescission of the Development Assessment Committee decision regarding Planning Permit 2014-293. The nature of the Conflict of Interest is due to Cr. Comrie owning a service station in Bacchus Marsh.

10.2.3 Rescission of the Development Assessment Committee decision regarding Planning Permit 2014-293 Development and Use of a Service Station and Display of Associated Signage at Lot 1 on PS 063032 and Lot 1 on TP 910059D, 20-22 Gell Street, Bacchus Marsh VIC 3340.

Application Summary:	
Permit No:	PA2014 -293
Lodgement Date:	19 December 2014
Planning Officer:	Tom Tonkin
Address of the land:	Lot 1 on PS 063032 and Lot 1 on TP 910059D, 20-22 Gell Street, Bacchus Marsh VIC 3340
Proposal:	Development and Use of a Service Station and Display of Associated Signage
Lot size:	1467.88sq m
Why is a permit required	Clause 34.01 Commercial 1 Zone . Use and development of a Service Station. Clause 52.05 Advertising Signs . Display of Signage
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	The application was advertised by mail to the owners and occupiers of four (4) nearby properties and a sign erected on the site.
Number of notices to properties:	Seven (7)
Notices on site:	One (1)
Notice in Moorabool Newspaper:	None
Number of Objections:	One (1)
Consultation meeting:	None held. Attempts at contact were made by both the Council officer and objector but a meeting was unable to be scheduled.

Policy Implications:	
Key Result Area	Enhanced Infrastructure and Natural Built Environment.
Objective	Effective and efficient land use planning and building controls.
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 – Tom Tonkin</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 internally to Infrastructure and Council's arborist.
Any issues raised in referral responses?	None raised, subject to conditions being placed on a permit.
Preliminary Concerns?	The officer wrote to the applicant requesting further details about the proposed signage, which the applicant provided.
Any discussions with applicant regarding concerns	No.
Any changes made to the application since being lodged?	Yes. The plans were amended before the application was advertised to relocate the proposed crossovers.

VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for the development and use of a service station and the display of associated signage on Lot 1 on PS 063032 and Lot 1 on TP 910059D, at 20-22 Gell Street, Bacchus Marsh. These currently vacant land parcels combine for an area of 1467sq m.</p> <p>The site would be developed with four (4) undercover fuel pumps accommodating up to eight (8) vehicles at a time and an ancillary cashiers office and shop. Vehicles would circulate through the site in one direction, with access to the site via a proposed crossover from Bennett Street and egress via a proposed crossover to Gell Street. The site would be designed to accommodate a B-double truck to enter the site to refill fuel tanks, and exit the site without needing to reverse and without obstructing vehicles refuelling. Five (5) car parking spaces would be provided, and the site boundaries would be landscaped.</p> <p>Numerous signs would be displayed on the site, including business identification signs and promotion signs, some of which would be internally illuminated. Signage would be consistent with Shell service station and Coles Express branding.</p> <p>The application was advertised to landowners and occupiers on the north side of Bennett Street nearby the subject site, and a sign erected on the site. One (1) objection was received. The objector raised concerns about increased traffic and congestion, pedestrian safety, the need for a service station in this location, and the potential loss of amenity arising from the proposal in relation to property access, impact on future intended development of their land and increased likelihood of littering and property damage.</p> <p>Council officers deemed the proposal to be generally in accordance with State and local planning policy, the Commercial 1 Zone, Design and Development Overlay and Particular and General Provisions of the Moorabool Planning Scheme and recommended the application be approved, subject to conditions.</p> <p>The application was considered by Council's</p>

	<p>Development Assessment Committee at its May 2015 meeting, and following verbal submissions from the applicant and local residents and discussion of the proposal, determined to issue a Notice of Decision to Grant a Permit subject to conditions, in accordance with the officers' recommendation.</p> <p>Council officers have subsequently reviewed the extent to which notice of the application was given, and recommend the application be advertised more widely, and that Council rescind its previous motion to issue a Notice of Decision to Grant a Permit subject to conditions.</p>
Summary Recommendation:	
<p>It is recommended that Council rescind the motion to issue a Notice of Decision to Grant a permit for this application in accordance with Section 60 of the Planning and Environment Act 1987, for the reasons detailed at the end of this report.</p>	

Background

The current application and officers' recommendation to grant a Notice of Decision to Grant a Permit subject to conditions was considered at Council's Development Assessment Committee (DAC) meeting on 20 May 2015. The permit applicant spoke in favour of the proposal and two Bacchus Marsh residents spoke against the proposal. The application was discussed by the Councillors and several questions responded to by Council officers and the residents who attended, including the extent to which the application was advertised. The residents considered that the extent of notice given was inadequate to inform the community about the application.

The officers' recommendation was upheld and the Committee resolved to issue a Notice of Decision to Grant a Permit subject to conditions. Council officers have subsequently reconsidered the extent of notice given, which is discussed in more detail below. The Notice of Decision has not been issued.

Public Notice

The application was advertised to nearby landowners and occupiers on the north side of Bennett Street by mail on 23 February 2015 and a sign placed on site, facing Bennett Street, from 24 February until 11 March 2015. One (1) objection was received.

Summary of Objection

The objection received is detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
The proposal would increase traffic and congestion on Bennett Street.	18.01-1 Land use and transport planning 18.01-2 Transport system 34.01-8 Commercial 1 Zone decision guidelines
Officer's response – The proposal is for a service station forming part of the Bacchus Marsh Village Shopping Centre to the east of the site. The Traffic Impact Assessment (TIA) provided with the application indicates that service stations are mostly used by passing traffic on multi-purpose trips. Accordingly, the proposal is expected to generate only a small increase in traffic in Bennett Street. This is discussed in more detail below.	
The proposal would reduce pedestrian safety crossing Bennett Street.	34.01-8 Commercial 1 Zone decision guidelines
Officer's response – The proposal would not directly affect the safety of pedestrians crossing Bennett Street. This is discussed in more detail below.	
There are enough existing service stations nearby to meet demand.	None applicable
Officer's response – Refusing an application for a commercial land use on the grounds that it may create an oversupply of a certain product or service is not a fair consideration of a permit application.	
The current proposal should have been included as part of previous planning permit applications for the Bacchus Marsh Village Shopping Centre redevelopment.	None applicable
Officer's response – There was no requirement for the current proposal to be included as part of any other planning permit application. The current application has been assessed on its merits, including consideration of the context. Notice of the application was given in accordance with the Planning and Environment Act 1987, giving the opportunity for any interested person to make an objection.	
Increased traffic in Bennett Street would affect our ability to drive in and out of our property and use on-street car spaces.	None applicable

Officer's response – As previously outlined, the TIA provided with the application indicates that the proposal is expected to generate only a small increase in traffic in Bennett Street, discussed in more detail below. The proposal would not directly affect the objectors' ability to drive in and out of their property or to use on-street parking.	
We intend to redevelop our land for a new dwelling. The amenity impacts associated with the proposal, including fumes, noise, traffic congestion and light spill, increased potential for hold-ups, fuel leaks, spills or explosions, would affect our amenity or that of any future tenant or owner. The proposal reduces our opportunity to use our land for residential purposes.	None applicable
Officer's response – The proposal may affect existing conditions on nearby land and affect how a person chooses to redevelop their land in future, however the extent or nature of this effect cannot be known. The subject site is in the Commercial 1 Zone and it is reasonable to expect that the site would be developed for a commercial purpose. The potential amenity impacts associated with the proposal are discussed in some detail below.	
The proposal would result in increased littering of our property and the potential for property damage from trucks such as has recently occurred.	None applicable
Officer's response – While the proposed service station may potentially result in increased litter disposal (no evidence of this has been provided) and property damage, it is not considered that the associated detriment is unique to this proposal, but instead associated with the wider environment. It is not considered reasonable grounds to refuse the application.	

Proposal

It is proposed to use and develop the land for a service station and to display associated signage.

A service station is defined under Clause 74 of the Moorabool Planning Scheme as:

Land used to sell motor vehicle fuel from bowsters, and lubricants. It may include the:

- a) *selling of motor vehicle accessories or parts;*
- b) *selling of food, drinks and other convenience goods;*
- c) *hiring of trailers;*
- d) *servicing or washing of motor vehicles; and*
- e) *installing of motor vehicle accessories or parts.*

The proposal includes the sale of food, drinks and other convenience goods but none of the other abovementioned activities.

The existing vehicle crossover would be removed and two (2) vehicle crossovers constructed, with 7.65m wide access proposed from Bennett Street and 5.95m wide egress to Gell Street. The crossovers would be designed to accommodate a 19.0m B-double truck. Four (4) fuel pumps allowing up to eight (8) vehicles to refuel at a time would be provided under a canopy with a maximum height of 6.12m above finished ground level. The cashier's office and shop would be located in a 75sq m building set back 1.22m from the south property boundary. The building would be 3.6m high and constructed of brick and cement. Five (5) car spaces and a bin storage and collection area would also be located near the south property boundary, along which a 2.0m high timber paling fence would be erected. Landscaped areas would form a buffer along the site boundaries.

Three (3) street trees are proposed to be removed to facilitate the development.

Given the fall of the land, it is proposed to carry out works so that the development would have a finished ground level up to 1.0m below surrounding natural ground level.

The applicant has indicated a preference that the service station have the opportunity to operate up to 24 hours a day, seven days a week.

The following signs are proposed:

- A sky sign, 7.3m high x 2.0m wide with double sided business identification information and an advertising area of 13.23sq m on both sides. The sign would face east-west and be erected 0.67m from the Bennett Street frontage and 8.4m from Gell Street. The sign would be 0.4m thick. The advertising area of the sign would have identical information on both sides, containing the business logo, petrol prices and associated text. Petrol prices would be electronically updated. The logo and other text would be internally illuminated. Sign colours would be yellow, red and white.
- A 1.2m x 1.2m (1.44sq m) business identification sign containing an internally illuminated Shell logo. The sign would be affixed to the northern façade of the refuelling canopy and face north. The sign would be a minimum 4.8m above finished ground level and protrude 0.28m above the canopy. Sign colours would be yellow, red and white.
- Four (4) 1.6m wide x 1.1m high (1.76sq m) double sided promotion signs containing the text **AV-Power**. The signs would be affixed to the supporting structure of the refuelling canopy, facing east and west, and a minimum 3.0m above finished ground level. Sign colours would be red and white.
- Four (4) 0.3m high x 0.25m wide (0.075sq m) direction signs affixed to the supporting structure of the refuelling canopy, each containing a different number to identify the fuel pumps. The signs would be affixed to the supporting structure of the refuelling canopy, facing north and south. Sign colours would be red and yellow.

- Four (4) promotional signs 1.8m high x 0.8m wide (1.44sq m), advertising goods for sale on the land, the contents of which would change periodically.
- A 0.8m high x 1.6m wide (1.28sq m) internally illuminated business identification sign containing the words ~~£~~Coles express~~q~~ affixed to the shop above its entry, with no part of the sign higher than 3.8m above finished ground level. Sign colours would be red and white.
- Four (4) 1.0m high x 0.64m wide (0.64sq m) promotion signs at ground level, north facing at the entry to the fuel pumps, containing details of the different types of fuel available at the pumps. The signs would be predominantly yellow and white with different coloured text.
- Four (4) 1.0m high x 0.64m wide (0.64sq m) innominate signs at ground level, south facing at the exit to the fuel pumps, containing the words ~~no~~ entry~~q~~ and an associated logo. Sign colours would be yellow, red and white.

The proposed plans are included at Attachment 1.

Site Description

Site inspections were done during daylight and evening hours on 27 and 28 April, 2015.

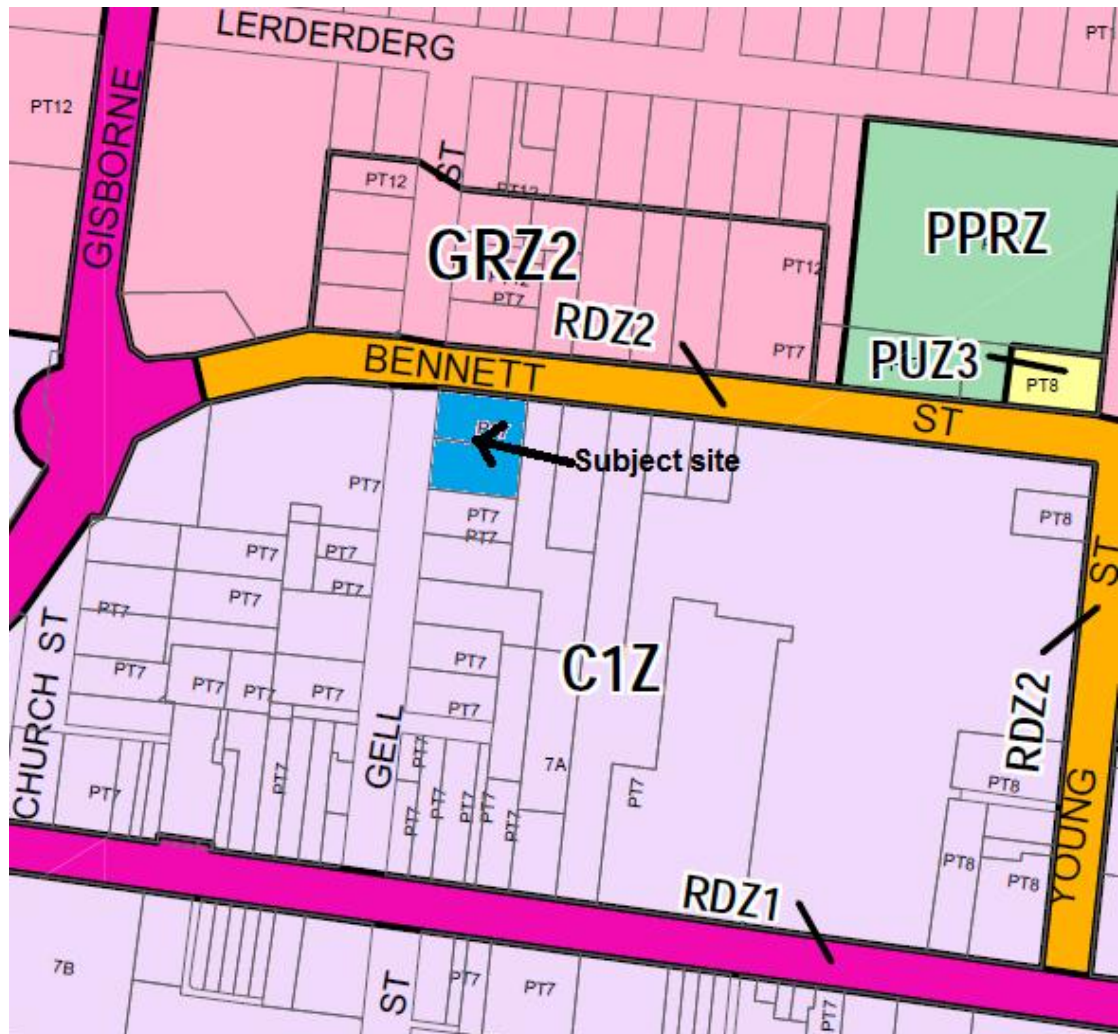
The subject site is on the southeast corner of Bennett and Gell Streets in Bacchus Marsh. The site is rectangular in shape, comprising two parcels of land which combine for an overall site area of 1467.88sq m, with a 41.0m frontage to Gell Street and 36.58m frontage to Bennett Street. The site is currently vacant apart from several exotic trees and shrubs around the site boundaries, and falls approximately 0.62m from the northeast to the south. Vehicle access is gained via a double crossover to Gell Street.

The site is in the Bacchus Marsh town centre, approximately 160m north of Main Street and 130m east of Gisborne Road. The site and surrounding land south of Bennett Street is in the Commercial 1 Zone. To the east is Bacchus Marsh Village Shopping Centre car park. To the south is a single storey brick building used for an office. To the west, across Gell Street, is the rear of the Foodworks supermarket which reads as a minimally articulated sheer two storey blank wall with roller door access to a loading bay. An internally illuminated Foodworks business identification sign is mounted near the top of this wall, facing the subject site.

To the north, across Bennett Street, is land in the General Residential Zone, Schedule 2, where there are several single storey dwellings and, on the northwest corner of Gell and Bennett Streets, a single storey brick building used for an office.

Locality Map

The map below shows the location of the subject site and the zoning of the surrounding area.



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:

- 11.05-2 Melbourne's hinterland areas
- 11.06 Central Highlands regional growth
- 15.01-2 Urban design principles
- 15.01-5 Cultural identity and neighbourhood character
- 17.01-1 Business
- 18.01-1 Land use and transport planning
- 18.01-2 Transport system
- 21.03-4 Landscape and neighbourhood character
- 21.04-3 Commerce?
- 21.07 Bacchus Marsh

Zone

Under Clause 34.01-1 (Commercial 1 Zone) of the Moorabool Planning Scheme, the use of land for a service station is an innominate Section 2 use and requires a planning permit. Under Clause 34.01-4 a permit is required to construct buildings and works.

The purpose of the Commercial 1 Zone is to:

- Implement the State and Local Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies;
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses;
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Overlays

Planning Scheme Amendment C51 was adopted by Council on 18 February 2015, and applies to land in the Bacchus Marsh Activity Centre, generally bounded by Bennett Street to the north, Bacchus Marsh-Geelong Road to the south, Clarinda Street to the west and Fiskin Street to the east. As part of C51, a Design and Development Overlay, Schedule 11 (DDO11) has been applied to the Main Street precinct which includes the subject site. Although C51 has not yet been gazetted, Section 60(1)(h) of the Planning and Environment Act 1987 requires Council to consider any amendment to the planning scheme which has been adopted by a planning authority but not yet approved by the Minister.

Relevant Policies

There are no Council adopted policies relevant to this proposal.

Particular Provisions

52.05 Advertising Signs

Purpose:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Pursuant to Clause 34.01-9 (C1Z) the zone is in Category 1 of advertising sign controls.

52.05-7 Category 1 – Commercial areas

Purpose:

- *To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.*

The applicant proposes to display the following classes of advertising signs:

- *Business identification signs*
- *A sky sign*
- *Direction signs*
- *Promotion signs*
- *Internally illuminated signs*

Pursuant to Clause 73 of the Moorabool Planning Scheme, these signs are defined as follows:

Business identification sign:

- *A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.*

Sky sign:

- *A sign:*
 - a) *on or above the roof of a building, but not a verandah;*
 - b) *fixed to the wall of a building and which projects above the wall;*
or
 - c) *fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.*

Direction sign:

- *A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.*

Promotion sign:

- *A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

Internally illuminated sign:

- *A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.*

Pursuant to Clause 52.05-7 a permit is required to display all of these signs except for the direction signs.

Clause 52.06 Car Parking

Five (5) car spaces would be provided on site, one (1) of which would be an accessible car space. Clause 52.06 does not specify the number of car parking spaces required for a service station. Under Clause 52.06-5A the number of car spaces provided must be to the satisfaction of the responsible authority.

Clause 52.07 Loading and Unloading of Vehicles

Land is to be set aside for loading and unloading of vehicles on the site.

*Clause 52.12 Service Station**Purpose:*

- *To ensure that amenity, site layout and design are considered when land is to be used for a service station, especially if the site adjoins a residential zone.*
- *To ensure that use of land for a service station does not impair traffic flow or road safety.*

Land may be used for a service station if certain specified requirements are met.

Discussion

The application was advertised by mail to the owners and occupiers of residential zoned land within 30 metres of the subject site, and a sign erected on the site facing Bennett Street from 24 February until 11 March 2015. Residents who spoke at the DAC meeting claimed that visibility of the sign would have been obstructed by physical barriers associated with construction of the adjoining Bacchus Marsh Village Shopping Centre car park.

Having regard for this and the residents' concerns that notice may have been unreasonably limited, it is considered appropriate that the application be readvertised more widely, before Council determines the application. It is considered appropriate that signs be erected on the site facing Bennett Street and Gell Street for a minimum of 14 days.

Figure 1 below shows the extent of notice previously given by post and the extent of notice now proposed.



Figure 1 legend

Yellow = Subject site

Blue = 30 metre buffer from the site

Red = Notice previously given to owner only

Pink = Notice previously given to owner and occupier

Shaded area = Owners/occupiers proposed to be notified

The extent of notice proposed is considered sufficiently responsive to the concerns raised by residents about the potential amenity impacts of the service station. It is not considered necessary to post notices to those landowners and occupiers previously notified.

It is noted that the permit applicant understands that wider notice of the proposal is reasonable to give the community the opportunity to comment before a decision on the application is made.

General Provisions

Clause 65 . Decision Guidelines must be considered by officers in assessing this application.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
None required	-
Infrastructure Parks and Gardens	No objection subject to conditions No objection subject to conditions

Financial Implications

The recommendation to rescind the motion to issue a Notice of Decision to Grant a Permit subject to conditions would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation to rescind the motion to issue a Notice of Decision to Grant a Permit subject to conditions 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. Notwithstanding this and for the reasons discussed herein, further notice is recommended.

Further correspondence is required to all interested parties to the application as a result of a decision in this matter. The submitter and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to uphold Council's previous decision to issue a Notice of Decision to Grant a Permit subject to conditions.

Issuing a Notice of Decision may result in an appeal to VCAT by the original objector to the application, or for the permit to be cancelled by any person on the grounds that they should have been given notice of the application for the permit.

Conclusion

It is considered appropriate that the application be advertised more widely than before to provide an opportunity for affected people to comment on the proposal.

Cr. Comrie adjourned from the meeting at 6.17pm and did not participate in voting on the Item.

Consideration of Deputations – Planning Permit Application No. PA2014-293.

Mr. Jarrah Lukjanov addressed Council as the applicant in favour of the granting of a planning permit for the application

The business of the meeting then returned to the agenda.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council do the following:

- 1. Rescind the motion carried on 20 May 2015 by the Section 86 Development Assessment Committee to issue a Notice of Decision to Grant Planning Permit No. PA2014-293.**
- 2. Require Planning Permit application PA2014-293 to be advertised by post to the owners and occupiers of properties identified in Figure 1 in this report who were not previously notified, and signs erected on the subject site facing Bennett Street and Gell Street, in accordance with Section 52 of the Planning and Environment Act 1987.**

Resolution:

Crs. Dudzik/Spain

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council do the following:

- 1. Rescind the motion carried on 20 May 2015 by the Section 86 Development Assessment Committee to issue a Notice of Decision to Grant Planning Permit No. PA2014-293.***

CARRIED.

Resolution:

Crs. Dudzik/Spain

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council do the following:

- 1. Require Planning Permit application PA2014-293 to be advertised by post to the owners and occupiers of properties identified in Figure 1 in this report who were not previously notified, and signs erected on the subject site facing Bennett Street and Gell Street, in accordance with Section 52 of the Planning and Environment Act 1987.***

2. *That the minutes of the next Development Assessment Committee states that the resolution to issue a Notice of Decision for PA2014-293 has been superseded by this resolution.*

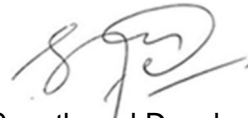
CARRIED.

Cr. Comrie returned to the Meeting at 6.36pm

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday, 28 May 2015



10.2.4 Moorabool Planning Scheme Amendment C73

Introduction

File No.: 13/06/076
Author: Rod Davison
General Manager: Satwinder Sandhu

Executive Summary

This report recommends that Council resolves to seek authorisation from the Minister of Planning under section 8A (3) of the *Planning and Environment Act 1987*, (the Act) to prepare and exhibit Amendment C73 to the Moorabool Planning Scheme.

The amendment will introduce new flood risk planning controls into the Moorabool Planning Scheme, including flood extent mapping and changes to the planning scheme provisions. The new planning controls implement three flood studies relating to the Werribee River, Lerderderg River and urban drainage system within the townships of Bacchus Marsh and Ballan. The new controls also implement a range of other flood modelling work relating to rural areas within the catchments of the Werribee River, Lerderderg River and Little River.

Background

In Victoria, the design flood event for land use planning and building purposes is the 100 year average recurrence interval (ARI) flood, which occurs on average once in every 100 years. This is the basis for declaring flood levels and flood areas under the *Water Act 1989* and for setting minimum floor levels under the *Building Act 1993*.

In 2005, Council commissioned WBM Oceanics Australia Pty Ltd to prepare the Bacchus Marsh Flood Risk Study, to identify areas at risk of flooding and provide recommendations for mitigating that risk. The study identified and mapped areas subject to inundation during a 100 year ARI flood event.

Planning scheme amendment C14 was subsequently prepared, with the aim of applying the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) to affected land. The amendment was publically exhibited in 2008, and Council received public submissions which questioned the data/methodology used in preparing the flood risk study. Following a review of the submissions, Council and Melbourne Water (as the relevant floodplain management authority) determined that the study methodology did not provide sufficient strategic justification to support the implementation of the LSIO and FO (as exhibited) and the amendment lapsed.

Melbourne Water subsequently undertook a review of flood extent mapping, to enable the preparation of a new planning scheme amendment. In 2010/2011, Melbourne Water prepared the following flood study reports, which identify land subject to inundation in a 100 year ARI flood event, within the Werribee River and Little River catchments in the eastern portion of Moorabool Shire:

- *'Report for Bacchus Marsh Area Floodplain Mapping'* (GHD November 2010);
- *'Lower Lerderderg Catchments Flood Mapping Report'* (Energy Water Management, December 2011);
- *'Ballan Township Flood Study, Final Report'* (Halcrow Pacific Pty Ltd, November 2011);

In addition, Melbourne Water has prepared flood extent mapping for rural areas within the catchments of the Werribee River, Lerderderg River and Little River, based on flood modelling work that has been undertaken over a number of years.

The following are extracts from *Practice Note 12 - Applying the flood provisions in planning schemes* (DPCD, Nov. 2012):

"Flooding is a natural hazard, however, unlike most other natural hazards; floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected."

Section 6(2) (e) of the Planning and Environment Act 1987 enables planning schemes to 'regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous'. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions."

And:

"A Council (as the planning authority) can use flood information to articulate local planning objectives and strategies for flooding in its Local Planning Policy Framework (LPPF) and apply the most appropriate flood provision to control land use and development in flood affected areas."

The planning authority has a range of tools to choose from to identify flood affected land in its planning scheme. There are four types of flood provisions available; the Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO). These have been derived based on the type of flooding and the potential level of risk to life and property."

Proposal

This report recommends that Council resolves to seek authorisation from the Minister of Planning under section 8A (3) of the *Planning and Environment Act 1987*, to prepare and exhibit Amendment C73 to the Moorabool Planning Scheme.

Amendment C73 is being progressed to address issues associated with flood risk. Moorabool Shire Council has a duty of care to ensure that current flooding information is available to the community.

The proposed amendment seeks to make the following changes to the planning scheme:

- Amends the Municipal Strategic Statement Clause 21.02 ~~Natural Environment~~q by:
 - Inserting reference to the Little River;
 - Recognising that some urban areas are prone to inundation by overland flows from the urban drainage system; and
 - Inserting objectives and strategies relating to floodplain management.
- Amends Municipal Strategic Statement Clause 21.11, by adding the following to the list of reference documents:
 - *'Report for Bacchus Marsh Area Floodplain Mapping'* (GHD November 2010);
 - *'Lower Lerderderg Catchments Flood Mapping Report'* (Energy Water Management, December 2011);
 - *'Ballan Township Flood Study, Final Report'* (Halcrow Pacific Pty Ltd, November 2011);
- Inserts a new local planning policy Clause 22.07 ~~Floodplain Management~~q for the protection and management of floodplains and overland flow paths within Moorabool Shire.
- Applies the Land Subject to Inundation Overlay (LSIO) to urban and rural areas affected by riverine flooding, within the catchments of the Werribee River and Lerderderg River in the eastern portion of Moorabool Shire.
- Inserts a new Schedule to the LSIO, to provide planning permit exemptions for specified types of buildings and works, and to specify permit application and referral requirements.
- Applies the Special Building Overlay (SBO) to urban areas of Bacchus Marsh that are liable to inundation by overland flows from the urban drainage system.
- Inserts a new Schedule to the SBO, to specify permit application and referral requirements.
- Amends schedule to Clause 61.03, to update the list of maps forming part of the planning scheme.
- Inserts 32 new planning scheme overlay maps.

The amendment will ensure that the planning scheme overlay maps are updated to reflect the extent of the identified flood risk. In areas covered by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works (including some fences).

Any planning permit application will need to be referred to Melbourne Water for consideration (as a statutory referral authority), being the relevant floodplain management authority. Circumstances where a planning permit is not required are specified in both overlays.

The amendment will serve to control development in areas subject to the overlays, in order to maintain the free passage and temporary storage of floodwaters. Inclusion of flood information in the planning scheme will enable landowners and developers to have immediate access to this critical information in the early stages of the development approval process, thereby ensuring that new development is designed with flood risk in mind. Introduction of the overlays will also minimise damage caused by flooding by allowing only subdivisions, buildings and works that will not cause a significant rise in flood level or flow velocity.

Given that the flood mapping is available, applying the appropriate planning controls will ensure that a planning permit is required for the development of flood prone land, and that Council makes informed planning decisions based on the best available information. This in turn will limit the potential for affected landowners to seek redress against Council for not taking flood risk into account in the development approval process, in the event that their property is adversely affected by flooding. In this respect, applying the appropriate planning controls will contribute to financially and socially responsible conduct.

The application of these overlays will also ensure that the known flood risk is disclosed to potential purchasers of affected properties on any Planning Certificate issued by Council, and through the provision of this information as part of the Vendor's Statement under Section 32 of the *Sale of Land Act 1962* at the time of purchase.

Site Description

The amendment applies to land subject to inundation in a 100 year ARI flood event, within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1). Approximately 3,000 parcels of land are affected by this amendment. The affected areas are shown in more detail on the planning scheme maps forming part of this amendment.

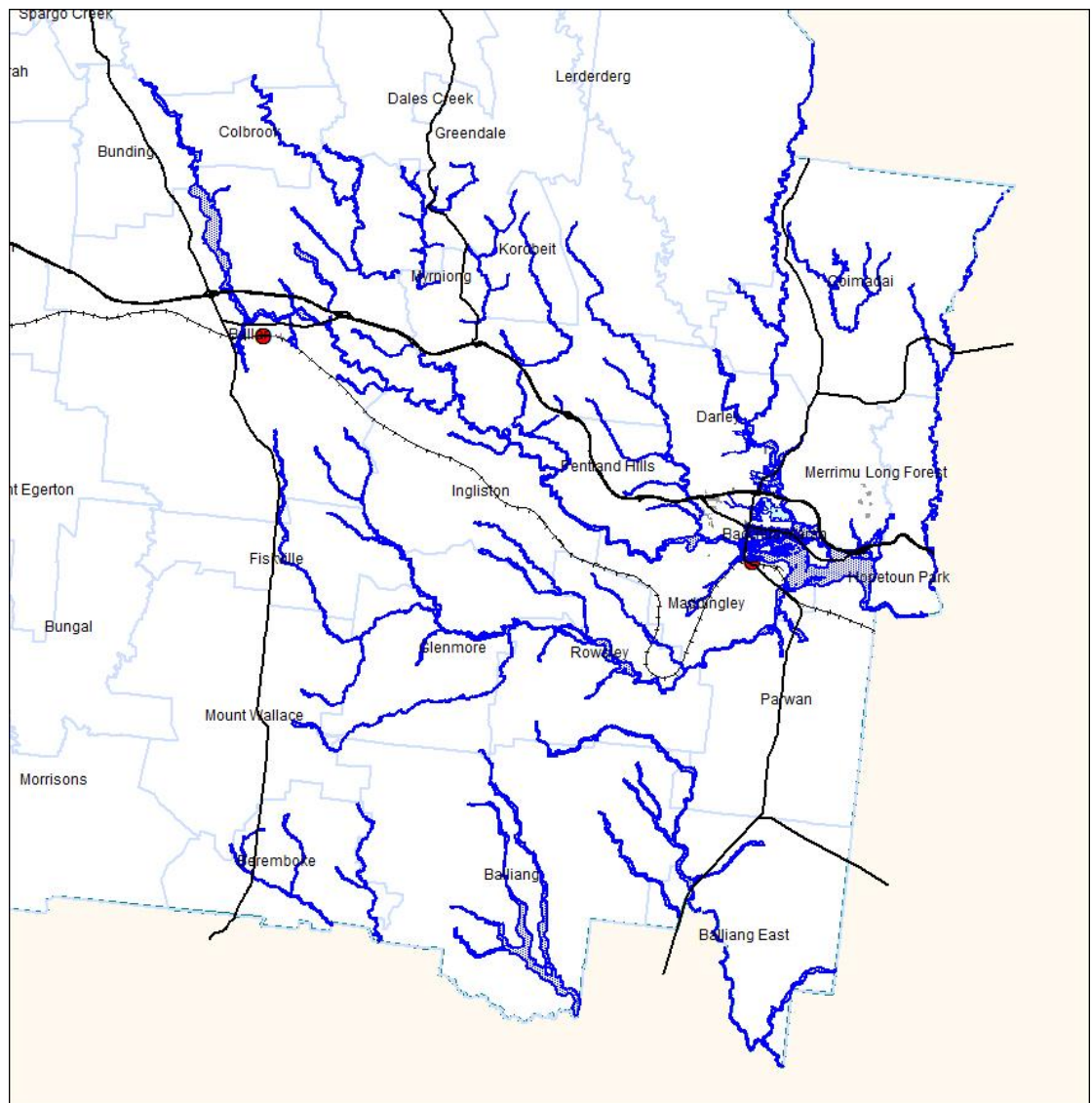


Figure 1: Areas proposed to be affected by LSIO and SBO within the Moorabool Shire (in blue)

The Land Subject to Inundation Overlay

The LSIO can be applied to land affected by riverine flooding in both rural and urban areas. In general, areas covered by the LSIO have a lower flood risk than UFZ or FO areas.

Amongst other matters, the purpose of the LSIO is:

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

The Special Building Overlay

The SBO can be applied to land affected by flooding from the piped stormwater drainage system. With the redevelopment of existing urban areas and the proposed development of new areas, there is growing pressure to develop within overland flow path areas. The purpose of the SBO is to set appropriate conditions and building floor levels to address the flood risk and to ensure that flood waters are not obstructed or diverted by development.

Amongst other matters, the purpose of the SBO is:

- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced infrastructure and natural and built environment.
Objective	Effective and efficient land use planning and building controls.
Strategy	<p>Implement high quality, responsive, and efficient processing systems for planning and building applications.</p> <p>Ensure the planning scheme is reviewed and updated in order to facilitate land use and development to suppose the social, economic, environment and well-being of the shire.</p> <p>Ensure that development is sustainable, resilient to change and respects the existing character.</p>

The proposed changes to the planning scheme are consistent with the 2013-2017 Council Plan.

State Planning Policy Framework

The amendment is consistent with the State Planning Policy Framework (SPPF) Clause 13.02 Floodplains the objective of which is to assist the protection of life, property, the natural functions of floodplains and river health.

The amendment implements the following strategies of this clause:

- *“Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.*
- *Avoid intensifying the impacts of flooding through inappropriately located uses and developments.”*

The amendment is also consistent with Clause 11.05-4 ~~Regional~~ planning strategies and principles as it responds to the impacts of climate change and natural hazards and promotes community safety by seeking to site and design new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as flood.

Local Planning Policy Framework

Local Planning Policy Framework (LPPF) Clause 21.01 ~~Key issues~~ . Settlement states that:

“Moorabool Shire’s capacity to accommodate future urban development is physically and environmentally constrained. Steep land, areas subject to flooding, and resources capable of economic extraction are also significant development constraints.”

Clause 21.02 ~~Natural Environment~~ lists flood management as a key issue and influence, and states that *“large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and Lerderderg Rivers flow through the Shire”*.

The amendment implements Clause 21.02-7, by applying the LSIO to reflect relevant Council flood studies.

The amendment also implements Clause 21.02-9, by encouraging greater land owner awareness, involvement, and responsibility towards protecting their land and property from the threat of flooding.

Financial Implications

Melbourne Water has agreed to finance any Planning Panel costs associated with the consideration of submissions pertaining to their catchment areas. Melbourne Water will provide planners to answer enquiries on technical flooding issues during the exhibition period for the amendment, as well as respond to formal written submissions.

Melbourne Water will pay the amendment application fee, the Panel Hearing costs (if required), and Council’s mail out costs.

The application of flood mapping consistent with the adopted flood and drainage studies will limit the potential for affected property owners to seek redress against Council, in the event that their property is adversely affected by flooding.

The introduction of the LSIO and SBO will trigger the need for a planning permit for subdivisions, buildings and works on land affected by the overlays. Currently, buildings and works do not often require a planning permit and, therefore, the introduction of these overlays will result in an increase in the number of planning permit applications.

Risk & Occupational Health & Safety Issues

It is important that planning decisions are made based on all available knowledge. Council has a duty of care as a planning authority, to ensure that available flood extent mapping is translated into meaningful planning controls and applied in a transparent manner. By undertaking the planning scheme amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

Section 12(1)(c) of the *Planning and Environment Act 1987* states that a planning authority must review regularly the provisions of the planning scheme for which it is a planning authority. Pursuant to section 12(2)(b) of the Act, in preparing a planning scheme or amendment, a planning authority must take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment.

If the overlays are not applied to the affected areas, Council may risk approving potentially inappropriate developments without due consideration of flood risk. In the case of proposed developments for which there is no other planning permit trigger, Council would miss the opportunity to consider flood risk. This may lead to a situation where Council is deemed negligent or liable in its roles as planning authority or responsible authority under the *Planning and Environment Act 1987*.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial . Flood risk not considered in development approvals decision making.	Potential litigation.	High	Implement appropriate planning controls.

Communications and Consultation Strategy

It is proposed that this amendment be formally exhibited for public comment, as required by the *Planning and Environment Act 1987*. This will allow the community substantial opportunity to be consulted and have their input, including the ability to make formal submissions to the amendment, and to have their submissions considered by Council and an independent Planning Panel.

As the proposed introduction of the LSIO and SBO will affect many landowners across the Shire, communications and community engagement need to be well planned. It is proposed to develop a detailed communications and engagement plan to support the exhibition of the planning scheme amendment.

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 proposed amendment will apply the LSIO or SBO to land which is affected by the 100 year ARI flood, within the eastern half of Moorabool Shire. The overlays will ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The LSIO and SBO will provide a planning permit trigger for developments that may affect, or be affected by flooding. Thus, Council will be provided with an opportunity to consider flood risks associated with development proposals on flood-prone land.

The introduction of the overlays will also result in Melbourne Water being a statutory referral authority for planning applications relating to land affected by flooding, thereby providing an opportunity for Melbourne Water to provide advice and recommendations to Council.

Council has a duty of care to ensure that the Community (both current and future) is protected from the potentially adverse consequences of inappropriate development on flood-prone land. Through careful planning and application of appropriate controls, flood risks to life, property, infrastructure and the environment can be avoided or minimised.

Resolution:**Crs. Comrie/Spain*****That Council resolves to:***

- 1. Authorise the Chief Executive Officer to finalise the proposed amendment in consultation with Melbourne Water.***
- 2. Request the Minister for Planning to authorise Moorabool Shire Council to prepare and exhibit Amendment C73,***
- 3. Exhibit the proposed amendment once authorised, ensuring all affected property owners are informed.***
- 4. Ensure that the exhibition period and Planning Panel are scheduled according to Melbourne Water's availability.***

CARRIED.***Councillor Toohey called for a Division.******Councillors voting for the resolution:******Cr. Comrie, Cr. Spain, Cr. Sullivan, Cr. Dudzik.******Councillors voting against the resolution:******Cr. Toohey, Cr. Tatchell.***

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 27 May 2015



10.2.5 M2041 Urban Growth Strategy – Draft Community Consultation Report

Introduction

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

Background

The purpose of this Council report is to present the Community Consultation Report for the Urban Growth Strategy and confirm the key emerging themes arising from this work. A further report will be tabled at a future Ordinary Meeting of Council to present the key principles that drive the development of the Urban Growth Strategy.

Between November 2014 and January 2015 Council conducted a significant amount of community consultation sessions in the Bacchus Marsh district. The context report and documentation provided by Council also defined the challenges faced, the legislation to be met and the broad parameters of policy debate. With recent workshops included, consultation feedback now exceeds 900 responses . one of the largest engagement exercises ever conducted in the Shire.

A copy of the Community Consultation Report for the Urban Growth Strategy is provided (Attachment 10.2.4).

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 draft Community Consultation Report for the Urban Growth Strategy is consistent with the 2013 - 2017 Council Plan.

Financial Implications

There are no financial implications to Council.

Risk & Occupational Health & Safety Issues

Not applicable.

Communications and Consultation Strategy

It is proposed that the draft Community Consultation Report be uploaded to the Moorabool Shire Council website to allow the community to review and provide input on the key findings.

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

The Community Consultation Report for the Urban Growth Strategy reflects the considerable weight of feedback received during the consultation process. In identifying key themes the basis is provided to develop a series of key principles to drive the Urban Growth Strategy. Verifying the finding of the Consultation Report provides the opportunity for the community to provide further input on the future direction of Bacchus Marsh and district.

Resolution:**Crs. Spain/Dudzik*****That Council resolves to:***

- 1. Include the Draft Community Consultation Report for the Urban Growth Strategy on Council's website as a record of the consultation undertaken and the key themes that have emerged in the M2041 Urban Growth Strategy process and invite comment for a period of no less than 1 month.***
- 2. Advise the Metropolitan Planning Authority (MPA) of Council's endorsement "in principle" of the Community Consultation Report for the Urban Growth Strategy and provide them a copy of the report for the MPA's ongoing work on the M2041 Project.***
- 3. A further report be tabled at a future Ordinary Meeting of Council to reflect on any additional community feedback on the Draft Community Consultation Report. Concurrently the report will include suggested principles that respond to the key themes identified with in turn will drive the development of the Urban Growth Strategy.***

CARRIED.

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 20 May 2015



10.3 COMMUNITY SERVICES

No reports for this meeting.

10.4 INFRASTRUCTURE SERVICES

10.4.1 Consideration of the Proposed 2015/16 Annual Budget

Introduction

File No.: 07/01/011
Author: Steven Ivelja
General Manager: Phil Jeffrey

In accordance with Section 130 of the Local Government Act 1989 (the Act) Council is required to formally adopt the 2015/16 Annual Budget by 30 June 2015. As resolved by Council on 22 April 2015, the proposed Budget was placed on public exhibition from Tuesday 28 April 2015 to Monday 25 May 2015 inclusive, calling for submissions as required under Section 223 of the Act. This was advertised in The Moorabool News on 28 April 2015 and the Ballarat Courier on 24 May 2014.

Section 223 of the Act requires Council to follow a process of enabling submissions to be received. There were 4 written submissions received by 25 May 2015. Council considered submissions at the Special Meeting of Council on 3 June 2015.

Having completed all statutory requirements, the 2015/16 Annual Budget can now be considered for adoption.

Background

The Proposed 2015/16 Annual Budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation, and being financially responsible. It is part of a financial plan that aims to secure a viable and sustainable path to achieve the Shire's objectives.

The budget includes a 5.0% rate increase for 2015/16. To offset this increase, waste service charges will reduce by 2.25%. As a result, overall rates and charges will increase by 4.1%. Council have aimed to balance the needs of the ratepayers with the ongoing requirements to maintain existing infrastructure and provide new services and infrastructure to a growing community.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area -	Continuous Improvement in Council Services
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 consideration of the Proposed 2015/16 Annual Budget is consistent with the 2013-2017 Council Plan.

Budget Amendments and related matters

Since the Proposed Budget was presented to Council and exhibited, there has been further information that has come to light. As a result of some of these changes, it is recommended that Council revise its proposed \$1.065m investment in new initiatives to accommodate the new information.

Indicative Financial Assistance Grant Allocations for 2015/16

On 22 May, Council was advised by the Victorian Grants Commission of its indicative Financial Assistance Grants for 2015/16. As a result of this preliminary advice, it is likely that Council will receive \$108,000 less than the level estimated in the 2015/16 Proposed Budget. The reduction is made up;

Table 1.1;

	Proposed Budget	Indicative	
	2015/16	2015/16	Change
General Purpose Grants	4,070,662.54	4,017,529.00	-53,133.54
Local Roads Funding	1,850,021.50	1,760,241.00	-89,780.50
Natural Disaster Funding	-	35,000.00	35,000.00
Total FAG's	5,920,684.04	5,812,770.00	- 107,914.04

Based on preliminary advice received, the Commission made several changes to the general purpose grant allocation model, deleting the ~~population density~~ and ~~urban roads~~ factors and increasing the weighting for the ~~economies of scale~~ ~~population dispersion~~ and ~~tourism~~ factors

In addition to this the outcomes also reflect;

- The impact of the freezing of the total funding pool and;
- Changes to population estimates for Victoria as a whole and for individual councils made by the Australian Bureau of Statistics.

As a result of these changes, it is recommended that council adjust the Proposed 2015/16 to take account of the likely grant outcomes for budgetary purposes.

Leisure Service Review

Council has conducted a strategic review of its Leisure Service operations which will culminate with the Leisure Services Tender Contract process. A separate report is included in the Confidential Section of this agenda. Council will also need to take account of any budgetary impacts any decision will have on the 2015/16 budget.

Proposed New Initiatives 2015/16

As a result of the new information that occurred since the release of the Proposed 2015/16 budget, Officers have provided a recommendation to reduce the level of Proposed New Initiatives in the 2015/16 from \$1.065m to a reduced level of \$0.862m. The reduction in new initiatives represents a recommended \$0.203m reduction in the level of New initiatives expenditure in the 2015/16 budget. Please refer table to Table 1.2 below;

Table 1.2:

Recommended	Proposed Budget 2015/16 Net Cost	Revised Officer recommendation 2015/16 Net Cost	Overall Reduction	Comments / Likely outcome
Increase in Resources for Community Engagement	\$86,728	\$0	-\$86,728	defer till 2016/17 Budget
Increase in Resources for Maternal & Child Health (Gross cost \$0.03M)	\$0	\$0	\$0	
Increase in Resources for Information Management	\$148,123	\$148,123	\$0	
Moorabool 2041 - Rural Growth Strategy	\$55,000	\$55,000	\$0	
Moorabool 2041 - Urban Growth Strategy	\$30,000	\$30,000	\$0	
Moorabool 2041 - MPA Commitments	\$40,000	\$30,000	-\$10,000	delay / defer expenditure
Ongoing support for Moorabool Heritage Advisory Committee	\$5,000	\$3,000	-\$2,000	delay / defer expenditure
Ongoing support for Moorabool Heritage Advisory Service	\$12,000	\$0	-\$12,000	defer for 1 year
West Moorabool Heritage Study Grant Commitments	\$0	\$0	\$0	
Conduct a Housing Strategy	\$45,000	\$45,000	\$0	
Increase in resources for Strategic Planning	\$86,128	\$86,128	\$0	
Increase funding for Planning Scheme Amendments	\$170,000	\$130,000	-\$40,000	Assume some external funding
Contract Building Inspector for a 2 year period	\$84,000	\$71,000	-\$13,000	Assume a lower contract rate
Digital Strategy Implementation & New Corporate Website	\$79,000	\$79,000	\$0	
Funding for New Maintenance Management System	\$75,000	\$75,000	\$0	
Increased resources for Tree Maintenance Staff (Gross cost \$0.119M)	\$0	\$0	\$0	
More funding for Proactive Building, Recreation and Open Space Maintenance	\$110,000	\$110,000	\$0	
Strategic Land purchase	\$40,000		-\$40,000	defer till future years
	\$1,065,979	\$862,251	-\$203,728	

Other Amendments – Changes required to align with the Model Accounts

In line with legislative changes that have come into effect for the 2014/15 financial year, the presentation of Moorabool Shires financial statements are required to be in accordance with the Model Accounts as updated by Local Government Victoria. The Model Accounts are now legislated and must be complied with by all Victorian Councils. As a result of this, Table 1.3 provides a summary of changes to the Comprehensive Income Statement since the Proposed Budget was released for public consultation. As table 1.3 demonstrates, the changes do not result in any changes to the overall income statement and are merely changes to the reclassification of certain income and expenditures. Refer Table 1.3 below;

Table 1.3;**Comprehensive Income Statement**

	Proposed Budget 2015/16	Updated Budget 2015/16	Variance 2015/16	
	\$'000	\$'000	\$'000	
Income				
Statutory fees and fines	545	600	54	'Land Info Certificates' and 'Storm Water Discharge Fees' moved here from 'User fees'. Also, 'Court costs awarded' moved here from 'Other income'.
User fees	1,700	1,649	(51)	'Land Info Certificates' and 'Storm Water Discharge Fees' moved to 'Statutory fees and fines'
Other income	1,029	1,026	(4)	'Court costs awarded' moved to 'Stat fees and fines'
Expenses				
Materials and services	14,674	14,338	(336)	'Leases' been moved to 'Other expenses'
Other expenses	447	783	336	'Leases' moved here from 'Materials and services'
Net Impact			0	

Other Amendments – Minor Changes to the Capital Improvement Program

Since the Proposed Budget was released for Public comment, Officers have proposed a minor amendment to the Capital Improvement Program. As per the proposal it is recommended that the proposed project to reseal Albert Street in Darley be removed. In its place, it is recommended a proposal to reseal Camerons Road, Coimadai to be inserted in its place. The reason for the proposed deferral of the Albert Street reseal is a result of the road in subject having previously been resealed in 2014/15. Please refer to Table 1.4 below;

Table 1.4;

Capital Works Area	Summary of Funding Sources				
	Project Cost \$'000	Grants \$'000	Contrib- utions \$'000	Council Cash \$'000	Loans \$'000
Project to be inserted					
Reseal - Camerons Road, Coimadai	32	0	0	32	0
Project to be removed					
Reseal - Albert Street, Darley	32	0	0	32	0

Financial Implications

The 2015/16 Annual Budget has been prepared within the adopted five year strategic financial plan. This will allow Council to reduce the underlying deficit and balance the building of new infrastructure with maintaining our existing infrastructure. This is evidenced by:

- Excluding the impact of any proposed amendments contained in this report, the underlying deficit is budgeted to improve from a 2014/15 forecasted deficit of \$2.775m to a 2015/16 budgeted deficit of \$0.542m.
- The 2015/16 capital budget is \$15.253m with almost 55% of this being committed to renewal/upgrade projects.

Communications Strategy

In accordance with Section 223 of the Act, Council considered submissions on 3 June 2015. Council received 4 written submissions, with the following people requesting to speak to their submission:

- Jackie Tabone - The Neighbours Place, Bacchus Marsh
- Chris Sharkey . Balliang East
- Judith Bailey - Ballarat Observatory Advisory Committee, Clarendon

The following outlines the timetable for the communication and adoption of the 2015/16 Annual Budget:

Timetable for the Proposal and Adoption of the 2015/16 Annual Budget	
Proposed 2015/16 Annual Budget presented for Council adoption and Public Notification	22 April 2015
Advertise Proposed 2015/16 Annual Budget, inviting public inspection and submissions according to Section 223 of the Local Government Act 1989, in Council's nominated newspapers	28 April to 25 May 2015
Consider public submissions per Section 223(1)(b) of the Local Government act 1989 for the Proposed 2015/16 Annual Budget	3 June 2015
Formally adopt 2015/16 Annual Budget	3 June 2015
Submit 2015/16 Budget to the Minister for Local Government	June 2015
Public Notice . Adoption of 2015/16 Annual Budget	June 2015

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council the briefing 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 – Steven Ivelja

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

Conclusion

The budget presents Council's immediate and longer-term financial strategy and links the actions set out in the Council Plan. It also identifies the capital works and services the community can expect from Council during the 2015/16 financial year and beyond.

Recommendation:

- 1.1 That Council adopts the amendments to the budget related to Federal Assistance Grants based on preliminary advice received from the Victorian Grants Commission as appended in Table 1.1**
- 1.2 That Council adopts the amendments to the 2015/16 New Initiatives as appended in Table 1.2.**
- 1.3 That Council adopts the format amendments to the 2015/16 Proposed Budget as appended in Table 1.3.**
- 1.4 That Council adopts the amendments to the 2015/16 Capital Improvement Program as appended in Table 1.4.**
- 1.5 That having considered the details of the 2015/16 recurrent and capital budget appended to this report and the amendments set out in 1.1 – 1.4 above, which includes:**
 - 1.5.1 – Mayor's Introduction**
 - 1.5.2 – Chief Executive Officer's Summary**
 - 1.5.3 – Overview**
 - 1.5.4 – Budget analysis**
 - 1.5.5 – Long term strategies, including Rating Strategy**

- 1.5.6 Appendix A – Budgeted Standard Statements**
- 1.5.7 Appendix B – Rates and Charges**
- 1.5.8 Appendix C – Capital Works Program**
- 1.5.9 Appendix D – Fees and Charges Schedule**

the proposed operating and capital budget 2015/16 be the budget prepared for the purposes of section 127 of Act.

- 1.6 That in accordance Regulation 8 of the Regulations, Council declares its intention to borrow \$4.476m. Loan redemption for 2015/16 will be \$1.464m.**

1.7. General Rates

- 1.7.1 That in accordance with Section 158 of the Local Government Act 1989, Council declares a General Rate for the rating period commencing 1 July 2015 and ending 30 June 2016.**

- 1.7.2 It be further declared that the general rate be raised by the application of differential rates.**

- 1.7.3 A differential rate be declared for rateable land having the respective characteristics specified in the Schedule to this resolution, which characteristics will form the criteria for each differential rate so declared:**

Category	Cents/\$CIV
Commercial & Industrial Rate	0.006745
Commercial & Industrial Vacant Land	0.010961
Extractive Industry Rate	0.013153
Farm Rate	0.003288
General Rate	0.004216
Vacant Land General	0.008853
Vacant Land FZ and RCZ	0.004216
Vacant Land GRZ	0.010539
Residential Retirement Villages	0.003794

- 1.7.4 Each differential rate will be determined by multiplying the Capital Improved Value (CIV) of each rateable land (categorised by the characteristics described in the Schedule to this Resolution) by the relevant percentages.**

- 1.7.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:**

- 1.7.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and**
- 1.7.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and**

1.7.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and

1.7.5.4 the relevant

- (a) uses of;**
- (b) geographical locations of; and**
- (c) Planning Scheme zonings of; and**
- (d) types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution.**

1.8. Municipal Charge

1.8.1 It be confirmed that no municipal charge is declared in respect of the 2015/16 Financial Year.

1.9. Annual Service Charge

1.9.1 An annual service charge be declared in respect of the 2015/16 Financial Year.

1.9.1.1 The annual service charge be declared in respect of the period 1 July 2015 to 30 June 2016.

1.9.1.2 The annual service charge be declared for the collection and disposal and management of refuse from land.

1.9.1.3 The annual service charge be in the sum of, and be based on the criteria, set out below:

- (i) \$131 per annum for each property that is within the defined urban service area to which a domestic waste collection service is available;**
- (ii) \$131 per annum for each property that is within the defined rural service area to which a domestic waste collection service is available;**
- (iii) \$131 per annum for each property that is not within a defined service area, to which a domestic waste collection service is provided;**
- (iv) \$85 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or**

- waste transfer station or any other litter facility.
- (v) \$45 per annum for all rateable properties in all Wards including:
- (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.

The defined service areas outlined above and the designated routes are defined on a plan, which can be viewed at the Council offices.

1.10. Rebates & Concessions

- 1.10.1 It be recorded that Council grants to each owner of rateable land who is an "eligible recipient" within the meaning of the State Concessions Act 1986, a rebate of an amount determined by the Department of Human Services in respect of their principal place of residence. The criterion for "eligible recipient" is also determined by the Department of Human Services.

1.11. Payment

- 1.11.1 All rates and charges to be paid in four instalments, in accordance with Section 167 (1) and (2) of the Local Government Act 1989.

- 1.11.2 Unless Council resolves otherwise, a person may only pay rates and charges as a lump sum if payment is made on or before 15 February 2016.

1.12. Consequential

- 1.12.1 It be confirmed that, subject to sections 171 and 172 of the Local Government Act 1989, Council will require a person to pay interest on any rates and charges which:

1.12.1.1 that person is liable to pay;

1.12.1.2 have not been paid by the date specified for their payment.

- 1.13 That it is proposed that an amount of \$29,113,192 be declared as the amount Council intends to raise from the general rates and charges (including Supplementary and Special Rates) for the period from 1 July 2015 to 30 June 2016.

- 1.14 That in accordance with Section 158 of the Act and Regulation 8 of the Regulations, detailed information concerning General Rates and Special Rates and charges is appended to this report.**
- 1.15 That as part of the public presentation process for the proposed budget, the following actions were undertaken in accordance with:**
- 1.15.1 Sections 127 and 129 of the Act and Regulation 9 of the Regulations – that the proposed 2015/16 budget be made available for public inspection.**
 - 1.15.2 Section 129 of the Act and Regulation 9 of the Regulations – that the Chief Executive Officer be authorised to give public notice that the Proposed 2015/16 Annual Budget has been prepared and is available for public inspection.**
 - 1.15.3 Sections 158 to 162 of the Act and Regulation 9 of Regulations - that Council give public notice and have ready for public inspection all prescribed information to be available from 28 April until 25 May 2015.**
- 1.16 That Council resolved to allow 28 days for submissions to be made by members of the public and that all submissions are to be made in the prescribed manner.**
- 1.17 That in accordance with Section 130 of the Act, Council resolves to notify and place on public notice its intention to adopt the 2015/16 Annual Budget on 03 June 2015 at a Ordinary Meeting of Council to be held at the Bungaree Recreation Reserve, Bungaree.**

SCHEDULE

Differential Rating Categories**General Developed Land****Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

- 1 Construction and maintenance of public infrastructure; and
- 2 Development and provision of health and community services; and
- 3 Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land:

- on which a dwelling is lawfully erected and occupied for the principal purpose of physically accommodating persons; and
- which does not have the characteristics of:
 - o Commercial and Industrial Land;
 - o Vacant Commercial and Industrial Land;
 - o Extractive Industry Land;
 - o Farm Land
 - o Residential Retirement Villages Land;
 - o Vacant General Land;
 - o Vacant FZ and RCZ Land; or
 - o Vacant GRZ.

Commercial and Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land which is lawfully used:

- for the principal purpose of carrying out the manufacturing or productions of goods; or
- for the principal purpose of carrying out trade in goods or services.

Vacant Commercial and Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land:

- located within an Industrial or Commercial zone under the Moorabool Planning scheme; and
- which is vacant; or
- not lawfully developed for the principal purpose of carrying out the manufacturing or production of goods or trade in goods or services; and
- which does not have the characteristics of General Developed Land.

Extractive Industry Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land;

- which is used primarily for the extraction or removal of minerals, earth or stone including the treatment of minerals, earth or stone; or
- on which activities for the extraction or removal of minerals, earth or stone including the treatment of minerals earth or stone have been discontinued but which has not yet been rehabilitated to environmental standards as required by law.

Farm Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land;

- which is ~~farm~~ land+within the meaning of section 2(1) of the Valuation of Land Act 1960.

Vacant General Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land;

- on which no building is lawfully erected; and
- which does not have the characteristics of;
 - o Vacant commercial and Industrial Land; or
 - o Vacant FZ and RCZ Land; or
 - o Vacant GRZ Land.

Vacant FZ and RCZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land;

- on which no building is lawfully erected; and
- which is located within the Farm Zone (FZ) or Rural Conservation Zone (RCZ) under the Moorabool Planning Scheme; and
- which does not have the characteristics of Farm Land.

Vacant GRZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land;

- on which no building is lawfully erected; and
- which is located within the General Residential Zone (GRZ) under the Moorabool Planning Scheme.

Residential Retirement Village Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the .

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land:

- Which is defined as a Retirement Village land under the *Retirement Villages Act 1986*.

Resolution:**Crs. Toohey/Spain**

- 1.1 That Council adopts the amendments to the budget related to Federal Assistance Grants based on preliminary advice received from the Victorian Grants Commission as appended in Table 1.1**
- 1.2 That Council adopts the amendments to the 2015/16 New Initiatives as appended in Table 1.2.**
- 1.3 That Council adopts the format amendments to the 2015/16 Proposed Budget as appended in Table 1.3.**
- 1.4 That Council adopts the amendments to the 2015/16 Capital Improvement Program as appended in Table 1.4.**
- 1.5 That having considered the details of the 2015/16 recurrent and capital budget appended to this report and the amendments set out in 1.1 – 1.4 above, which includes:**
 - 1.5.1 – Mayor’s Introduction**
 - 1.5.2 – Chief Executive Officer’s Summary**
 - 1.5.3 – Overview**
 - 1.5.4 – Budget analysis**
 - 1.5.5 – Long term strategies, including Rating Strategy**
 - 1.5.6 Appendix A – Budgeted Standard Statements**
 - 1.5.7 Appendix B – Rates and Charges**
 - 1.5.8 Appendix C – Capital Works Program**
 - 1.5.9 Appendix D – Fees and Charges Schedule**

the proposed operating and capital budget 2015/16 be the budget prepared for the purposes of section 127 of Act.
- 1.6 That in accordance Regulation 8 of the Regulations, Council declares its intention to borrow \$4.476m. Loan redemption for 2015/16 will be \$1.464m.**
- 1.7. General Rates**
 - 1.7.1 That in accordance with Section 158 of the Local Government Act 1989, Council declares a General Rate for the rating period commencing 1 July 2015 and ending 30 June 2016.**
 - 1.7.2 It be further declared that the general rate be raised by the application of differential rates.**
 - 1.7.3 A differential rate be declared for rateable land having the respective characteristics specified in the Schedule to this resolution, which characteristics will form the criteria for each differential rate so declared:**

Category	Cents/\$CIV
Commercial & Industrial Rate	0.006745
Commercial & Industrial Vacant Land	0.010961
Extractive Industry Rate	0.013153
Farm Rate	0.003288
General Rate	0.004216
Vacant Land General	0.008853
Vacant Land FZ and RCZ	0.004216
Vacant Land GRZ	0.010539
Residential Retirement Villages	0.003794

1.7.4 Each differential rate will be determined by multiplying the Capital Improved Value (CIV) of each rateable land (categorised by the characteristics described in the Schedule to this Resolution) by the relevant percentages.

1.7.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

1.7.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and

1.7.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and

1.7.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and

1.7.5.4 the relevant
(a) uses of;
(b) geographical locations of; and
(c) Planning Scheme zonings of; and
(d) types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution.

1.8. Municipal Charge

1.8.1 It be confirmed that no municipal charge is declared in respect of the 2015/16 Financial Year.

1.9. Annual Service Charge

1.9.1 An annual service charge be declared in respect of the 2015/16 Financial Year.

1.9.1.1 The annual service charge be declared in respect of the period 1 July 2015 to 30 June 2016.

1.9.1.2 The annual service charge be declared for the collection and disposal and management of refuse from land.

1.9.1.3 The annual service charge be in the sum of, and be based on the criteria, set out below:

- (i) \$131 per annum for each property that is within the defined urban service area to which a domestic waste collection service is available;**
- (ii) \$131 per annum for each property that is within the defined rural service area to which a domestic waste collection service is available;**
- (iii) \$131 per annum for each property that is not within a defined service area, to which a domestic waste collection service is provided;**
- (iv) \$85 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.**
- (v) \$45 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.**

The defined service areas outlined above and the designated routes are defined on a plan, which can be viewed at the Council offices.

1.10. Rebates & Concessions

- 1.10.1** *It be recorded that Council grants to each owner of rateable land who is an "eligible recipient" within the meaning of the State Concessions Act 1986, a rebate of an amount determined by the Department of Human Services in respect of their principal place of residence. The criterion for "eligible recipient" is also determined by the Department of Human Services.*

1.11. Payment

- 1.11.1** *All rates and charges to be paid in four instalments, in accordance with Section 167 (1) and (2) of the Local Government Act 1989.*
- 1.11.2** *Unless Council resolves otherwise, a person may only pay rates and charges as a lump sum if payment is made on or before 15 February 2016.*

1.12. Consequential

- 1.12.1** *It be confirmed that, subject to sections 171 and 172 of the Local Government Act 1989, Council will require a person to pay interest on any rates and charges which:*

1.12.1.1 *that person is liable to pay;*

1.12.1.2 *have not been paid by the date specified for their payment.*

- 1.13** *That it is proposed that an amount of \$29,113,192 be declared as the amount Council intends to raise from the general rates and charges (including Supplementary and Special Rates) for the period from 1 July 2015 to 30 June 2016.*

- 1.14** *That in accordance with Section 158 of the Act and Regulation 8 of the Regulations, detailed information concerning General Rates and Special Rates and charges is appended to this report.*

- 1.15** *That as part of the public presentation process for the proposed budget, the following actions were undertaken in accordance with:*

- 1.15.1** *Sections 127 and 129 of the Act and Regulation 9 of the Regulations – that the proposed 2015/16 budget be made available for public inspection.*

- 1.15.2 Section 129 of the Act and Regulation 9 of the Regulations – that the Chief Executive Officer be authorised to give public notice that the Proposed 2015/16 Annual Budget has been prepared and is available for public inspection.**
- 1.15.3 Sections 158 to 162 of the Act and Regulation 9 of Regulations - that Council give public notice and have ready for public inspection all prescribed information to be available from 28 April until 25 May 2015.**
- 1.16 That Council resolved to allow 28 days for submissions to be made by members of the public and that all submissions are to be made in the prescribed manner.**
- 1.17 That in accordance with Section 130 of the Act, Council resolved to notify and place on public notice its intention to adopt the 2015/16 Annual Budget on 03 June 2015 at a Ordinary Meeting of Council to be held at the Bungaree Recreation Reserve, Bungaree.**
- 1.18 That in six months a further report be presented to Council for consideration, indicating Council's financial position and whether reconsideration of submissions made to the budget process should be given.**
- 1.19 That Council increases its grant to The Neighbours Place to a total of \$8,200 for the 2015/2016 year with annual CPI increases thereafter.**

SCHEDULE

Differential Rating Categories

General Developed Land

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1 Construction and maintenance of public infrastructure; and***
- 2 Development and provision of health and community services; and***
- 3 Provision of general support services.***

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:**Any land:**

- **on which a dwelling is lawfully erected and occupied for the principal purpose of physically accommodating persons; and**
- **which does not have the characteristics of:**
 - **Commercial and Industrial Land;**
 - **Vacant Commercial and Industrial Land;**
 - **Extractive Industry Land;**
 - **Farm Land**
 - **Residential Retirement Villages Land;**
 - **Vacant General Land;**
 - **Vacant FZ and RCZ Land; or**
 - **Vacant GRZ.**

Commercial and Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land which is lawfully used:

- ***for the principal purpose of carrying out the manufacturing or productions of goods; or***
- ***for the principal purpose of carrying out trade in goods or services.***

Vacant Commercial and Industrial Land***Objective:***

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and***
- 2. Development and provision of health and community services; and***
- 3. Provision of general support services.***

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land:**

- **located within an Industrial or Commercial zone under the Moorabool Planning scheme; and**
- **which is vacant; or**
- **not lawfully developed for the principal purpose of carrying out the manufacturing or production of goods or trade in goods or services; and**
- **which does not have the characteristics of General Developed Land.**

Extractive Industry Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services;**
- and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:**Any land;**

- ***which is used primarily for the extraction or removal of minerals, earth or stone including the treatment of minerals, earth or stone; or***
- ***on which activities for the extraction or removal of minerals, earth or stone including the treatment of minerals earth or stone have been discontinued but which has not yet been rehabilitated to environmental standards as required by law.***

Farm Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and***
- 2. Development and provision of health and community services; and***
- 3. Provision of general support services.***

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:***Any land;***

- ***which is “farm land” within the meaning of section 2(1) of the Valuation of Land Act 1960.***

Vacant General Land***Objective:***

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and***
- 2. Development and provision of health and community services; and***
- 3. Provision of general support services.***

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land;**

- **on which no building is lawfully erected; and**
- **which does not have the characteristics of;**
 - o **Vacant commercial and Industrial Land; or**
 - o **Vacant FZ and RCZ Land; or**
 - o **Vacant GRZ Land.**

Vacant FZ and RCZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 4. Construction and maintenance of public infrastructure; and**
- 5. Development and provision of health and community services;**
and
- 6. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land;**

- *on which no building is lawfully erected; and*
- *which is located within the Farm Zone (FZ) or Rural Conservation Zone (RCZ) under the Moorabool Planning Scheme; and*
- *which does not have the characteristics of Farm Land.*

Vacant GRZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and*
- 2. Development and provision of health and community services; and*
- 3. Provision of general support services.*

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land;**

- *on which no building is lawfully erected; and*
- *which is located within the General Residential Zone (GRZ) under the Moorabool Planning Scheme.*

Residential Retirement Village Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and*
- 2. Development and provision of health and community services; and*
- 3. Provision of general support services.*

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land:

- ***Which is defined as a Retirement Village land under the Retirement Villages Act 1986.***

CARRIED.

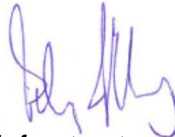
Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Thursday, 28 May 2015



10.4.2 Review of Procurement Policy

Introduction

File No.: 03/01/007
Author: Jacinta Erdody
General Manager: Phil Jeffrey

Background

In accordance with section 186A(7) of the Local Government Act:

“at least once in a financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.”

The existing Council Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 7 May 2014.

A review of the existing policy has been undertaken by the internal Procurement Steering Group (a cross functional committee that has been established to oversee all procurement related matters).

Proposal

As a result of the review, there is only one adjustment being proposed, which will not affect the overall intent of the policy. Section 2.5.2 Exceptions to requirements to obtain Quotations+ has been inserted to provide greater clarity on when quotations are not required.

It is recognised and understood that in some circumstances quotations will be impractical to seek and obtain. Some of these circumstances include:

- Emergency works and circumstances;
- Existing IT hardware and software;
- Exempt payments (insurance premiums, workcover etc); and
- Other extraordinary circumstances.

In such circumstances, the employee responsible must obtain approval from the relevant General Manager.

The revised policy is presented as an attachment to this report.

This policy will continue to be reviewed on an annual basis.

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.

Financial Implications

The adoption of the revised Procurement Policy has no additional known financial implications to Council.

Risk & Occupational Health & Safety Issues

As the annual review of this policy is legislated, there is a risk of non-compliance with the Local Government Act if this policy is not reviewed annually.

Communications Strategy

Once Council has adopted the revised Procurement Policy, the updated document will be communicated to all staff and will be placed on 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 Infrastructure – Phil Jeffrey

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

Author – Jacinta Erdody

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

Conclusion

After considering the revised Procurement Policy, Council resolve to adopt the document.

Recommendation:

That Council adopts the revised Procurement Policy (CS009/Version 006).

Resolution:

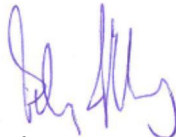
Crs. Sullivan/Dudzik

That Council adopts the revised Procurement Policy (CS009/Version 006) with the inclusion of wording "preference for Australian Made" under section 2.3.3 of the policy.

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday, 14 May 2015



10.4.3 Rate Payments – Alternative Instalment Options

Introduction

File No.: 09/02/010
Author: Jacinta Erdody
General Manager: Phil Jeffrey

Background

In accordance with the Local Government Act 1989 Council offers a legislated instalment and full payment option for ratepayers. Outside of the legislated payment options, Council also has the option to offer additional instalment options over a greater period of time without penalty to their ratepayers with a supporting resolution of Council subject to Section 167 of the Local Government Act 1989.

A number of metropolitan and larger regional Councils are already offering this instalment option (generally 10 instalments) which assists families in managing their debts in smaller more regular payments.

The rate system that Council currently operates has a module available for purchase which will facilitate the additional instalment options being available which provides 10 instalments over a 12 month period to those ratepayers that elect for this option.

To ensure that council continue to collect rates consistently with anticipated cash flow timeframes, if a ratepayer opted for this instalment option they would be required to sign up for the direct debit payment facility which would ensure timely collection of instalment amounts.

Proposal

That Council resolve to implement the alternative instalment option module which will allow ratepayers additional payment options for the payment of their annual rates and charges.

By implementing this facility, ratepayers will be able to pay their annual rates via:

- The legislated full payment option;
- The legislated four instalment option; and
- The alternative ten instalment option

The above payment options do not remove Council's ability to continue to offer special payment arrangements to ratepayers outside of the above but provide another alternative to ratepayers.

Council's *Property Rate Debt Management Policy* has been redrafted to include the ten instalment payment option and is attached to the report. The changes to the policy include:

- that interest not be levied where payments are made in accordance with the required dates

- a property that opts for the additional instalment option be required to be registered for payment of instalments via the direct debit payment facility

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 implement the alternative instalment module is consistent with the 2013-2017 Council Plan.

Financial Implications

There is an upfront cost of \$11,250.00 associated with the purchase of the alternative instalment option. There are available funds in the Finance unit budget to pay for this module.

There is potential for the loss of penalty interest which would normally be applied to accounts paid outside of the two legislated payment options. However, the benefits that additional options provides to ratepayers outweighs the loss of any penalty interest.

Risk & Occupational Health & Safety Issues

There are no Risks / OHS issues associated with proceeding with this payment option.

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Date	Outcome
Collaborate	Councillors	Council Report	June 2015	Councillors to provide feedback regarding proposal
Involve	Ratepayers	Rate Notice Rate/Budget brochure Website	July 2015 and ongoing	Additional option would appear on notice and associated brochure

Communications Strategy

If Council resolve to adopt the recommendation associated with this proposal, the additional payment option will be displayed on the annual rate notice in addition to the full payment and four instalment options that are currently offered.

Further information regarding the option will also be included in the annual rate / budget brochure along with information being added to 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 – Phil Jeffrey

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

Author – Jacinta Erdody

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

Conclusion

That Council considers the proposal to offer ratepayers an alternative payment option consisting of 10 instalments for the annual rate accounts.

To make provision for the proposal, the Property rate Debt Management Policy has been updated accordingly.

Recommendation:

That Council:

- 1. *Adopts the revised Property Rate Debt Management Policy (CS006/Version 003).***
- 2. *Implement the additional 10 payment instalment option and have it available with the issue of the 2015/16 Annual Rate and Valuation Notices.***

Resolution:**Crs. Dudzik/*****That Council:***

- 1. Adopts the revised Property Rate Debt Management Policy (CS006/Version 003).***
- 2. Implement the additional 10 payment instalment option via direct debit and have it available with the issue of the 2015/16 Annual Rate and Valuation Notices.***

The Motion lapsed due to the want of a Seconder.

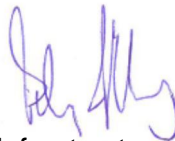
Resolution:**Crs. Sullivan/Spain**

That Item 10.4.3; Rate Payments – Alternative Instalment Options, be deferred for consideration at the next Ordinary Meeting of Council.

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 27 May 2015



10.4.4 Draft Street and Public Place Lighting Policy

Introduction

File No.: IS013
Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

Council has an obligation to provide a safe environment for its community. Part of this obligation relates to the provision of an environment which is conducive to the safe and effective movements of vehicle and pedestrian traffic at night and the discouragement of illegal and anti-social acts.

A policy is required to ensure clear guidelines and principles are established for the provision of street and public place lighting within the Shire. The policy also provides guidance in relation to the standard and types of lighting to be provided within new developments.

The draft Street & Public Place Lighting Policy was presented to the Section 86 Place Making Committee on Wednesday 15 April 2015, and subsequently the Ordinary Meeting of Council on Wednesday 6 May, where it was resolved that the document lay on the table prior to adoption.

Proposal

The attached draft Street and Public Place Lighting Policy has been prepared for consideration.

Council receives regular requests in relation to the installation of street and public place lighting throughout the Shire. Further to this, new development is seeing an expansion of the existing street light network and the installation of various types of non standard light poles will see an increase in maintenance costs into the future.

The purpose of this policy is to:

- Establish clear guidelines and principles for the provision of street and public place lighting which is conducive to the safe movement of vehicular and pedestrian traffic at night.
- Create an environment of public safety and security through the provision of street and public place lighting.
- Provide guidance in relation to the standard and types of lighting to be provided within new developments.
- Ensure new lighting installed is generally in accordance with relevant Australian Standards and Road Design Guidelines.
- To consider energy efficiency and ongoing operation and maintenance costs of public lighting.

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
Strategy	Construct physical infrastructure to appropriate standards

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

Financial Implications

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

Where a request for new light is assessed as meeting the warrants for installation, it would form a new project for inclusion in Council's long term capital program for consideration.

Risk & Occupational Health and Safety

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

Communications Strategy

There is no requirement for a communications strategy associated with the recommendation within this report. Following the policy being formally adopted, a copy will be placed on 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 – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

Council has an obligation to provide a safe environment for its community. Part of this obligation relates to the provision of an environment which is conducive to the safe and effective movements of vehicle and pedestrian traffic at night and the discouragement of illegal and anti-social acts.

As such, a draft Street & Public Place Lighting Policy has been developed for consideration and following a period of the document laying on the table, it is now recommended that the policy be formally adopted.

Resolution:

Crs. Sullivan/Toohey

That Council:

- 1. *Adopts the Street and Public Place Lighting Policy (IS013/Version1) as attached.***
- 2. *Places a copy of the Policy on Council's website.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday, 14 May 2015

10.4.5 Draft Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Draft Masterplan

Introduction

File No.:

Author: Sam Romaszko

General Manager: Phil Jeffrey

Background

The purpose of this report is to present Council with the Draft Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Master Plan and Draft Active Sports Precinct Master Plan, and recommend the report be placed on public exhibition seeking community feedback.

At the OMC in November 2014, Council resolved to;

1. *Endorse the centre of the reserve for the active sports facilities and associated components generally based on Option 1 including consideration for:*
 - *The Pony Club to relocate south*
 - *The campdrafters to relocate*
 - *Adequate fencing and segregation of equestrian events*
 - *Future indoor equestrian centre*
 - *Adequate toilets and change rooms*
 - *Sports ground lighting*
 - *New activities and groups; such as BMX*
 - *Passive recreation activities including walking tracks*
 - *Improved access.*
 - *Storm water harvesting and reuse*
2. *Requests officers to finalise the masterplan based on combining the 2009 plan with active sports precinct at the centre of the reserve with a further report to Council for endorsement and consultation with the broader community.*
3. *Requests officers to urgently progress functional and schematic design of the active sports precinct area, develop business case and detailed costings using up to \$150,000 of the existing \$200,000 allocation for the reserve in the Capital Program.*
4. *Authorises officers to make application for major grants for the active sports precinct at the reserve as opportunities arise within budget and strategic financial plan parameters.*

CARRIED.

Proposal

Council officers have engaged a principal consultant to lead a team of specialist consultants to progress finalisation of the site master plan and active sports precinct masterplan with staging and costing schedules for future funding opportunities.

Preparation of the draft Master Plans has been undertaken using the following methodology:

- Appointment of Principal Consultant
- Project Clarification
- Literature Demographic Review (Needs analysis)
- Community engagement
 - User group meetings
 - Community engagement session
 - Committee of Management session
- Detailed site assessment
- Development of Draft Master Plan
- Public Exhibition (to follow)
- Final Master Plan (to follow)

Needs Analysis

Moorabool Shire is experiencing strong population growth. The populations of Darley, Bacchus Marsh and Maddingley are forecast to increase significantly in the coming decades. A build-out population of over 9,500 in Maddingley alone is forecast. Increasing population generates demand for open space and other community infrastructure.

The area has a higher than average proportion of families with children, and high numbers of young people. The area attracts both young and mature families; the main household type is couples with children. This is forecast to continue. Younger people are more likely to participate regularly in organised physical activity and club-based physical activity compared to older people and will demand open space for such activities including active open space for junior and senior outdoor sports.

An analysis of the demand for active open space in the broader Bacchus Marsh area and surrounding the BMRRR precinct has been undertaken that has been informed by the future urban development that will occur in the future.

Council's Draft *Recreation and Leisure Strategy 2014-2023* has identified supply shortfalls by 2036 of:

- 2 cricket ovals
- 4 AFL ovals
- 3 soccer pitches
- 2 multi-use indoor courts

Supply shortfalls identified in the Draft *Recreation and Leisure Strategy 2014-2023* were based on the provision ratios for key outdoor sports (AFL/cricket, soccer, netball and tennis) outlined in the *Sports Facility*

Demand Analysis and Strategy 2012. The provision ratios applied are generally consistent with contemporary best practice recreation/open space demand based planning methodologies.

Overall, the Maddingley and West Maddingley area is generally well supplied with passive open space (current and proposed) and improved access to this as West Maddingley develops will be important. There is also opportunity to expand this through BMRRR development. However, based on best practice provision ratios for active open space of 2 hectares per 1000 population, some 18 hectares of active open space is required to deliver the identified shortfall.

Active open space and associated sporting facility infrastructure to address some of this shortfall are proposed to be provided through the master plan and associated redevelopment of the BMRRR site. This includes provision of the following assuming shared facilities;

- 4 soccer pitches
- Up to 3 cricket facilities
- 1 AFL oval
- 1 multi purpose training/competition overflow oval
- 4 Netball/Tennis Courts
- BMX facility
- Possible indoor court facility (subject to a feasibility study)
- Passive open space and walking trails

Preliminary discussions have occurred with stakeholders who may have an interest in the development of the active open spaces and could provide further partnership opportunities. This includes relevant State Sporting Associations and Sport and Recreation Victoria.

Community Engagement

An extensive engagement process has occurred to date with the following user groups who are represented on the BMRRR Committee of Management;

- Bacchus Marsh West Golf Club
- Bacchus Marsh Harness Club
- Bacchus Marsh Pony Club
- Bacchus Marsh Campdrafters
- Bacchus Marsh and Melton Poultry Club
- Footscray Poultry Club

The purpose of the user group meetings was to gain an understanding of current and future requirements, along with a review of the site to identify potential development opportunities and constraints specific to each user group.

An overview of the feedback received has been summarised below;

User Group	Summary of feedback
Bacchus Marsh West Golf Club	<ul style="list-style-type: none"> ▪ Fencing along boundary between golf course and active sports precinct to control both golf balls and sports ball, and to prevent accidental access, particularly of children. ▪ Pedestrian access around and through golf course is acceptable, but Club would like designated access points. ▪ Club have concerns with the safety of the current vehicle access from Bacchus Marsh Balliang Road into the golf course ▪ Club would to relocate clubhouse . prefer location at intersection of Bacchus Marsh / Balliang and McCormack's Road. ▪ Club require enlarged water storage and improved pipework connections for golf course irrigation ▪ Club would benefit from sewer connected to Balliang Road
Bacchus Marsh Harness Club	<ul style="list-style-type: none"> ▪ Club require stabling / yards for up to 60 horses ▪ Club require improved parking area for cars / floats ▪ Club would like improved water supply as currently only water source is existing water tanks ▪ Club have no issue with uses of track infield by other users, provided track surface is not adversely affected, and horses are not distracted ▪ There is no current overlap with other equestrian uses due to scheduling of activity ▪ Club currently use grandstand extension as club rooms / canteen ▪ Club require improved security for machinery etc
Bacchus Marsh Pony Club	<ul style="list-style-type: none"> ▪ Would like up to 12 60x20m dressage arenas, along with grassed warm-up area ▪ Happy to share club rooms etc. New club rooms should incorporate significant storage for temporary arenas etc ▪ With increased use of the reserve, and potentially multiple uses at any one time, fencing for safety will be important.

	<ul style="list-style-type: none"> ▪ Camp draft was not seen as an ideal mix with pony club, due to varying size of vehicles, although cross country track is currently used for camping and day yards are shared. ▪ Cross country track needs to be up to 2500 . 3000m long for Grade 1 competition. ▪ Facilities used by a range of other users as well as the pony club . schools etc
Bacchus Marsh Campdrafters	<ul style="list-style-type: none"> ▪ Arena and holding yards should have north-south orientation. Arena should be around 12,000m². Holding yards need to hold 300 cattle at each end. ▪ Events run all weekend, therefore camping area is required. The Club holds two events per year and the camping area is preferred to be close to arena ▪ Large vehicles (B-double trucks) required to bring cattle to site. 80% of camping vehicles made up of rigid trucks. ▪ A clubhouse is not required, but viewing shed, with kitchen is required. ▪ Access to toilets / showers/ and power is desirable for camping. ▪ Preferred location for arena and camping would be near existing southern dam to have elevated viewing to arena.
Bacchus Marsh and Melton Poultry Club, and Footscray Poultry Club	<ul style="list-style-type: none"> ▪ Clubs currently utilise existing shed, with area around as unformed car parking. ▪ Club events can require parking for up to 150 vehicles . the current space allows for this. Up to 10 events are held each year ▪ Clubs have aspirations for larger events . state level displays . which would require enlarged building. ▪ Clubs are concerned at lack of security at the site ▪ Clubs would encourage reserve to be seen as an eco-park+with sustainable initiatives for water and power etc. ▪ Clubs would like improved stormwater management . from hill at back of site

Following discussions with user groups to understand their current needs and vision into the future, this information was reviewed and incorporated into two preliminary master plan options. The purpose of these options was to provide a visual representation of the direction and ideas of the user groups in conjunction with the needs analysis results, that would form preliminary options for discussion and work towards informing the draft master plan.

An open house session was held on Thursday 12 February 2015 from 3.30pm-7.30pm where members of the user groups, the BMRRR Committee of Management and the community were invited to view the existing 2009 master plan, review the preliminary options and provide input relating to the future direction of the site. The meeting was attended by 40 - 50 people, including representatives of the following users or potential users of the Reserve:

- Bacchus Marsh Pony Club members
- Bacchus Marsh Camp Draft Club members
- Bacchus Marsh and Melton Poultry Club
- Footscray Poultry Club
- Bacchus Marsh West Golf Club
- Bacchus Marsh Harness Racing Club
- Bacchus Marsh Football and Netball Club
- Bacchus Marsh Soccer Club
- Bacchus Marsh Cricket Club
- Bacchus Marsh BMX Club

Key outcomes from the community and user group meeting were:

- Both the Bacchus Marsh Pony Club and the Bacchus Marsh Camp Draft Club were amenable to sharing the camp draft arena, providing the pony club with an additional warm-up or supplementary arena. Fencing will need to be considered for both uses.
- Both the Pony Club and Camp Draft Club prefer to be relocated closer to the southern dam to provide the potential for viewing over both arenas.
- The Pony Club were concerned with cross country course running through plantation area, creating a lack of spectator visibility and limited access in case of emergency
- The proposed BMX track will need vehicle access and car parking for major events.
- The Bacchus Marsh Soccer Club had a preference for option 1 as it has a dedicated soccer space as well as space as part of a field shared with cricket, rather than having all soccer pitches in a multi-use format as well as a shared soccer space.
- The BMSC were concerned about insufficient space for growth, so temporary or junior fields in the harness track infield should be considered.
- The Bacchus Marsh West Golf Club were happy with the shared entry arrangement.
- Additional vehicle circulation space will be required at the ends of Pony Club dressage arenas, and around day yards.
- Improved fencing will be required around the whole of the reserve.
- Master Plan could indicate formalisation of car parking around existing building zone.

Detailed Site Assessment

Considerable investigation has occurred to date relating to each of the services required for new facilities and spaces associated with the master plan. This includes;

- Electrical services
- Hydraulic services
- Sewer
- Stormwater
- Fire services
- Irrigation

Further to this, a preliminary earthworks assessment has been undertaken to review the extent of earthworks required on the site. A water balance model has also been undertaken that includes a review of proposed irrigation demand on the site and current water supply.

Preliminary layouts of servicing requirements have been prepared that have been used to inform the cost plan.

Development of Draft Site Master Plan

The Draft BMRRR Master Plan has been developed based on the key ideologies below;

- Siting sport fields so that, while achieving the required oval dimensions, peripheral parking, viewing, gathering and movement spaces are useful and effective;
- Providing an integrated and generous path system linking multiple points of entry into the Reserve, from nearby residential streets (including the future subdivision at West Maddingley), with key park spaces;
- Locating high amenity passive spaces in order to encourage use in non-sport times;
- Using plant massing and lines to create high amenity landscape spaces, and to break down the existing broad and undifferentiated landscape of the site;
- Creating a range of passive recreation spaces, where possible and where appropriate, while integrating these with the new sports fields and hard courts, in order to create a whole park, not just a park of separate uses and space;
- Providing high amenity settings for future pavilion;
- Ensuring generous space is available between ovals to create a positive viewing space with seating shelter and trees.

Extensive consultation with BMRRR representatives/user groups has occurred, including engagement from the community. Needs analysis has informed the active sports requirements, and the services investigation has taken into consideration future requirements and key infrastructure upgrades required to support the proposed facilities.

Key master plan initiatives are listed on the two draft master plans (attached).

Active Sports Precinct Design and Staging

Preliminary staging of the Active Sport Precinct Master Plan indicates four stages as outlined below. Staging has been based on both the identified provision requirements for the sports to be located at BMRRR, and on a logical progression of the site development.

Staging and provision	Estimated Cost
Stage 1 <ul style="list-style-type: none"> - Multipurpose oval including 2 soccer pitches and a cricket field through the rejuvenation of the existing cricket field. - Sports lighting to training standard to multiuse use field - Cricket practice nets - Coaches boxes - Pavilion to support soccer, cricket, BMX and junior AFL if required. - Formalisation of the existing gravel road to the south-east of the harness racing track. - Unsealed car parking for over 54 spaces - Paths and perimeter planting - Large upfront utility connections that would service the reserve in future stages <p>Existing uses will be unaffected by Stage 1 works.</p>	\$3.588M
Stage 2 <ul style="list-style-type: none"> - 2 soccer pitches - Cricket field - Perimeter fencing - Sport lighting to training standard - Coaches boxes - Main pavilion to predominately cater for soccer use and social space. - New entry road to access new facilities - Unsealed car parking for over 220 cars. - Play space near new pavilion - Perimeter tree planting <p>Stage 2 will take much of the camping and loading area currently used by the Bacchus Marsh Camp Draft Club and so will trigger the construction of new facilities for that use.</p>	\$4.771M
Stage 3 <ul style="list-style-type: none"> - Main AFL oval - Community oval - Sports lighting to both ovals to training standard - Pavilion to support the main oval and community oval - Access roadways to oval - Unsealed car parking for an additional 220 cars, plus parking around the main oval. - Park infrastructure associated with the community oval, such as barbecues, shelters and seating - Pathways - Perimeter planting 	\$8.860M

Stage 3 will trigger the relocation of the Bacchus Marsh Pony Club as all of the areas currently used by the club will be required for new facilities.	
Stage 4 Stage 4 will see completion of the active sports precinct works, including: <ul style="list-style-type: none"> - Northern hardcourt area - Public toilet - Pavilion to support the hardcourt area and for netball and tennis users. - Parking for 72 additional vehicles - Passive parkland, including major play space. - Pathways, barbecue and picnic facilities It is noted that the parkland and playspace are not tied to the formal uses being accommodated in stage 4 and so could be constructed earlier if required.	\$2.095M
Total	\$19.314M

The cost plan that has been used to inform the estimates above is preliminary only and based on broad assumptions. As the design phase progresses, these costs will be revised accordingly.

In terms of timing for the various stages, the sports demand data supports stages 1 and 2 being constructed in the next 6 years (2021). This then frees up Masons Lane to be used for AFL in the interim. Stage 3 would then be required by 2031. There is no particular requirement for stage 4 however given its broader use and access, would ideally be in place by 2021.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Effective and efficient land use planning and building controls
Strategy	Ensure that development is sustainable, resilient to change and respects the existing character.

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

Financial Implications

The development of the BMRRR masterplan and active sports precinct will require significant capital funds into the future. All projects will need to be referred to the long term Capital Improvement Program and major projects to the Strategic Financial Plan. The timing of some of these components is likely to be beyond the timeframes modelled.

The 173 Agreement with developers of West Maddingley will levy development contributions in the order of \$2.1M towards the cost of building the active recreation components in the West Maddingley precinct. Further to this, grant opportunities will need to be pursued and a strategic approach toward project funding will be required for the successful implementation of actions outlined in the Draft Master Plan including:

- Prioritising projects in Councils Capital Improvement Program & Strategic Financial Plan
- Sourcing external funding through relevant State & Federal Government Grants.
- Collaboration with and possible contributions from existing and future user groups, including the BMRRR Committee of Management.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Need and reputation	Exposes Council to a number of service gaps if priorities in master plan not implemented	High	Future strategic planning for high priority recommendations identified in context of other capital priorities
Financial	Ability to fund and progress actions set out in plan	High	Pursue external funding options

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Collaborate	Councillors	Assembly of Council	Bacchus Marsh	18 Feb 2015	Councillors provided feedback and direct advice in formulating the proposal
Consult	Committee of Management User Groups	Meetings & Informal Discussions (including phone)	Various	2014 & 2015	Feedback was provided regarding current and future requirements
		Workshop	Maddingley	12 Feb 2015	
Consult	Community	Open house session	Maddingley	12 Feb 2015	Feedback, including any concerns raised were reflected in the alternatives developed

Inform	Committee of Management	Meeting	Bacchus Marsh	April 2015	Council officers provided an update of the project
--------	-------------------------	---------	---------------	------------	--

Communications Strategy

The master plans will be placed on public exhibition prior to formal adoption with communication directly to key stakeholders including user groups associated with BMRRR, the Reserve Committee of Management. The documents will also be placed on Council's website and on Have Your Say during the exhibition period.

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 – Sam Romaszko

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

Conclusion

A draft masterplan for the overall reserve and the active sport precinct for BMRRR has been prepared that provides a shared vision and framework for the reserve's future use and integrated development.

Extensive consultation with BMRRR representatives/user groups has occurred, including input from the community. Needs analysis has informed the active sports requirements, and the services investigation has taken into consideration future requirements and/or key infrastructure upgrades required to support the proposed facilities.

When the masterplans have been adopted, further work on the preliminary design of this precinct will continue.

Consideration of Presentation

Mr. Pat Griffin addressed Council in relation to the Draft Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Draft Masterplan.

The business of the meeting then returned to the agenda.

Recommendation:**That Council:**

- 1. Endorse in principle the Draft Bacchus Marsh Racecourse Recreation Reserve Site Master Plan and Active Sports Precinct Master Plan for the purposes of public exhibition for a period of four weeks.**
- 2. Receive a further report at the conclusion of the exhibition period seeking adoption of the Bacchus Marsh Racecourse Recreation Reserve Master Plans.**

Resolution:

Crs. Comrie/Dudzik

That Council:

- 1. Endorse in principle the Draft Bacchus Marsh Racecourse Recreation Reserve Site Master Plan and Active Sports Precinct Master Plan for the purposes of public exhibition for a period of eight weeks.**
- 2. Receive a further report at the conclusion of the exhibition period seeking adoption of the Bacchus Marsh Racecourse Recreation Reserve Master Plans.**
- 3. Write to all local State and Federal members and relevant authorities seeking their support to co-funding the subject project in order to facilitate the outcomes of the master plan and seek their feedback in a written submission.**

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Wednesday, 27 May 2015

10.4.6 Gordon Infrastructure Study

Introduction

File No.: ENG16-2013/14
Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

The Gordon Infrastructure Study is a project that was funded in the 2014/15 budget. The scope of the project is to provide a strategy for future road, drainage and footpath networks required in the township due to anticipated growth from recent sewerage and development of a Structure Plan.

The Study also provides a strategy for the implementation of infrastructure, specifically the road, footpath and drainage networks and a methodology that may see development possibly contribute to upgrades as appropriate. It is proposed to use the study as a tool to implement infrastructure upgrades going forward, as well as for strategic planning purposes.

The draft Gordon Infrastructure Study was presented to the Section 86 Place Making Committee on Wednesday 11 March 2015 and subsequently to the Ordinary Meeting of Council where it was resolved to place the document on public exhibition for a period of four weeks.

The public exhibition period concluded on Wednesday 1 April 2015, with no submissions being made.

Proposal

The recent implementation of the reticulated sewerage system by Central Highlands Water of the core township area, together with the adoption of the Structure Plan for Gordon on 01 June 2011 is likely to see anticipated growth within the township.

The Structure Plan Amendment (currently awaiting approval) is introducing a minimum lot size of 800 square metres in the township due to the limited capacity of the sewerage system. It is possible that Council will receive proposals for more intensive residential development, infill development and increased densities of residential and other development in the areas that have been sewerage.

It is anticipated that as a result of the projected growth, Council will encounter increasing pressures on the road, drainage and pedestrian networks from the community. Further, it is expected that this growth will occur at random locations and be small scale with some subdivisions relying on infrastructure connections that will not be in place.

The study area generally considers the central Gordon Township. This is defined by St. Patrick's School to the west, Gordon Recreation Reserve to

the east, Nightingale Street to the south and the Old Western Highway/Lyndhurst Street intersection to the north.



Figure 1 Study Area

A review of the road, pathway and drainage networks has been undertaken. A nominated road network hierarchy has been proposed for the Gordon Township and takes into account the form and function of each road connection. Consideration has been given to of traffic volumes, road reserve width and its role in providing local or regional connections.

The Moorabool Hike and Bike Strategy provides guidance relating to potential future pedestrian and bicycle connections with the township along pedestrian desire lines. The study highlights a number of pedestrian connections that Council should consider that would complete logical connections within Gordon Township between educational, recreational and commercial areas, and to public transport stops.

Assessment of the drainage network in the town and calculation of catchment stormwater volumes has occurred. This has identified drainage upgrades and trunk mains for existing and future development, resulting in a number of key recommendations and upgrades that will be required throughout the township.

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 Gordon Infrastructure Study is consistent with the 2013-2017 Council Plan.

Financial Implications

The Gordon Infrastructure Study is fully funded by Council and there are no direct financial implications to completing or endorsing it. All projects would be referred to the capital program and if any recommendations are to be funded, there are multiple financial commitments to the capital, maintenance and operation costs that would need to be considered by MSC along with the initial and ongoing cost to land owners and developers. This would depend on the capital expenditure required that is outlined in the report. It should be noted that not all works will be required immediately and will depend on the rate of growth.

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

Through the 2041 community engagement session held on Thursday 26 February 2015, general discussion relating to infrastructure requirements within the township of Gordon was discussed and feedback from the sessions has been considered in preparation of this report.

Following the April Council meeting, the document was placed on public exhibition from Wednesday 8 April to Wednesday 6 May 2015 which was advertised on Council's website, Have Your Say Moorabool as well as in the local media.

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 – Sam Romaszko

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

Conclusion

The township of Gordon has recently been sewered and a structure plan prepared to guide future development in the town. A subsequent infrastructure study has been required to help guide future road, pedestrian and drainage networks within the town as it develops over time.

Recommendation:**That Council:**

- 1. Endorses the Gordon Infrastructure Study (May 2015) as attached.**
- 2. Places a copy of the Gordon Infrastructure Study on Council's website.**

Resolution:

Crs. Sullivan/Toohey

That Council:

- 1. Adopts the Gordon Infrastructure Study (May 2015) as attached.**
- 2. Places a copy of the Gordon Infrastructure Study on Council's website.**

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Friday, 15 May 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 6 May 2015 . Flood Inundation Overlay
- Assembly of Councillors . Wednesday 6 May 2015 . Presentation from Audit and Risk Committee Chair

Resolution:

Crs. Comrie/Spain

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

- ***Assembly of Councillors – Wednesday 6 May 2015 – Flood Inundation Overlay***
- ***Assembly of Councillors – Wednesday 6 May 2015 – Presentation from Audit and Risk Committee Chair.***

CARRIED.

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
Blacksmith's Cottage and Forge Advisory Committee of Management	24 March 28 April	Cr. Comrie
Development Assessment Committee	15 April	Cr. Comrie Cr. Dudzik Cr. Spain Cr. Tatchell

Resolution:

Crs. Dudzik/Comrie

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

- ***Blacksmith's Cottage and Forge Advisory Committee of Management meeting of Tuesday, 24 March 2015.***
- ***Blacksmith's Cottage and Forge Advisory Committee of Management meeting of Tuesday, 28 April 2015.***
- ***Development Assessment Committee meeting of Wednesday, 15 April 2015.***

CARRIED.

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	26 February 2015	Cr. Spain Cr. Dudzik
S86 Social Development Committee	13 May 2015	Cr. Comrie Cr. Dudzik Cr. Edwards

Resolution:

Crs. Spain/Sullivan

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

- ***Audit and Risk Committee meeting of Thursday, 26 February 2015.***
- ***S86 Social Development Committee meeting of Wednesday, 13 May 2015.***

CARRIED.

12. NOTICES OF MOTION**12.1 Cr. Spain: N.O.M. No. 248 – Accessibility at the Bacchus Marsh Public Hall.****Resolution:****Crs.Spain/Dudzik**

- 1. *That Council, as the asset owner of the Bacchus Marsh Public Hall, receive an urgent audit report on the accessibility of the Bacchus Marsh Public Hall and Supper Room to all Moorabool Shire community members, residents and visitors.***
- 2. *Undertake, with the assistance of the Bacchus Marsh Public Hall Committee of Management, such building alterations or enhancements that may be identified in the audit report as being necessary to enable unassisted access to the facilities of the Bacchus Marsh Public Hall and Supper Room for all Moorabool Shire community members, residents and visitors.***

CARRIED.

12.2 Cr. Spain: N.O.M. No. 249 – Proposed Changes to Councillor Information Bulletin

Resolution:

Crs. Spain/Dudzik

That Council receives a report on the feasibility of changing the format of the weekly Councillor Information Bulletin as follows:

- 1. *Section 3 be renamed as “Planning Permit Applications” and the contents of the section be expanded to include additional information lists:***
 - a. *A list of Planning Permit Applications completed in the reporting time period and including the result of the applications and how the applications were determined;***
 - b. *A list of any matters currently before or recently determined at VCAT to which Council is applicant or respondent.***

CARRIED.

12.3 Cr. Dudzik: N.O.M. No. 250 – Shipping Containers

Resolution:

Crs. Dudzik/Spain

That Council develop a policy on the placement of shipping containers in residential zoned areas of the Shire to ensure residential amenity, neighbourhood character and heritage protections are not adversely affected.

CARRIED.

12.4 Cr. Dudzik: N.O.M. No. 251 – Disability Advisory Committee

Resolution:

Crs. Dudzik/Spain

That Officers prepare a report on the need for a new Disability Advisory Committee to be established, its proposed role and terms of reference for consideration by Council.

CARRIED.

13. MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor, Cr. Tatchell, attended the following meetings and activities:

Cr. Tatchell - Mayor	
May/June 2015	
1 May	Launch . 2015 Regional Victoria Living Expo
5 May	M2041 Consultation Session . Myrniong Primary School M2041 Consultation Session . St Brigids Primary School
6 May	Assembly of Councillors . Flood Inundation Overlay Assembly of Councillors . Presentation from Audit and Risk Committee Chair Ordinary Meeting of Council
7 May	M2041 Consultation Session . Mt Egerton Primary School M2041 Consultation Session . Bungaree Primary School Meeting with the Hon Jane Garrett, Minister for Emergency Services, Craig Lapsley and Jaala Pulford re Fiskville issues
8 May	Dedication of the Darley Neighbourhood House and Learning Centre Child Care Building
11 May	Community Grants Presentation Evening
12 May	National Volunteer Week Celebration (Afternoon Tea)
18 May	M2041 Consultation Session . Balliang East Primary School M2041 Consultation Session . Coimadai Primary School
19 May	Resource Booklet Launch . In the Land of Moorabool: A guide to local services for you and your family
20 May	M2041 Consultation Session . St Mary's Primary School M2041 Consultation Session . St Brendan's Primary School
21 May	Central Highlands Mayors and CEOs Forum
25 May	M2041 Consultation Session . Lal Lal Primary School Australian Citizenship Ceremony

26 May	M2041 Consultation Session . St Patrick's Primary School M2041 Consultation Session . Gordon Primary School
27 May	Assembly of Councillors . Ballan Structure Plan S86 Rural Growth Strategy Committee Meeting
3 June	Special Meeting of Council . Consideration of 2015/16 Annual Budget Submissions Ordinary Meeting of Council

Resolution:**Crs. Sullivan/Toohey*****That the Mayor's report be received.*****CARRIED.**

14. COUNCILLORS' REPORTS

Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:

Cr. Dudzik	
May/June 2015	
8 May 2015	<i>Dedication of the Darley Neighbourhood House and Learning Centre Child Care Building</i>
13 May 2015	<i>S86 Social Development Meeting</i>
15 May 2015	<i>Melbourne Town Hall Historic photo marking centenary of the right of women to stand in a council election organized by Australian Local Government Women's Association and Minister for Local Government.</i>
18 May 2015	<i>Strategic Health Forum</i>
20 May 2015	<i>Audit and Risk Committee Meeting. S86 Development Assessment Meeting</i>
22 May 2015	<i>Australian Local Government Womens Association conference</i>
25 May 2015	<i>Health and Wellbeing Youth Sub Committee</i>
28 May 2015	<i>Moorabool Drug Information Evening</i>
29 May 2015	<i>Flag raising ceremony recognizing anniversary of Torres Strait Islander Flag, Reconciliation Week and Indigenous people at Bacchus Marsh Primary School.</i>
1 June 2015	<i>Health and Wellbeing Committee Meeting</i>

Cr. Sullivan	
May/June 2015	
15 May 2015	<i>MAV State Council Meeting</i>

Cr. Spain	
May/June 2015	
7 May 2015	<i>MAV Councillor Fundamentals Workshop – Demystifying Local Government Finance and the Reporting Framework</i>
8 May 2015	<i>Dedication of the Darley Neighbourhood House and Learning Centre Child Care Building by Catherine King and Don Nardella</i>
11 May 2015	<i>Community Grants Presentation Evening</i>

12 May 2015	<i>National Volunteer Week Celebration – Afternoon Tea</i> <i>Bacchus Marsh & District Trails Advisory Committee</i>
14 May 2015	<i>Bacchus Marsh Hall Public Hall Committee</i>
15 May 2015	<i>Bacchus Marsh Arts Council meeting with Moorabool Shire Council Community Development Officers</i>
20 May 2015	<i>Audit and Risk Committee</i>
25 May 2015	<i>Australian Citizenship Ceremony, Lerderderg Library</i>
27 May 2015	<i>Assembly of Councillors – Ballan Structure Plan</i>
31 May 2015	<i>Fundraiser for the Cancer Council hosted by St Andrew's Uniting Church.</i>

Resolution:**Crs. Spain/Sullivan*****That the Councillors' reports be received.*****CARRIED.**

15. URGENT BUSINESS

15.1 Wallace Recreation Reserve

Resolution:

Crs. Sullivan/Toohey

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.

CARRIED.

15.2 Fire Services Levy

Resolution:

Crs. Toohey/Comrie

That Council write to the Premier of Victoria, the Opposition Leader, the State Treasurer, the Attorney General, the Minister for Emergency Services, and the Minister for Local Government in relation to the Fire Service Levy seeking transparency regarding where funds collected on behalf of the State are allocated.

CARRIED.

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC**16.1 Confidential Report****16.2 Confidential Report****ADJOURNMENT OF MEETING 8.29PM**

Crs. Toohey/Comrie

That the meeting now stand adjourned for a period of 5 minutes.

CARRIED.

RESUMPTION OF MEETING 8.37PM

Crs. Sullivan/Comrie

That the meeting now be resumed.

CARRIED.

Resolution:

Crs Sullivan/Toohey

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*

CARRIED.

Items 16.1 and 16.2 are confidential items and therefore not included as part of these Minutes.

17. MEETING CLOSURE

The meeting closed at 7.52pm.

Confirmed.....Mayor.