

ORDINARY MEETING OF COUNCIL

Notice is hereby given of the
Ordinary Meeting of Council to be held at
Council Chamber, 15 Stead Street, Ballan on
Wednesday, 1 July 2015,
commencing at 5:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

AGENDA

1.	OPENING OF MEETING AND PRAYER	4
2.	ACKNOWLEDGEMENT TO COUNTRY	4
3.	PRESENT	4
4.	APOLOGIES	4
5.	CONFIRMATION OF MINUTES	4
5.1	<i>Ordinary Meeting of Council – Wednesday 3 June 2015</i>	<i>4</i>
5.2	<i>Special Meeting of Council – Wednesday 3 June 2015</i>	<i>5</i>
5.3	<i>Special Meeting of Council – Wednesday 17 June 2015</i>	<i>5</i>
6.	DISCLOSURE OF CONFLICT OF INTEREST.....	6
7.	PUBLIC QUESTION TIME	8
8.	PETITIONS	9
9.	PRESENTATIONS / DEPUTATIONS	10
10.	OFFICER'S REPORTS	11
10.1	CHIEF EXECUTIVE OFFICER	11
10.2	GROWTH AND DEVELOPMENT	12
10.2.1	<i>Adoption of the 2013-2017 Council Plan (Revised 2015) inclusive of Strategic Resource Plan.....</i>	<i>12</i>
10.2.2	<i>Reconsideration of Planning Scheme Amendment C74. Combined Rezoning of Land and Planning Permit to Facilitate the Use and Development of the land for the purpose of a car park, construction of a crossover, Shopping Centre redevelopment (Darley Plaza) and reduction in car parking at 8 Jonathan Drive, Darley and 151 Gisborne Road, Darley</i>	<i>16</i>
10.2.3	<i>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>	<i>29</i>
10.3	COMMUNITY SERVICES.....	54
10.3.1	<i>Draft Community Development Strategy 2015-2021</i>	<i>54</i>
10.3.2	<i>Draft Volunteer Strategy 2015-2021 and Volunteer Policy.....</i>	<i>58</i>
10.3.3	<i>Municipal Early Years Plan.....</i>	<i>63</i>

10.3.4	<i>Contract C18-2014/2015 – Management and Operation of Moorabool Leisure Facilities – Communications Plan</i>	<i>68</i>
10.4	INFRASTRUCTURE SERVICES.....	73
10.4.1	<i>Rate Payments – Alternative Instalment Options.....</i>	<i>73</i>
11.	OTHER REPORTS	77
11.1	<i>Section 86 - Delegated Committees of Council - Reports</i>	<i>77</i>
12.	NOTICES OF MOTION.....	78
12.1	<i>Cr. Dudzik: N.O.M. No. 252 – Abolition of Mason’s Lane Recreation Reserve Committee of Management</i>	<i>78</i>
13.	MAYOR’S REPORT	79
14.	COUNCILLORS’ REPORTS	80
15.	URGENT BUSINESS	81
16.	CLOSED SESSION OF THE MEETING TO THE PUBLIC	82
16.1	<i>Confidential Report.....</i>	<i>82</i>
17.	MEETING CLOSURE	84

1. OPENING OF MEETING AND PRAYER

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

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

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

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

Amen

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

4. APOLOGIES

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 3 June 2015

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 3 June 2015.

5.2 Special Meeting of Council – Wednesday 3 June 2015**Recommendation:**

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 3 June 2015, with the following amendment to point 4 in the resolution of Item 7.1 Consideration of Submissions to the Proposed 2015/16 Annual Budget to correct the wording, from Darley Neighbourhood House, to read The Neighbours Place.

...4 That Council writes to Local and Federal members in response to the petition submitted by The Neighbours Place, highlighting the inadequacies of funding provided.

5.3 Special Meeting of Council – Wednesday 17 June 2015**Recommendation:**

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 17 June 2015.

6. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

7. PUBLIC QUESTION TIME

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

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

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

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

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

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

8. PETITIONS

No petitions have been made to Council for consideration as part of this Agenda.

9. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
-	-	-	-

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

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

Item No	Description	Name	Applicant/ Objector
-	-	-	-

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

10.2 GROWTH AND DEVELOPMENT

10.2.1 Adoption of the 2013-2017 Council Plan (Revised 2015) inclusive of Strategic Resource Plan

Introduction

File No.: 02/02/002
Author: Natalie Abbott
General Manager: Satwinder Sandhu

The following report is presented to Council for consideration to adopt the 2013-2017 Council Plan (Revised 2015) Council Plan inclusive of the Strategic Resource Plan.

Background

Part 6, Section 125 (7) of the *Local Government Act* 1989 determines that at least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

On Wednesday 6 May 2015, Council resolved to place the proposed 2013-2017 Council Plan (2015 revision), inclusive of the Strategic Resource Plan, on public exhibition, seeking submissions in accordance with Section 223 of the *Local Government Act* 1989. Notices to advertise the public exhibition period were placed with the regional newspaper, the (Ballarat) Courier, the local newspaper on Council's weekly page in the Moorabool News and via Council's *Have Your Say* online community engagement forum.

A Special Meeting of Council was held on Wednesday 17 June 2015, and Council resolved that no submissions were received by Council and that the adoption of the Council plan be referred to the 1 July Ordinary Meeting of Council.

Proposal

Council adopted the 2015/16 Annual Budget on Wednesday 3 June, 2015, therefore the amendments have been made to the Strategic Resource Plan and projects marked %subject to 2015/16 budget initiative+will be updated in the 2013-2017 Council Plan (2015 revision).

During the review period it was noted that under the Act the following Statement of Human Resources table and accompanying text were required to be inserted under the heading %Non-Financial Resources+.

In addition to the financial resources to be utilised over the planning period, Council will also use non-financial resources, in particular human resources. The following table summarises the non-financial resources for the next four years.

Council takes a proactive approach to organisational development that aims to fully achieve the potential of all staff. Programs and internal support mechanisms are available to ensure that competencies are maintained or developed to ensure that staff have the current skill sets to effectively fulfil the expectation of the community.

Statement of Human Resources

For the four years ending 30 June 2019

	Forecast Actual 2014/15 \$000	Budget 2015/16 \$000	Strategic Resource Plan Projections		
			2016/17 \$000	2017/18 \$000	2018/19 \$000
Staff expenditure					
Employee costs - operating	16,832	17,735	18,678	19,725	20,849
Employee costs - capital	845	850	895	945	999
Total staff expenditure	17,678	18,585	19,573	20,670	21,848
	EFT	EFT	EFT	EFT	EFT
Staff numbers					
Employees	204.95	206.56	210.56	214.56	218.56
Total staff numbers	204.95	206.56	210.56	214.56	218.56

Further, following discussions at the Special Meeting of Council held on 17 June, 2015 in relation to rate capping, the following sentence is included at the foot of each page in the Strategic Resource Plan and in the message from the Mayor and CEO, - *%subject to the outcomes of the State Government review into rate capping%.*

That Council, having completed all statutory requirements, adopts the 2013-2017 Council Plan (Revised 2015) and Strategic Resource Plan and gives public notice as required under the *Local Government Act 1989* that the 2013-2017 Council Plan (Revised 2015) is available for public review.

Financial Implications

In accordance with Section 126 of the Local Government Act 1989, Council has prepared the Strategic Resource Plan that details the resources required to achieve the objectives and strategies outlined in the 2013-2017 Council Plan (Revised 2015).

The Strategic Resource Plan includes the following information in respect of the next four year period that concludes 30 June 2019.

- *the standard statements describing the required financial resources in the form and containing the information required by the regulations as amended by the adoption of the 2015/16 Annual Budget; and*
- *statements describing the required non-financial resources, including human resources.*

Communications and Consultation Strategy

In accordance with the *Local Government Act* 1989 the 2013-2017 Council Plan (Revised 2015) will progress through the final adoption process.

Timetable for the Proposal and Adoption of 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan	
Formally adopt 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan	1 July 2015
Public Notice - Adoption of 2013-2017 Council Plan (2015 revision) and Strategic Resource Plan	4 July 2015
Submit 2013-2017 Council Plan (2015 revision) and Strategic Resource Plan to Minister for Local Government by:	31 July 2015

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 – Natalie Abbott

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

Conclusion

That Council, having completed all statutory requirements and no submissions were received by Council, adopts the 2013-2017 Council Plan (Revised 2015) and Strategic Resource Plan and gives public notice as required under the *Local Government Act* 1989 that the 2013-2017 Council Plan (Revised 2015) is available for public review.

The Council Plan and Strategic Resource Plan have been updated to reflect the adopted 2015/16 Annual Budget and the Statement of Human Resources.

In accordance with Part 6 Section 125 and Section 223 of the Local Government Act 1989, 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan is now presented to Council for adoption.

Recommendation:

That Council, having advertised the proposed 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan, resolves to:

- 1. adopt the 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan and in accordance with the adopted 2015/16 Annual Budget.**
- 2. include the Statement of Human Resources table and accompanying text into the 2013-2017 Council Plan (2015 revision) under Non-Financial Resources.**
- 3. include a statement in the Strategic Resource Plan in relation to rate capping.**
- 4. notify and place on public notice its adoption of the 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan in accordance with Section 125 of the Act.**
- 5. submit a copy of the 2013-2017 Council Plan (Revised 2015) inclusive of the Strategic Resource Plan to the Minister for Local Government in accordance with Section 125 of the Act.**

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Wednesday, 24 June 2015



10.2.2 Reconsideration of Planning Scheme Amendment C74. Combined Rezoning of Land and Planning Permit to Facilitate the Use and Development of the land for the purpose of a car park, construction of a crossover, Shopping Centre redevelopment (Darley Plaza) and reduction in car parking at 8 Jonathan Drive, Darley and 151 Gisborne Road, Darley

Introduction

File No.: 323800
Author: Robert Fillisch
General Manager: Satwinder Sandhu

Preamble

The bulk of this report on the proposed Planning Scheme Amendment was previously presented to Council at its Ordinary meeting on 5 November 2014.

As a result, Council resolved to separate the rezoning request from the planning permit process. Approval was granted to seek authorisation from the Minister for the rezoning. A separate planning permit application would need to be submitted for the redevelopment, construction of a car park and waiver in car park once the rezoning process has been approved.

The current resolution of the November Council meeting was:

1. *In accordance with Section 8A (2) of the Planning and Environment Act 1987, request authorisation to prepare Amendment C74 to the Moorabool Planning Scheme.*
2. *Subject to authorisation, in accordance with Section 9 (2) of the Planning and Environment Act 1987, prepare and exhibit planning scheme amendment C74 to the Moorabool Planning Scheme to zone land at 8 Jonathan Drive, Darley to Commercial 1 Zone.*
3. *Advise the applicant that they are required to pay any exhibition or panel costs incurred by Council.*

The above resolution is yet to be fully actioned by Council officers at the request of the proponent.

A briefing note was distributed to Councillors on 15 April, 2015 which provided additional information on the proposed Planning Scheme Amendment. This was as a result of discussions with the proponent principally relating to car parking requirements.

The proponent has indicated that in order to proceed with the redevelopment of the Darley Plaza shopping centre it requires both the rezoning and planning permit to be considered concurrently.

In light of the additional information provided by the proponent the following report has been presented for reconsideration of the proposal by Council. This requests the proposal be reconsidered as a combined planning scheme amendment and planning permit in accordance with Section 96A of the *Planning and Environment Act 1987*.

Background

Brown Consulting (Vic) Pty Ltd on behalf of Verlado Trading P/L have lodged an application to develop 8 Jonathan Drive, Darley and 151 Gisborne Road, Darley. The sites are identified as 8 Jonathan Drive and 151 Gisborne Road, Darley (Lot 29 on LP111887 and Lot 2 on LP147736).

8 Jonathan Drive is vacant General Residential zoned land adjoining 151 Gisborne Road, Darley which is located within the Commercial 1 Zone. 151 Gisborne Road contains the Darley Plaza shopping centre.

The application is to amend the planning scheme and apply for a planning permit as a combined process under section 96A of the Planning and Environment Act 1987.

Proposal

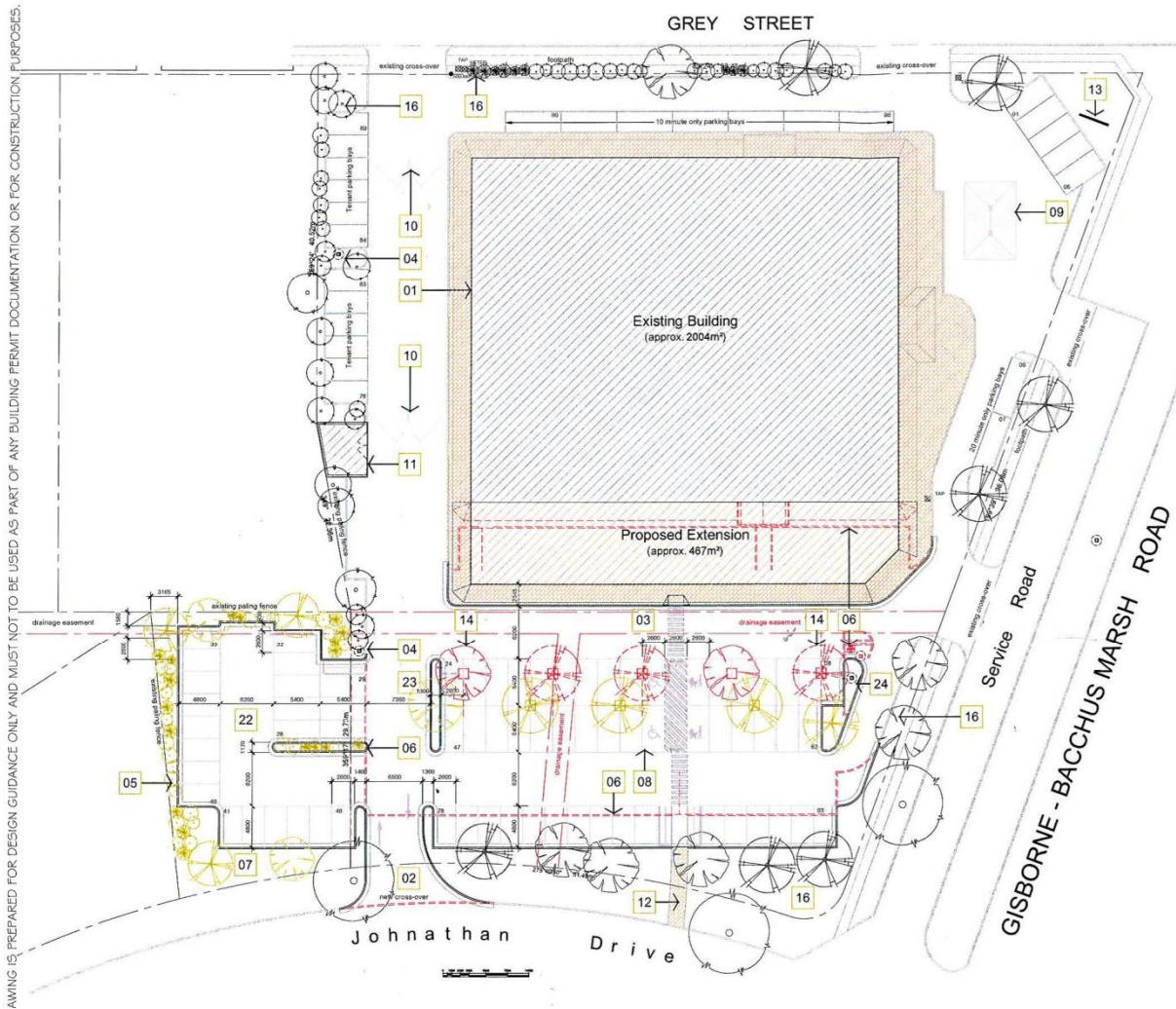
The Planning Scheme Amendment proposes to rezone the vacant land at 8 Jonathan Drive from General Residential Zone to Commercial 1 Zone to facilitate its redevelopment as a car park. The car park would form an extension to the existing car park and would create 22 new car parking spaces and landscaping.

The planning permit application seeks the use and development of the land for a car park, the construction of a new crossover from Jonathan Drive and would also incorporate an extension to the existing Darley Plaza Shopping Centre and a reduction in the car parking requirement of twenty three (23) spaces.

The existing centre seeks an extension of 467sqm in floor area which would include an extension to the existing supermarket of 301.59sqm in area, an additional retail tenancy of 110.98sqm and expansion of the common arcade area. Overall changes may be summarised as follows:

- New dedicated entry into site for supermarket for delivery vehicles on the northern side of Gisborne Road;
- New customer car parking area and new parking configuration allowing for 96 spaces including 2 disabled spaces and two pusher/pram spaces;
- New customer access ramp at rear of the building;
- New trolley bays;
- Additional landscaping;
- Raised traffic island to separate car parking bays from truck access laneway;
- Replace existing internally illuminated pylon sign;
- Install new automatic doors and shopfront on southern elevation;
- New backlight signage to new render finished parapet wall on the southern elevation;
- Existing mature trees to be relocated; and
- Existing paling fence, kerb and channel to be demolished.

TOWN PLANNING APPLICATION DRAWING ONLY



design response

- 01 EXISTING BUILDING ENVELOP - ALL BUILDING FINISHES TO BE RETAINED.
- 02 NEW DEDICATED ENTRY POINT FOR SUPERMARKET DELIVERY VEHICLES TO ADDRESS OH&S ISSUES.
- 03 NEW CUSTOMER "NO STEP" ACCESS RAMP TO MATCH EXISTING PAVING WITH PROTECTIVE BOLLARDS
- 04 EXISTING CAR PARK LIGHTING ON 15m POLE TO BE RETAINED.
- 05 NEW LANDSCAPING TO CAR PARK PERIMETER - PLANT SPECIES TO COMPLEMENT EXISTING.
- 06 EXISTING INFRASTRUCTURE (FENCES, KERB AND CHANNEL, LIGHTING etc.) TO BE DEMOLISHED.
- 07 EXISTING AUTOMATIC IRRIGATION SYSTEM TO BE EXTENDED TO NATURE STRIP AND GARDEN BEDS.
- 08 NEW AS 2890 (2009) COMPLIANT DISABLED / PUSHER PARKING BAYS WITH SHARED AREA LINE MARKED AND DEFINED WITH TACTICAL INDICATORS.
- 09 EXISTING FUEL SALES PUMPS AND TANKS TO BE RETAINED.
- 10 CHAIN-WIRE GATES TO EXISTING LOADING AREA FOR USE DURING DELIVERY OPERATIONS.
- 11 EXISTING ENCLOSED WASTE AREA.
- 12 PEDESTRIAN FOOTPATH FOR ACCESS TO MEDICAL CENTRE OPPOSITE.
- 13 EXISTING INTERNALLY ILLUMINATED PYLON SIGN TO BE REPLACED - GRAPHICS TO FUTURE DETAIL.
- 14 EXISTING MATURE TREES TO BE RELOCATED.
- 15 NEW CAR PARK CONFIGURATION PROVIDING A TOTAL OF 56 ON-SITE BAYS.
- 16 EXISTING LANDSCAPING WITH UNDERGROUND AUTOMATIC SPRINKLER SYSTEM OR PAVING AS APPLICABLE.
- 17 NEW TROLLEY BAYS FOR CUSTOMER CONVENIENCE
- 18 NEW "GIVE WAY" SIGN ON 500 GALVANISE FINISHED POST WITH CAP.
- 19 NEW "NO RIGHT TURN" SIGN ON 500 GALVANISE FINISHED POST WITH CAP.
- 20 NEW "SHARED ZONE" SIGN ON 500 GALVANISE FINISHED POST WITH CAP.
- 21 NEW "NO LEFT TURN" SIGN ON 500 GALVANISE FINISHED POST WITH CAP.
- 22 NEW CUSTOMER CAR PARKING AREA
- 23 NEW RAISED TRAFFIC ISLAND TO SEPARATE CAR PARKING BAYS FROM TRUCK ACCESS LANEWAY.
- 24 RELOCATED CAR PARK LIGHTING ON 15m POLE.
- 25

drawing register

- T0-01f Proposed Site Plan
- TP-02b Proposed Floor Plan
- TP-030 Existing Floor Plan
- TP-040 Existing Elevations
- TP-050 Existing Site Plan
- TP-060 Proposed Elevations

document management			
REV	DATE	BY	DESCRIPTION
01	15/07/15	01/01	ISSUED FOR TENDERS
02	15/07/15	01/01	ISSUED FOR TENDERS
03	15/07/15	01/01	ISSUED FOR TENDERS
04	15/07/15	01/01	ISSUED FOR TENDERS
05	15/07/15	01/01	ISSUED FOR TENDERS
06	15/07/15	01/01	ISSUED FOR TENDERS
07	15/07/15	01/01	ISSUED FOR TENDERS
08	15/07/15	01/01	ISSUED FOR TENDERS
09	15/07/15	01/01	ISSUED FOR TENDERS
10	15/07/15	01/01	ISSUED FOR TENDERS
11	15/07/15	01/01	ISSUED FOR TENDERS
12	15/07/15	01/01	ISSUED FOR TENDERS
13	15/07/15	01/01	ISSUED FOR TENDERS
14	15/07/15	01/01	ISSUED FOR TENDERS
15	15/07/15	01/01	ISSUED FOR TENDERS
16	15/07/15	01/01	ISSUED FOR TENDERS
17	15/07/15	01/01	ISSUED FOR TENDERS
18	15/07/15	01/01	ISSUED FOR TENDERS
19	15/07/15	01/01	ISSUED FOR TENDERS
20	15/07/15	01/01	ISSUED FOR TENDERS
21	15/07/15	01/01	ISSUED FOR TENDERS
22	15/07/15	01/01	ISSUED FOR TENDERS
23	15/07/15	01/01	ISSUED FOR TENDERS
24	15/07/15	01/01	ISSUED FOR TENDERS
25	15/07/15	01/01	ISSUED FOR TENDERS

cuedesign
SITE PLANNING • DESIGN • IMPLEMENTATION

01 0101 15/07/15 01/01 ISSUED FOR TENDERS
02 0202 15/07/15 01/01 ISSUED FOR TENDERS
03 0303 15/07/15 01/01 ISSUED FOR TENDERS
04 0404 15/07/15 01/01 ISSUED FOR TENDERS
05 0505 15/07/15 01/01 ISSUED FOR TENDERS
06 0606 15/07/15 01/01 ISSUED FOR TENDERS
07 0707 15/07/15 01/01 ISSUED FOR TENDERS
08 0808 15/07/15 01/01 ISSUED FOR TENDERS
09 0909 15/07/15 01/01 ISSUED FOR TENDERS
10 1010 15/07/15 01/01 ISSUED FOR TENDERS
11 1111 15/07/15 01/01 ISSUED FOR TENDERS
12 1212 15/07/15 01/01 ISSUED FOR TENDERS
13 1313 15/07/15 01/01 ISSUED FOR TENDERS
14 1414 15/07/15 01/01 ISSUED FOR TENDERS
15 1515 15/07/15 01/01 ISSUED FOR TENDERS
16 1616 15/07/15 01/01 ISSUED FOR TENDERS
17 1717 15/07/15 01/01 ISSUED FOR TENDERS
18 1818 15/07/15 01/01 ISSUED FOR TENDERS
19 1919 15/07/15 01/01 ISSUED FOR TENDERS
20 2020 15/07/15 01/01 ISSUED FOR TENDERS
21 2121 15/07/15 01/01 ISSUED FOR TENDERS
22 2222 15/07/15 01/01 ISSUED FOR TENDERS
23 2323 15/07/15 01/01 ISSUED FOR TENDERS
24 2424 15/07/15 01/01 ISSUED FOR TENDERS
25 2525 15/07/15 01/01 ISSUED FOR TENDERS

PROPOSED EXTENSIONS TO EXISTING
RETAIL PREMISES AND CAR PARK AT
Cnr Gisborne - Bacchus Marsh Road
and Grey Street, DARLEY 3340

Site Description

8 Jonathan Drive is vacant General Residential zoned land with an area of 673sqm. The site is irregular in shape, contains no significant vegetation and has a frontage to Jonathon Drive of approximately 20m.

151 Gisborne Road, Darley is Commercial 1 Zoned and comprises the Darley Plaza Shopping Centre. The centre has an existing floor area of 2004sqm made up of four specialty stores, including a Bakery, Hairdresser, Pharmacy and General Store / Petrol Station together with a Supermarket.

This site is irregular in shape and has a frontage to Gisborne Road of 93.3m, frontage to Grey Street of 96.3m and frontage to Jonathan Drive of 60.4m and has a total area of 6981sqm.

The site provides 108 car parking spaces. 93 line marked spaces, 15 unmarked kerbside spaces along the northern building line adjacent Grey Street and 7 spaces along the northern kerb and 8 spaces along the southern kerb. Bicycle facilities are provided on site.

The surrounding area is predominately residential, developed with single conventional dwellings.

To the north is Grey Street which is classified as a Road Zone Category 2 with angled parking along both sides of the section immediately north of the Darley Plaza. Directly opposite on Grey Street is Darley Park Recreation Reserve which consists of football/cricket oval, tennis and netball courts and associated buildings. Vehicle access to Darley Park is via Dundas Street, approximately 100m to the west

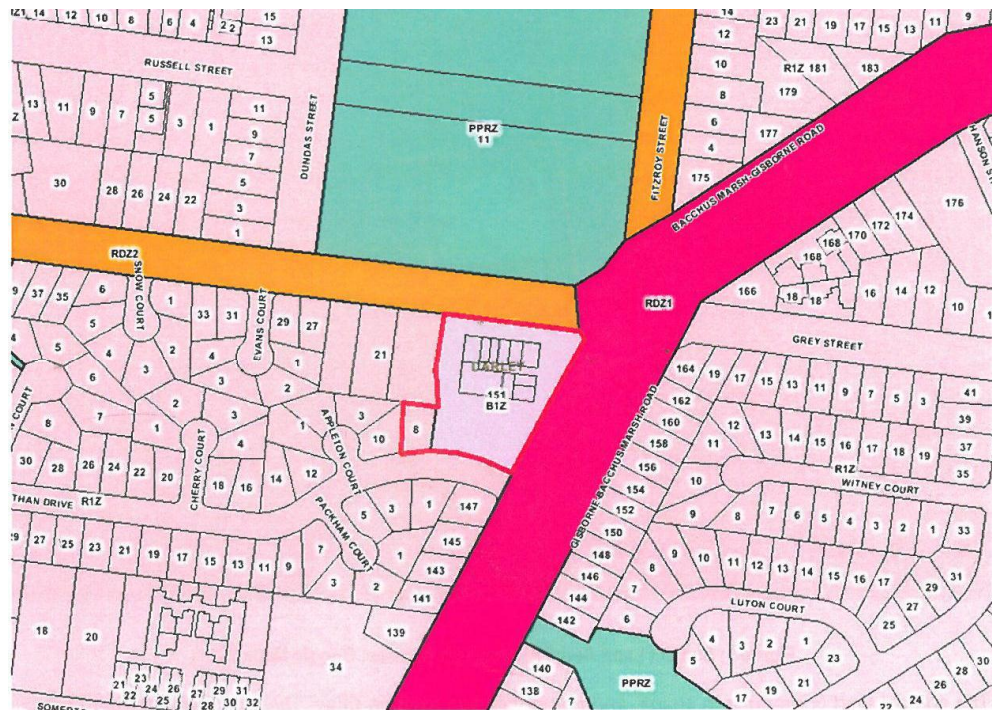
To the east is Gisborne Road which is classified as a Road Zone Category 1 and consists of a single lane in each direction and a service road on both sides. The service roads are separated from the main road by a wide median strip and land is zoned General Residential.

To the south is Jonathan Drive which is zoned General Residential and travels in an east west direction. Single residential dwellings define the area and a medical centre comprising two practitioners is located at corner Gisborne Road and Jonathan Drive (147 Gisborne Road).

To the west the land is zoned General Residential and comprises predominately residential dwellings providing a mixture of single dwellings and multi dwelling development on varying lot sizes.

In close proximity there is the Darley Primary School, Paul Sadler Swimland, car wash, places of worship and community emergency facilities (CFA).

Proposed Area to be Rezoned



Discussion

Traffic Issues

The existing shopping centre is situated in an area that currently experiences high traffic volumes during peak times. Gisborne Road is a major road managed by VicRoads. Jonathon Street and Grey Street are local service roads, managed by Council.

A traffic study by O'Brien Traffic states:

- There were a minimum of 15 vacant parking spaces within the shopping centre car park and 57 vacant unrestricted parking spaces within 100m walk of the shopping centre on a weekday between 10 am and 5 pm.
- On the surveyed Saturday, there were a minimum of 32 vacant parking spaces within the shopping centre car park between 10 am and 5 pm and 67 vacant unrestricted parking spaces within 100m walk of the shopping centre.
- At all times, except one, there were at least 24 vacant spaces within the shopping centre.

The O'Brien Traffic report recommends:

- Based on Clause 52.06 of the Moorabool Planning Scheme, the proposed shopping centre expansion has a parking requirement of 19 spaces;
- The proposed net loss of four on-site car spaces represents a shortfall of 23 spaces overall.
- The parking surveys carried out as part of this project have confirmed that the shopping centre car park will meet the likely parking needs of this proposal in the vast majority of circumstances. Any occasional overflow parking demands which may exceed the spaces provided on-site could readily be accommodated on-street.
- The proposed car park layout and vehicle access arrangements are in accordance with the requirements of the Moorabool Planning Scheme;
- The proposed development does not make any bicycle parking requirement (existing centre already makes provision for bicycle parking);
- The proposed development would not impose significant unreasonable impact on the safety and operation of the surrounding road network.
- There is no traffic or parking related reason to inhibit the granting of a permit for this development.

Car parking rates

The car parking requirements that applied to the site when the shopping centre was originally approved is shown in the table below:

Use	Area	Rate	Requirement
Supermarket	1290 sqm (Approximately)	8 spaces to each 100 sqm leasable floor area	103
Shop	470 sqm (Approximately)	8 spaces to each 100 sqm leasable floor area	37
Total Required			140

A total of 108 car parking spaces are provided onsite, meaning a waiver of 32 car parking spaces was granted when the centre was originally approved.

The proposal provides an extension of approximately 460sqm, which equates to an approximate requirement of an additional 19 car parking spaces. This means a total of 127 on sites spaces are required (108 existing spaces + 19 new spaces). Based on the current proposal of 97 car parking spaces it could be argued that there will be a shortage of 30 parking spaces.

An amendment to all planning schemes was introduced on the 5 June, 2012 under amendment number VC90. This amendment, amongst other things, sought to:

- Update the rates in Clause 52.06 to better reflect car parking demand and
- Include new decision guidelines for reducing and waiving a car parking requirement

The car parking provisions in the Victoria Planning Provisions (VPP) and planning schemes no longer reflect contemporary car parking requirements. A review of the car parking provisions culminated in a final report Car Parking Provision Advisory Committee Report, January 2012.

The report recommended improvements to the car parking provisions and included a recommended final format of the provisions for implementation.

If a new application for the existing centre, including the proposed extension, was received under the current parking requirements, the calculation would be as follows:

Use	Area	Rate	Requirement
Supermarket	1591sqm (Approximately)	5 spaces to each 100 sqm leasable floor area	79
Shop	580 sqm (Approximately)	4 spaces to each 100 sqm leasable floor area	23
Total Required			102

A total of 75 car parking spaces are proposed to be provided on the current shopping centre site. An additional 22 car parking spaces are proposed to be provided on the adjoining land parcel. Based upon this calculation it could be agreed that there will be a shortage of 5 parking spaces.

Regardless of whether the new or old parking rates are applied a waiver in car parking is required for the proposed extension.

The generous provision of on street car parking along Grey Street remains unaffected by this proposal.

Current Status

Despite the new parking rates that apply, the fact remains that the proposed rezoning and extension does require a waiver in car parking due to the application of old and new car parking rates on the site over time.

The outcomes of the Council meeting were communicated to the proponent and a meeting has since been held to discuss the impacts of the resolution.

The proponent's current position is that they are not prepared to proceed with the amendment unless it is combined with a planning permit application. The reasons cited are:

- The waiver of car parking is a necessary component of the redevelopment;
- There is an inherent risk with separating the rezoning. If the planning permit is not approved with a waiver in car parking, the rezoning is ineffectual; and
- The rezoning process takes a significant amount of time and there are significant savings in time by combining the two processes.

The applicant has provided a report prepared by O'Brien Traffic. As a part of this report, parking surveys were carried out and found that at a minimum there were 15 spaces available. The site is also readily accessible by public transport and is surrounded by a generous supply of on street parking.

It is important to note that this site services an established population. It is an existing neighbourhood shopping centre complex that is proposing to redevelop the site to better service the local community and improve the functionality of the site. If there is any increase in patronage, it is likely to be inconsequential to on-site parking availability.

Consideration on the impact of the waiver of car parking was undertaken by Engineering. On the 16th March 2015, Council's Senior Development Engineer confirmed that it is appropriate to waive the planning scheme requirements due to the adequacy of available parking spaces.

Growing Moorabool

Council's economic development strategy *Growing Moorabool* makes the following observations in relation to the retail sector in Bacchus Marsh:

- Retail is a critical component of servicing the needs of the Moorabool resident population.
- Retail is the second largest employing industry sector in Moorabool (behind manufacturing).

Commercial 1 Zone

Under the General Residential Zone, a car park associated with a retail premises is prohibited. The amendment to change the zone to Commercial 1 will facilitate the extension of the existing car park and facilitate the additions to the existing centre.

Combined Planning Permit

A draft planning permit is required to be provided as part of the public notice component of the proposed amendment. A copy of the proposed permit must be placed on exhibition with the amendment. Prior to exhibition Council will require all referral authority conditions to be placed on the permit for exhibition. This will require an exemption from Direction 4 (1)(a) of Ministerial Direction 15 which requires exhibition of the amendment to occur within 40 business from authorisation.

Strategic Assessment of the Amendment

Why is an amendment required?

A planning scheme amendment is required to rezone the land at 8 Jonathan Drive from General Residential to Commercial 1 Zone to allow for the land to be used for the purposes of a car park associated with the existing Darley Plaza Shopping Centre. Under the General Residential Zone, a car park associated with a retail premises is prohibited. The amendment is sought to facilitate the extension of the existing shopping centre which would impact some of the existing car parking and therefore, further car parking is required to meet anticipated demand.

Does the amendment implement the objectives of planning and any environmental, social and economic effects?

Section 4 of the *Planning and Environment Act 1987* sets out the objectives for planning in Victoria. Relevant objectives for consideration as part of this amendment include the need for planning to:

- Provide for the fair, orderly, economic and sustainable use, and development of land;*
- Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

The proposed amendment seeks to implement the objectives of planning in Victoria. The loss of one residential land parcel is considered reasonable compensation if the use of the land as a car park allows for the expansion of the existing shopping centre resulting in economic benefits for the Darley community.

The proposed amendment will have no perceived environmental impacts.

Does the amendment address relevant bushfire risk?

The subject area of the amendment is within a residential area, is not within a Bushfire Management Overlay (BMO) and subsequently has no bushfire risk.

Does the amendment comply with all other relevant Minister's Directions?

No other Minister Directions apply to the proposal

Does the amendment support or implement the SPPF?

It is considered that the amendment would implement the State Planning Policy Framework by allowing the development of a car park which is required to meet the parking needs of the Darley Plaza Shopping Centre. This is consistent with Clause 18.02-5 (car parking) which aims to ensure an adequate supply of car parking that is appropriately designed and located.

There are no other state policies which are of particular relevance to this type of amendment which proposed the rezoning a relatively small parcel of land for a specific purpose.

Does the amendment support or implement the LPPF?

The proposal is consistent with Clause 21.04 Economic Development and Employment which aims to develop and facilitate increased opportunities for local employment and strengthen the local economy.

Does the amendment make proper use of the VPP?

The amendment makes proper use of the Victorian Planning Provisions by proposing to apply a zone to the land that is appropriate in context to its intended use.

How does the amendment address the views of any relevant agency?

The amendment includes the views of the authorities who would be considered appropriate as Section 55 referral authorities as part of the planning permit considerations.

Comments were provided demonstrating no objection to the proposal. An indication of conditions required by the relevant agencies has been provided but could change once the proposal is formally referred under Section 55 of the *Planning and Environment Act 1987*. Attached to this report is a draft planning permit.

Does the amendment address the requirements of the Transport Integration Act 2010?

The amendment is not required to consider the *Transport Integration Act 2010*.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment would have minimal impact on the resource and administrative costs of council as there would be no ongoing costs.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

The proposed amendment is consistent with the 2013 - 2017 Council Plan.

Financial Implications

Council officer time and resources are involved in the preparation and exhibition of the amendment.

Given this proposal is a one off combined planning permit and amendment the resources are to assess the application only. There are no ongoing financial implications for the proposal.

Council would require that the applicant meet all Panel costs if the amendment proceeds to a Planning Panel.

Communications and Consultation Strategy

The planning scheme amendment and the draft planning permit will be exhibited in accordance with the requirements of the Planning and Environment Act 1987.

The steps relating to the Planning Scheme Amendment process is appended as Attachment A.

Officer's Declaration of Conflict of Interests

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

Manager – Sian Smith

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

Author: Robert Fillisch

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

Conclusion

The amendment proposal to rezone 8 Jonathan Drive from General Residential to Commercial 1 Zone is to facilitate the development of a car park which is to be used in conjunction with the existing shopping centre. Rezoning of the land compliments the proposed extension to the existing facility and compensates the loss of some on site car parks as a result of the proposed works.

It is considered that overall the planning scheme amendment and proposed centre extension would benefit the local community and enhance the role of the shopping centre to the local neighbourhood whilst also improving safety and traffic movement.

The proponent has indicated that they will not proceed with the redevelopment of the site while there is some uncertainty on whether a separate planning permit may be approved. In order for certainty to be provided the proponent requires the Planning Scheme Amendment and Planning Permit to be assessed in conjunction with each other in accordance with Section 96A of the Planning and Environment Act 1987.

Recommendation:

That Council resolve to:

- 1. In accordance with Section 8A (2) of the Planning and Environment Act 1987, request authorisation to prepare Amendment C74 to the Moorabool Planning Scheme.**
- 2. Subject to authorisation, in accordance with Section 96A of the Planning and Environment Act 1987, prepare planning scheme amendment C74 to the Moorabool Planning Scheme to zone land at 8 Jonathan Drive, Darley to Commercial 1 Zone and to issue a planning permit to allow for the Use and Development of the land for the purpose of a car park, construction of a crossover, extension to the existing retail Shopping Centre (Darley Plaza) and reduction in car parking spaces.**
- 3. Write to the Minister for Planning seeking an exemption from Direction 4(1) (a) of Ministerial Direction No 15 to allow for consultation with referral authorities in regard to conditions for the draft permit.**

4. **Exhibit Amendment C74 in accordance with Section 96C of the Planning and Environment Act 1987, subject to authorisation and receipt of referral authority permit conditions,**
5. **Advise the applicant that they are required to pay any costs incurred by Council under sections 96C (Notice of the amendment, application and permit) and 96D (Hearing by panel) of the Planning and Environment Act 1987.**

Report Authorisation**Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 26 June 2015



10.2.3 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?	Yes. Initially the application was advertised by mail to the owners and occupiers of four (4) nearby properties and a sign erected on the site. The application was re-advertised more widely to the owners and occupiers of eight (8) commercial properties in Gell Street and 13 residential properties in Gell, Bennett and Lerderderg Streets.
Number of notices to properties:	Seven (7) notices when first advertised and a further 29 notices when re-advertised
Notices on site:	One (1) when first advertised and two (2) when re-advertised
Notice in Moorabool Newspaper:	None
Number of Objections:	One (1) after the initial advertising period. After re-advertising another eight (8) objections and a petition with 118 signatures against the application had been received by 22 June 2015.
Consultation meeting:	None held. After the initial advertising period attempts at contact were made by both the Council officer and objector but a meeting was unable to be scheduled. No consultation was held after the second advertising period.

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 initially 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>The application was considered by Council's 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 officer's recommendation.</p> <p>Council officers subsequently reviewed the extent to which notice of the application was given, and recommended the application be advertised more</p>

	<p>widely, and that Council rescind its previous motion to issue a Notice of Decision to Grant a Permit subject to conditions. Council upheld this recommendation at its Ordinary Meeting on 3 June 2015.</p> <p>The application was advertised on 4 June to nearby residential and commercial landowners and occupiers and two (2) signs erected on the site. By 22 June 2015 another eight (8) objections and a petition with 118 signatures objecting to the application had been received. The objectors raised concerns mainly about traffic congestion and safety, loss of amenity, and risk management associated with the use.</p> <p>The proposal is considered 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, as discussed in this report. It is recommended that the application be approved, subject to conditions.</p>
Summary Recommendation:	
It is recommended that Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 60 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.	

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 subsequently reconsidered the extent of notice given and deemed that wider notice of the application was appropriate. At its Ordinary Meeting on 3 June 2015 Council resolved to rescind the DAC motion carried on 20 May, and require the application to be advertised to properties identified in Figure 1 below and signs be erected on the site facing Bennett and Gell Streets in accordance with Section 52 of the Planning and Environment Act 1987. The Notice of Decision has not been issued.

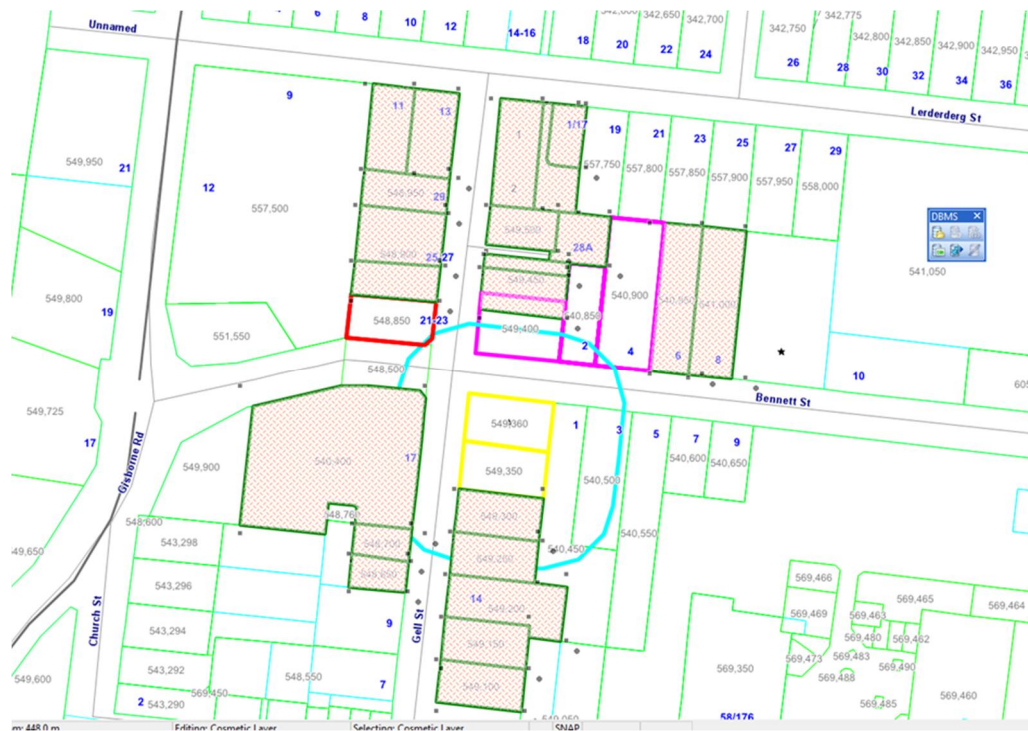


Figure 1 legend

Yellow = Subject site

Blue = 30 metre buffer from the site

Red = Notice originally given to owner only

Pink = Notice originally given to owner and occupier

Shaded area = Owners/occupiers notified when re-advertised

Public Notice

As per Figure 1 above, the application was initially 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.

As per Figure 1 above, the application was advertised more widely by mail on 4 June 2015 and signs placed on site, facing Bennett and Gell Streets, from 5 June until 22 June 2015. By 22 June 2015 another eight (8) objections had been received, two (2) of which were from the same objector, and a petition with 118 signatures objecting to the application.

Summary of Objections

The nine (9) objections and petition with 118 signatures received by 22 June 2015 are summarised below with officer's comments accompanying them:

Objection	Any relevant requirements
The proposal would increase traffic and congestion in surrounding streets.	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 in Bennett and Gell Streets.	34.01-8 Commercial 1 Zone decision guidelines
Officer's response – The proposal would not directly affect the safety of pedestrians. 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 nearby 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.	34.01-8 Commercial 1 Zone decision guidelines

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 a loss of amenity, including increased littering and vandalism of nearby property, the incidence of armed hold ups, fumes, noise, vibrations, light spill, chemical exposure and associated health risks, and the potential for property damage from trucks such as has recently occurred.	52.10 Uses with adverse amenity potential 52.12 Service Station
Officer's response – While the proposed service station may result in some loss of amenity, no evidence has been provided of this. Increased littering and vandalism, noise, light spill, vibrations, armed hold ups and other property damage are not considered to be unique to this proposal, but are part of with the wider urban environment. The Moorabool Planning Scheme (and all other Victorian planning schemes) identify uses with adverse amenity potential, however service stations are not included in this category. No evidence has been provided in support of claims regarding the negative health effects of residential and community uses proximity to service stations. Subject to conditions, the proposal satisfies the requirements for a service station outlined in Clause 52.12 of the Moorabool Planning Scheme.	
Petrol stations should have an exclusion zone in relation to sensitive uses such as residential and health and education services, and accordingly the proposal is unsuited to the subject site.	52.10 Uses with adverse amenity potential 52.12 Service Station 34.01-8 Commercial 1 Zone decision guidelines
Officer's response – As previously stated, the Moorabool Planning Scheme (and all other Victorian planning schemes) identify uses with adverse amenity potential and their recommended or required buffer distances from sensitive land uses. Service stations are not included and no such exclusion zones are specified elsewhere in the Moorabool Planning Scheme.	
Petrol spills would contaminate the land.	None applicable
Officer's response – The site does not have any identified environmental values which would mean contamination from a service station is an issue on this particular site or the area more generally.	
The proposal would compromise traffic safety regarding the manoeuvring of B-double tankers in Gell and Bennett Streets.	34.01-8 Commercial 1 Zone decision guidelines

Officer's response – The TIA identifies the travel path of B-double trucks in and out of the site including the intersection of Gell and Bennett Streets, and is considered to be acceptable. This is discussed in more detail below.	
Should an emergency situation arise it is considered that the location, traffic congestion and proximity to other land uses would hinder evacuation of the site.	52.10 Uses with adverse amenity potential 52.12 Service Station
Officer's response – The location of a service station in an urban area proximate to residential and commercial land uses is not unique. As previously stated, the proposal would satisfy the specific requirements of Clause 52.12, subject to conditions. The TIA indicates that additional traffic generated by the proposal is not expected to be substantial.	
In the 1990s Council supported the relocation of a truck freight business from the subject site to a rural location. The proposal would reintroduce truck traffic and flammable materials to the site.	52.10 Uses with adverse amenity potential 52.12 Service Station
Officer's response – The use of the site for a service station or road freight terminal requires a planning permit under the Commercial 1 Zone. Neither are prohibited uses. The frequency of truck traffic associated with a service station would be anticipated to be substantially less than that associated with a truck freight business. The TIA indicates that the site is generally suitable for the proposal, and is discussed in more detail below.	

A petition with 118 signatures opposing the application was received, objecting on the following grounds:

- The location is on the corner of a busy and dangerous intersection and is an inappropriate site for a service station which will generate extra traffic. Traffic is already at a standstill at peak times.
- Petrol and gas tankers are one of the most dangerous vehicles on the road carrying flammable and dangerous substances. We do not want this hazard in an area with health and community services, kindergarten and residential area in close proximity.
- In an emergency situation, e.g. fire or explosion, the site presents an unacceptable risk and an emergency plan will be compromised due to traffic in this area.

The concerns raised in the petition are consistent with other objections responded to above, and discussed in more detail below.

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 bowsers, 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 *100% 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** 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** 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.

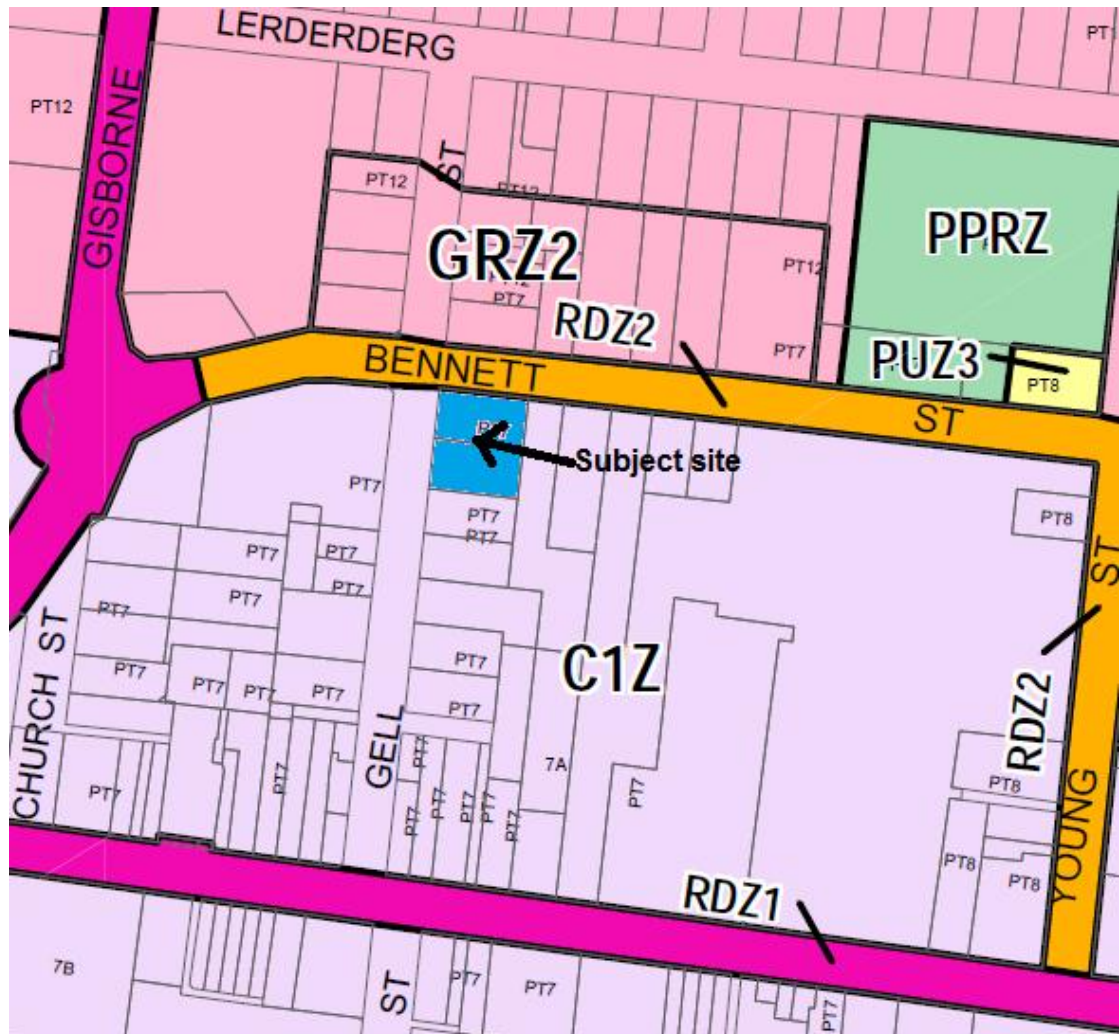
The subject site is on the southeast corner of Bennett and Gell Streets in Bacchus Marsh. The site is rectangular in shape, comprising two parcels of land which combine for an overall site area of 1467.88sq m, with a 41.0m frontage to Gell Street and 36.58m frontage to Bennett Street. The site is currently 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

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

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.

Overall, the proposed use and development of the land for a service station and associated signage is considered to be consistent with the purpose and decision guidelines of the Commercial 1 Zone, as discussed below.

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 Fiskens 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. Accordingly, the application has been assessed against the requirements of DDO11. The proposal meets the requirements of DDO11 and generally satisfies the design objectives.

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.

The proposed signs are considered to be generally acceptable for the following reasons:

- The signs have acceptable regard for the residential interface north of Bennett Street and the mixed use character of the area.
- The cumulative impact of the signs is acceptable and would not result in visual clutter.
- The signs are generally compatible with other outdoor advertising signs in the area in terms of their overall design and purpose.

- The signs would not impact any particular views or vistas, dominate the skyline or impede views to existing signs.
- Given their setting, the Bennett and Gell streetscapes and the topography of the land, the scale, form and proportions of the signs are reasonably responsive.
- The position of the signs, particularly relative to existing buildings, is considered responsive to the varied character of the area and the amenity of nearby dwellings.
- The number of signs is considered acceptable given their setback and orientation in relation to nearby dwellings.
- The scale and form of the signs is considered responsive to the proposed buildings.
- Sign support structures are acceptably integrated with the signs and visually discrete in their own right.
- It is not considered that the internally illuminated signs would detrimentally affect residential amenity, given their orientation and setbacks from existing dwellings.
- The location and design of the signs, including illumination, would not affect driver safety.
- Furthermore, recommended permit conditions would ensure the amenity of the area is not detrimentally affected by the proposed signage.

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. It is noted that a 75sq m shop would require three (3) car spaces. The proposed number of spaces is considered acceptable. Furthermore, the location of the car spaces and integration with access lanes allows for safe and efficient vehicle movements and the car spaces dimensions of 5.4m length x 2.6m width meet the standard. Landscaped areas are suitably integrated with car spaces and access lanes.

Clause 52.07 Loading and Unloading of Vehicles

The proposal provides loading areas with dimensions to comply with the standard.

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. The following aspects of the proposal satisfy all the requirements of this clause:

- The site area of 1467.88sq m is greater than 1080sq m.
- The dimensions and layout of the proposed crossovers.
- The requirement for kerb or barrier along the road alignment should be included as a condition of any approval.
- The proposed building wall would be set back 11.7m from the nearest road.

- The proposed canopy would be 6.5m from the nearest road.
- The nearest pumps, storage tank filling points or water and air supply points would be set back 8.2m from the nearest road.
- Petrol tankers would be capable of being wholly within the site when storage tanks are filled. This requirement should be reinforced as a condition of any approval.
- The driveway space is sufficient to allow a vehicle 13.8m x 2.5m to enter and leave the site without reversing.
- No vehicle wash area is proposed.
- Recommended permit conditions would ensure the amenity of the area is not adversely affected.
- No trailers are proposed for hire.
- The site adjoins residential zoned land to the north, across Bennett Street. A landscaped area of at least 3.8m width would be provided along the Bennett Street frontage. The requirement for external lighting to be directed away from dwellings to prevent light spill and glare should be included as a condition of any approval.

It is noted that the site comprises two lots which combine for a site area of 1467.88sq m. It is recommended that a condition of any approval require the lots to be consolidated.

Discussion

In the context of State and Local Policy it is considered that the proposed use and development for a service station and display of associated signage generally satisfies the relevant provisions of the Moorabool Planning Scheme.

The subject site is located in the Bacchus Marsh town centre in the Commercial 1 Zone. Surrounding uses are a mix of shops, offices, motor repairs, supermarket, car park and dwellings, and a range of other mostly commercial uses further to the south, east and west, and dwellings further to the north. The site is currently vacant and forms part of the redevelopment of Bacchus Marsh Village Shopping Centre which is substantially underway.

State and local planning policy supports the growth of Bacchus Marsh as the largest town in the Shire, and a mix of activities are encouraged in the commercial core around Main Street, which includes the subject site.

The zoning of the land is for commercial use and the proposal responds to this context.

The key aspects of the proposal for discussion are considered to be:

- The design response to urban design objectives
- The suitability of the proposed advertising signage
- The impact on the residential amenity of the area
- The impact on traffic movements, on-street car parking and pedestrian safety.

Overall, the proposed development is considered to be an acceptable urban design outcome. The service station would create active frontages to Bennett and Gell Streets, with acceptable opportunities for landscaping along the property boundaries to soften its appearance and enhance the public realm. The balance of light and shade to the public realm would be largely unaffected, and the proposal would improve passive surveillance, particularly to Gell Street. No particular landmarks or views would be obscured and the site does not adjoin any identified heritage places. The safety of pedestrians using Bennett and Gell Streets would be adequately protected by the design of the development. The development's consolidation of two lots fronting Gell Street would not disrupt the rhythm of development in Gell Street given the mix of lot frontages and building styles in the street. The development's design would be conventional and consistent with the branding of other Shell service stations which is considered reasonable in this context.

DDO11 requires buildings to present a maximum height of 7.5m to the street. It is proposed to erect buildings, including advertising sign structures, of up to 6.6m height above natural ground level, which satisfies this requirement.

The key amenity considerations of the proposal are emissions from the site, including noise, smell and light, and the impacts of associated traffic on traffic flows and road congestion, and whether the associated impacts are acceptable with regard to the amenity of the area, including nearby dwellings.

The service station is proposed to operate up to 24 hours a day, seven days a week. Activity on the site is expected to be generally confined to vehicles entering and exiting the site, refuelling, fuel tankers filling fuel tanks, and customers using the ancillary shop. Apart from vehicles entering the site, these activities would occur at least 30m and up to 50m from the nearest residential properties to the north, given that the fuel pumps, fuel tank fill points, shop and car parking spaces are clustered towards the middle and south part of the site. The site would be lit outside of daylight hours, including internally illuminated signs which would be within 25m of the nearest residential property. Noise levels would not be expected to be unreasonable given the mix of existing uses in the immediate area and commercial zoning, and able to be acceptably managed and enforced by permit conditions.

There are existing internally illuminated signs on Gell Street and Bennett Street, associated with the Foodworks supermarket and the Bacchus Marsh Village Shopping Centre further to the east, and the Foodworks loading bay on Gell Street is floodlit. Light spill and glare beyond the site is able to be managed to an acceptable level and would be enforced by permit conditions.

It is not considered that any smell of petrol beyond the site would have an adverse amenity impact. The application has been assessed against the provisions of Clause 52.12, the relevant specific clause of the Moorabool Planning Scheme for assessing service station proposals, and found to comply with all requirements.

The Traffic Impact Assessment (TIA) provided by the applicant notes that empirical studies show that during peak hours there may be up to 160 vehicle movements (i.e. 80 vehicles) in and out of the site. It is also noted that service stations rely heavily on passing trade, and that based on this and the subject site's context:

- 45% of traffic would be from the east, with 80% of the traffic passing trade and the remaining traffic returning east
- 45% of traffic would be from the west, with 80% of the traffic passing trade and returning west.
- 10% of traffic to be to and from the south.

Figure 1 below illustrates this.

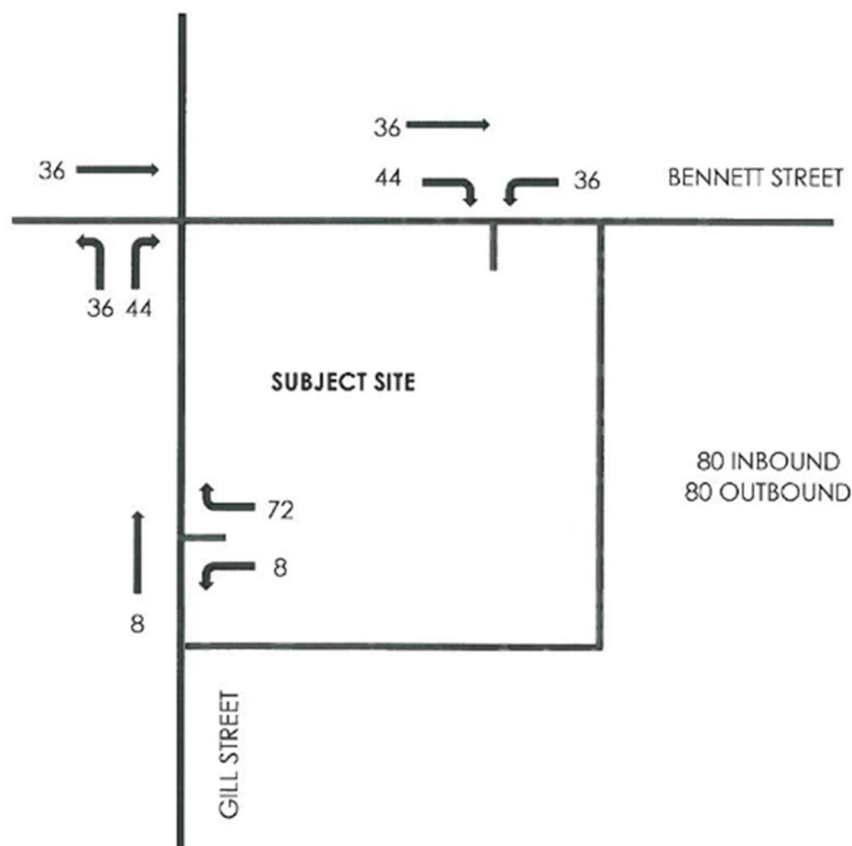


Figure 1

It is therefore considered that traffic movements associated with the proposal would not result in a substantial increase in traffic along Bennett Street, and that the road network is capable of absorbing the additional traffic likely to be generated by the proposal. Council's Infrastructure unit has reviewed the TIA and supports its conclusions.

The TIA also shows a swept path diagram (see Figure 2 below) to demonstrate the development's capacity for B-double trucks to enter, circulate and exit the site to and from the west. The manoeuvring of trucks to turn left from Gell Street into Bennett Street may disrupt the flow of eastbound traffic along Bennett Street. However, such an arrangement is not considered unreasonable in Bennett Street, where there is a 50km/h speed limit and opportunities for oncoming traffic to slow and give way to turning trucks. The proposed arrangement is not considered to be unreasonable or unusual in an urban context. The need for B-double trucks to access the site is expected to be regular but infrequent, and generally timed to avoid peak traffic times to maximise efficiencies.

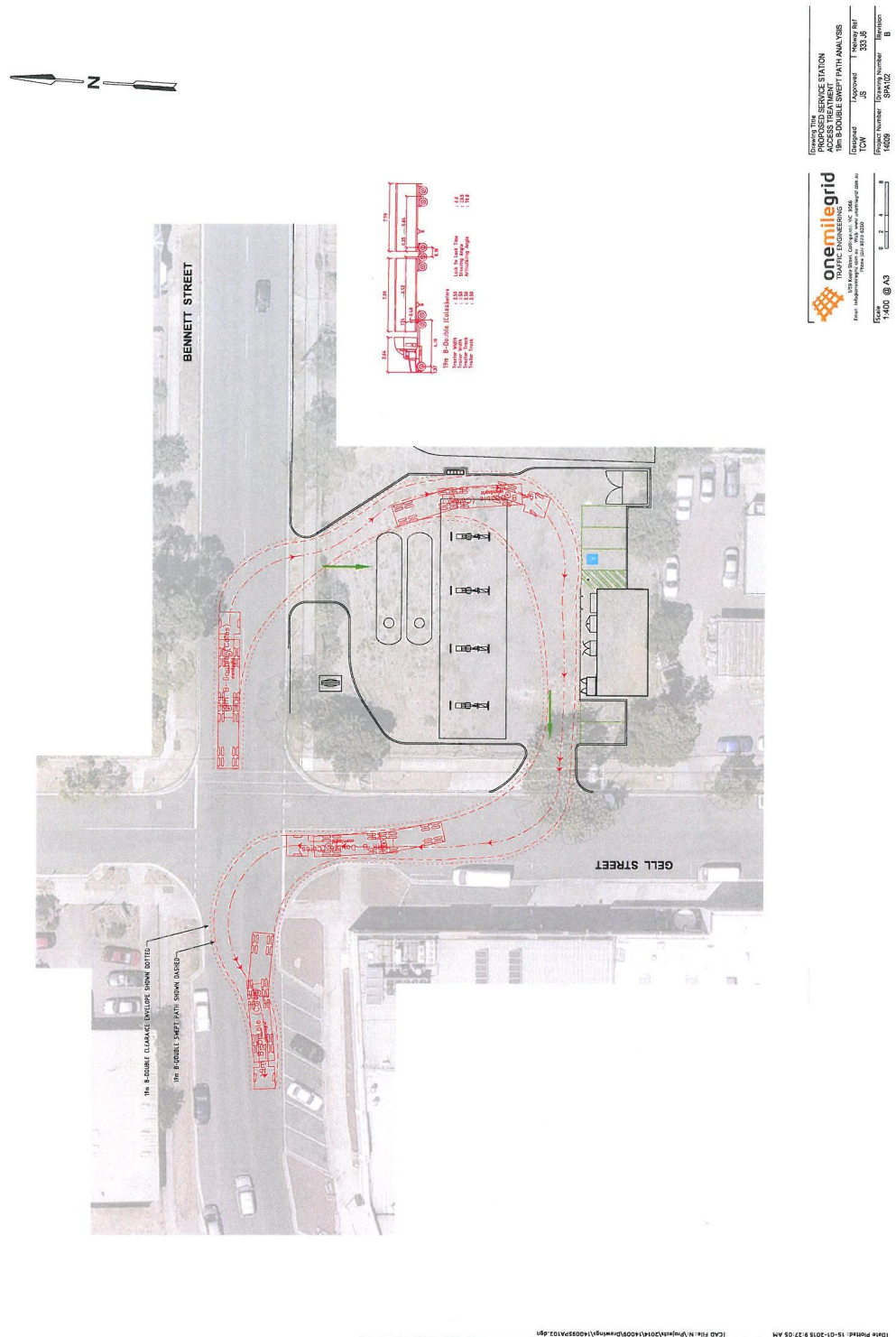


Figure 2

The proposal would not directly affect the safety of pedestrians crossing Bennett Street. The proposal does not limit opportunities for pedestrians to safely cross Bennett Street using the pedestrian crossovers at the corners of Gell Street. The development would not obscure drivers' sightlines when turning in or out of the site, and it is recommended that a condition of approval require amended plans showing that the visibility around the vehicle crossovers complies with the relevant design standard at Clause 52.06-8. As previously discussed it is not expected that the proposal would substantially increase traffic along Bennett

Street. Bennett Street is a Council managed road, and any need for further measures to improve pedestrian safety in the street would be a matter independent from assessing the merits of this permit application.

Similarly, the proposal would not directly affect the useability of on street car parking in Bennett Street. The proposal would create the opportunity for vehicles to turn into the site from Bennett Street, which may contribute to some congestion particularly for vehicles approaching from the west who may need to wait for vehicles ahead to turn right. Whilst vehicles parked on Bennett Street may obstruct through traffic attempting to overtake turning vehicles this does not actually reduce the ability for vehicles to use on street car spaces beyond what is currently possible.

It is noted that three (3) street trees would be removed to facilitate the development, two (2) in Bennett Street and one (1) in Gell Street. Council's Parks and Gardens coordinator has advised that the trees are either in poor health or highly compromised by existing power lines and thus unsuited for retention.

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 of an approval of this development would not represent any financial implications to Council.

Risk and Occupational Health and Safety Issues

The recommendation of an 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. The submitters and the applicant were invited to attend this meeting and address Council if desired.

Options

An alternative recommendation would be to refuse the application on the grounds that the proposal is inappropriate for the site given the associated traffic and potential amenity impacts on nearby residential landowners. However this is not Council officers suggested recommendation.

Conclusion

It is considered that the application is generally consistent with relevant State and local planning policy, the purpose and decision guidelines of the Commercial 1 Zone, the Design and Development Overlay proposed by Amendment C51 and the relevant Particular and General Provisions of the Moorabool Planning Scheme.

Recommendation:

That, having considered all matters as prescribed by s.60 of the Planning and Environment Act 1987, Council issues a Notice of Decision to Grant Planning Permit No. PA2014293, subject to the following conditions:

- 1. Before the use and 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 A3 size copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - a) A notation on the plans to show compliance with the details in Clause 52.06-8 for splays.**
 - b) A notation stating that no plant, equipment, services or architectural features other than those shown on the plans are permitted above the roof level of the buildings.**
 - c) Vehicle crossovers set back a minimum 1.0m from existing power poles on the adjoining public footpath.**
 - d) Location of directional signs advising entry and exit points.**
 - e) Kerb barriers in accordance with Condition No. 16.**
 - f) A landscape plan in accordance with Condition No. 18.**

Unless otherwise approved in writing by the Responsible Authority all buildings and works are to be constructed and undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

3. Before the development starts, Lot 1 on PS 063032 and Lot 1 on TP 910059D must be consolidated.
4. Before the development starts, three (3) existing street trees adjoining the site must be removed by and paid for by the developer. The works must include the stump to be taken 200mm below ground level and the reinstatement of soil over the stump, and be to the satisfaction of the responsible authority.
5. The street trees to be removed must be replaced with three (3) advanced trees at a minimum height of 1.2m at the time of planting and in a location to the satisfaction of the responsible authority.
6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of vermin
 - e) any other way.
7. Deliveries to and from the site (including waste collection) must only take place between:

6 am and 10 pm Monday to Friday

7 am and 11 pm Saturday

8 am and 10 pm Sunday or public holiday.
8. The exterior colour and cladding of the buildings must be non-reflective to the satisfaction of the responsible authority.
9. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
10. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of broadcast, playing of music or similar purpose.
12. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise emanating from the site.
13. All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
14. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.

15. External lights must be directed away from residential areas to prevent light spill and glare to the satisfaction of the responsible authority.
16. Concrete kerbs or other barriers must be provided to the satisfaction of the responsible authority to prevent direct vehicle access to Bennett Street and Gell Street other than via the vehicle crossings shown on the endorsed plans.
17. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
18. 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) details of surface finishes of pathways and driveways
 - b) 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
 - c) landscaping and planting within all open areas of the site.
 - d) Street trees in accordance with the requirements of Condition No. 5.

All species selected must be to the satisfaction of the responsible authority.

19. Before the use starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
21. The location and details of the advertising signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
22. The signs must not contain any flashing light.
23. The sign lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
24. The signs may only be illuminated after dark during opening hours.
25. The signs must be constructed and maintained to the satisfaction of the responsible authority.
26. No trailers may be hired from the land, and no motor vehicles serviced or washed or motor vehicles installed with parts or accessories on the land, except with the written consent of the responsible authority.
27. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.

Infrastructure conditions:

- 28. Standard urban industrial vehicle crossings must be provided on Bennett Street and Gell Street to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.**
- 29. Prior to the development and use commencing:**
 - a) The development as a whole must be self draining and must be connected to an approved point of discharge in an approved manner to the satisfaction of the Responsible Authority.**
 - b) Underground piped drainage for the whole development shall cater for 10% AEP storm.**
 - c) Overland 1% AEP flow path(s) for the development must be shown on layout plans and shall ensure that no property is subject to inundation by such a storm to the satisfaction of the Responsible Authority.**
- 30. Storm water drainage from the proposed buildings and impervious surfaces must be directed to the 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 a stormwater drainage system.**
- 31. 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).**
- 32. 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.**
- 33. 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.**
- 34. Prior to the use commencing, the car park areas must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:**
 - a) Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.**
 - b) Designated loading areas shall be shown on layout plans.**
 - c) The parking areas shall be provided with an asphalt or concrete surface and associated drainage.**
 - d) Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.**
 - e) The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.**

- f) The building shall be provided with disabled access in accordance with the provisions of AS1428 – Design for Access and Mobility.

Expiry condition:

35. This permit will expire if one the following circumstances apply:

- a) The development and use is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

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*.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Friday, 26 June 2015



10.3 COMMUNITY SERVICES

10.3.1 Draft Community Development Strategy 2015-2021

Introduction

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

Background

The purpose of this report is to recommend that Council endorse the Draft Community Development Strategy 2015-2021 (Draft Strategy) for the purposes of community exhibition.

The Council Plan 2013-2017 includes an action to prepare a position paper on Community Development in Moorabool. Community Development officers have developed this paper into a draft strategy for the Council to consider. The Draft Strategy contained in **Attachment 10.3.1** is a six year plan developing community capacity and social sustainability in the Shire. The Draft Strategy provides an overview of the principles and practices of community development and an action plan for improving and enhancing community development activities across the Shire.

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

The Draft Strategy outlines:

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

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

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with the Council's Community Engagement Policy and Framework:

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Survey and discussion forum Have Your Say and paper copies	43 surveys
Consult	Community	Fact sheet . principles and objectives on Have Your Say	
Involve	Stakeholders and internal staff	Workshop	20 people attended

It is proposed that the draft Strategy be put on exhibition for four weeks. The exhibition of the draft Strategy will involve:

- The Have Your Say Website: Council's Online Community Engagement Portal
- Making copies available at Council's Customer Service locations
- Making copies available at the Lerderderg Library and the Ballan Library

This process will be advertised through local newspapers and other communication processes i.e. email groups.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Kate Diamond-Keith

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

Conclusion

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

The Draft Community Development Strategy was considered at a meeting of the Social Development Committee of Council on the 13 May 2015 with a recommendation by the Committee that it requests that the draft Community Development Strategy (with any identified amendments) be presented to a future Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks.

Recommendation:

That Council:

- 1. endorses the Draft Community Development Strategy for the purposes of community exhibition for a period of four (4) weeks.**
- 2. receives a further report at the conclusion of the community exhibition period seeking adoption of the Community Development Strategy.**

Report Authorisation

Authorised by:



Name: Danny Colgan

Title: General Manager Community Services

Date: Thursday, 11 June 2015

10.3.2 Draft Volunteer Strategy 2015-2021 and Volunteer Policy

Introduction

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

Background

The purpose of this report is to recommend that the Council endorse the Draft Volunteer Strategy 2015-2021 (Draft Strategy) and the Draft Volunteer Policy (Draft Policy) for the purposes of community exhibition.

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

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

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

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

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

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

The proposal Draft Strategy and Draft Policy are consistent with the 2013 - 2017 Council Plan.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with the Council's Community Engagement Policy and Framework:

Level of engagement	Stakeholder	Activities	Outcome
Inform	General community	Information about how to provide input (e.g. media release, advert in Moorabool News, flyers in Council offices and libraries, email to Council volunteers).	Community informed about opportunities for input.
Consult	Volunteers and organisations in the Shire community Peak bodies and regional volunteer networks (Volunteering Victoria, Ballarat Volunteer Resource Centre)	Have your Sayq. Council's On line Community Engagement Portal - survey and discussion forum Hard copy surveys available at Council offices and libraries Email re templates and resources	<ul style="list-style-type: none"> - 20 people completed the online survey. - 5 people participated in the online forum. - 21 people completed hard copy surveys. - Information and resources obtained from peak bodies and regional volunteer networks - Youth Action Group meeting
Involve	Volunteers and organisations in the Shire Committees of Management Volunteers engaged by Council services Internal Council staff who manage volunteers or functional areas that impact on volunteers	Community forum Project control group meetings One on one meetings	<p>19 people (volunteers and organisations) participated in the community forum</p> <p>One meeting held and regular communication with staff who manage volunteers.</p>

It is proposed that the draft Strategy be put on exhibition for four weeks. The exhibition of the draft Strategy will involve:

- Have Your Say Website
- Making copies available at Council's Customer Service locations
- Making copies available at the Lerderderg Library and the Ballan Library

This process will be advertised through local newspapers and other communication processes i.e. email groups.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Kate Diamond-Keith

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

Conclusion

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

The Draft Strategy and Draft Policy were considered at a meeting of the Social Development Committee of Council on the 13 May 2015 with a recommendation by the Committee that it requests that the draft Volunteer Strategy and Draft Volunteer Policy (with any identified amendments) be presented to a future Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks+.

Recommendation:

That Council:

1. **endorses the Draft Volunteer Strategy and Draft Volunteer Policy for the purposes of community exhibition for a period of four (4) weeks.**
2. **receives a further report at the conclusion of the community exhibition period seeking adoption of the Volunteer Strategy and Volunteer Policy.**

Report Authorisation

Authorised by:



Name: Danny Colgan
Title: General Manager Community Services
Date: Thursday, 11 June 2015

10.3.3 Municipal Early Years Plan

Introduction

File No.: 12/16/001
Author: Sharon McArthur
General Manager: Danny Colgan

Background

The purpose of this report is to present the Moorabool Municipal Early Years Plan 2015-2021 to the Council for adoption, following the public exhibition period.

At the ordinary meeting of the Council on the 1 April 2015, the Council resolved to endorse the Draft Moorabool Municipal Early Years Plan 2015-2021 for the purposes of public exhibition for a period of four weeks; and receive a further report at the conclusion of the exhibition period seeking adoption of the Moorabool Municipal Early Years Plan 2015-2021.

The Moorabool Municipal Early Years Plan 2015-2021 (Plan) is a six year local area plan that provides a future vision and strategic direction for the municipality in the development, enhancement, coordination and planning of services and infrastructure for families with children aged from birth to 12 years. The Moorabool Municipal Early Years Plan 2015-2021 is a Council initiated plan, developed in collaboration with local child and family service providers.

During the public exhibition period the following activities were undertaken to seek community feedback on the Draft Plan.

- A discussion forum and submissions process through the Have Your Say website, the Council's on-line engagement portal;
- Copies were available at Council's Customer Service locations, at the Ballan and Darley offices, Lerderderg Children's Centre and Child and family service providers were provided with the draft plan and asked to provide feedback.
- Adjoining municipalities and the State Government were provided with the draft plan and asked to provide any feedback.
- The public submission process was also advertised in the local newspaper and on the Council website and the Moorabool Families and Children Facebook Page.

Key items raised in the feedback were:

- The action plan is written in local language and is easy to read and understand.
- Looks like great planning has been put in place in response to the questioners/feedback that was gathered from the community.
- The reference to family violence in the plan with specific actions is good.
- The plan oversubscribes the need for early years services in Ballan and does not detail the need for early years services for families living in the Gordon area.
- Concerns that the plan does not reference gender.

- Concerns that the plan does not reference gender inequality with the aim to prevent family violence rather than to responds to it.
- Great to see a separate plan written for children in language and graphics appropriate for children.
- Feedback regarding the font colour and sizes and the images used.

Officers have reviewed the feedback received through the extensive community engagement undertaken to inform the preparation of the plan. The feedback as noted in **Attachment 10.3.3a** has been incorporated into the final plan contained in **Attachment 10.3.3b**.

Proposal

It is proposed that the Council adopts the Municipal Early Years Plan 2015-2021.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Inclusive, responsive and accessible community service
Strategy	Work in partnership with government and non-government service providers to deliver early years services

The proposed Municipal Early Years Plan 2015-2021 is consistent with the 2013-2017 Council Plan.

Financial Implications

The Strategy contains an action plan outlining key strategies and actions to be implemented over the next six years. Officers will continue to source funding and resource opportunities both internally and externally including collaborative partnerships with other government and nongovernment service providers to implement the action plan.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Service and infrastructure gaps if priorities in strategy are not implemented	High	Future strategic planning for high priority recommendations identified in context of other priorities

Financial	Funding may be required to progress some actions set out in strategy	Medium	Business cases will be prepared for consideration in future Council budgets along with applications for external funding where appropriate.
-----------	--	--------	---

Community Engagement and Consultation Strategy

Strategy Development

In accordance with Council's Community Engagement Policy and Framework, the following community engagement activities were undertaken to inform the development of the strategy:

- Face to face meetings with children across the Shire.
- Parent/Carer online and hardcopy survey
- Service provider survey
- Forums with service providers and families.

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Children	Community Consultation Sessions/suggestion boxes	301
Consult	Residents/ Families	Surveys hard copy and online/Community Consultation Sessions	271
Collaborate	Child & Family Service Providers	Community Consultation Sessions	104

Public Exhibition period

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Submissions through the Have Your Say website	35 people looked at the Plan
Consult	Community	Copies were available at Council's Customer Service at the Ballan and Darley office and also the Lerderderg Children's Centre.	Residents able to view the plan
Collaborate	Child & family Service Providers	Provided with a copy and asked to provide feedback.	5 emails

Level of Engagement	Stakeholder	Activities	Outcome
Consult	Community	Public submission process advertised in local newspaper and Council's website	0 submissions
Consult	Community	Social Media: Councils Early Years Moorabool Families & Children Facebook page.	35 post clicks 11 likes 2 shares 890 people reached
		Councils Facebook page	3 likes 2 shares 237 people reached

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Sharon McArthur

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

Conclusion

The preparation of the plan has involved extensive community engagement and involvement of a significant number of organisations and agencies providing services to the communities of Moorabool. The plan has been strongly informed through the feedback obtained throughout the community engagement processes.

The Moorabool Municipal Early Years Plan 2015-2021 is a six year plan providing a future vision and strategic direction for the municipality in the development, enhancement, coordination and planning of services and infrastructure for families with children from birth to 12 years.

Recommendation:

That Council:

1. adopts the Moorabool Municipal Early Years Plan 2015-2021
 2. thanks the partner organisations and groups that have contributed to the preparation of the plan and that will be key stakeholders in the implementation phase.
-

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 24 June 2015

10.3.4 Contract C18-2014/2015 – Management and Operation of Moorabool Leisure Facilities – Communications Plan

Introduction

File No.: C18-2014/2015
Author: Troy Scoble
General Manager: Danny Colgan

Background

The Council resolved at its Ordinary Meeting of Council in June to:

- (i) award Contract C18-2014/2015 - Management and Operation of Moorabool Leisure Facilities for the provision of the Management of the Leisure Facilities to Belgravia Leisure for 2 years (at a cost of \$447,000 in year 1) with a 1 year option for the period 1 July 2015 . 30 June 2017; and
- (ii) approve a further expenditure of \$44,580 for services in relation to Contract C18-2014/15 and that this additional cost be included in the 2015/16 Budget.

As part of the Council's resolution, it was also resolved to receive a further report on the transition arrangements to the new Leisure Services Contract outlining a communications plan for further consideration at the July Ordinary Meeting of Council.

The scope and objectives of the contract are:

- Management, maintenance and operation of the facilities in accordance with Council operating objectives and principles.
- Provide the Moorabool community with opportunities to participate in a broad range of quality recreation and leisure pursuits.
- Ensuring continuous service and facility improvement.
- Providing quality customer service to a standard that meets the needs of the customer.
- Collect, record and provide information relating to the operation of the facilities.
- Actively contribute to the review and future strategic and capital improvement planning for the Facilities.
- Conform to all relevant and appropriate statutes, local laws, planning permits, public safety, occupational health and safety requirements, standards and practices.
- Execute programs, employ staff and maintain buildings, plant and grounds (routine maintenance).
- Maintain ownership and payment of all utility accounts relating to the facilities.

Given the impacts on the service delivery of crèche services, existing group fitness program and Acrofun gymnastics clubs existing use by the Darley Civic Hub Indoor Sports Stadium, and the change in weather policy for the outdoor pools, the Officers in partnership with Belgravia Leisure have developed a communications plan to support the implementation of the contract and community engagement. The plan is contained in **Attachment 10.3.4**.

Proposal

The new contract involves a review of the existing service delivery model for the crèche service, group fitness program, access to the Darley Civic Indoor Sports Stadium and a change in weather policy for the outdoor pools.

A communications plan has been developed in conjunction with Belgravia Leisure to support the implementation the new contract and ensure the community and key stakeholders are well informed of the services to be provided, what aspects of the services will be under review and how they can provide input into the review processes.

Belgravia Leisure have now written to the Leisure Centre members and users informing them of the commencement of the new contract and changes to the health club program. Meetings will be held with the key groups on an ongoing basis. The initial advice provided to members was inaccurate in part and now has been amended to reflect the council position in relation to group fitness.

Council will continue to engage with users of the group fitness and crèche services as well as the broader community via online engagement, a submission process and direct user meetings to complement the statistical analysis of participation and financial costs to enable the community to input into the review of these services.

The crèche services will be reviewed with a report to Council in October 2015 and the Group Fitness service model will be reviewed with a report provided to Council in December 2015.

It is recommended that Council adopt the Communications Plan for the implementation of the Management and Operation of Moorabool Leisure Facilities commencing 1 July 2015.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Participation in diverse sport, recreation and leisure activities
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and services.

The plan for the implementation of contract C18-2014/2015-Management and Operation of Moorabool Leisure Facilities is consistent with the Draft 2013-2017 Council Plan.

The Council Plan outlines Council's commitment to promoting community health and wellbeing through the provision of recreation facilities, open space, programs and activities. In regards to Council's community, leisure and recreation facilities Council is committed to ensuring that facilities are accessible for its residents with a focus on maximising the use of facilities through multi use programs and services.

Financial Implications

The initial tender amount submitted was consistent with the budgeted amount, however reducing the operating cost of the outdoor pools, and resolving to further subsidise the cost to provide crèche services and group fitness programs represented an overall increased cost to Council

Three and six month reporting to Council in Year one of the contract will be required to assist Council to make informed financial and service decisions regarding Year two and possible Year three of the contract.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OHS	Facilities are not maintained to required need of the community	Low	Contractor to have OH&S Management System and Plan in place Regular audit and monthly meetings on site of the plan by Contract Manager will ensure compliance
Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Insufficient funds to commit to the tendered services at service mix level required by community	High	Project will be managed and supervised by delegated Council Contract Manager to ensure budget targets met and conditions enforced and considered in future budgets.

Public Liability	Contractor damages property	Medium	Compulsory criteria require relevant insurance cover to be in place. The Procurement Unit will ensure Certificate of Currency remains valid for period of contract
------------------	-----------------------------	--------	--

Communications and Consultation Strategy

Belgravia Leisure has now been formally notified of Council's resolution to award the contract and the key terms to the contract.

Belgravia Leisure have supported Council in the development of the communications plan to support the successful implementation of the new contract including new arrangements and service model for crèche and group fitness services, implementing a shared facility usage agreement with Acrofun Gymnastics and other users for the use of the Darley Civic Hub Indoor Sports Stadium and the implementation of the change in weather policy for the outdoor pools.

A detailed community engagement plan will now be prepared to guide the review into the creche and group fitness services. Ongoing investigation and analysis of the crèche services and group fitness programs will include further community engagement and reporting to Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Troy Scoble

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

Conclusion

At the Ordinary Meeting of Council in June 2015, Council awarded Contract C18-2014/2015 - Management and Operation of Moorabool Leisure Facilities to Belgravia Leisure.

Council and Belgravia Leisure have developed a Communications Plan to implement the new contract and ensure the community and key stakeholders are well informed of the services to be provided, what aspects of the services will be under review and how they can provide input into the review processes.

Recommendation:

That Council adopt the Leisure Service Contract Communications Plan for implementation by Council Officers in conjunction with Belgravia Leisure.

Report Authorisation

Authorised by:



Name: Danny Colgan
Title: General Manager Community Services
Date: Wednesday, 24 June 2015

10.4 INFRASTRUCTURE SERVICES

10.4.1 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 offer 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 the option.

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

An updated Property Rate Debt Management policy was presented to the Ordinary Meeting of Council on Wednesday 3 June 2015, where it was resolved to defer a decision to allow for some minor clarifications to be made within the policy document. Following those amendments, the updated policy now forms and attachment to this report.

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 monthly 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
- The paragraph in relation the lump sum penalty interest has also been updated to reflect escalation process

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 module. 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/OH&S issues associated with the adoption of the updated policy.

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. **implements the additional 10 payment instalment option via the direct debit payment facility and have it available with the issue of the 2015/16 annual Rate and Valuation Notices.**

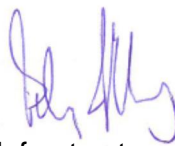
Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Wednesday, 24 June 2015



11. OTHER REPORTS

11.1 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
Maddingley Park Committee of Management Meeting	28 April 2015	Cr. Edwards
Masons Lane Recreation Reserve Committee of Management	17 June 2015	Cr. Dudzik

Recommendation:

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

- **Maddingley Park Committee of Management meeting of Tuesday, 28 April 2015.**
- **Masons Lane Recreation Reserve Committee of Management meeting of Wednesday 17 June 2015.**

12. NOTICES OF MOTION**12.1 Cr. Dudzik: N.O.M. No. 252 – Abolition of Mason’s Lane Recreation Reserve Committee of Management****Motion**

That Council:

1. Abolish the delegated Committee of Management for the Mason’s Lane Recreation Reserve;
2. Write to members of the Committee to thank them for their contribution to the Mason’s Lane Recreation Reserve and to the Moorabool Shire community;
3. Continues to promote, facilitate, encourage and support volunteers through participation in the user groups, clubs and organisations associated with Mason’s Lane Recreation Reserve;
4. That Council Officers commence the process to establish a Mason’s Lane Recreation Reserve Advisory Group that meets on quarterly basis and provides an opportunity for community representatives to continue to contribute grass roots advice to Council on the future development of Mason’s Lane Recreation Reserve.
5. That Council Officers ensure the balance of the Mason’s Lane Recreation Reserve Committee of Management bank account is allocated in accordance with the Committee’s wishes as the final contribution to all 2014-2015 financial year utilities costs.

Preamble

The Masons Lane Recreation Reserve Committee of Management have, after consultation, agreed to move to an advisory group structure consistent with the Reserve Management Framework recommended in the Draft Recreation and Leisure Strategy. A formal vote of the Committee was conducted on 17 June, 2015 to formally endorse and progress this decision. The Mason’s Lane Recreation Reserve Committee of Management have requested that this motion proceed to Council to remove the Committee and commence establishment of a Mason’s Lane Recreation Reserve Advisory Committee in its place.

13. MAYOR'S REPORT

To be presented at the meeting by the Mayor.

Recommendation:

That the Mayor's report be received.

14. COUNCILLORS' REPORTS

To be presented at the meeting by Councillors.

Recommendation:

That the Councillors' reports be received.

15. URGENT BUSINESS

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

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

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

17. MEETING CLOSURE